Legal Request - Government Use Exemption from Impact Fees

July 7, 2025 Prepared by: Lori Barnes

Request:

Development Services staff is requesting an opinion as to legal support for an amendment of Chapter 58, Article III. of the City Code to specify an exemption for government use provided that any impact fee exemption issued for a governmental use will expire if an alteration causes the building or development to no longer be operated as a governmental use, and to require payment in full plus interest at that time.

Alternatively, if there is no legal support for a full exemption, opine on Indian River County's 2005 ordinance's approach and whether City Code amendments to provide a partial exemption could be supported. (A limited exemption based on the use likely satisfies the rational nexus test): "Government uses are exempt from paying impact fees used to develop that same use. This is because legally, if the development does not create a demand for the facility, or indeed, mitigates the need for the facility, it should not pay the fee. In other words, a new jail will not pay the correctional facilities impact fee, a new fire/EMS station will not pay the fire/EMS impact fee, and a new government office building or office complex will not pay the public buildings impact fee, etc."

Background:

The Florida Statutes explicitly exempt only two uses from impact fees (affordable housing F.S. 163.31801(11) and public schools and facilities F.S. 1013.371(1)). Nevertheless, local governments across the state have adopted ordinances exempting government uses from payment of impact fees (including Sarasota County, City of Venice, and Manatee County). Many other local governments also exempt government use from imposition of impact fees (for example, City of Newberry, Miami-Dade County, Oviedo, Flagler County, Flagler Beach (only exempts the city). Indian River County provides for limited exemption connected to the public service provided within the facility to be constructed. (See attached statutes and sampling of ordinances referenced above).

Discussion:

Staff was unable to locate any supportive Attorney General opinions or case law specific to government use impact fee exemptions. However, the City Attorney or outside counsel may have access to or knowledge of associated legal history. Still, arguments can be made to conclude exempting or partial exempting government use from local government impact fees is justifiable and supported by existing legislation.

Government use facilities create no more impact on public facilities than public schools yet are not explicitly exempt in the Florida Statutes. In fact, schools burden the infrastructure of local governments even more than most local government uses in consideration of their impacts to general government, public safety, solid waste, transportation, and utilities. Nevertheless, public schools are exempt based on the legislative rationale for exempting public schools from local government impact fees, which rationale was considered in *Loxahatchee River Environmental Control District v. School Board of Palm Beach County*, with the court stating:

> "Public school construction is often urgently needed but puts a heavy financial burden on the taxpayers of the locality and state, in part because special attention must be given the protection of children's health and safety. It is a legitimate legislative goal to keep such construction costs within reasonable bounds. Exempting school facilities under construction from impact fees imposed by other public agencies can help limit these construction costs. Inasmuch as both school districts and sewer districts are creatures of the people and regulable by the legislature, it is logical for the legislature to decide not to require money needlessly to pass from one agency to the other in the form of impact fees."

Applying this rationale to all government uses would facilitate a government use impact fee exemption, creating a climate where the ability to provide essential services would not be hindered by the requirement to pay impact fees. Simply stated in the context of the rationale above, "construction of all government uses places a heavy financial burden on the taxpayers of the locality and state (local government uses are often grant funded or funded with legislative earmarks). It is a legitimate legislative goal to keep such construction costs within reasonable bounds. Exempting government uses from impact fees imposed by other public agencies (i.e. fire district, road and drainage district, solid waste district) reduces overall construction costs. It is logical to avoid passing money needlessly from one agency to another in the form of impact fees (i.e. general fund to the various impact fee funds) thereby restricting the use of those funds to specific categories of capital improvements, making those funds unavailable for future essential service improvements that are not in alignment with the purpose of a particular impact fee fund."

Moreover, the purpose of impact fees is to offset the financial impact of new development on infrastructure. There is a rational nexus between private development's impact on public facilities. However, in consideration of requiring impact fee payments for government uses (i.e., city facilities), it's counterproductive as the taxpayers bear the cost of both the construction of the facilities and the payment of impact fees through taxes or other public revenue sources. Avoiding this double taxation ensures that government can direct financial resources toward providing essential services rather than encumber them and limit the areas of essential services on which those funds may be expended in the future.

Finally, additional support for a government use impact fee exemption may be found through interpretation of F.S. 163.31801. While paragraph (2) of the statute ties impact fee requirements generically to new growth for funding of services, (The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction.), the language in subsequent paragraphs is not so generic. Paragraph 4(f) requires a rational nexus related to residential or commercial construction, and paragraphs,(g), and (i) to residential and nonresidential construction, begging the question, do government facilities qualify as commercial or nonresidential construction in the context of this statute? Government uses that are designed for public services and/or public administration are prime examples of institutional construction. Is the absence of the term “institutional construction” within the statute intentional?

Florida Statutes:

1013.371 Conformity to codes.—

(1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE PREVENTION CODE REQUIRED FOR APPROVAL.—

(a) Except as otherwise provided in paragraph (b), all public educational and ancillary plants constructed by a board must conform to the Florida Building Code and the Florida Fire Prevention Code, and the plants are exempt from all other state building codes; county, municipal, or other local amendments to the Florida Building Code and local amendments to the Florida Fire Prevention Code; building permits, and assessments of fees for building permits, except as provided in s. 553.80; ordinances; road closures; and impact fees or service availability fees. Any inspection by local or state government must be based on the Florida Building Code and the Florida Fire Prevention Code. Each board shall provide for periodic inspection of the proposed educational plant during each phase of construction to determine compliance with the Florida Building Code, the Florida Fire Prevention Code, and the State Requirements for Educational Facilities.

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(11) A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

Title XI

COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

Chapter 163

INTERGOVERNMENTAL PROGRAMS

View Entire Chapter

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(1) This section may be cited as the “Florida Impact Fee Act.”

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

(3) For purposes of this section, the term:

(a) "Infrastructure" means a fixed capital expenditure or fixed capital outlay, excluding the cost of repairs or maintenance, associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least 5 years; related land acquisition, land improvement, design, engineering, and permitting costs; and other related construction costs required to bring the public facility into service. The term also includes a fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, a school bus as defined in s. 1006.25, and the equipment necessary to outfit the vehicle or bus for its official use. For independent special fire control districts, the term includes new facilities as defined in s. 191.009(4).

(b) "Public facilities" has the same meaning as in s. 163.3164 and includes emergency medical, fire, and law enforcement facilities.

(4) At a minimum, each local government that adopts and collects an impact fee by ordinance and each special district that adopts, collects, and administers an impact fee by resolution must:

(a) Ensure that the calculation of the impact fee is based on a study using the most recent and localized data available within 4 years of the current impact fee update. The new study must be adopted by the local government within 12 months of the initiation of the new impact fee study if the local government increases the impact fee.

(b) Provide for accounting and reporting of impact fee collections and expenditures and account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) Limit administrative charges for the collection of impact fees to actual costs.

(d) Provide notice at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A local government is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of a new or increased impact fee.

(e) Ensure that collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.

(f) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

(g) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

(h) Specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.

(i) Ensure that revenues generated by the impact fee are not used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.

(5)(a) Notwithstanding any charter provision, comprehensive plan policy, ordinance, development order, development permit, or resolution, the local government or special district that requires any improvement or contribution must credit against the collection of the impact fee any contribution, whether identified in a development order, proportionate share agreement, or any form of exaction related to public facilities or infrastructure, including monetary contributions, land dedication, site planning and design, or construction. Any contribution must be applied on a dollar-for-dollar basis at fair market value to reduce any impact fee collected for the general category or class of public facilities or infrastructure for which the contribution was made.

(b) If a local government or special district does not charge and collect an impact fee for the general category or class of public facilities or infrastructure contributed, a credit may not be applied under paragraph (a).

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(a) An impact fee may be increased only pursuant to a plan for the imposition, collection, and use of the increased impact fees which complies with this section.

(b) An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.

(c) An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.

(d) An impact fee increase may not exceed 50 percent of the current impact fee rate.

(e) An impact fee may not be increased more than once every 4 years.

(f) An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.

(g) A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

1. A demonstrated-need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.

2. The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.

(h) This subsection operates retroactively to January 1, 2021.

(7) If an impact fee is increased, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established. If a local government adopts an alternative transportation system pursuant to s. 163.3180(5)(i), the holder of any transportation or road impact fee credits granted under s. 163.3180 or s. 380.06 or otherwise that were in existence before the adoption of the alternative transportation system is entitled to the full benefit of the intensity and density prepaid by the credit balance as of the date the alternative transportation system was first established.

(8) A local government, school district, or special district must submit with its annual financial report required under s. 218.32 or its financial audit report required under s.

218.39 a separate affidavit signed by its chief financial officer or, if there is no chief financial officer, its executive officer attesting, to the best of his or her knowledge, that all impact fees were collected and expended by the local government, school district, or special district, or were collected and expended on its behalf, in full compliance with the spending period provision in the local ordinance or resolution, and that funds expended from each impact fee account were used only to acquire, construct, or improve specific infrastructure needs.

(9) In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government.

(10) Impact fee credits are assignable and transferable at any time after establishment from one development or parcel to any other that is within the same impact fee zone or impact fee district or that is within an adjoining impact fee zone or impact fee district within the same local government jurisdiction and which receives benefits from the improvement or contribution that generated the credits. This subsection applies to all impact fee credits regardless of whether the credits were established before or after June 4, 2021.

(11) A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(12) This section does not apply to water and sewer connection fees.

(13) In addition to the items that must be reported in the annual financial reports under s. 218.32, a local government, school district, or special district must report all of the following information on all impact fees charged:

(a) The specific purpose of the impact fee, including the specific infrastructure needs to be met, including, but not limited to, transportation, parks, water, sewer, and schools.

(b) The impact fee schedule policy describing the method of calculating impact fees, such as flat fees, tiered scales based on number of bedrooms, or tiered scales based on square footage.

(c) The amount assessed for each purpose and for each type of dwelling.

(d) The total amount of impact fees charged by type of dwelling.

(e) Each exception and waiver provided for construction or development of housing that is affordable.

History.—s. 9, ch. 2006-218; s. 1, ch. 2009-49; s. 5, ch. 2009-96; s. 5, ch. 2011-14; s. 1, ch. 2011-149; s. 1, ch. 2019-106; s. 5, ch. 2019-165; s. 5, ch. 2020-27; s. 1, ch. 2020-58; ss. 1, 2, ch. 2021-63; s. 3, ch. 2024-266.

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CITY OF NEWBERRY, FLORIDA

COMPREHENSIVE IMPACT FEE ORDINANCE

FIRST READING- JULY 24, 2023

SECOND READING AND ADOPTION- AUGUST 14, 2023

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ORDINANCE NO. 2023-14

AN ORDINANCE OF THE COMMISSION OF CITY COMMISSIONERS OF CITY OF NEWBERRY, FLORIDA, REGARDING IMPACT FEES; CREATING A NEW CHAPTER 87 OF THE CITY OF NEWBERRY CODE OF ORDINANCES ENTITLED IMPACT FEES; PROVIDING GENERAL DEFINITIONS; PROVIDING RULES OF CONSTRUCTION AND GENERAL LEGISLATIVE FINDINGS; PROVIDING ADMINISTRATIVE PROVISIONS RELATED TO THE IMPOSITION, COLLECTION, AND USE OF IMPACT FEES; PROVIDING FOR EXEMPTIONS, ALTERNATIVE IMPACT FEES, AND DEVELOPER CONTRIBUTION CREDITS; PROVIDING FOR IMPACT FEE REVIEW HEARINGS AND NOTICE REQUIREMENTS GOVERNING THE ADOPTION OF IMPACT FEES OR INCREASE OF IMPACT FEE RATES; PROVIDING FOR THE REVIEW OF IMPACT FEES AND FOR ADMINISTRATIVE COSTS; PROVIDING DEFINITIONS AND LEGISLATIVE FINDINGS RELATED TO TRANSPORTATION IMPACT FEES; PROVIDING FOR THE IMPOSITION, COLLECTION, AND USE OF TRANSPORTATION IMPACT FEES; PROVIDING DEFINITIONS AND LEGISLATIVE FINDINGS RELATED TO PUBLIC BUILDING IMPACT FEES; PROVIDING FOR THE IMPOSITION, COLLECTION, AND USE OF PUBLIC BUILDING IMPACT FEES; PROVIDING FOR NOTICE OF IMPACT FEE RATES; PROVIDING FOR SEVERABILITY, CODIFICATION, LIBERAL CONSTRUCTION, AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF NEWBERRY, FLORIDA:

SECTION 1. CREATION OF CHAPTER 87 OF THE CITY OF NEWBERRY CODE OF ORDINANCES, ENTITLED IMPACT FEES. A new Chapter 87 of the City of Newberry Code of Ordinances, entitled Impact Fees, is hereby created to read as follows:

CHAPTER 87 – IMPACT FEES

ARTICLE I. GENERAL

Section 87-1. Title. This Chapter shall be known as the "City of Newberry Comprehensive Impact Fee Ordinance."

Section 87-2. General Definitions. When used in this Chapter, the following terms shall have the following meaning, unless the context clearly requires otherwise:

"Accessory Building or Structure" shall mean a detached, subordinate Building, meeting all property development regulations, the use of which is clearly indicated and related to the use of the principal Building or incidental to the previous use to which the vacant land is devoted, and which is located on the same lot as the principal Building or use.

"Administrative Costs" shall mean the actual costs associated with the collection and administration of Impact Fees imposed pursuant to this Chapter.

"Affordable Housing" shall mean a Dwelling Unit which is offered for sale or rent to Low-Income Persons or Very-Low-Income Persons and which monthly rent or monthly mortgage payments, including taxes and insurance, do not exceed thirty (30) percent of that amount which represents the percentage of the median adjusted gross income for Low-Income Persons or Very-Low-Income Persons, as applicable.

"Alternative Impact Fee" shall mean any alternative Impact Fee calculated by an Applicant and approved by the City Manager pursuant to Section 87-21 hereof.

"Alternative Impact Fee Study" shall mean a study prepared by an Applicant and submitted to the City Manager pursuant to Section 87-21 hereof.

"Annual Gross Household Income" shall mean annual income for all members of the household as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes or as defined by standard practices used in the lending industry and utilized by the City in administration of any local housing assistance programs pursuant to grants from the Florida Housing Finance Corporation. Annual Gross Household Income shall be calculated by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12-month period following the date of application.

"Apartment" shall mean a rental Dwelling Unit located within the same Building as other Dwelling Units.

"Applicant" shall mean a Person who applies for a Building Permit.

"Building" shall mean any structure, either temporary or permanent, designed or built for the support, enclosure shelter or protection of persons, chattels or property of any kind. This term shall include manufactured homes, trailers, Mobile Homes or any other vehicles serving in any way the function of a Building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a construction.

"Building Permit" shall mean an official document or certificate issued by or through the City, under the authority of ordinance or law, authorizing the construction or siting of any Building. "Building Permit" shall also include move-on permits or other development approvals for those structures or Buildings, such as a Mobile Home, that do not require a Building Permit in order to be constructed or occupied.

"Capital Facilities" shall mean those facilities identified in this Chapter for which Impact Fees are imposed.

"Capital Facilities Impact Construction" shall mean land development which changes the use of land in a manner which increases the impact upon the Capital Facilities for which Impact Fees are imposed under this Chapter, as determined in accordance with the methodology set forth in the applicable Impact Fee Study.

"Certificate of Occupancy" shall mean the official document or certificate issued by or through the City under the authority of ordinance or law, authorizing the occupancy of any Building or parts thereof.

"Commission" shall mean the City Commission of the City of Newberry.

"Comprehensive Plan" shall mean the comprehensive plan of the City adopted and amended pursuant to the local Government Comprehensive Planning and Land Development Regulation Act as contained in chapter 163, Florida Statutes, or its statutory successor in function.

"Condominium" shall mean a single-family or time-sharing ownership unit that has at least one (1) other similar unit within the same Building structure. The term "condominium" includes all fee simple or titled multi-unit structures, including townhouses and duplexes.

"City" shall mean City of Newberry, Florida, a political subdivision of the State of Florida.

"City Manager" shall mean the chief administrative officer of the City or such person's designee.

"Dwelling Unit" shall mean a Building, or a portion thereof, which is designed for residential occupancy, consisting of one (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. The terms shall not include hotels, motels, time-shares, tourist or trailer camps allowing a rental of less than three (3) months.

"Encumbered" shall mean monies committed by contract or purchase order in a manner that obligates the City to expend the encumbered amount upon delivery or completion of goods, services or real property provided by a vendor, supplier, contractor or Owner. The execution of an agreement with the Florida Department of Transportation or Alachua County by the City for the construction of improvements or additions to a designated state or county transportation facility within the City, with or without reimbursement, shall be considered to have Encumbered Transportation Impact Fees collected for that improvement or addition.

"Equivalent Use" shall mean a subject use that is similar to the historic use of a parcel of property.

"Government Property" shall mean property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency or political subdivision thereof, a city, a special district, a school district, or a municipal corporation.

"Impact Fee" shall mean collectively and individually, the Impact Fees imposed pursuant to this Chapter.

"Impact Fee Land Use Category" shall mean those categories of land use incorporated in the Impact Fee rate schedules for each Impact Fee.

"Impact Fee Study" shall mean the impact fee study or studies adopted pursuant to Section 87-5 hereof.

"ITE LUC" shall mean the Impact Fee Land Use Category based on the publication Trip Generation Manual, 11th Edition, as supplemented, published by the Institute of Transportation Engineers, or the most recent edition thereof.

"Low-Income Persons" shall mean one or more natural persons, the total Annual Gross Household Income of which does not exceed 80% of the median annual income adjusted for family size for households within the Gainesville, FL Metropolitan Statistical Area as reported by the U.S. Department of Housing and Urban Development or its governmental successor in function.

"M.A.I. Appraiser" shall mean a member of the American Institute of Real Estate Appraisers.

"Mixed Use Construction" shall mean construction in which more than one Impact Fee Land Use Category is contemplated, with each category consisting of a separate and identifiable enterprise not subordinate to or dependent on other enterprises within the construction. Any use equal to a minimum of twenty-five (25) per cent of the total space in a Building shall be assessed a fee based on that use.

"Mobile Home" shall mean the Impact Fee Land Use Category defined as all "manufactured buildings" and "Mobile Homes" as defined in chapter 553, Florida Statutes, or its statutory successor in function.

"Multi-Family" shall mean the Impact Fee Land Use Category defined as a Building or a portion thereof, regardless of Ownership, containing more than one Dwelling Unit designed for occupancy by a single family, which units are not customarily offered for rent for one day, including without limitation, duplexes, Apartments, Residential Condominiums, townhouses, and timeshares.

"Owner" shall mean the person holding legal title to the real property upon which Capital Facilities Impact Construction is to occur.

"Person" shall mean any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, property owners' association, two (2) or more persons having a joint or common interest, governmental agency, or other legal entity.

"Residential Construction" shall mean Capital Facilities Impact Construction that is designed or intended to permit more Dwelling Units than the existing use of land contains, including the Multi-Family and Single-Family Detached Impact Fee Land Use Categories.

"Single Family Detached" shall mean the Impact Fee Land Use Category defined as a single Dwelling Unit located on an individual lot and not attached to any other Dwelling Unit, including, without limitation, duplexes and detached houses on lots less than fifty (50) feet wide, such as zero lot line homes.

"Square Footage" shall mean the gross area measured in square feet from the exterior faces of exterior walls or other exterior boundaries of a Building, excluding areas within the interior of the Building which are utilized for parking.

"Very-Low-Income Persons" shall mean one or more natural persons, the total Annual Gross Household Income of which does not exceed 50% of the median annual income adjusted for family size for households within the Gainesville, FL Metropolitan Statistical Area as reported by the U.S. Department of Housing and Urban Development or its governmental successor in function.

Section 87-3. Rules of Construction. For the purposes of the administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply:

A. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.

B. The word "shall" is always mandatory and not discretionary and the word "may" is permissive.

C. Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary; use of the masculine gender shall include the feminine gender.

D. The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."

E. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected terms, conditions, provisions or events shall apply.

2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

F. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

G. All time periods contained within this Chapter shall be calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of the Commission's decision in the event of an appeal. In the event the due date falls on a Saturday, Sunday or legal holiday, the due date shall be extended to the next business day.

Section 87-4. General Legislative Findings. It is hereby ascertained, determined and declared that:

A. Pursuant to Article VIII, Section 2, Florida Constitution, the City of Newberry City Charter, and Sections 166.021 and 166.041, Florida Statutes, the City of Newberry City Commission has all powers of local self-government to perform City functions and render City services and facilities except when prohibited by law, including the authority to impose and collect Impact Fees through a City ordinance.

B. Section 163.3202(3), Florida Statutes, encourages the use of innovative land development regulations, including the use of Impact Fees, to implement the goals, objectives and policies of a City's comprehensive plan.

C. Future growth represented by Capital Facilities Impact Construction will require improvements and additions to Capital Facilities to accommodate and maintain the levels of service adopted by the City, and accordingly, should contribute its fair share to the cost of improvements and additions to the Capital Facilities that are required to accommodate the use of such facilities by growth.

D. The required improvements and additions to the Capital Facilities needed to accommodate existing development at the adopted level of service shall be financed by revenue sources other than Impact Fees.

E. Implementation of an Impact Fee structure to require future Capital Facilities Impact Construction to contribute its fair share of the cost of improvements and additions to Capital Facilities is an integral and vital element of the management of growth.

F. The Administrative Costs imposed herein are limited to the actual costs of administration and collection of the Impact Fees imposed herein, in accordance with Section 163.31801, Florida Statutes, or its statutory successor in function.

G. The data set forth in the Impact Fee Studies that was employed in the calculation of the Impact Fee rates to be imposed in conformance with this Chapter is the most recent and localized data available for the applicable Capital Facilities as of the date of each Impact Fee Study.

H. Capital Facilities planning is an evolving process and the level of service adopted by the City for such Capital Facilities constitutes a balancing of anticipated need and the corresponding cost to implement such standard, based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns, the needs of the community, and the dynamics of Capital Facilities planning, it is the intent of the Commission that the level of service and the cost of the various Capital Facilities be reviewed and adjusted periodically, pursuant to Section 87-27 hereof, to ensure that the Impact Fees imposed pursuant to this Ordinance are equitable and lawful based on the impact of growth upon these Capital Facilities.

I. This Chapter shall not be construed to permit the collection of Impact Fees from Capital Facilities Impact Construction in excess of the amount reasonably anticipated to offset the need for and demand on those Capital Facilities generated by such Capital Facilities Impact Construction.

J. Some of the Impact Fees collected by the City pursuant to this Chapter may be used to pay existing debt related to the construction of Capital Facilities or for previously approved projects. The Commission legislatively finds and determines that each of these Capital Facilities or previously approved projects that are funded by Impact Fees is proportional and has a rational nexus to the impacts generated by new development that contributes Impact Fees towards the funding of these facilities and that there is available capacity to serve those properties from the debt funded facilities or previously approved projects.

K. In Chapter 420, Florida Statutes, the Florida Legislature directly recognizes the critical shortage of Affordable Housing in the State of Florida for low income families, the problems associated with rising housing costs in the State, and the lack of available housing programs to address these needs. In recognition of these problems and the state's encouragement to local governments to work in partnership with the State and private sector to solve these housing problems, the City finds a need for local programs to stimulate and provide for the development of Affordable Housing for Low-Income and Very-Low Income Persons.

L. Pursuant to Section 163.31801(11), Florida Statutes, the Florida Legislature authorizes the Commission to provide an exception or waiver for the development or construction of Affordable Housing and further clarifies that if such an exception or waiver is provided that the City is not required to use any other legally available City revenues to offset the impact from such exception or waiver program.

M. The Commission desires to provide incentives to develop and provide Affordable Housing stock within the City so that Low-Income and Very-Low Income Persons who desire to live and work in the City have access to housing and to offset the negative consequences of the shortage of such housing.

N. To accomplish this objective the Commission finds that it is fair and reasonable to exempt impact fees for Affordable Housing to reduce the burden of impact fees on Low-Income and Very-Low Income Persons and encourage the development of Affordable Housing within the City.

Section 87-5. Adoption of Impact Fee Study. The Commission hereby adopts and incorporates by reference the Impact Fee Study entitled, "City of Newberry Impact Fee Study," prepared for the City by Benesch and dated November, 2022, including the assumptions, conclusions, and findings therein as to the determination of the anticipated costs of capital improvements and additions to Capital Facilities required to accommodate growth, which Impact Fee Study is on file with the office of the City Manager and available for public inspection.

Section 87-6. Procedural Irregularities. Any informality or irregularity in the proceedings in connection with the levy of any Impact Fee imposed under the provisions of this Chapter shall not affect the validity of the same after the approval thereof, and any Impact Fee as finally approved shall be competent and sufficient evidence that such Impact Fees were duly levied, that the Impact Fees were duly made and adopted, and that all other proceedings adequate to such Impact Fees were duly had, taken, and performed as required by this Chapter; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

ARTICLE II. ADMINISTRATIVE PROVISIONS

Section 87-20. Payment of Impact Fees.

A. At the issuance of a Building Permit for any Capital Facilities Impact Construction, an Applicant shall pay the appropriate Impact Fees as established by this Chapter.

B. The Impact Fees shall be calculated according to the rate in effect at the time of payment, unless otherwise specifically provided herein.

C. Upon receipt of a complete application for a Building Permit, the City shall calculate the applicable Impact Fee, incorporating any applicable credits granted by the City, which will be documented in a credit certificate. If a person has received a credit pursuant to this Chapter, a prior ordinance of the City, or development agreement, and such credit has not been utilized, that credit shall be subtracted from the otherwise applicable Impact Fee, if such credit applies.

D. A person may request at any time a nonbinding estimate of the Impact Fees due for a particular development; however, such estimate is subject to change when a complete application for a Building Permit is made.

E. In the event an Impact Fee is not paid as a condition of the issuance of a Building Permit for the affected Capital Facilities Impact Construction, the Impact Fee shall be collected prior to the issuance of Certificate of Occupancy or by any other method which is authorized by law, unless, otherwise exempted pursuant to this chapter.

F. In the event that the Impact Fee is paid as a condition of the issuance of a Building Permit for a Capital Facilities Impact Construction and said Building Permit expires prior to completion of the Capital Facilities Impact Construction for which it was issued, the Applicant may, within ninety (90) days of the expiration of the Building Permit, apply for a refund of the Impact Fee. Failure to timely apply for a refund of the Impact Fee shall waive any right to a refund.

1. The application for refund shall be filed with the City Manager and contain the following:

a. The name and address of the applicant;

b. The location of the property which was the subject of the Building Permit;

c. The date the Impact Fee was paid;

d. A copy of the receipt of payment for the Impact Fee; and

e. The date the Building Permit was issued and the date of expiration.

2. After verifying that the Building Permit has expired and that the Capital Facilities Impact Construction has not been completed, the City Manager shall refund the Impact Fee paid for such Capital Facilities Impact Construction.

3. A Building Permit that is subsequently issued for a Capital Facilities Impact Construction on the same property that was the subject of a refund shall be subject to pay the Impact Fee as required by this Chapter.

G. The payment of the Impact Fees shall be in addition to all other fees, charges or assessments due for the issuance of a Certificate of Occupancy or Building Permit.

H. The obligation for payment of the Impact Fees shall run with the land.

Section 87-21. Alternative Impact Fees.

A. In the event an Applicant believes that the impact to the Capital Facilities caused by the Capital Facilities Impact Construction is less than the impact established in an Impact Fee Study and the Impact Fees imposed herein, such Applicant may, prior to issuance of a Building Permit for such Capital Facilities Impact Construction, file an Alternative Impact Fee Study with the City Manager, along with an administrative review fee established by the City to cover the City's actual costs incurred in reviewing and processing such Alternative Impact Fee Study. The City Manager shall review the alternative calculations and make a determination within thirty (30) days of submittal as to whether such calculations comply with the requirements of this section.

B. For purposes of any alternative Impact Fee calculation, the Capital Facilities Impact Construction shall be presumed to have the maximum impact on the Capital Facilities.

C. The alternative Impact Fee calculation shall be based on data, information, and assumptions contained in this Chapter and the applicable Impact Fee Study as described in this Chapter. Alternatively, the alternative Impact Fee calculation may be based on independent sources, provided that:

1. The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the applicable Impact Fee Study; or

2. The independent source is a professional study that utilizes the most recent localized data and is supported by a database adequate for the conclusions

contained therein, and such study is performed pursuant to a generally accepted methodology of planning and cost impact analysis that is consistent with the applicable Impact Fee Study.

D. There shall be a rebuttable presumption that an Alternative Impact Fee Study conducted more than two (2) years prior to the date of its submittal does not comply with the requirements of this Section.

E. If the City Manager determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and that the calculation of the alternative Impact Fee was by a generally accepted methodology that is consistent with the applicable Impact Fee Study, then the alternative Impact Fee shall be paid in lieu of the applicable fees adopted herein.

F. If the City Manager determines that the data, information and assumptions utilized by the Applicant to compute an alternative Impact Fee do not comply with the requirements of this Section, then the City Manager shall provide to the Applicant by certified mail, return receipt requested, written notification of the rejection and the reasons therefore.

Section 87-22. Exemptions. Subject to the Change in Size and Use provisions in Section 87-23 hereof, the following shall be exempted from the payment of Impact Fees imposed pursuant to this Chapter:

A. Alteration or expansion of an existing Dwelling Unit which does not result in any additional Dwelling Units or increase the number of families for which such Dwelling Unit is arranged, designed, or intended to accommodate for the purpose of providing living quarters.

B. The replacement or construction of an Accessory Building or Structure which will not create an additional impact on the Capital Facilities for which Impact Fees are imposed under this chapter.

C. The replacement of a Building or Dwelling Unit where no additional Square Footage or Dwelling Units are created and where the existing and replacement Building or Dwelling Units are located on the same lot. To be eligible for this exemption, official evidence including, but not limited to, aerial photos, property appraiser data, or Building Permit data, must be provided that confirms a Building of Equivalent Use existed within the parcel boundaries in which the replacement structure is to be located.

D. The issuance of a tie-down permit for a Mobile Home on which the applicable Impact Fee has previously been paid for the lot upon which the Mobile Home is to be situated. To be eligible for this exemption, official evidence including, but not limited to, aerial photos, property appraiser data, or Building Permit data, must be provided that confirms a Building of Equivalent Use existed within the parcel boundaries in which the replacement structure is to be located.

E. The construction of any Building on Government Property. However, any impact fee exemption issued for Government Property shall expire if the property ceases to meet the definition of Government Property contained in Section 87-2.

F. Any Residential Construction that qualifies as Affordable Housing and meets the following requirements:

1. Any Person seeking an Affordable Housing exemption shall file with the City Manager an application for exemption prior to the Impact Fee payment date in

Section 87-20 for the proposed Residential Construction. The application for exemption shall contain the following:

a. The name and address of the Owner;

b. The legal description of the Residential Construction;

c. The number of bedrooms within the Residential Construction;

d. The proposed selling price or the proposed rental price, as applicable;

e. A notarized affidavit swearing or affirming that the Residential Construction qualifies as Affordable Housing and that it shall be occupied by Low-Income or Very-Low Income Persons; and

f. Evidence that the Residential Construction is part of a Multi-Family project, which is funded by a governmental affordable housing program, if applicable.

2. For Residential Construction to receive an Affordable Housing exemption, it must meet all the restrictions of Affordable Housing as provided herein and these restrictions must continue for a period of at least thirty (30) years from the date of issuance of a Certificate of Occupancy. Such restrictions must either be contained within the deed for the Residential Construction; a recorded declaration of covenants and restrictions that run with the land; the terms, restrictions and conditions of a direct government grant or subsidy that will fund the Residential Construction; or within the terms of a development agreement between the City and the Owner. The City reserves

the right to audit the records of all Persons granted an Affordable Housing exemption throughout this thirty- (30-) year period to ensure continued compliance with the requirements set forth herein

3. If the Residential Construction meets the requirements for an Affordable Housing exemption, the City Manager shall issue an exemption. The exemption shall be presented in lieu of payment of the Impact Fees.

4. The amount of the Impact Fees shall not be increased to replace any revenue lost due to the Affordable Housing Exemption.

5. In the event the Residential Construction fails to meet the restrictions of Affordable Housing as provided herein within the 30-year period following the issuance of the Certificate of Occupancy such that the property no longer qualifies as Affordable-Housing and is no longer occupied by Low-Income or Very-Low Income Persons, the Impact Fees in effect at the time of the change in circumstances shall be immediately due.

Section 87-23. Changes in Size and Use. An Impact Fee shall be imposed and calculated for the alteration, expansion, or replacement of a Building or the construction of an Accessory Building or Structure if the alteration, expansion, or replacement of the Building or the construction of an Accessory Building or Structure results in a land use determined to generate greater impact to Capital Facilities than the present use under the applicable Impact Fee rate schedules adopted herein. The Impact Fee imposed shall be calculated as follows:

A. If the Impact Fee is calculated on a per Dwelling Unit basis or similar basis (e.g., per space, per room, etc.) and not on the basis of Square Footage, the Impact Fee imposed shall be the amount due under the applicable Impact Fee rate schedule for the Impact Fee Land Use Category resulting from the alteration, expansion or replacement, less the Impact Fee that would have been imposed under the applicable Impact Fee rate for the Impact Fee Land Use Category prior to the alteration, expansion or replacement.

B. If the Impact Fee is calculated on the basis of Square Footage, in the event the Square Footage of a Building is increased, the Impact Fee due for the increased Square Footage represented by the Capital Facilities Impact Construction shall be calculated by determining the Impact Fee due according to the Square Footage resulting from the alteration, expansion or replacement, less the Impact Fee that would have been imposed for the original Square Footage prior to the alteration, expansion or replacement.

C. If the Impact Fee is calculated on the basis of land use and not Square Footage, the Impact Fee imposed shall be the Impact Fee due under the applicable Impact Fee Land Use Category resulting from the alteration, expansion or replacement, less the Impact Fee that would be imposed under the applicable Impact Fee Land Use Category prior to the alteration, expansion or replacement.

D. If an Impact Fee is imposed for an Accessory Building or Structure because such Accessory Building or Structure is determined to generate a greater impact than the present use, the fee shall be that applicable to the Impact Fee Land Use Category for the primary Building.

Section 87-24. Accounting and Reporting of Impact Fee.

A. The City shall submit with its annual financial report required under Section 218.32, Florida Statutes, or its financial audit report required under Section 218.39, Florida Statutes, a separate affidavit signed by its chief financial officer attesting, to the best of his or her knowledge, that all Impact Fees were collected and expended by the City in full compliance with the spending period provision provided in this Chapter and that funds expended from each Impact Fee trust fund were used only to acquire, construct, or improve specific infrastructure needs.

B. The revenues realized from Impact Fees imposed pursuant to this Chapter shall be identified in the City's budget as a separate account as required by state law. The City shall maintain adequate records to justify all expenditures from any Impact Fee trust fund and any accounts established within such trust fund and shall provide for reporting of Impact Fee rates, collections, expenditures, and Affordable Housing exemptions in accordance with state law.

Section 87-25. Developer contribution credits.

A. Subject to the terms and conditions of this Section, a credit shall be granted against an Impact Fee imposed by this Chapter for the donation of land or equipment, or the construction of Capital Facilities required pursuant to a Building Permit or other development permit or made voluntarily in connection with Capital Facilities Impact Construction. For the purposes of this section, "construction" includes associated costs, including design, engineering, permitting, and construction engineering/inspection (CEI). Such donations or construction shall be subject to the approval and acceptance of the City. No credit shall be given for the donation of land or construction unless such property is conveyed in fee simple to the City without remuneration. No credit shall be given for the contribution, donation, or dedication of land or infrastructure that are Access Improvements or are On-site Improvements and required in accordance with the City's development regulations (i.e., internal subdivision roads, etc.).

B. Prior to issuance of a Building Permit, the Applicant shall submit a proposed plan for donations or contributions of the contemplated Capital Facilities to the City Manager. The proposed plan shall include:

1. A designation of the Capital Facilities Impact Construction for which the plan is being submitted;

2. A legal description of any land proposed to be donated and a written appraisal prepared in conformity with paragraph E. of this Section;

3. A list of the contemplated Capital Facilities improvements, apparatus, or equipment or apparatus sought to be donated;

4. An estimate of proposed construction costs certified by a professional architect or engineer;

5. A written statement of the actual cost for any equipment or apparatus sought to be donated; and

6. A proposed time schedule for completion of the proposed plan.

C. The City Manager shall tentatively approve or deny the proposed plan in accordance with paragraph D. of this Section and, if approved, establish the amount of credit in accordance with paragraph E. of this Section. The City Manager shall issue a preliminary decision within sixty (60) days after the filing of the proposed plan.

D. In reviewing the proposed plan, the City Manager shall determine:

1. If such proposed plan is in conformity with contemplated improvements and additions to the Capital Facilities;

2. If the proposed donation and/or construction contributions by the Applicant is consistent with the public interest. The final acceptance of any proposed donation of land or other contributions is at the sole discretion of the Commission; and

3. If the proposed time schedule is consistent with the City's capital improvement program for the Capital Facilities.

E. The amount of developer contribution credit shall be determined as follows:

1. The value of donated land shall be based upon a written appraisal of fair market value as determined by an M.A.I. appraiser who was selected and paid for by the Applicant, and who used generally accepted appraisal techniques. If the appraisal does not conform to the requirements of this Chapter and any applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the City Manager accepts the methodology of the appraisal but disagrees with the appraised value, he or she may engage another M.A.I. appraiser at the City's expense and the value shall be an amount equal to the average of the two (2) appraisals. If either party does not accept the average of the two (2) appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the City and the owner or applicant. The third appraiser shall be selected by the first two (2) appraisers and the third appraisal shall be binding on the parties.

2. The actual cost of donations of equipment or apparatus shall be determined by written receipts for the actual cost for any equipment or apparatus donated. The actual cost of construction to the Capital Facilities shall be based upon cost estimates

certified by a professional architect or engineer. However, in no event shall any credit be granted in excess of the estimated construction costs approved by the Commission unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost or one hundred twenty (120) percent of the bid amounts, whichever is less; and

3. The donations and construction contributions shall only provide improvements or additions to the Capital Facilities that are required to accommodate growth.

F. If a proposed plan is approved for credit by the City Manager, the Applicant or Owner and the Commission shall enter into a credit agreement which shall provide for the parties obligations and responsibilities, including, but not limited to:

1. The timing of actions to be taken by the Applicant and the obligations and responsibilities of the applicant, including, but not limited to, the applicable construction standards and requirements;

2. The obligations and responsibilities of the Commission including, but not limited to, inspection of the project;

3. The amount of the credit as determined in accordance with paragraph E. of this Section; and

4. Performance surety in the form of a performance bond or letter of credit in an amount equal to one hundred twenty (120%) of the subject Capital Facilities Impact Construction's total Impact Fees covered by the credit agreement.

G. A credit for the donation of land or equipment or apparatus, or a credit for the construction of an improvement or addition to the Capital Facilities shall be granted at such time as the credit agreement is approved and executed by both the Commission and the Applicant or Owner; provided, however, that in the event the Applicant or Owner fails to convey the property which is the subject of the donation to the City or such property is not ultimately accepted by the City in accordance with the terms of the credit agreement, then the credit for donation shall be revoked and all Impact Fees shall immediately become due and payable. If the Impact Fees due are not fully paid, the City shall be entitled to draw down the amount of the Impact Fees not paid plus the Administrative Costs from the amount of the posted surety, and the City shall release the posted surety on any remaining balance. The administration of said contribution credits shall be the responsibility of the City Manager.

H. Any Applicant or Owner who submits a proposed plan pursuant to this Section and desires the immediate issuance of a Building Permit prior to approval of the proposed plan shall pay the Impact Fees as a condition of the issuance of the Building Permit. Any difference between the amount paid and the amount due, should the City Manager approve and accept the proposed plan, shall be refunded to the Applicant or owner.

I. The holder of any Impact Fee credits granted by the City shall be entitled to redeem such credits for the full benefit of the density or intensity represented by such credits as of the date of issuance, notwithstanding any subsequent increase in Impact Fee rates. The transferability of any Impact Fee credits granted by the City shall be in accordance with state law.

J. Impact Fee credits granted for one type of facility shall not be transferable as a credit against an Impact Fee levied for any other purpose.

Section 87-26. Review Hearings.

A. An Applicant or owner who is required to pay an Impact Fee pursuant to this Chapter shall have the right to request a review hearing before the Commission. Such hearing shall be limited to the review of the following:

1. The application and calculation of the appropriate Impact Fee pursuant to this Chapter, including Administrative Determinations pursuant to Section 87-32.

2. Denial of an exemption pursuant to Section 87-22.

3. Any dispute regarding the application for credits pursuant to Section 87-25.

4. Rejection of an Alternative Impact Fee pursuant to Section 87-21.

B. Except as otherwise provided in this Chapter, such review hearing shall be requested by the applicant or owner within 30 days of written notice of the event sought to be reviewed. Failure to request a review hearing within the time provided shall be deemed a waiver of such right.

C. A request for review hearing shall be filed with the City Manager and shall contain the following information:

1. The name and address of the Applicant or owner;

2. The legal description of the property in question;

3. If issued, the date the Building Permit was issued;

4. A brief description of the nature of the construction being undertaken pursuant to the Building Permit;

5. If paid, the date the Impact Fee was paid; and

6. A statement of the reasons why the Applicant or owner is requesting the appeal.

D. Upon receipt of such request, a hearing shall be scheduled before the Commission at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the Applicant and owner written notice of the time and place of the hearing. Such hearing shall be held within 60 days of the date the request for hearing was filed, unless there are no regularly scheduled Commission meetings within 60 days of such date, in which event the hearing shall be held at the Commission's next regularly scheduled meeting.

E. The hearing shall be before the Commission and shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence. A determination shall be made in writing and issued within thirty (30) days of the hearing to the Applicant or owner.

F. Any Applicant or owner who requests a hearing pursuant to this Section and desires the immediate issuance of a Building Permit shall pay the Impact Fee as a condition of the issuance of the Building Permit, or if a Building Permit has been issued without the payment of the Impact Fee, the Applicant or owner shall pay the applicable Impact Fee prior to or at the time the request for hearing is filed. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights.

G. An Applicant or owner may request a hearing under this Section without paying the applicable Impact Fee, but no Building Permit shall be issued until such Impact

Fee is paid in the amount initially calculated or the amount approved upon completion of the review provided in this Section.

Section 87-27. Review Requirement.

(A) This Chapter and the Impact Fee Studies described herein shall be reviewed by the Commission at least every four (4) years from the effective date of this Ordinance. The initial review and each review thereafter shall consider new estimates of population and other socioeconomic data, changes in construction, land acquisition and related costs, and adjustments to the assumptions, conclusions or findings set forth in such Impact Fee Studies.

(B) The purpose of this review is to evaluate and revise, if necessary, the Impact Fees to ensure that they do not exceed the reasonably anticipated costs associated with the Capital Facilities necessary to offset the demand generated by the new construction.

(C) In the event the review of this Chapter and the Impact Fee Studies required by this Section alters or changes the assumptions, conclusions and findings of the Impact Fee Studies adopted herein or alters or changes the amount or classification of the Impact Fees, such studies shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews.

Section 87-28. Declaration of Exclusion from Administrative Procedures Act. Nothing contained in this Chapter shall be construed or interpreted to include the City in the definition of agency contained in Section 120.52, Florida Statutes, or to otherwise subject the City to the application of the Administrative Procedures Act, chapter

120, Florida Statutes. This declaration of intent and exclusion shall apply to all proceedings taken as a result of or pursuant to this chapter.

Section 87-29. Notice of Impact Fee Rates. Prior to the adoption of this Ordinance or any subsequent action by the City having the effect of increasing the rate of any Impact Fee provided for in this Chapter, imposing an Impact Fee for the first time, or revising the methodology for the calculation of an Impact Fee, the City Manager shall provide for notice to be published once in a newspaper of general circulation within the City providing: (A) a brief and general description of the affected Impact Fee, (B) a description of the geographic area in which the Impact Fee will be collected; (C) the Impact Fee rates to be imposed for each Impact Fee Land Use Category for the applicable Impact Fee; and (D) the date of implementation of the Impact Fee rates set forth in the notice, which date shall not be less than ninety (90) days after the date of publication of the notice.

Section 87-30. Refunds of Impact Fees.

A. The Impact Fees collected pursuant to this Chapter shall be returned to the then-current owner of the property on behalf of which such fee was paid, if such fees have not been expended or encumbered prior to the end of the fiscal year immediately following the tenth (10^{th}) anniversary of the date upon which such fees were paid. Refunds shall be made only in accordance with the following procedure:

1. The then-current owner shall petition the City for the refund within ninety (90) days following the end of the calendar quarter immediately following the tenth anniversary of the date of payment of the Impact Fee.

2. The petition for refund shall be submitted to the City Manager and shall contain:

a. A notarized sworn statement that the petitioner is the present owner of the property on behalf of which the Impact Fee was paid;

b. A copy of the dated receipt issued for payment of the Impact Fee or such other record as would evidence payment; and

c. A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.

3. Within ninety (90) days from the date of receipt of a petition for refund, the City Manager will advise the petitioner and the Commission of the status of the Impact Fee requested for refund, and if such Impact Fee has not been expended or encumbered within the applicable time period, then it shall be returned to the petitioner. For the purposes of this Section, fees collected shall be deemed to be spent or encumbered on the basis of the first fee in shall be the first fee out.

B. In the event that a legal challenge is filed in connection with the payment of any Impact Fee, the ten-year period referenced in this Section shall not begin to run until completion of the associated litigation and appeals.

Section 87-31. Administrative Costs. The City may retain up to one (1) percent of all Impact Fees collected pursuant to this Chapter or the actual costs of administration and collection, whichever is less, as an administrative fee to defray the costs of collecting and administering the Impact Fees.

Section 87-32. Administrative Determinations.

A. In the event the Capital Facilities Impact Construction does not fall within an established Impact Fee Land Use Category set forth herein, the City Manager shall administratively determine the impact to be generated by the proposed Capital Facilities Impact Construction and shall calculate the appropriate Impact Fees utilizing the methodology contained in the applicable Impact Fee studies. The City Manager shall utilize as a standard in this determination the impact assumed in the most similar Impact Fee Land Use Category or any other generally accepted standard source of planning and cost impact analysis.

B. In the event a Capital Facilities Impact Construction involves a Mixed Use Construction, the City Manager shall calculate the Impact Fees based upon the impact to be generated by each separate Impact Fee Land Use Category included in the proposed Mixed Use Construction.

C. Any Applicant aggrieved by the decision of the City Manager rendered pursuant to this Section may seek review pursuant to Section 87-26.

ARTICLE III. TRANSPORTATION IMPACT FEES

Section 87-40. Definitions applicable to Transportation Impact Fees. In addition to the general definitions contained in Section 87-2 hereof, the following terms shall have the following meanings as used in this Article:

"Access Improvements" shall mean improvements designed and constructed to provide safe and adequate ingress and egress from a Capital Facilities Impact Construction, which include, but are not limited to, rights-of-way, easements, paving, turn lanes, deceleration and acceleration lanes, traffic control devices, signage and markings, and drainage and utilities. Access Improvements shall not include improvements to the Major Transportation System occurring beyond the point(s) of connection for the Capital Facilities Impact Construction.

"Arterial Road" shall mean a road classified by the Florida Department of Transportation utilizing the definition established in Section 334.03(1), Florida Statutes, or its statutory successor in function. For the purposes of this Article an "Arterial Road" shall include those portions of an intersection with a Local Road that are a necessary and integral element of the design of the traffic flow on the Arterial Road.

"City Road System" shall mean the Arterial Roads and Collector Roads within the City that are not a part of the County Road System or State Highway System, plus associated bike lanes, sidewalks, transit facilities, and other multi-modal facilities for non-vehicular modes of transportation.

"Collector Road" shall mean a road classified by the Florida Department of Transportation utilizing the definition established in Section 334.03(4), Florida Statutes, or its statutory successor in function. For the purposes of this Article, a "Collector Road" shall also include those portions of an intersection with a Local Road that are a necessary and integral element of the design of the traffic flow on the Collector Road.

"County Road System" shall mean the road system of Alachua County, Florida, as defined in Section 334.03(8), Florida Statutes, lying within the City, but excluding Local Roads and including associated bike lanes, sidewalks, transit facilities, and other multi-modal facilities for non-vehicular modes of transportation.

"External Trip" shall mean any vehicular trip which either has its origins from or its destination to the Capital Facilities Impact Construction and which impacts the Major Transportation System.

"Local Road" shall mean a road classified by the Florida Department of Transportation utilizing the definition established in Section 334.03(14), Florida Statutes, or its statutory successor in function.

"Major Transportation System" shall mean those roads and associated bike lanes, sidewalks, transit facilities, and other multi-modal facilities for non-vehicular modes of transportation that are within the City Road System, the County Road System, or the State Highway System.

"Off-Site Improvements" shall mean road improvements located outside of the boundaries of a Capital Facilities Impact Construction which are required by the City in order to serve External Trips, but not including Access Improvements.

"On-Site Improvements" shall mean road improvements located within the boundaries of a Capital Facilities Impact Construction which are required by the City to provide safe and adequate ingress and egress for the project, but not including Access Improvements.

"State Highway System" shall mean the road system of the State of Florida as defined in Section 334.03(24), Florida Statutes, lying within the City.

"Transportation Impact Fee" shall mean the Impact Fee imposed pursuant to this Article to fund growth necessitated capital improvements to the Major Transportation System.

"Transportation Impact Fee Study" shall mean the portion of the Impact Fee Study adopted in Section 87-5 relating to the Transportation Impact Fee.

"Trip" shall mean a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end). The word "Trip" shall have the meaning which it has in commonly accepted traffic engineering practice.

"Trip Generation" or "Trip Generator Rate" shall mean the maximum average daily trip generation rates at peak hour for the applicable trip generation land use category, as adjusted by the transportation Impact Fee Study.

"Trip Generation Land Use Category" shall mean the trip generation land use categories established in Trip Generation Manual, 11th Edition, as supplemented, published by the Institute of Transportation Engineers, or the most current edition thereof.

Section 87-41. Legislative Findings Applicable to Transportation Impact Fees. In addition to the general legislative findings contained in Section 87-4, the Commission hereby specifically ascertains, determines, and declares as follows:

A. Development necessitated by the growth contemplated in the Comprehensive Plan and the Transportation Impact Fee Study will require improvements and additions to the Major Transportation System to accommodate the traffic generated by such growth and maintain the standards of service adopted by the City.

B. There is a rational nexus between future growth, as represented by Capital Facilities Impact Construction, and the need to construct improvements and additions to the Major Transportation System to accommodate the traffic generated by such growth and maintain the standards of service currently provided by the Major Transportation System. The Transportation Impact Fees adopted herein for each Impact Fee Land Use Category are proportional to impact expected to be generated by the Capital Facilities Impact Construction.

C. The Commission has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements and additions to the Major Transportation System that are necessary to accommodate Capital Facilities Impact Construction occurring within the City.

D. The City has a responsibility to provide and maintain certain roads within the incorporated areas of the City that comprise the Major Transportation System. The Major Transportation System benefits all Capital Facilities Impact Construction occurring within the City, and, therefore, Transportation Impact Fees shall be imposed on Capital Facilities Impact Construction occurring in all incorporated areas of the City.

E. The required improvements and additions to the Major Transportation System needed to accommodate existing traffic at the level of service adopted by the City shall be financed by revenue sources of the City other than Transportation Impact Fees.

F. The Commission expressly finds that improvements and additions to the Major Transportation System provide a benefit to all Capital Facilities Impact Construction within the City in excess of the Transportation Impact Fee.

G. Implementation of the Transportation Impact Fee to require Capital Facilities Impact Construction to contribute its fair share of the cost of required capital improvements and additions to the Major Transportation System is an integral and vital element of the regulatory plan of growth management incorporated in the Comprehensive Plan of the City.

H. The purpose of this Article is to require payment of Transportation Impact Fees by those who engage in Capital Facilities Impact Construction and to provide for the funding of the cost of capital improvements and additions to the Major Transportation System that are required to accommodate such growth. This Article shall not be construed to permit the collection of Transportation Impact Fees in excess of the amount reasonably anticipated to offset the demand on the Major Transportation System generated by such Capital Facilities Impact Construction.

I. This Article shall not be construed to permit the expending or encumbering of any monies collected through Transportation Impact Fees for the construction of improvements or additions to roads that are not contained within the Major Transportation System.

J. The imposition of a Transportation Impact Fee is to provide a source of revenue to fund the construction or improvement of the Major Transportation System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

Section 87-42. Imposition of Transportation Impact Fees.

A. Effective on the dates indicated below, all Capital Facilities Impact Construction occurring within the incorporated area of the City shall pay the following

Transportation Impact Fee as a condition of issuance of a Building Permit for such Capital Facilities Impact Construction:

ITE LUC	Land Use	Unit	Effective 11/27/2023	Effective 10/01/2024	Effective 10/01/2025	Effective 10/01/2026	Effective 10/01/2027
	RESIDENTIAL:						
210	Single Family (Detached) <1,500 sf	du	$3,005	$3,506	$4,006	$4,507	$5,008
	Single Family (Detached) 1,500 to 2,499 sf	du	$3,379	$3,942	$4,505	$5,068	$5,631
	Single Family (Detached) 2,500 sf and greater	du	$3,815	$4,451	$5,086	$5,722	$6,358
220	Multi-Family, 1-3 Stories	du	$2,289	$2,671	$3,052	$3,434	$3,815
221/222	Multi-Family, 4 Stories or more	du	$1,535	$1,791	$2,046	$2,302	$2,558
240	Mobile Home/RV Unit (Park Only)	du	$1,250	$1,458	$1,666	$1,875	$2,083
	LODGING:						
310	Hotel	room	$1,502	$1,753	$2,003	$2,254	$2,504
320	Motel	room	$724	$844	$965	$1,085	$1,206
	RECREATION:						
430	Golf Course	hole	$11,824	$13,794	$15,765	$17,735	$19,706
445	Movie Theater	1,000 sf	$10,216	$11,919	$13,622	$15,324	$17,027
492	Health/Fitness Club	1,000 sf	$10,865	$12,676	$14,487	$16,298	$18,109
	INSTITUTIONS:						
520	Elementary School (Private)	student	$384	$448	$512	$576	$640
522	Middle/Jr High School (Private)	student	$359	$419	$479	$539	$599
525	High School (Private)	student	$376	$439	$502	$564	$627
560	Church	1,000 sf	$1,744	$2,034	$2,325	$2,615	$2,906
565	Day Care Center	1,000 sf	$4,665	$5,443	$6,220	$6,998	$7,775
	MEDICAL:						
610	Hospital	1,000 sf	$3,630	$4,235	$4,840	$5,445	$6,050
620	Nursing Home	bed	$448	$522	$597	$671	$746
	OFFICE:						
710	General Office	1,000 sf	$3,342	$3,899	$4,456	$5,013	$5,570
720	Medical Office 10,000 sq ft or less	1,000 sf	$7,671	$8,950	$10,228	$11,507	$12,785
	Medical Office greater than 10,000 sq ft	1,000 sf	$11,006	$12,841	$14,675	$16,510	$18,344
	RETAIL:						
822	Retail/Shopping Center <40,000 sflga	1,000 sfgla	$2,416	$2,818	$3,221	$3,623	$4,026
821	Retail/Shopping Center 40,000 to 150,000 sfgla	1,000 sfgla	$4,732	$5,520	$6,309	$7,097	$7,886
820	Retail/Shopping Center >150,000 sfgla	1,000 sfgla	$4,987	$5,818	$6,649	$7,480	$8,311
840/841	New/Used Automobile Sales	1,000 sf	$5,801	$6,768	$7,735	$8,702	$9,669

ITE LUC	Land Use	Unit	Effective 11/27/2023	Effective 10/01/2024	Effective 10/01/2025	Effective 10/01/2026	Effective 10/01/2027
849	Tire Superstore	bay	$5,144	$6,001	$6,858	$7,716	$8,573
850	Supermarket	1,000 sf	$6,992	$8,158	$9,323	$10,489	$11,654
862	Home Improvement Superstore	1,000 sf	$2,927	$3,415	$3,903	$4,391	$4,879
880/881	Pharmacy with and w/out Drive-Thru	1,000 sf	$4,394	$5,127	$5,859	$6,592	$7,324
890	Furniture Store	1,000 sf	$1,348	$1,573	$1,798	$2,022	$2,247
	SERVICE:						
912	Bank w/Drive-Thru	1,000 sf	$7,507	$8,758	$10,010	$11,261	$12,512
931	Fine Dining/Quality Restaurant	1,000 sf	$13,399	$15,632	$17,865	$20,098	$22,331
932	High-Turnover (Sit-Down) Restaurant	1,000 sf	$14,996	$17,496	$19,995	$22,495	$24,994
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	$36,164	$42,191	$48,218	$54,246	$60,273
941	Quick Lubrication Vehicle Shop	bay	$6,734	$7,856	$8,978	$10,101	$11,223
943	Automobile Parts and Service Center	1,000 sf	$2,798	$3,265	$3,731	$4,198	$4,664
944	Gas Station w/Convenience Store <2,000 sq ft	fuel pos.	$4,750	$5,542	$6,334	$7,125	$7,917
945	Gas Station w/Convenience Store 2,000 to 5,499 sq ft	fuel pos.	$7,306	$8,523	$9,741	$10,958	$12,176
	Gas Station w/Convenience Store 5,500+ sq ft	fuel pos.	$9,560	$11,153	$12,746	$14,340	$15,933
947	Self-Service Car Wash	stall	$4,147	$4,838	$5,529	$6,220	$6,911
	INDUSTRIAL:						
110	General Industrial	1,000 sf	$1,501	$1,751	$2,001	$2,251	$2,501
140	Manufacturing	1,000 sf	$1,466	$1,711	$1,955	$2,200	$2,444
150	Warehouse	1,000 sf	$525	$613	$700	$788	$875
151	Mini-Warehouse	1,000 sf	$304	$354	$405	$455	$506

B. The Transportation Impact Fee shall be paid in addition to all other Impact Fees and is intended to provide funds only for Off-Site Improvements. Access Improvements and On-site Improvements, including required right-of-way dedication, will be provided by the Applicant in accordance with the City's rules and regulations.

C. No Transportation Impact Fee shall be assessed upon the issuance of a commercial retail shopping center Building Permit, foundation permit, or a nonretail multiuse Building Permit for an unfinished Building; i.e., a Shell Permit. Instead, each individual use shall thereafter be assessed the applicable Transportation Impact Fee based on the calculations set forth below upon subsequent issuance of a Building Permit to finish each unit. All Transportation Impact Fees for these shell Buildings will be collected no later than the issuance of a Building Permit for the finishing of the Building.

Section 87-43. Use of Transportation Impact Fees.

A. The Commission hereby establishes the "Transportation Impact Fee Trust Account."

B. All Transportation Impact Fees shall be deposited into the Transportation Impact Fee Trust Account immediately upon receipt and such funds shall be maintained separate and apart from all other City accounts.

C. The monies deposited into the Transportation Impact Fee Trust Accounts shall be used solely for the purpose of providing growth-necessitated capital improvements to the Major Transportation System.

D. The monies deposited into the Transportation Impact Fee Trust Accounts shall be used solely for the purpose of providing capacity-expanding capital improvements and facilities to the Major Transportation System. Such improvements and facilities may include, but is not limited to:

1. Design and construction plan preparation;

2. Any permitting or application fees necessary for the construction;

3. Right-of-way acquisition, including any costs of acquisition or condemnation;

4. Construction of new through lanes;

5. Construction of new turn lanes;

6. Construction of new bridges;

7. Design and construction of new drainage facilities in conjunction with new roadway construction;

8. Purchase and installation of traffic signalization;

9. Construction of new curbs, medians and shoulders;

10. Relocating utilities to accommodate new roadway construction;

11. Construction management and inspection;

12. Surveying, soils and materials testing;

13. Repayment of monies transferred or borrowed from any budgetary fund of the City, which were used to fund any of the growth-necessitated improvements and additions to the Major Transportation System;

14. Actual costs related to the administration, collection and implementation of the respective Transportation Impact Fees;

15. Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to fund growth-necessitated improvements and additions to the Major Transportation System;

16. Fees for professional services, including but not limited to engineering, surveying, soils and materials testing, legal, appraisals and construction management;

17. Construction of new sidewalks, bikeways, transit facilities, trails and similar facilities along existing or new roads that are or will comprise a part of the Major Transportation System when part of a capital improvement project adding new capacity to the subject Transportation;

18. Funding provided to the state or county through a joint project agreement or other interlocal agreement for improvements to a facility within the Major Transportation System otherwise meeting the requirements of this section.

E. Funds on deposit in the Transportation Impact Fee Trust Accounts shall not be used for any expenditures that would be classified as maintenance or repair expenses.

F. Any funds on deposit that are not immediately necessary for expenditure shall be maintained in accordance with the City's investment policy. Any income derived from such investments shall be deposited in the applicable Transportation Impact Fee Trust Account and used as provided herein.

G. A report will be prepared annually by the City reflecting the collection and expenditures of the Transportation Impact Fees by the City during the previous year.

ARTICLE IV. PUBLIC BUILDINGS IMPACT FEES

Section 87-50. Definitions Applicable to Public Buildings Impact Fees. In addition to the general definitions contained in Section 87-2, the following terms shall have the following meanings in the application of the Public Buildings Impact Fees:

"Administrative Buildings System" shall mean the Buildings, land, vehicles, and capital equipment owned by the City and used to provide necessary City administration and other services provided by the City's departments, including, but not limited to administration, fire and rescue, public works, recreation, and streets and roads.

"Public Buildings Impact Fee" shall mean the Impact Fee imposed pursuant to this Article to fund growth-necessitated capital improvements to the Administrative Buildings System.

"Public Building Impact Fee Study" shall mean the portion of the Impact Fee Study adopted in Section 87-5 relating to the Public Buildings Impact Fee.

Section 87-51. Legislative Findings Applicable to Public Buildings Impact Fees. In addition to the general legislative findings contained in Section 87-4, the Commission hereby specifically ascertains, determines, and declares as follows:

A. Development necessitated by the growth contemplated in the Comprehensive Plan will require improvements and additions to the Administrative Buildings System to accommodate the new development generated by such growth and maintain the standards of service provided by the City.

B. There is a rational nexus between future growth, as measured by new Residential Construction, and the need to expand the Administrative Buildings System through the acquisition and construction of new Public Buildings in order to maintain the standards of service currently provided by the Administrative Buildings System. The Public Buildings Impact Fees adopted herein for each Impact Fee Land Use Category are proportional to impact expected to be generated by the Residential Construction.

C. The Commission has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements and additions to the Administrative Buildings System that are necessary to accommodate new Capital Facilities Impact Construction within the City.

D. The City has the responsibility to provide Public Buildings within the City. Capital Facilities Impact Construction occurring within incorporated areas of the City impacts upon and benefits from the Administrative Buildings System; therefore, the Public Buildings Impact Fee shall be imposed in all incorporated areas of the City.

E. Future growth, as represented by Capital Facilities Impact Construction, should contribute its fair share to the cost of improvements and additions to the Administrative Buildings System that are required to accommodate the impact generated by such growth.

F. The required improvements and additions to the Administrative Buildings System needed to eliminate any deficiencies shall be financed by revenues other than Public Buildings Impact Fees.

G. Implementation of the Public Buildings Impact Fee to require Capital Facilities Impact Construction to contribute its fair share of the cost of required capital improvements and additions to the Administrative Buildings System is an integral and vital element of the regulatory plan of growth management of the City.

H. The Commission expressly finds that the improvements and additions to the Administrative Buildings System to be funded by the Public Buildings Impact Fee provide a benefit to all Capital Facilities Impact Construction within the City in excess of the Public Buildings Impact Fee.

I. The purpose of this Article is to require payment of Public Buildings Impact Fees by those who engage in Capital Facilities Impact Construction and to provide for the cost of capital improvements to the Administrative Buildings System which are required to accommodate such growth. This Article shall not be construed to permit the collection of Public Buildings Impact Fees in excess of the amount reasonably anticipated to offset the demand on the Administrative Buildings System generated by such Residential Construction.

J. The imposition of the Public Buildings Impact Fee promotes the general welfare of the citizens of the City, serves a public purpose, and is to provide a source of revenue to fund the construction or improvement of the Administrative Buildings System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

Section 87-52. Imposition of Public Buildings Impact Fees.

A. Effective on the dates indicated below, all Capital Facilities Impact Construction occurring within the incorporated area of the City shall pay the following Public Buildings Impact Fee as a condition of issuance of a Building Permit for such Capital Facilities Impact Construction:

ITE LUC	Land Use	Unit	Effective 11/27/2023	Effective 10/01/2024	Effective 10/01/2025	Effective 10/01/2026	Effective 10/01/2027
	RESIDENTIAL:						
210/220/221/222/240	Residential						
	- Less than 1,500 sf	du	$646	$753	$861	$968	$1,076
	- 1,500 to 2,499 sf	du	$788	$920	$1,051	$1,183	$1,314
	- 2,500 sf or greater	du	$886	$1,034	$1,182	$1,329	$1,477
	TRANSIENT, ASSISTED, GROUP:						
310	Hotel	room	$205	$239	$273	$307	$341
320	Motel	room	$134	$156	$178	$201	$223
620	Nursing Home	bed	$481	$561	$642	$722	$802
	RECREATIONAL:						
430	Golf Course	hole	$383	$447	$510	$574	$638
445	Movie Theater	1,000 sf	$1,764	$2,058	$2,352	$2,646	$2,940
492	Health/Fitness Club	1,000 sf	$1,140	$1,330	$1,520	$1,710	$1,900
	INSTITUTIONAL:						
520	Elementary School (Private)	student	$44	$52	$59	$67	$74
522	Middle/Jr High School (Private)	student	$40	$47	$54	$60	$67
525	High School (Private)	student	$35	$41	$47	$53	$59
560	Church	1,000 sf	$182	$213	$243	$274	$304
565	Day Care Center	1,000 sf	$361	$421	$481	$541	$601
	MEDICAL:						
610	Hospital	1,000 sf	$583	$680	$778	$875	$972
	OFFICE:						
710	General Office	1,000 sf	$432	$504	$576	$648	$720

ITE LUC	Land Use	Unit	Effective 11/27/2023	Effective 10/01/2024	Effective 10/01/2025	Effective 10/01/2026	Effective 10/01/2027
720	Medical Office 10,000 sq ft or less	1,000 sf	$544	$634	$725	$815	$906
	Medical Office greater than 10,000 sq ft	1,000 sf	$779	$909	$1,039	$1,169	$1,299
	RETAIL:						
822	Retail/Shopping Center <40,000 sflga	1,000 sfgla	$931	$1,086	$1,242	$1,397	$1,552
821	Retail/Shopping Center 40,000 to 150,000 sfgla	1,000 sfgla	$1,154	$1,346	$1,538	$1,731	$1,923
820	Retail/Shopping Center >150,000 sfgla	1,000 sfgla	$632	$738	$843	$949	$1,054
840/841	New/Used Automobile Sales	1,000 sf	$704	$821	$938	$1,056	$1,173
849	Tire Store/Auto Repair	bay	$761	$888	$1,015	$1,142	$1,269
850	Supermarket	1,000 sf	$1,096	$1,278	$1,461	$1,643	$1,826
862	Home Improvement Superstore	1,000 sf	$864	$1,008	$1,152	$1,296	$1,440
880/881	Pharmacy/Drug Store with & without Drive-Thru	1,000 sf	$824	$961	$1,098	$1,236	$1,373
890	Furniture Store	1,000 sf	$143	$167	$190	$214	$238
	SERVICES:						
912	Bank w/Drive-Thru	1,000 sf	$659	$769	$879	$989	$1,099
931	Fine Dining/Quality Restaurant	1,000 sf	$2,392	$2,790	$3,189	$3,587	$3,986
932	High-Turnover (Sit-Down) Restaurant	1,000 sf	$2,258	$2,635	$3,011	$3,388	$3,764
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	$4,080	$4,760	$5,440	$6,120	$6,800
941	Quick Lubrication Vehicle Shop	bay	$717	$837	$956	$1,076	$1,195

ITE LUC	Land Use	Unit	Effective 11/27/2023	Effective 10/01/2024	Effective 10/01/2025	Effective 10/01/2026	Effective 10/01/2027
943	Automobile Parts and Service Center	1,000 sf	$481	$561	$642	$722	$802
944	Gas Station w/Convenience Store <2,000 sq ft	fuel pos.	$655	$764	$873	$982	$1,091
945	Gas Station w/Convenience Store 2,000-5,499 sq ft	fuel pos.	$1,029	$1,201	$1,372	$1,544	$1,715
945	Gas Station w/Convenience Store 5,500+ sq ft	fuel pos.	$1,345	$1,569	$1,794	$2,018	$2,242
947	Self-Service Car Wash	stall	$432	$504	$576	$648	$720
	INDUSTRIAL:						
110	General Light Industrial	1,000 sf	$223	$260	$297	$334	$371
140	Manufacturing	1,000 sf	$259	$302	$345	$388	$431
150	Warehousing	1,000 sf	$53	$62	$71	$80	$89
151	Mini-Warehouse	1,000 sf	$22	$26	$30	$33	$37

B. The Public Buildings Impact Fee shall be paid in addition to all other Impact Fees and is intended to provide funds only for capacity capital improvements to the Administrative Buildings System.

Section 87-53. Use of Public Buildings Impact Fees.

A. The Commission hereby creates the "Public Buildings Impact Fee Trust Account."

B. All Public Buildings Impact Fees shall be deposited into the Public Buildings Impact Fee Trust Account immediately upon receipt and such funds shall be maintained separate and apart from all other City accounts.

C. The monies deposited into the Public Buildings Impact Fee Trust Accounts shall be used solely for the purpose of providing growth-necessitated capital improvements and facilities to the Administrative Buildings System. Such improvements and facilities may include, but are not limited to:

1. Design and construction plan preparation;

2. Any permitting or application fees necessary for the construction;

3. Site development and on-site and off-site improvements incident to the construction thereto;

4. Land acquisition, including any cost of acquisition or condemnation;

5. Design and construction of new public buildings;

6. Design and construction of new drainage facilities required by the construction of public buildings or improvements thereto;

7. Relocating utilities required by the construction of new public buildings or improvements or additions thereto;

8. Landscaping;

9. Construction management and inspection;

10. Surveying, soils and materials testing;

11. Acquisition of capital equipment for the Administrative Buildings System;

12. Repayment of monies borrowed from any budgetary fund of the City that were used to fund growth-necessitated capital improvements and additions to the Administrative Buildings System;

13. Actual costs related to the administration, collection, and implementation of the Public Buildings Impact Fees;

14. Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to fund growth-necessitated improvements and additions to the Administrative Buildings System; and

15. Fees for professional services, including, without limitation, architecture, engineering, surveying, landscaping, soils and materials testing, legal, appraisals, and construction management.

D. Funds on deposit in the Public Buildings Impact Fee Trust Account shall not be used for any expenditure that would be classified as a maintenance or repair expense.

E. Any funds on deposit which are not immediately necessary for expenditure shall be maintained in accordance with the City's investment policy. Any income derived from such investments shall be deposited in the Public Buildings Impact Fee Trust Account and used as provided herein.

F. A report will be prepared annually by the City reflecting the collection and expenditures of the Public Buildings Impact Fees by the City during the previous year.

SECTION 2. NOTICE OF IMPACT FEES.

A. No later than August 29, 2023, the City Manager is hereby directed to publish a notice once in a newspaper of general circulation within the City which notice shall include: (A) a brief and general description of the Impact Fees, (B) a description of the geographic area in which the Impact Fees will be collected; (C) the Impact Fee rates to be imposed for each Impact Fee Land Use Category; and (D) the date of implementation of the Impact Fee rates set forth in the notice, which date shall not be earlier than ninety (90) days after the date of publication of the notice. In the event, this notice is not published by August 29, 2023, then the initial November 27, 2023, implementation dates for the Impact Fees shall be adjusted to ensure that the Impact Fee rates are not implemented earlier than ninety (90) days after the date of publication of the notice.

B. The obligations herein for the payment of the Impact Fees shall apply to all Capital Facilities Impact Construction that applies for a Building Permit on or after the November 27, 2023, implementation date.

SECTION 3. MISCELLANEOUS.

A. If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said chapter shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

B. It is the intention of the Commission, and it is hereby ordained that the relevant provisions of this Ordinance shall become and be made a part of the City of Newberry Code of Ordinances; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

C. The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

D. This Ordinance shall be effective upon final passage; provided the imposition and collection of the Impact Fees adopted herein shall become effective as provided in Section 2 hereof.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, this 24th day of July, 2023.

DONE THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Newberry, Florida, but the City Clerk of the City of Newberry, Florida on this 3rd day of August, 2023.

DONE THE SECOND READING, PUBLIC HEARING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this 14th day of August, 2023.

BY THE MAYOR OF THE CITY OF NEWBERRY, FLORIDA

Honorable Jordan Marlowe, Mayor

ATTEST BY THE CLERK OF THE CITY COMMISSION OF THE CITY OF NEWBERRY, FLORIDA:

Judy S. Rice

Judy S. Rice, City Clerk

APPROVED AS TO FORM:

City Attorney's Office

CITY OF NEWBERRY
ESTABLISHED
1895
SEAL
ALACHUA COUNTY, FLORIDA

ORDINANCE 2005- 015

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, ADOPTING TITLE X, IMPACT FEES, AND AMENDING CODE SECTION 953, FAIR SHARE ROADWAY IMPROVEMENTS, OF THE CODE OF INDIAN RIVER COUNTY TO PROVIDE FOR ASSESSING AND COLLECTING IMPACT FEES

WHEREAS, the Board of County Commissioners has the authority to adopt this title pursuant to Article VIII, Florida Constitution, and Florida Statutes Chapters 125 and 163; and

WHEREAS, this title is intended to implement and be consistent with the county comprehensive plan; and

WHEREAS, the purpose of this title is to regulate the use and development of land so as to ensure that new development bears a proportionate share of the cost of the capital expenditures necessary to provide emergency services facilities, correctional facilities, public buildings, law enforcement facilities, library facilities, solid waste facilities, park and recreation facilities, public education facilities and traffic/transportation facilities in the county; and

WHEREAS, the existing emergency services facilities; correctional facilities; public buildings; law enforcement facilities; library facilities; solid waste facilities; park and recreation facilities; public education facilities; and traffic facilities are not sufficient to accommodate anticipated new development without decreasing the existing levels of service of those facilities; and

WHEREAS, measurable level of service standards are established in the County's comprehensive Plan or need to be established for each of the above listed public services; and

WHEREAS, existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development; and

WHEREAS, new development creates an increased need and demand for services and facilities and therefore should contribute its fair share of the costs of providing new facilities necessary to accommodate new development; and

WHEREAS, impact fees provide a reasonable method of ensuring that new development pays its fair share of the capital costs of public services and facilities necessary to accommodate the new development and new development will derive a substantial benefit from facilities funded by impact fees; and

WHEREAS, the revenue received from the impact fees set forth in this chapter shall not be used to correct existing deficiencies; and

WHEREAS, the impact fees set forth in this title establish a fair and conservative method of assessing new development its fair share costs for capacity producing capital improvements; and

WHEREAS, the Board approves and accepts the underlying studies as a reasonable basis for the fees; and

WHEREAS, the impact fees set forth in this title will not fully pay for the costs of capital improvements necessitated by new development, and the county recognizes that the shortfall will have to come from other revenue sources; and

WHEREAS, the administrative charges set forth in this title are reasonable and necessary charges in order to efficiently administer the duties mandated by this title.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Indian River County, that Chapter 953 of the Indian River Code is hereby amended as follows:

CHAPTER 953. FAIR SHARE ROADWAY IMPROVEMENTS Is repealed and replaced by Chapter 1010, Indian River County Traffic Facilities and Fair Share Roadway Improvements Ordinance, except to the extent necessary to implement traffic impact fees under the exemption set forth in this ordinance.

NOW THEREFORE, BE IT FURTHER ORDAINED by the Board of County Commissioners of Indian River County, that Title X of the Indian River Code is hereby created as follows:

TITLE X

IMPACT FEES

CHAPTER 1000. PURPOSE AND INTENT
CHAPTER 1001. DEFINITIONS
CHAPTER 1002. EMERGENCY SERVICES FACILITIES
CHAPTER 1003. CORRECTIONAL FACILITIES
CHAPTER 1004. PUBLIC BUILDINGS
CHAPTER 1005. LAW ENFORCEMENT
CHAPTER 1006. LIBRARY FACILITIES
CHAPTER 1007. SOLID WASTE FACILITIES
CHAPTER 1008. PARKS AND RECREATION FACILITIES
CHAPTER 1009. PUBLIC EDUCATION FACILITIES
CHAPTER 1010. TRAFFIC FACILITIES
CHAPTER 1011. ADMINISTRATIVE CHARGES
CHAPTER 1012. RULES OF CONSTRUCTION

CHAPTERS 1000 THROUGH 1012 ARE ATTACHED HERETO AND INCORPORATED HEREBY

ORDINANCE 2005- 015

Effective date: This ordinance shall become effective on July 1, 2005.

Exemption: Consistent with Article I, Section 10 of the United States and State of Florida Constitutions, complete building permit applications received after July 1, 2005, shall be assessed in accordance with the prior impact fee schedule ordinance 2004-015 (codified as Chapter 953) if they meet the following conditions:

1) A valid contract has been executed prior to July 1, 2005; and
2) A copy of the executed contract together with a copy of the cancelled check for deposit monies is submitted to the Community Development Department; and
3) The application of the ordinance would impair the obligations of the contract.

This Exemption shall expire July 1, 2006, unless further extended by a duly enacted ordinance.

This ordinance was advertised in the Press Journal on the 2nd day of May, 2005, for a public hearing on 17th day of May, 2005, at which time it was moved for adoption by Commissioner Neuberger, and seconded by Commissioner Wheeler, and adopted by the following vote:

Chairman	Thomas S. Lowther	Aye
Vice Chairman	Arthur R. Neuberger	Aye
Commissioner	Wesley S. Davis	Aye
Commissioner	Gary C. Wheeler	Aye
Commissioner	Sandra L. Bowden	Aye

The Chairman thereupon declared the ordinance duly passed and adopted this 17th day of May, 2005.

INDIAN RIVER COUNTY, FLORIDA
by its Board of County Commissioners

Attest: J. K. Barton, Clerk

By ________ D.C.
Deputy Clerk

By ________
Thomas S. Lowther, Chairman

Approved as to form and Legal Sufficiency

____
William K. DeBraal
Assistant County Attorney

BCC Approved:

May 17, 2005

TITLE X

IMPACT FEES

CHAPTER 1000. PURPOSE AND INTENT

Section 1000.01 Short Title.
Title X shall be known and may be cited as the Indian River County Impact Fee Ordinance.

Section 1000.02 Authority.
(1) The board of county commissioners has the authority to adopt this title pursuant to Article VIII, Florida Constitution, and Florida Statutes Chapters 125 and 163.

(2) Whenever any provision of this title refers to or cites a section of chapter 125 or Chapter 163, Florida Statutes, it shall be deemed to refer to those sections, as amended.

Section 1000.03. Intent and purpose.
(1) This title is intended to implement and be consistent with the county comprehensive plan.

(2) The purpose of this title is to regulate the use and development of land so as to ensure that new development bears a proportionate share of the cost of the capital expenditures necessary to provide emergency services facilities, correctional facilities, public buildings, law enforcement facilities, library facilities, solid waste facilities, park and recreation facilities, public education facilities and traffic/transportation facilities in the county.

Section 1000.04. Findings.
The board of county commissioners makes the following findings and determinations:

(1) The existing emergency services facilities; correctional facilities; public buildings; law enforcement facilities; library facilities; solid waste facilities; park and recreation facilities; public education facilities; and traffic facilities are not sufficient to accommodate anticipated new development without decreasing the existing levels of service of those facilities.

(2) Measurable level of service standards are established in the County's comprehensive Plan or need to be established for each of the above listed public services.

(3) Existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development.

(4) New development creates an increased need and demand for services and facilities and therefore should contribute its fair share of the costs of providing new facilities necessary to accommodate new development.

(5) Impact fees provide a reasonable method of ensuring that new development pays its fair share of the capital costs of public services and facilities necessary to accommodate the new development and new development will derive a substantial benefit from facilities funded by impact fees.

(6) The revenue received from the impact fees set forth in this chapter shall not be used to correct existing deficiencies.

(7) The impact fees set forth in this chapter establish a fair and conservative method of assessing new development its fair share costs for capacity producing capital improvements. The Board approves and accepts the underlying studies as a reasonable basis for the fees.

(8) The impact fees set forth in this title will not fully pay for the costs of capital improvements necessitated by new development, and the county recognizes that the shortfall will have to come from other revenue sources.

(9) The administrative charges set forth in this title are reasonable and necessary charges in order to efficiently administer the duties mandated by this title.

Section 1000.05. Severability.

If any section, phrase, sentence or portion of this title is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this title.

Section 1000.06. Imposition.

(1) Any person, who after the effective date of this ordinance seeks to develop land by applying for a building permit or an initial concurrency certificate, shall be assessed impact fees and shall be required to pay all applicable impact fees in the manner and amount set forth in this title.

(2) No building permit or initial concurrency certificate for any activity requiring payment of impact fees pursuant to this title shall be issued unless and until all impact fees required by this title have been paid.

(3) Any person, who after the effective date of this ordinance applies for an initial concurrency certificate or for a permit to set up a new mobile home, shall be assessed impact fees and shall be required to pay all applicable impact fees in the manner and amount set forth in this title.

(4) No permit or initial concurrency certificate for the set up of a new mobile home requiring payment of impact fees pursuant to this title shall be issued unless and until all impact fees required by this title have been paid.

Section 1000.07. Exemptions and credits.

(1) *Exemptions.* The following activities shall be exempted from payment of impact fees levied under this title:

(A) Alteration or expansion of an existing building where no additional units are created, where no additional square footage of building is created, or where the use is not changed.
(B) The construction of accessory buildings or structures where no additional units are created.
(C) The replacement of an existing residential unit with a new unit of the same type, same square footage and same use.
(D) The replacement of a nonresidential building or structure with a new building or structure of the same size and same use.
(E) Changes in the use of an existing non-residential building or structure provided there is no expansion of the existing building or structure and the change results in a reduction in the intensity of use.
(F) The expansion of a single family residential unit where the expansion would not result in the unit's new total square footage changing the unit's impact fee category from a lower fee category to a higher fee category.

An exemption must be claimed by the feepayer at the time of the issuance of a building permit or mobile home permit or initial concurrency certificate. Any exemption not so claimed shall be deemed to be waived by the feepayer.

(2) *Credits.* No credit shall be given for site-related improvements.

Section 1000.08. Computation.

(1) The amount of the fees imposed by this title shall be determined by the fee schedule attached as Appendix A to this title and incorporated by reference herein, or the manner set forth in subsection 1000.08(3).

(2) If a building permit or an initial concurrency certificate application is submitted for a type of development activity which is not specified on the fee schedule attached as Appendix A, the county administrator or his designee shall use the fee applicable to the most nearly comparable type of land use on the fee schedule. In the case of a change in land use, the impact fee shall be based upon the net increase in the impact fee for the new use as compared to the previous use. No refunds shall be issued for a change in land use that results in a decrease in impact fees; however, any impact fee credits remaining will run with the land and may be utilized as part of future development or a change of use for the site.

(3) If a feepayer objects to the amount of any impact fees determined according to subsection (1) or (2) of this section, then the feepayer shall submit a written notice of objection to the Community Development director. The objection shall include an independent fee calculation study for the land development activity for which a building permit or an initial concurrency certificate is sought. The independent fee calculation study shall follow the prescribed methodologies and formats for such a study generally accepted by professionals in the field of expertise for the impact fee at issue. The objection shall be accompanied by an application fee in an amount determined by the Board of County Commissioners.

(A) Within thirty days of receipt, the Community Development director shall sustain or over rule the objection. If the objection is over ruled, the feepayer may appeal following the procedure outlined in Chapter 100.06 of this code. If the objection is sustained, the feepayer shall pay the accepted amount pursuant to Chapter 1000.09 of this title.

Section 1000.09. Payment.

(1) The person applying for a building permit, mobile home set up permit or an initial concurrency certificate shall pay the impact fees assessed pursuant to this Title to the county Community Development Department or to the participating municipality prior to the issuance of a building permit, mobile home set up permit or an initial concurrency certificate.

(2) In accordance with Ch. 1000.12, a feepayer may, in lieu of paying all or part of the impact fees, offer to donate land or construct all or part of a capital improvements project shown in the county Capital Improvements Plan.

Section 1000.10. Trust funds.

(1) The following impact fee trust funds are hereby established:

- (A) an emergency services facilities impact fee trust fund for the emergency services impact fee. Funds withdrawn from this account must be used in accordance with the provisions of section 1002.04.
- (B) a correctional facilities impact fee trust fund. Funds withdrawn from this account must be used in accordance with the provisions of section 1003.04.
- (C) a public building development impact fee trust fund. Funds withdrawn from this account must be used in accordance with the provisions of section 1004.04.
- (D) a law enforcement facilities impact fee trust fund. Funds withdrawn from this account must be used in accordance with the provisions of section 1005.04.
- (E) a library facilities impact fee trust fund. Funds withdrawn from this account must be used in accordance with the provisions of section 1006.04.
- (F) a Solid Waste Facilities impact fee trust fund. Funds withdrawn from this account must be used in accordance with the provisions of section 1007.04.
- (G) a Parks and Recreation Facilities impact fee trust fund. Funds withdrawn from this account must be used in accordance with the provisions of section 1008.04.
- (H) a Public Education Facilities impact fee trust fund. Funds withdrawn from this account must be used in accordance with the provisions of section 1009.04.
- (I) a Traffic impact fee trust fund. Funds withdrawn from this account must be used in accordance with the provisions of section 1010.05.
- (J) an Administrative charge trust fund. Funds withdrawn from this account must be used in accordance with the provisions of section 1011.

(2) All funds collected shall be properly identified and promptly transferred to the County for deposit in the designated impact fee trust fund, to be held in the account as indicated in section 1000.11 and used solely for the purposes specified in this title.

Section 1000.11. Use of funds.

(1) All funds collected from the impact fees set forth in this title shall be used for the purpose of constructing or acquiring capital improvements to emergency services facilities, correctional facilities, public buildings, law enforcement facilities, library facilities, solid waste facilities, park and recreation facilities, public education facilities and traffic facilities in the county under the jurisdiction of the Indian River Board of County Commissioners, and not for maintenance or operations. Such construction, acquisitions and improvements shall be the type as are made necessary by new growth and development in the county.

(2) Funds shall be used exclusively for capital improvements within Indian River County. Funds shall be expended in the order in which they are collected.

(3) In addition to the impact fees assessed by this title, the feepayer shall pay an administrative charge equal to three percent (3%) of the impact fees assessed by the County or by the participating municipality in order to off-set the cost of administering the impact fee program.

(4) Each participating municipality shall be entitled to retain two percent (2%) of the funds collected under this title to compensate them for the administrative expense of administering this title.

Section 1000.12. Donations in lieu of payment.

(1) In lieu of a feepayer paying all or part of the impact fees assessed in this Title, the county administrator may accept an offer by a feepayer to donate land or construct all or part of a capital improvements project shown in the adopted County's Seven Year Capital Improvements Program, the Municipal Planning Organization's 20 year transportation plan, the School Board's educational facilities plan or adopted municipal capital improvement program. This offer shall not include the construction of any site-related improvements. Such construction must comply with all applicable building standards and be approved in advance by the county administrator. In making such an offer, the feepayer shall submit a project description in sufficient detail, including competitive bids if so requested, to allow the county administrator to establish an engineering and construction cost estimate. The county administrator shall credit this estimated cost or the actual cost of this construction, whichever is lower, against the impact fees otherwise due. The offer shall not constitute payment of the impact fees unless and until it is accepted by the county administrator and the feepayer has dedicated or conveyed any and all land pursuant to the offer as accepted and has posted security, as provided in this section, for the construction of any and all other capital improvements pursuant to the offer as accepted. Security in the form of an irrevocable letter of credit or cash escrow agreement shall be posted with the board of county commissioners in an amount equal to 125 percent of the full cost of such construction. If the Capital Improvements Program construction project will not be constructed within one year of the acceptance of the offer by the county administrator, the amount of the security shall be increased by fifteen percent for each year or fraction thereof of the life of the security. The security shall be reviewed and approved by the county attorney's office prior to acceptance of the security by the county administrator.

Section 1000.13. Review.

(1) Each fiscal period, the county administrator shall present a proposed capital improvements program (CIP) to the board of county commissioners for: emergency services facilities, correctional facilities, public buildings, law enforcement facilities, library facilities, solid waste facilities, park and recreation facility, public education facilities and traffic facilities. This CIP shall assign funds, including any accrued interest, from the facilities impact fee trust funds to specific facility improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal year shall be retained in the same facility impact fee trust fund until the next fiscal year, except as provided by the refund provisions of this chapter.

(2) The fee schedules contained in this title shall be reviewed by the board of county commissioners at least once every third year.

Section 1000.14. Appeals.
The county administrator shall hear appeals relating to the amount of an impact fee or an impact fee credit. Together with a notice of appeal, the applicant shall submit adequate documentation to confirm the basis for the appeal. The county administrator shall follow the appeal procedures outlined in Chapter 100.06 of this code.

Section 1000.15. Refund of fees paid.

(1) If a building permit or an initial-1 year concurrency certificate is revoked, expired, or is withdrawn, then the feepayer, successors or assigns, shall be entitled to a refund of the impact fees paid with interest as a result of its revocation, expiration or withdrawal, except that the county shall retain a fee established by resolution to offset the costs of refunding. Impact fees paid in conjunction with an initial-5 year concurrency certificate cannot be refunded, however, any such impact fees paid will run as a credit with the land.

(2) Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date that an impact fee payment was received shall, upon application of the current owner, be returned to the current owner with interest at the rate earned by the County on the funds. Refunds not requested within one year of the end of the six year holding period shall be deemed waived.

CHAPTER 1001. DEFINITIONS

Section 1001.01 Title

This chapter and the terms and definitions contained herein shall be known as the “Indian River County Impact Fee Definitions Chapter.”

Section 1001.02 Purpose and Intent.

It is the purpose of this chapter to maintain the definitions of terms for the Impact Fee Regulations for Indian River County.

Section 1001.03 Definitions in Alphabetical Order.

Capital Improvement means land acquisition, construction, purchase of buildings, site improvement, architecture and engineering services, purchase of vehicles and equipment with at least a five year life expectancy, and consultant’s fees, but excludes maintenance and operation.

Developer means any person who seeks to develop land for future construction by: applying for a change in land use, residential density, or zoning; applying for approval of any site plan or subdivision plat; applying for development approval subject to the requirements of F.S. § 380.06; applying for an initial concurrency certificate; and/or applying for a land alteration permit, building permit, or certificate of occupancy.

Feepayer means a person commencing a land development activity by applying for a building permit or an initial concurrency certificate.

CHAPTER 1002. EMERGENCY SERVICES FACILITIES

Section 1002.01. Short title; statutory authority; applicability.

(1) This chapter shall be known and may be cited as the Indian River County Emergency Services Facilities Impact Fee Ordinance.

(2) This chapter shall apply to all of Indian River County except for that property located within the Town of Indian River Shores.

Section 1002.02. Findings.

In addition to those findings and determinations found in Chapter 1000, the board of county commissioners makes the following findings and determinations:

(1) The existing emergency services system is not sufficient to accommodate anticipated new development without decreasing the existing levels of service.

(2) Existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development.

(3) The emergency services facilities level of service standard for the county is .089 Stations per 1,000 permanent plus weighted peak seasonal countywide population, excluding Indian River Shores.

Section 1002.03. Computation.

(1) The amount of the fees imposed by this chapter shall be determined by the fee schedule attached as Appendix A to this title and incorporated by reference herein, or by the manner set forth in subsection 1000.08(3).

Section 1002.04. Use of funds.

(1) All funds collected from emergency services facilities impact fees shall be used for the purpose of capital improvements to emergency services facilities under the jurisdiction of the county and not for maintenance or operations. Such acquisitions and improvements shall be those which are necessary to accommodate new growth and development in the county.

(2) Funds shall be used exclusively for capital improvements in the areas of Indian River County from which the funds are collected. Funds shall be expended in the order in which they are collected.

CHAPTER 1003. CORRECTIONAL FACILITIES

Section 1003.01. Short title; statutory authority; applicability.

(1) This chapter shall be known and may be cited as the Indian River County Correctional Facilities Impact Fee Ordinance.

(2) This chapter shall apply to the entire county, including the municipalities within the county, to the extent permitted by Article VIII, § 1(f), Florida Constitution.

Section 1003.02. Findings.

In addition to those findings and determinations found in Chapter 1000, the board of county commissioners makes the following findings and determinations:

(1) The existing correctional facilities are not sufficient to accommodate anticipated new development without decreasing the existing levels of service.

(2) Existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development.

(3) The correctional facilities level of service standard for the county is 4.50 inmate beds per 1,000 permanent plus weighted peak seasonal countywide population.

Section 1003.03. Computation.

The amount of the fees imposed by this chapter shall be determined by the fee schedule attached as Appendix A to this title and incorporated by reference herein, or by the manner set forth in subsection 1000.08(3).

Section 1003.04. Use of funds.

(1) All funds collected from correctional facilities impact fees shall be used for the purpose of capital improvements to correctional facilities under the jurisdiction of the county and not for maintenance or operations. Such acquisitions and improvements shall be those which are necessary to accommodate new growth and development in the county.

(2) Funds shall be used exclusively for capital improvements in the areas of Indian River County from which the funds are collected. Funds shall be expended in the order in which they are collected.

CHAPTER 1004. PUBLIC BUILDINGS DEVELOPMENT

Section 1004.01. Short title; statutory authority; applicability.

(1) This chapter shall be known and may be cited as the Indian River County Public Buildings Development Impact Fee Ordinance.

(2) This chapter shall apply to the entire county, including the municipalities within the county, to the extent permitted by Article VIII, § 1(f), Florida Constitution.

Section 1004.02. Findings.

In addition to those findings and determinations found in Chapter 1000, the board of county commissioners makes the following findings and determinations:

(1) The existing public buildings are not sufficient to accommodate anticipated new development without decreasing the existing levels of service.

(2) The public building level of service standard for the county is 1.99 building square feet per capita for permanent plus weighted peak seasonal countywide population.

(3) Existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development.

Section 1004.03. Computation.

The amount of the fees imposed by this chapter shall be determined by the fee schedule attached as Appendix A to this title and incorporated by reference herein, or by the manner set forth in subsection 1000.08(3).

Section 1004.04. Use of funds.

(1) All funds collected from public building development impact fees shall be used for the purpose of capital improvements to public building development under the jurisdiction of the Indian River County, under the jurisdiction of the county, and not for maintenance or operations. Such acquisitions and improvements shall be those which are necessary to accommodate new growth and development in the county.

(2) Funds shall be used exclusively for capital improvements in the areas of Indian River County from which the funds are collected. Funds shall be expended in the order in which they are collected.

CHAPTER 1005. LAW ENFORCEMENT

Section 1005.01. Short title; statutory authority; applicability.

(1) This chapter shall be known and may be cited as the Indian River County Law Enforcement Impact Fee Ordinance.

(2) This chapter shall apply to only the unincorporated areas of Indian River County.

Section 1005.02. Findings.

In addition to those findings and determinations found in Chapter 1000, the board of county commissioners makes the following findings and determinations:

(1) Existing law enforcement is not sufficient to accommodate anticipated new development without decreasing the existing levels of service.

(2) The law enforcement facilities level of service standard for the county is 2.09 officers per 1,000 permanent plus weighted peak seasonal unincorporated county population.

(3) Existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development.

Section 1005.03. Computation.

The amount of the fees imposed by this chapter shall be determined by the fee schedule attached as Appendix A to this title and incorporated by reference herein, or by the manner set forth in subsection 1000.08(3).

Section 1005.04. Use of funds.

(1) All funds collected from law enforcement facilities impact fees shall be used for the purpose of capital improvements to law enforcement facilities under the jurisdiction of the county and not for maintenance or operations. Such acquisitions and improvements shall be those which are necessary to accommodate new growth and development in the county.

(2) Funds shall be used exclusively for capital improvements in the areas of Indian River County from which the funds are collected. Funds shall be expended in the order in which they are collected.

CHAPTER 1006. LIBRARY FACILITIES

Section 1006.01. Short title; statutory authority; applicability.

(1) This chapter shall be known and may be cited as the Indian River County Library Facilities Impact Fee Ordinance.

(2) This chapter shall apply to the entire county, including the municipalities within the county, to the extent permitted by Article VIII, § 1(f), Florida Constitution.

Section 1006.02. Findings.

In addition to those findings and determinations found in Chapter 1000, the board of county commissioners makes the following findings and determinations:

(1) The existing library system is not sufficient to accommodate anticipated new development without decreasing the existing levels of service.

(2) The library facilities level of service standard for the county is 580 square feet of library space per 1,000 permanent plus weighted peak seasonal countywide population, 3,200 library materials per 1,000 permanent plus weighted peak seasonal countywide population, 0.7 computers per 1,000 permanent plus weighted peak seasonal countywide population, and 0.2 other library equipment items per 1,000 permanent plus weighted peak seasonal countywide population.

(3) Existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development.

Section 1006.03. Computation.

The amount of the fees imposed by this chapter shall be determined by the fee schedule attached as Appendix A to this title and incorporated by reference herein, or by the manner set forth in subsection 1000.08(3).

Section 1006.04. Use of funds.

(1) All funds collected from the library facilities impact fees shall be used for the purpose of capital improvements to library facilities under the jurisdiction of the county and not for maintenance or operations. Such acquisitions and improvements shall be those which are necessary to accommodate new growth and development in the county.

(2) Funds shall be used exclusively for capital improvements in the areas of Indian River County from which the funds are collected. Funds shall be expended in the order in which they are collected.

CHAPTER 1007. SOLID WASTE FACILITIES

Section 1007.01. Short title; statutory authority; applicability.

(1) This chapter shall be known and may be cited as the Indian River County Solid Waste Facilities Impact Fee Ordinance.

(2) This chapter shall apply to the entire county, including the municipalities within the county, to the extent permitted by Article VIII, § 1(f), Florida Constitution.

Section 1007.02. Findings.

In addition to those findings and determinations found in Chapter 1000, the board of county commissioners makes the following findings and determinations:

(1) The existing solid waste facilities are not sufficient to accommodate anticipated new development without decreasing the existing levels of service.

(2) The solid waste facilities level of service standard for the county is 2.2 tons or 3.67 cubic yards per capita for permanent plus weighted peak seasonal countywide population per year.

(3) Existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development.

Section 1007.03. Computation.

The amount of the fees imposed by this chapter shall be determined by the fee schedule attached as Appendix A to this title and incorporated by reference herein, or by the manner set forth in subsection 1000.08(3).

Section 1007.04. Use of funds.

(1) All funds collected from the Solid Waste Facilities impact fees shall be used for the purpose of capital improvements to Solid Waste Facilities under the jurisdiction of the County and not for maintenance or operations. Such acquisitions and improvements shall be those which are necessary to accommodate new growth and development in the county.

(2) Funds shall be used exclusively for capital improvements in the areas of Indian River County from which the funds are collected. Funds shall be expended in the order in which they are collected.

CHAPTER 1008. PARKS AND RECREATION FACILITIES

Section 1008.01. Short title; statutory authority; applicability.

(1) This chapter shall be known and may be cited as the Indian River County Parks and Recreation Facilities Impact Fee Ordinance.

(2) This chapter shall apply to only unincorporated Indian River County.

Section 1008.02. Findings.

In addition to those findings and determinations found in Chapter 1000, the board of county commissioners makes the following findings and determinations:

(1) The existing Parks and Recreation Facilities are not sufficient to accommodate anticipated new development without decreasing the existing levels of service.

(2) The park and recreation level of service standard for the county is 6.61 acres per 1,000 permanent plus weighted peak seasonal unincorporated county population.

(3) Existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development.

Section 1008.03. Computation.

The amount of the fees imposed by this chapter shall be determined by the fee schedule attached as Appendix A to this title and incorporated by reference herein, or by the manner set forth in subsection 1000.08(3).

Section 1008.04. Use of funds.

(1) All funds collected from the Parks and Recreation Facilities impact fee shall be used for the purpose of capital improvements to Parks and Recreation Facilities under the jurisdiction of the County, and not for maintenance or operations. Such acquisitions and improvements shall be those which are necessary to accommodate new growth and development in the county.

(2) Funds shall be used exclusively for capital improvements in the areas of Indian River County from which the funds are collected. Funds shall be expended in the order in which they are collected.

CHAPTER 1009. PUBLIC EDUCATION FACILITIES

Section 1009.01. Short title; statutory authority; applicability.

(1) This chapter shall be known and may be cited as the Indian River County Public Education Facilities Impact Fee Ordinance.

(2) This chapter shall apply to the entire county, including the municipalities within the county, to the extent permitted by Article VIII, § 1(f), Florida Constitution.

Section 1009.02. Findings.

In addition to those findings and determinations found in Chapter 1000, the board of county commissioners makes the following findings and determinations:

(1) The existing public education facilities are not sufficient to accommodate anticipated new development without decreasing the existing levels of service.

(2) The public education facilities level of service standard for Elementary Schools is 144.71 building square footage per student station, for Middle Schools is 117.26 building square footage per student station, for High Schools is 147.57 building square footage per student station, and overall, the county wide weighted average level-of-service standard for all schools is 139.07 building square footage per student station.

(3) Existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development.

Section 1009.03. Computation.

The amount of the fees imposed by this chapter shall be determined by the fee schedule attached as Appendix A to this title and incorporated by reference herein, or by the manner set forth in subsection 1000.08(3).

Section 1009.04. Use of funds.

(1) All funds collected from Public Education Facilities impact fees shall be used for the purpose of capital improvements to Public Education Facilities under the jurisdiction of the School Board of Indian River County, Florida, and not for maintenance or operations. Such acquisitions and improvements shall be those which are necessary to accommodate new growth and development in the county.

(2) Funds shall be used exclusively for capital improvements in the areas of Indian River County from which the funds are collected. Funds shall be expended in the order in which they are collected.

CHAPTER 1010. TRAFFIC FACILITIES AND FAIR SHARE ROADWAY IMPROVEMENTS

Section 1010.01. Short title; statutory authority; applicability.

(1) This chapter shall be known and may be cited as the "Indian River County Traffic Facilities and Fair Share Roadway Improvements Ordinance."

(2) The board of county commissioners has authority to adopt this chapter through its general non-charter home rule powers pursuant to Article VIII of the 1968 Florida Constitution, as amended, and Section 125 and 163, Florida Statutes.

(3) This chapter shall apply to the unincorporated area of Indian River County, and to the incorporated areas of Indian River County.

Section 1010.02. Findings.

(1) In addition to those findings and determinations found in Chapter 1000, the board of county commissioners makes the following findings and determinations:

(2) The existing traffic facilities are not sufficient to accommodate anticipated new development without decreasing the existing levels of service.

(3) The traffic facilities level of service standard for the county is “D” on all roadways during peak hour, peak season, peak direction conditions.

Section 1010.03 Establishment of a fee schedule.

(1) Any person who shall initiate any new land development activity generating traffic shall pay a "fair share roadway improvements fee" for the land development activity as established by the fee schedule attached as Appendix A to this title and incorporated by reference herein, or the manner set forth in subsection 1010.03(2).

(2) As an alternative to the fee schedule, a feepayer may opt to conduct an individual assessment of fiscal impact of land development activity on the major road network. Such assessment shall be based on a traffic impact analysis. For individual assessments, the following criteria shall apply:

(A) The "fair share roadway improvements fee" shall be determined by the individual assessment of the fiscal impact of land development on the major road network if:

1. Any person commencing land development activity generating traffic which increases demand chooses to have the fee determined by the individual assessment and pays to the county an individual assessment review fee as established by the board of county commissioners by ordinance or resolution; or
2. The proposed land development activity requires a development of regional impact or building permit and the county administrator or his designee determines the nature, timing or location of the proposed development makes it likely to

generate impacts costing substantially more to accommodate than the amount of the fee that would be generated by the use of the fee schedule.

(B) The individual assessment shall be undertaken through the submission of a traffic impact analysis, which shall include the following information:

1. The projected trip generation rates for the proposed land development activity based on the average daily traffic of the proposed land development activity. Trip generation rates shall be assessed on an average annual basis, and on a peak hour, peak season, peak direction basis. The trip generation rates shall be based upon local empirical surveys of trip generation rates for the same or similar land use types that meet methodological standards acceptable to the transportation engineering profession. If local empirical surveys are not available, state and/or national trip generation rate information may be used, if it is based on methodological standards acceptable to the transportation engineering profession;
2. The projected trip length and percent new trips for the proposed land development activity based on surveys of similar land use types. Trip length and percent new trips information shall be based upon local empirical surveys of similar land use types or data compiled by the county administrator or his designee for average trip lengths and percent new trips for similar land use types. If local empirical surveys are not available, state and/or national trip length and present new trips information may be used, if it is based on methodological standards acceptable to the transportation engineering profession.
3. The resulting impact fee for the proposed land development activity will be calculated using the trip generation rate, trip rate, trip length, and percent new trips developed in the preceding sections, along with the current impact fee equation construction cost and credit equation factors.

(C) Prior to conducting an individual assessment, the applicant and/or his transportation planner or engineer must schedule a pre-application conference with the county traffic engineer or his designee to review the type of data and analysis needed and acceptable to the county. The traffic impact analysis performed pursuant to section 1010.03(2) shall be submitted by the developer of the proposed land development activity and shall be prepared by qualified professionals in the field of transportation planning or engineering. When completed, the traffic impact analysis shall be submitted to the county administrator, or his designee.

(D) Within twenty (20) days of receipt of a traffic impact analysis, the county administrator or his designee shall determine if it is complete. If the county administrator determines the application is not complete, he shall send a written statement specifying the deficiencies by certified mail to the person submitting the application. Unless the deficiencies are corrected, the county administrator shall take no further action on the traffic impact analysis.

(E) When the county administrator determines that the traffic impact analysis is complete, he shall notify the applicant of its completeness within (5) days, and he shall review the analysis within twenty (20) days. If it is not reviewed within these timeframes, then the item will be scheduled for the next available board of county commissioners meeting.

(F) If on the basis of generally recognized principles of traffic engineering it is determined in the individual assessment that the county's cost to accommodate the proposed land development activity is substantially different from the fee set down in section 1000.08(1), the amount of the "fair share roadway improvement fee" shall be varied from that in the fee schedule to an amount consistent with the amount determined in the individual assessment.

Section 1010.04. Credit against payment of traffic impact fees.

(1) Any person who shall commence any land development activity generating traffic may apply for a credit against any fee owed pursuant to the provisions of this chapter for any improvement listed on the 20 year Capital Improvement Plan of Indian River County or the 20 year Capital Improvement Plan of any municipality participating in this chapter, including any contribution, payment or construction made pursuant to a development order issued by Indian River County or any participating municipality pursuant to its local development regulation or Section 380.06, Florida Statutes, or any additional development requirement imposed by the Florida Land and Water Adjudicatory Commission on a development of regional impact.

(2) The credit shall be in an amount equal to the market value of the capital improvement on the date of the contribution, payment, construction or land dedication. No credit shall exceed the fee for the proposed impact generating activity imposed by this chapter, unless a credit (developer's) agreement is completed which provides use of excess credits and stipulates how the excess credits will be applied toward additional lands owned by a developer within the same traffic impact fee benefit district.

(3) No credit shall be granted for any costs, contribution, payment, construction or land received by Indian River County or any municipality participating in this chapter where such costs were incurred or contributions made in relation to development for which a building permit was issued prior to March 1, 1986.

(4) No credit shall be granted for any costs, contribution, payment, construction or land received by Indian River County or any municipality participating in this chapter if said costs, contribution, payment, construction or land dedication is received or made before a credit agreement is approved by the county administrator or his designee and is fully executed by all applicable parties. Any claim for credit not so made and approved shall be deemed waived.

(5) The determination of any credit amount shall be undertaken through the submission of a proposed credit agreement, on an application form provided by the county, to the county director of community development for initial review before submission to the county administrator. Within twenty (20) days of receipt of a proposed credit agreement, the community development director or his designee shall determine if the proposal is complete. If it is determined that the proposed agreement is not complete, the director of community development or his designee shall send a written statement to the applicant outlining the deficiencies. The county shall take no further action on the proposed credit agreement until all application submittal deficiencies have been corrected or otherwise settled.

(6) Once the proposal is determined to be complete, the county administrator or his designee shall, within thirty (30) days of such a determination, review the proposed agreement, and shall approve said agreement if the provisions and requirements of this chapter are satisfied.

(A) No credit shall be given for site-related improvements or site-related right-of-way dedications.

(B) Site-related improvements are capital improvements and right-of-way dedications for direct access to and/or within a development. Direct access improvements include, but are not limited to, the following:

1. Access roads leading to and from the development;
2. The paving and/or improvement of a thoroughfare plan roadway segment, where such improvement is necessary to provide paved access to and from the project, if the roadway segment is not scheduled to be improved within five (5) years from the time of the credit agreement, as shown on the adopted capital improvements program;
3. Driveways and roads within the development;
4. Acceleration and deceleration lanes, and right and left turn lanes leading to those roads and driveways within the development;
5. Traffic control devices (including signs, marking, channelization and signals) for those roads and driveways within the development.

(C) No credit shall be given for improvements or right-of-way dedications unless such improvement(s) or dedication(s) meets an expansion need of the county's road network system and is identified either in the county's twenty-year transportation capital improvements program or in the transportation capital improvements program of a municipality participating in this chapter.

(7) All required right-of-way dedications and/or roadway improvements which are compensable and made by a fee payer subsequent to October 9, 1992, shall be creditable against road impact fees otherwise due or to become due for the development that prompted the county or the municipality to require such dedications or roadway improvements. Such credits shall be determined as provided as set forth herein.

(8) Credit for the dedication of non-site related right-of-way shall be valued on the date of the dedication at one hundred fifteen (115) percent of the most recent assessed value by the Indian River County property appraiser or, at the option of the fee payer, by fair market value established by an independent private appraisal approved by the county public works department and at no expense to the county. Credit for the dedication of right-of-way shall be provided when a credit agreement has been approved by the county administrator or his designee and when the property has been conveyed at no charge to and accepted by the county or, if appropriate, a municipality participating in this chapter in a manner satisfactory to the governing body to which the dedication is made. As part of the referenced county credit agreement, the applicant shall supply to the county at his or her own expense, the following:

(A) A drawing and legal description of the land; and

(B) A certificate of title or title search of the land.

(9) To receive a credit for construction of non-site related road improvements, an applicant shall submit to the county director of community development a proposed credit agreement application pursuant to this chapter, along with engineering drawings specifications, and construction cost estimates prepared and certified by a duly qualified and licensed Florida Engineer. The county director of community development or his designee will coordinate review and approval of the application with the county public works director. The county public works director shall determine credit for roadway construction based on either these costs estimates or an alternative engineering criterion and construction cost estimate if the county public works director determines that such estimates submitted by the applicant are either unreliable, inaccurate or in excess of normal construction costs for such project.

(10) Credit for non-site related construction is limited to capital improvements. A capital improvement includes engineering design studies, land surveys, permitting, and construction of all necessary features for any road construction project including, but not limited to:

(A) Construction of new through lanes;
(B) Construction of new turn lanes (not related to the project site);
(C) Construction of new bridges;
(D) Construction of new drainage facilities in conjunction with new roadway construction;
(E) Purchase and installation of traffic signalization, including new upgraded signalization and other traffic control devices (not related to the project site);
(F) Construction of curbs, medians, and shoulders (not related to the project site); and
(G) Relocating utilities to accommodate new roadway construction.

(11) In order to maintain the pro rata or proportionate share purpose of the Fair Share Roadway Improvement Ordinance, it is necessary that a uniform method be used countywide in determining credit against fee. Therefore, the county, when considering compensation or credit for road right-of-way, shall apply the right-of-way standards it has established in the unincorporated areas throughout the entire county. Accordingly, dedication of the minimum local road width (sixty (60) feet with swale; fifty (50) feet with curb and gutter) is non-compensable, thus putting the unincorporated areas and the incorporated areas in the same posture and thereby maintaining the integrity of the pro rata or proportionate share concept.

(12) Credits shall not be transferable from one project or development to another without the approval of the county administrator or his designee. Credit transfers may be approved only when the project or development where the credits are being transferred from is within the same impact fee district as the project or development where the credits are being transferred to.

Section 1010.05. Use of funds collected and trust funds.

(1) Intent. Any "fair share roadway improvement fees" collected pursuant to the terms of this article are expressly designated for accommodation of impacts reasonably attributable to the proposed land development activity generating traffic as hereinafter provided in this section.

(2) There is hereby established the "fair share roadway improvements trust fund" (trust fund) for the purpose of ensuring that the fees collected pursuant to this chapter are designated for the accommodation of impacts reasonably attributable to the proposed land development activity generating traffic and are consistent with the Indian River County Comprehensive Plan. The trust fund shall be divided into three (3) separate trust accounts, one for each district as shown on the current impact fee benefit district map which is attached hereto and incorporated herein by reference. Impact fees collected and deposited into the original nine (9) trust accounts prior to the effective date of this ordinance shall be expended in the original district in which they were collected until all funds within said districts have been expended according to the provisions of this ordinance. The original impact fee district boundaries are shown on the interim impact fee benefit district map which is attached hereto and incorporated herein by reference.

(3) "Fair share roadway improvement fees" collected pursuant to this chapter shall be paid into the trust accounts established for the district in which the new land development activity is proposed.

(4) Expenditure of fair share fees in trust accounts.

(A) Proceeds from the trust accounts shall be used exclusively for capital expansion of the county's major road network system as identified on the county's and/or other municipalities' Thoroughfare Plan Maps, in the district from which the monies have come, and in a manner consistent with the Indian River County

Comprehensive Plan except that, until the trust fund accounts of the nine (9) original benefit districts have been expended, the following percent of proceeds from the nine (9) trust accounts may be used outside the district boundaries for capacity expansion of bridge facilities and their access roads connecting Orchid Island and the mainland: District I--thirty-one (31) percent; District II--nineteen (19) percent; District III--eight (8) percent; District IV--nine (9) percent; District V--ten (10) percent; District VI--four (4) percent; District VII--four (4) percent; District VIII--ten (10) percent; and District IX--five (5) percent.

(B) Any funds in each of the trust accounts on deposit, not immediately necessary for expenditure, shall be invested in interest-bearing assets. All income derived from these investments shall be retained in the applicable trust account.

(C) Each year, at the time the annual county budget is reviewed, the county administrator or his designee shall propose appropriations to be spent from the trust accounts. Any amounts not appropriated from the trust accounts by the county administrator or his designee, together with any interest earning shall be carried over in the specific trust account to the following fiscal period.

CHAPTER 1011. ADMINISTRATIVE CHARGES

Section 1011.01. Short title; statutory authority; applicability.

(1) This chapter shall be known and may be cited as the Indian River County Impact Fee Administrative Charges Ordinance.

(2) This chapter shall apply to all areas of the county including municipalities and the incorporated areas of the county to the extent permitted by Article VIII, § 1(f), Florida Constitution.

Section 1011.02. Findings.

In addition to those findings and determinations found in Chapter 1000, the board of county commissioners makes the following findings and determinations:

(1) The existing governmental staff and facilities are not sufficient to implement, assess or collect impact fee assessed in this title.

(2) Existing revenue sources are not sufficient to fund the costs of collecting impact fees associated with new development.

(3) The administrative charge equal to three percent (3%) of the impact fees assessed to the County or to the participating municipality in order to off-set the cost of administering the impact fee program is reasonable and necessary to administer the impact fee program.

(4) Each participating municipality shall be entitled to retain two percent (2%) of the funds collected under this title to compensate them for the administrative expense of administering this title, which is reasonable and necessary to collect impact fees assessed by this title.

Section 1011.03. Computation.

The amount of the fees imposed by this chapter shall be determined by the fee schedule attached as Appendix A to this title and incorporated by reference herein, or by the manner set forth in subsection 1000.08(3).

Section 1011.04. Use of funds.

(1) All funds collected by this chapter shall be used for the purpose of administering the impact fee collection program and not for maintenance or operations of other programs.

(2) Funds shall be expended in the order in which they are collected.

CHAPTER 1012. RULES OF CONSTRUCTION

Section 1012.01 Title

This chapter shall be known as the "Indian River County Impact Fees, Rules of Construction Chapter.

Section 1012.02 Purpose and Intent.

It is the purpose of this chapter to set forth the rules of construction for all of Title X, Impact Fees Regulations for Indian River County.

Section 1012.03. Rules of construction.

(1) The provisions of Title X shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.

(2) For the purposes of administration and enforcement of this title, unless otherwise stated in this title, the following rules of construction shall apply:

- (A) In case of any difference of meaning or implication between the text of Title X and any caption, illustration, summary table or illustrative table, the text shall control.
- (B) The term "shall" is always mandatory and not discretionary; the term "may" is permissive.
- (C) Words used in the present tense shall include the future; and words in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (D) The term "used for" includes the term "arranged for," "designed for," "maintained for" or "occupied for."
- (E) The term "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (F) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:
  1. The term "and" indicates that all the connected terms, conditions, provisions or events shall apply.
  2. The term "or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  3. The term "either . . . or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- (G) The word "includes" shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (H) The term "county administrator" means the county administrator or the county officials he may designate to carry out the administration of this Title.
- (I) The land use types listed in Title X shall have same meaning as under Title IX.

Unincorporated Indian River County Impact Fee Schedule

(Effective July 1, 2005)

Land Use	Impact Unit	Net Impact Fee									Total Net Impact Fee	Administration Fee @ 2.5%	Total Impact Fee
		Transportation	Correctional Facilities	Solid Waste	Public Buildings	Fire/EMS	Law Enforcement	Library	Schools	Park and Recreation			
Residential													
Single Family													
Lower than 1,500 sf (under air)	du	$3,452	$151.31	$75.42	$182.92	$247.34	$217.71	$430.04	$1,755.96	$1,301.87	$7,814.57	$195.36	$8,009.93
1,500 to 2,499 sf (under air)	du	$5,202	$169.98	$75.42	$205.72	$277.92	$244.66	$483.26	$1,755.96	$1,462.88	$9,877.80	$246.95	$10,124.75
2,500 sf or Greater (under air)	du	$5,838	$184.39	$75.42	$222.89	$301.30	$265.29	$524.11	$1,755.96	$1,586.78	$10,754.14	$268.85	$11,022.99
Accessory Single Family	du	$2,842	$100.33	$56.57	$121.37	$176.14	$147.81	$285.20	$500.18	$884.07	$5,113.67	$127.84	$5,241.51
Multi Family	du	$2,842	$100.33	$56.57	$121.37	$176.14	$147.81	$285.20	$500.18	$884.07	$5,113.67	$127.84	$5,241.51
Mobile Home	du	$1,957	$122.82	$75.42	$148.59	$181.59	$157.51	$349.14	$622.57	$942.13	$4,556.77	$113.92	$4,670.69
Transient, Assisted, Group													
Hotel	Room	$3,271	$99.13	$21.21	$228.77	$159.62	$139.80				$3,919.53	$97.99	$4,017.52
Motel	Room	$1,764	$99.13	$21.21	$228.77	$159.62	$139.80				$2,412.53	$60.31	$2,472.84
Nursing Home	Bed	$560	$106.88	$33.18	$312.14	$172.10	$150.74				$1,335.04	$33.38	$1,368.42
ACLF	Bed	$449	$106.88	$62.04	$312.14	$172.10	$150.74				$1,252.90	$31.32	$1,284.22
Office and Financial													
Medical Office	1,000 sf	$15,553	$185.81	$117.85	$1,274.79	$299.19	$262.06				$17,692.70	$442.32	$18,135.02
Bank	1,000 sf	$16,289	$211.89	$117.85	$1,453.79	$341.21	$298.86				$18,712.60	$467.82	$19,180.42
Bank w/Drive-in	1,000 sf	$27,607	$173.66	$117.85	$1,191.43	$279.68	$244.97				$29,614.59	$740.36	$30,354.95
Office 50,000 GSF or less	1,000 sf	$7,348	$153.00	$94.28	$1,049.70	$246.28	$215.71				$9,106.97	$227.67	$9,334.64
Office greater than 50,000 GSF	1,000 sf	$5,326	$80.86	$94.28	$554.64	$130.26	$114.09				$6,300.13	$157.50	$6,457.63
Industrial													
Manufacturing	1,000 sf	$1,533	$54.68	$235.70	$375.16	$88.07	$77.14				$2,363.75	$59.09	$2,422.84
Warehouse	1,000 sf	$1,958	$42.03	$47.14	$288.36	$67.68	$59.28				$2,462.49	$61.56	$2,524.05
Mini-Warehouse	1,000 sf	$1,003	$8.28	$18.86	$40.46	$13.36	$11.70				$1,095.66	$27.39	$1,123.05
General Industrial	1,000 sf	$2,797	$74.71	$235.70	$512.47	$120.24	$105.32				$3,845.44	$96.14	$3,941.58
Concrete Plant	Acre	$6,261	$164.68	$213.36	$1,129.88	$265.09	$232.19				$8,266.20	$206.66	$8,472.86
Sand Mining	Acre	$803	$21.11	$213.36	$144.91	$33.93	$29.72				$1,246.03	$31.15	$1,277.18
Retail, Gross Square Feet													
Retail 50,000 GSF or less	1,000 sf	$9,837	$312.49	$235.70	$1,531.27	$503.11	$440.66				$12,860.23	$321.51	$13,181.74
Retail 50,001 GSF to 100,000 GSF	1,000 sf	$7,813	$311.61	$235.70	$1,527.11	$501.70	$439.43				$10,828.55	$270.71	$11,099.26
Retail 100,001 GSF to 200,000 GSF	1,000 sf	$6,860	$318.81	$235.70	$1,562.41	$513.31	$449.59				$9,939.82	$248.50	$10,188.32
Retail over 200,000 GSF	1,000 sf	$6,977	$217.79	$235.70	$1,067.36	$350.70	$307.17				$9,155.72	$228.89	$9,384.61
Gas Station	Fuel pos	$6,694	$188.05	$39.13	$921.46	$302.89	$265.29				$8,410.82	$210.27	$8,621.09
New and Used Car Sales	1,000 sf	$13,212	$186.30	$117.85	$912.88	$299.90	$262.67				$14,991.60	$374.79	$15,366.39
Quality Restaurant	1,000sf	$20,072	$738.41	$329.98	$3,618.66	$1,189.04	$1,041.45				$26,989.54	$674.74	$27,664.28
Restaurant	1,000 sf	$26,646	$800.55	$329.98	$3,922.95	$1,289.07	$1,129.06				$34,117.61	$852.94	$34,970.55
Fast Food Rest w/ Drive-Thru	1,000 sf	$41,971	$862.61	$329.98	$4,227.25	$1,389.09	$1,216.67				$49,996.60	$1,249.92	$51,246.52
Supermarket	1,000 sf	$13,288	$221.74	$424.26	$1,086.73	$357.03	$312.71				$15,690.47	$392.26	$16,082.73
Car Wash	Bays	$17,232	$206.01	$76.60	$1,009.49	$331.72	$290.54				$19,146.36	$478.66	$19,625.02
Convenience Store	1,000 sf	$26,459	$463.20	$424.26	$2,269.82	$745.88	$653.29				$31,015.45	$775.39	$31,790.84
Furniture Store	1,000 sf	$1,592	$34.67	$235.70	$169.92	$55.90	$48.96				$2,137.15	$53.43	$2,190.58

Created July 7, 2005

Unincorporated Indian River County Impact Fee Schedule

(Effective July 1, 2005)

Land Use	Impact Unit	Net Impact Fee									Total Net Impact Fee	Administration Fee @ 2.5%	Total Impact Fee
		Transportation	Correctional Facilities	Solid Waste	Public Buildings	Fire/EMS	Law Enforcement	Library	Schools	Park and Recreation			
Recreational													
Golf Course	hole	$13,090	$266.70	$37.53	$1,306.92	$429.45	$376.15				$15,506.75	$387.67	$15,894.42
Racquet Club/Health Club/Dance Studio	1,000 sf	$6,556	$259.21	$117.85	$1,270.38	$417.33	$365.52				$8,986.29	$224.66	$9,210.95
County Park	Acre	$769	$16.63	$84.85	$81.41	$26.72	$23.40				$1,002.01	$25.05	$1,027.06
Tennis Court	Court	$11,368	$253.33	$18.32	$1,241.45	$408.01	$357.36				$13,646.47	$341.16	$13,987.63
Marina	Berths	$1,132	$16.69	$45.21	$81.90	$26.90	$23.56				$1,326.26	$33.16	$1,359.42
Governmental													
Post Office	1,000 sf	$16,518	$193.60	$94.28	$1,106.83	$311.68	$272.99				$18,497.38	$462.43	$18,959.81
Library	1,000 sf	$20,023	$187.61	$94.28	$919.25	$302.01	$264.52				$21,790.67	$544.77	$22,335.44
Government Office Building(1)	1,000 sf	$27,663	$284.31	$94.28		$457.76	$400.94				$28,900.29	$722.51	$29,622.80
Government Office Complex(1)	1,000 sf	$11,205	$148.07	$94.28		$238.37	$208.78				$11,894.50	$297.36	$12,191.86
Jail(1)	Bed	$449		$15.56	$465.88	$153.11	$134.11				$1,217.66	$30.44	$1,248.10
Miscellaneous													
Day Care Center	1,000 sf	$10,555	$110.12	$235.70	$755.46	$177.37	$155.36				$11,989.01	$299.73	$12,288.74
Hospital	1,000 sf	$6,267	$170.91	$82.97	$837.60	$275.29	$241.12				$7,874.89	$196.87	$8,071.76
Veterinary Clinic	1,000 sf	$4,189	$178.27	$117.85	$1,223.06	$287.07	$251.43				$6,246.68	$156.17	$6,402.85
Church	1,000 sf	$3,016	$58.15	$33.00	$284.92	$93.70	$82.07				$3,567.84	$89.20	$3,657.04
Movie Theater	Screen	$26,940	$925.42	$188.14	$4,534.97	$1,490.17	$1,305.20				$35,383.90	$884.60	$36,268.50
School (Elementary and Middle)	Student	$141	$10.25	$11.61	$70.37	$16.52	$14.47				$264.22	$6.61	$270.83
School (High)	Student	$513	$13.08	$13.12	$89.74	$21.09	$18.48				$668.51	$16.71	$685.22
School (College)	Student	$1,008	$11.38	$13.12	$77.97	$18.28	$16.01				$1,144.76	$28.62	$1,173.38
Fire Station(1)	1,000 sf	$1,158	$69.10	$94.28	$338.62		$97.46				$1,757.46	$43.94	$1,801.40

(1) Government uses are exempt from paying impact fees used to develop that same use. This is because legally, if the development does not create a demand for the facility, or indeed, mitigates the need for the facility, it should not pay the fee. In other words, a new jail will not pay the correctional facilities impact fee, a new fire/EMS station will not pay the fire/EMS impact fee, and a new government office building or office complex will not pay the public buildings impact fee, etc. Specific government uses that are not included in the schedule, such as a sheriff's office, will be classified under government office building or complex as appropriate. These uses will not pay the impact fee used to develop them (e.g., a sheriff's office will not pay the law enforcement impact fee, etc.).

Created July 7, 2005

City of Fellsmere, Town of Orchid, City of Sebastian, and City of Vero Beach Impact Fee Schedule

(Effective July 1, 2005)

Land Use	Impact Unit	Net Impact Fee							Total Net Impact Fee	Administration Fee @ 2.5%	Total Impact Fee
		Transportation	Correctional Facilities	Solid Waste	Public Buildings	Fire/EMS	Library	Schools			
Residential											
Single Family											
Lower than 1,500 sf (under air)	du	$3,452	$151.31	$75.42	$182.92	$247.34	$430.04	$1,755.96	$6,294.99	$157.37	$6,452.36
1,500 to 2,499 sf (under air)	du	$5,202	$169.98	$75.42	$205.72	$277.92	$483.26	$1,755.96	$8,170.26	$204.26	$8,374.52
2,500 sf or Greater (under air)	du	$5,838	$184.39	$75.42	$222.89	$301.30	$524.11	$1,755.96	$8,902.07	$222.55	$9,124.62
Accessory Single Family	du	$2,842	$100.33	$56.57	$121.37	$176.14	$285.20	$500.18	$4,081.79	$102.05	$4,183.84
Multi Family	du	$2,842	$100.33	$56.57	$121.37	$176.14	$285.20	$500.18	$4,081.79	$102.05	$4,183.84
Mobile Home	du	$1,957	$122.82	$75.42	$148.59	$181.59	$349.14	$622.57	$3,457.13	$86.43	$3,543.56
Transient, Assisted, Group											
Hotel	Room	$3,271	$99.13	$21.21	$228.77	$159.62			$3,779.73	$94.49	$3,874.22
Motel	Room	$1,764	$99.13	$21.21	$228.77	$159.62			$2,272.73	$56.81	$2,329.54
Nursing Home	Bed	$560	$106.88	$33.18	$312.14	$172.10			$1,184.30	$29.61	$1,213.91
ACLF	Bed	$449	$106.88	$62.04	$312.14	$172.10			$1,102.16	$27.55	$1,129.71
Office and Financial											
Medical Office	1,000 sf	$15,553	$185.81	$117.85	$1,274.79	$299.19			$17,430.64	$435.76	$17,866.40
Bank	1,000 sf	$16,289	$211.89	$117.85	$1,453.79	$341.21			$18,413.74	$460.34	$18,874.08
Bank w/Drive-in	1,000 sf	$27,607	$173.66	$117.85	$1,191.43	$279.68			$29,369.62	$734.24	$30,103.86
Office 50,000 GSF or less	1,000 sf	$7,348	$153.00	$94.28	$1,049.70	$246.28			$8,891.26	$222.29	$9,113.55
Office greater than 50,000 GSF	1,000 sf	$5,326	$80.86	$94.28	$554.64	$130.26			$6,186.04	$154.65	$6,340.69
Industrial											
Manufacturing	1,000 sf	$1,533	$54.68	$235.70	$375.16	$88.07			$2,286.61	$57.16	$2,343.77
Warehouse	1,000 sf	$1,958	$42.03	$47.14	$288.36	$67.68			$2,403.21	$60.08	$2,463.29
Mini-Warehouse	1,000 sf	$1,003	$8.28	$18.86	$40.46	$13.36			$1,083.96	$27.10	$1,111.06
General Industrial	1,000 sf	$2,797	$74.71	$235.70	$512.47	$120.24			$3,740.12	$93.50	$3,833.62
Concrete Plant	Acre	$6,261	$164.68	$213.36	$1,129.88	$265.09			$8,034.01	$200.85	$8,234.86
Sand Mining	Acre	$803	$21.11	$213.36	$144.91	$33.93			$1,216.31	$30.41	$1,246.72
Retail, Gross Square Feet											
Retail 50,000 GSF or less	1,000 sf	$9,837	$312.49	$235.70	$1,531.27	$503.11			$12,419.57	$310.49	$12,730.06
Retail 50,001 GSF to 100,000 GSF	1,000 sf	$7,813	$311.61	$235.70	$1,527.11	$501.70			$10,389.12	$259.73	$10,648.85
Retail 100,001 GSF to 200,000 GSF	1,000 sf	$6,860	$318.81	$235.70	$1,562.41	$513.31			$9,490.23	$237.25	$9,727.48
Retail over 200,000 GSF	1,000 sf	$6,977	$217.79	$235.70	$1,067.36	$350.70			$8,848.55	$221.21	$9,069.76
Gas Station	Fuel pos	$6,694	$188.05	$39.13	$921.46	$302.89			$8,145.53	$203.64	$8,349.17
New and Used Car Sales	1,000 sf	$13,212	$186.30	$117.85	$912.88	$299.90			$14,728.93	$368.22	$15,097.15
Quality Restaurant	1,000sf	$20,072	$738.41	$329.98	$3,618.66	$1,189.04			$25,948.09	$648.70	$26,596.79
Restaurant	1,000 sf	$26,646	$800.55	$329.98	$3,922.95	$1,289.07			$32,988.55	$824.71	$33,813.26
Fast Food Rest w/ Drive-Thru	1,000 sf	$41,971	$862.61	$329.98	$4,227.25	$1,389.09			$48,779.93	$1,219.50	$49,999.43
Supermarket	1,000 sf	$13,288	$221.74	$424.26	$1,086.73	$357.03			$15,377.76	$384.45	$15,762.21
Car Wash	Bays	$17,232	$206.01	$76.60	$1,009.49	$331.72			$18,855.82	$471.40	$19,327.22
Convenience Store	1,000 sf	$26,459	$463.20	$424.26	$2,269.82	$745.88			$30,362.16	$759.05	$31,121.21
Furniture Store	1,000 sf	$1,592	$34.67	$235.70	$169.92	$55.90			$2,088.19	$52.20	$2,140.39

Created July 7, 2005

City of Fellsmere, Town of Orchid, City of Sebastian, and City of Vero Beach Impact Fee Schedule

(Effective July 1, 2005)

Land Use	Impact Unit	Net Impact Fee							Total Net Impact Fee	Administration Fee @ 2.5%	Total Impact Fee
		Transportation	Correctional Facilities	Solid Waste	Public Buildings	Fire/EMS	Library	Schools			
Recreational											
Golf Course	hole	$13,090	$266.70	$37.53	$1,306.92	$429.45			$15,130.60	$378.26	$15,508.86
Racquet Club/Health Club/Dance Studio	1,000 sf	$6,556	$259.21	$117.85	$1,270.38	$417.33			$8,620.77	$215.52	$8,836.29
County Park	Acre	$769	$16.63	$84.85	$81.41	$26.72			$978.61	$24.46	$1,003.07
Tennis Court	Court	$11,368	$253.33	$18.32	$1,241.45	$408.01			$13,289.11	$332.23	$13,621.34
Marina	Berths	$1,132	$16.69	$45.21	$81.90	$26.90			$1,302.70	$32.56	$1,335.26
Governmental											
Post Office	1,000 sf	$16,518	$193.60	$94.28	$1,106.83	$311.68			$18,224.39	$455.61	$18,680.00
Library	1,000 sf	$20,023	$187.61	$94.28	$919.25	$302.01			$21,526.15	$538.15	$22,064.30
Government Office Building[1]	1,000 sf	$27,663	$284.31	$94.28		$457.76			$28,499.35	$712.49	$29,211.84
Government Office Complex[1]	1,000 sf	$11,205	$148.07	$94.28		$238.37			$11,685.72	$292.14	$11,977.86
Jail[1]	Bed	$449		$15.56	$465.88	$153.11			$1,083.55	$27.09	$1,110.64
Miscellaneous											
Day Care Center	1,000 sf	$10,555	$110.12	$235.70	$755.46	$177.37			$11,833.65	$295.84	$12,129.49
Hospital	1,000 sf	$6,267	$170.91	$82.97	$837.60	$275.29			$7,633.77	$190.85	$7,824.62
Veterinary Clinic	1,000 sf	$4,189	$178.27	$117.85	$1,223.06	$287.07			$5,995.25	$149.89	$6,145.14
Church	1,000 sf	$3,016	$58.15	$33.00	$284.92	$93.70			$3,485.77	$87.15	$3,572.92
Movie Theater	Screen	$26,940	$925.42	$188.14	$4,534.97	$1,490.17			$34,078.70	$851.96	$34,930.66
School (Elementary and Middle)	Student	$141	$10.25	$11.61	$70.37	$16.52			$249.75	$6.25	$256.00
School (High)	Student	$513	$13.08	$13.12	$89.74	$21.09			$650.03	$16.25	$666.28
School (College)	Student	$1,008	$11.38	$13.12	$77.97	$18.28			$1,128.75	$28.22	$1,156.97
Fire Station[1]	1,000 sf	$1,158	$69.10	$94.28	$338.62				$1,660.00	$41.50	$1,701.50

(1) Government uses are exempt from paying impact fees used to develop that same use. This is because legally, if the development does not create a demand for the facility, or indeed, mitigates the need for the facility, it should not pay the fee. In other words, a new jail will not pay the correctional facilities impact fee, a new fire/EMS station will not pay the fire/EMS impact fee, and a new government office building or office complex will not pay the public buildings impact fees.

Created July 7, 2005

Town of Indian River Shores Impact Fee Schedule

(Effective July 1, 2005)

Land Use	Impact Unit	Net Impact Fee: Transportation	Correctional Facilities	Solid Waste	Public Buildings	Library	Schools	Total Net Impact Fee	Administration Fee @ 2.5%	Total Impact Fee
Residential										
Single Family										
Lower than 1,500 sf (under air)	du	$3,452	$151.31	$75.42	$182.92	$430.04	$1,755.96	$6,047.65	$151.19	$6,198.84
1,500 to 2,499 sf (under air)	du	$5,202	$169.98	$75.42	$205.72	$483.26	$1,755.96	$7,892.34	$197.31	$8,089.65
2,500 sf or Greater (under air)	du	$5,838	$184.39	$75.42	$222.89	$524.11	$1,755.96	$8,600.77	$215.02	$8,815.79
Accessory Single Family	du	$2,842	$100.33	$56.57	$121.37	$285.20	$500.18	$3,905.65	$97.64	$4,003.29
Multi Family	du	$2,842	$100.33	$56.57	$121.37	$285.20	$500.18	$3,905.65	$97.64	$4,003.29
Mobile Home	du	$1,957	$122.82	$75.42	$148.59	$349.14	$622.57	$3,275.54	$81.89	$3,357.43
Transient, Assisted, Group										
Hotel	Room	$3,271	$99.13	$21.21	$228.77			$3,620.11	$90.50	$3,710.61
Motel	Room	$1,764	$99.13	$21.21	$228.77			$2,113.11	$52.83	$2,165.94
Nursing Home	Bed	$560	$106.88	$33.18	$312.14			$1,012.20	$25.30	$1,037.50
ACLF	Bed	$449	$106.88	$62.04	$312.14			$930.06	$23.25	$953.31
Office and Financial										
Medical Office	1,000 sf	$15,553	$185.81	$117.85	$1,274.79			$17,131.45	$428.29	$17,559.74
Bank	1,000 sf	$16,289	$211.89	$117.85	$1,453.79			$18,072.53	$451.81	$18,524.34
Bank w/Drive-in	1,000 sf	$27,607	$173.66	$117.85	$1,191.43			$29,089.94	$727.25	$29,817.19
Office 50,000 GSF or less	1,000 sf	$7,348	$153.00	$94.28	$1,049.70			$8,644.98	$216.12	$8,861.10
Office greater than 50,000 GSF	1,000 sf	$5,326	$80.86	$94.28	$554.64			$6,055.78	$151.40	$6,207.18
Industrial										
Manufacturing	1,000 sf	$1,533	$54.68	$235.70	$375.16			$2,198.54	$54.96	$2,253.50
Warehouse	1,000 sf	$1,958	$42.03	$47.14	$288.36			$2,335.53	$58.39	$2,393.92
Mini-Warehouse	1,000 sf	$1,003	$8.28	$18.86	$40.46			$1,070.60	$26.76	$1,097.36
General Industrial	1,000 sf	$2,797	$74.71	$235.70	$512.47			$3,619.88	$90.50	$3,710.38
Concrete Plant	Acre	$6,261	$164.68	$213.36	$1,129.88			$7,768.92	$194.22	$7,963.14
Sand Mining	Acre	$803	$21.11	$213.36	$144.91			$1,182.38	$29.56	$1,211.94
Retail, Gross Square Feet										
Retail 50,000 GSF or less	1,000 sf	$9,837	$312.49	$235.70	$1,531.27			$11,916.46	$297.91	$12,214.37
Retail 50,001 GSF to 100,000 GSF	1,000 sf	$7,813	$311.61	$235.70	$1,527.11			$9,887.42	$247.19	$10,134.61
Retail 100,001 GSF to 200,000 GSF	1,000 sf	$6,860	$318.81	$235.70	$1,562.41			$8,976.92	$224.42	$9,201.34
Retail over 200,000 GSF	1,000 sf	$6,977	$217.79	$235.70	$1,067.36			$8,497.85	$212.45	$8,710.30
Gas Station	Fuel pos	$6,694	$188.05	$39.13	$921.46			$7,842.64	$196.06	$8,038.70
New and Used Car Sales	1,000 sf	$13,212	$186.30	$117.85	$912.88			$14,429.03	$360.73	$14,789.76
Quality Restaurant	1,000sf	$20,072	$738.41	$329.98	$3,618.66			$24,759.05	$618.98	$25,378.03
Restaurant	1,000 sf	$26,646	$800.55	$329.98	$3,922.95			$31,699.48	$792.49	$32,491.97
Fast Food Rest w/ Drive-Thru	1,000 sf	$41,971	$862.61	$329.98	$4,227.25			$47,390.84	$1,184.77	$48,575.61
Supermarket	1,000 sf	$13,288	$221.74	$424.26	$1,086.73			$15,020.73	$375.51	$15,396.24
Car Wash	Bays	$17,232	$206.01	$76.60	$1,009.49			$18,524.10	$463.10	$18,987.20
Convenience Store	1,000 sf	$26,459	$463.20	$424.26	$2,269.82			$29,616.28	$740.41	$30,356.69
Furniture Store	1,000 sf	$1,592	$34.67	$235.70	$169.92			$2,032.29	$50.81	$2,083.10

Created July 7, 2005

Town of Indian River Shores Impact Fee Schedule

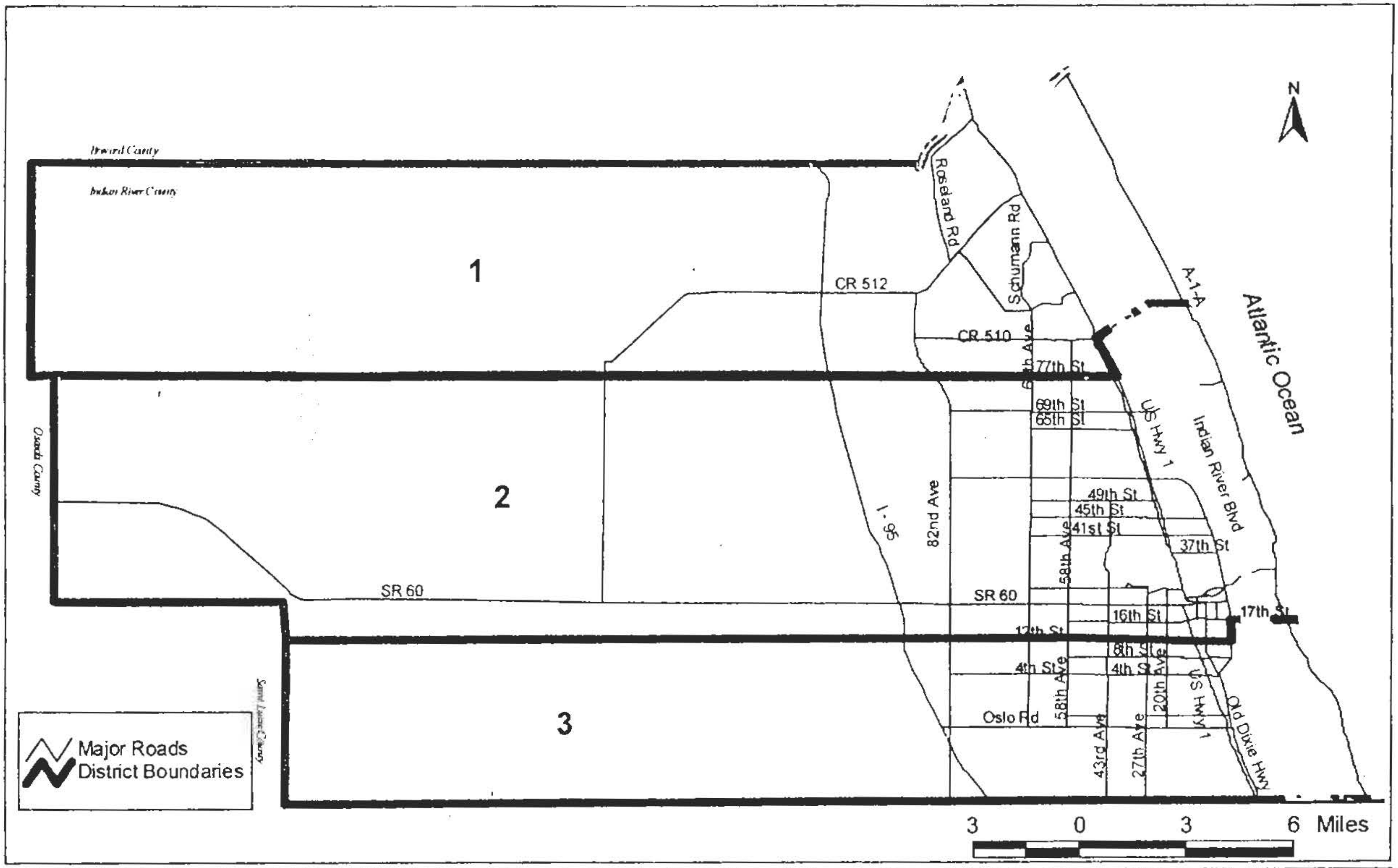
(Effective July 1, 2005)

Land Use	Impact Unit	Net Impact Fee						Total Net Impact Fee	Administration Fee @ 2.5%	Total Impact Fee
		Transportation	Correctional Facilities	Solid Waste	Public Buildings	Library	Schools			
Recreational										
Golf Course	hole	$13,090	$266.70	$37.53	$1,306.92			$14,701.15	$367.53	$15,068.68
Racquet Club/Health Club/Dance Studio	1,000 sf	$6,556	$259.21	$117.85	$1,270.38			$8,203.44	$205.09	$8,408.53
County Park	Acre	$769	$16.63	$84.85	$81.41			$951.89	$23.80	$975.69
Tennis Court	Court	$11,368	$253.33	$18.32	$1,241.45			$12,881.10	$322.03	$13,203.13
Marina	Berths	$1,132	$16.69	$45.21	$81.90			$1,275.80	$31.90	$1,307.70
Governmental										
Post Office	1,000 sf	$16,518	$193.60	$94.28	$1,106.83			$17,912.71	$447.81	$18,360.52
Library	1,000 sf	$20,023	$187.61	$94.28	$919.25			$21,224.14	$530.60	$21,754.74
Government Office Building(1)	1,000 sf	$27,663	$284.31	$94.28				$28,041.59	$701.04	$28,742.63
Government Office Complex(1)	1,000 sf	$11,205	$135.82	$94.28				$11,435.10	$285.88	$11,720.98
Jail(1)	Bed	$449		$15.56	$465.88			$930.44	$23.26	$953.70
Miscellaneous										
Day Care Center	1,000 sf	$10,555	$110.12	$235.70	$755.46			$11,656.28	$291.41	$11,947.69
Hospital	1,000 sf	$6,267	$170.91	$82.97	$837.60			$7,358.48	$183.96	$7,542.44
Veterinary Clinic	1,000 sf	$4,189	$178.27	$117.85	$1,223.06			$5,708.18	$142.70	$5,850.88
Church	1,000 sf	$3,016	$58.15	$33.00	$284.92			$3,392.07	$84.80	$3,476.87
Movie Theater	Screen	$26,940	$925.42	$188.14	$4,534.97			$32,588.53	$814.71	$33,403.24
School (Elementary and Middle)	Student	$141	$10.25	$11.61	$70.37			$233.23	$5.83	$239.06
School (High)	Student	$513	$13.08	$13.12	$89.74			$628.94	$15.72	$644.66
School (College)	Student	$1,008	$11.38	$13.12	$77.97			$1,110.47	$27.76	$1,138.23
Fire Station	1,000 sf	$1,158	$69.10	$94.28	$338.62			$1,660.00	$41.50	$1,701.50

(1) Government uses are exempt from paying impact fees used to develop that same use. This is because legally, if the development does not create a demand for the facility, or indeed, mitigates the need for the facility, it should not pay the fee. In other words, a new jail will not pay the correctional facilities impact fee and a new government office building or office complex will not pay the public buildings impact fees.

Created July 7, 2005

Appendix B



Indian River County
Impact Fee Benefit Districts

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ORDINANCE NO. 1683

AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, AMENDING CHAPTER 28, ARTICLES I AND II, OF THE CITY OF OVIEDO CODE OF ORDINANCES, UPDATING IMPACT FEES FOR MULTIMODAL FACILITIES, FIRE AND RESCUE (EMERGENCY MEDICAL SERVICE), LAW ENFORCEMENT, RECREATION AND PARKS, AND ADMINISTRATIVE FACILITIES; ADOPTING AN IMPACT FEE UPDATE STUDY; REVISING IMPACT FEE SCHEDULES AND LAND USE CATEGORIES, INDIVIDUAL ASSESSMENTS, UPDATING AND INDEXING; AND PROVIDING FOR CODIFICATION; IMPLEMENTING ADMINISTRATIVE ACTS, A SAVINGS PROVISION, CONFLICTS, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council retained the firm of Tindale-Oliver to study the need to update the City's existing impact fees for multimodal facilities, fire and rescue (emergency medical service), law enforcement, recreation and parks, and administrative facilities; and

WHEREAS, Tindale-Oliver has prepared and presented to the City Council a report titled, "City of Oviedo Impact Fee Update Study," dated March 20, 2019 (the Technical Report) which establishes the proportionate share of new development's impacts on the public facilities for which impact fees are collected pursuant to this Ordinance; and

WHEREAS, the City Council has amended the 2025 Comprehensive Plan to include public facility improvements to serve new development subject to the payment of impact fees, based on the Technical Report; and

WHEREAS, pursuant to § 163.31801, Fla. Stat.:

(a) the Technical Report, and the impact fees recommended therein, are based on the most recent and localized data;

(b) this Ordinance includes procedures for accounting and reporting of impact fee collections and expenditures in order to assure compliance with applicable legal standards;

(c) this Ordinance includes separate accounting funds for each public facility for which an impact fee is collected and such revenues are specifically earmarked for acquisitions, construction, or improvements to public facilities made or to be made to benefit those paying impact fees pursuant to this Ordinance; and

(d) administrative fees charged pursuant to this Ordinance for the collection of impact fees are limited to actual costs; and

(e) this Ordinance requires audits of the City's financial statements to include an affidavit of the City's chief financial officer stating that the requirements of § 163.31801, Fla. Stat. have been complied with; and

(f) the impact fees recommended in the Technical Report are reasonably connected to, or have a rational nexus with, the need for additional public facilities and the impact generated by new residential and commercial development subject to the impact fee requirement; and

(g) the impact fees recommended in the Technical Report are reasonably connected to, or have a rational nexus with, the expenditures of revenues generated and the benefits accruing to new residential and commercial development subject to the impact fee requirement.

WHEREAS, the impact fees assessed pursuant to this Ordinance are necessary to ensure the public health, safety, and welfare of the residents of the City of Oviedo; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text, and ~~strikethrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY the City Council of the City of Oviedo as follows:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The City Council of the City of Oviedo hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) to this Ordinance and the City staff reports relating to this Ordinance as the legislative findings and intent of the City Council.

SECTION 2. REVISIONS TO CHAPTER 28, ARTICLES I AND II, SECTION 28-1 THROUGH SECTION 28-25 OF THE *CODE OF ORDINANCES OF THE CITY OF OVIEDO*: Sections 28-1 through 28-25 of the *Code of Ordinances of the City of Oviedo* are substantially revised and amended to read as follows.

ARTICLE I – PROCEDURAL AND ADMINISTRATIVE REQUIREMENTS

28-1 Purpose and Authority

(a) The City Council of the City of Oviedo recognizes that growth and development in the City will require that the capacity of the City's public facilities be expanded in order to maintain adequate levels of service, and that without a funded program for public facility improvements, new growth and development will have to be limited in order to protect the health, safety and welfare of the citizens of the City of Oviedo.

(b) The City Council has completed a study updating the type, amount and cost of projected public facility improvements needed to serve new growth and development.

(c) The purpose of this Chapter is to ensure that new growth and development that is approved by the City pays a fair share of the costs of public facilities needed to serve new growth and development.

(d) This chapter, which requires new development to pay reasonable impact fees, requires new development to pay its pro rata share of the reasonably anticipated expansion costs of new public facilities created by new growth and development, which is the responsibility of the City in order to carry out its Comprehensive Plan, as amended, and adopted under Section 163.3161, et seq., Florida Statutes, and is in the best interest of the public health, safety, and welfare.

(e) The City of Oviedo has determined that it is in the best economic interests of the citizens of the City to ensure that certain forms of development be exempt from the requirements of payment of certain impact fees.

(f) The technical data, findings and conclusions herein are based on the Comprehensive Plan, as amended, the ~~2013~~2019 Impact Fee Study (the "Technical Report"), and other studies and reports.

28-2 Adoption of Technical Report as Basis of Impact Fees

The City hereby adopts and incorporates by reference, the report entitled "City of Oviedo Impact Fee Update Study," prepared by Tindale-Oliver~~ & Associates~~, and dated ~~June 14, 2013~~March 20, 2019 (referred to herein as the "Technical Report), which, among other things, supports the amounts and reasonableness of the impact fees imposed by this chapter.

28-3 Interpretations of chapter and fee schedule.

Interpretation of the provisions of this Chapter shall be made by the City Manager or the City Manager's designee.

28-4 Effect on other regulations and requirements

(a) This chapter may not be construed to alter, amend, or modify any provision of the City's Land Development Code and Code of Ordinances. Other provisions of the City's Land Development Code and Code of Ordinances shall be operative and remain in full force and effect notwithstanding any contrary provisions, definitions, or intentions that are or may be expressed or implied in this chapter.

(b) The payment of impact fees shall not entitle the applicant to a building permit unless all other applicable land use, land development, zoning, planning, concurrency, and other applicable requirements, standards, and conditions have been met. Such other requirements, standards, and conditions are independent of the requirement for payment of impact fees required by this chapter.

(c) This chapter, including the specific impact fee ordinances for particular public facilities, shall not affect, in any manner, the permissible use of property, density or intensity of development, design and improvement standards, or other applicable standards or requirements of the Land Development Code.

28-5 Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative facilities means the land and buildings as may be necessary to meet the needs for City administration which are created by new development, including those costs which are incidental to the above.

Administrative facilities capital costs include, but are not limited to, costs associated with the planning, design and construction of new or expanded administrative facilities, which have a life expectancy of three or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures or personnel, training, or other operating costs but do include the following costs as they relate to the provision of administrative facilities:

(1) The cost of all labor and materials;

(2) The cost of all lands, property, rights, easements and franchises acquired, including costs of acquisition or condemnation;

(3) The cost of all plans and specifications;

(4) The cost of all construction, new drainage facilities in conjunction with new buildings and structures, and site improvements required in accordance with the Comprehensive Plan or Land Development Code;

(5) The cost of relocating utilities to accommodate new construction;

(6) The cost of planning, engineering and legal services;

(7) The cost of all land surveying, and soils and materials testing; and

(8) The cost of mitigating negative impacts of construction including natural resource impacts, environmental impacts, noise impacts, air quality impacts, and community impacts.

City means the City of Oviedo, Florida.

Developer For purposes of this chapter, means a person, corporation, organization, or other legal entity undertaking development.

Development For purposes of this chapter, means any construction or expansion of building(s) or structure(s), or any changes in the use of any building(s) or structure(s) or land use that will generate additional impact on the City's public facilities.

Encumbered means legally obligated or otherwise committed to use by appropriation or contract.

Essential public services means services or buildings owned, managed, or operated by or in the interest of a governmental entity, which provides a function critical to the health, safety, and welfare of the public, but which is not proprietary in nature. Essential public services may specifically include, but not be limited to, public schools (including charter schools), water and sewer services, emergency services, publicly-owned housing, public safety facilities and services.

Fair share means that share or portion of the cost of public facility improvements which is reasonably attributable to or needed to serve a particular development.

Fee payer means a person undertaking development who pays a fair share impact fee in accordance with the terms of this chapter.

Fire and rescue (emergency medical services) facilities means the land, buildings, structures, equipment and facilities as may be necessary to meet the needs for City fire and emergency medical services which are created by new development, including those costs which are incidental to the above.

Fire and rescue (emergency medical services) facilities costs include, but are not limited to, capital costs associated with the planning, design and construction of new or expanded fire and rescue (emergency medical service) facilities which have a life expectancy of three or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures or personnel, training, or other operating costs but do include the following as they relate to the provision of fire and rescue (emergency medical services) facilities:

(1) The cost of all labor and materials;

(2) The cost of all lands, property, rights, easements and franchises acquired, including costs of acquisition or condemnation;

(3) The cost of all plans and specifications;

(4) The cost of new equipment;

(5) The cost of all construction, new drainage facilities in conjunction with new buildings and structures, and site improvements required in accordance with the Comprehensive Plan or Land Development Code;

(6) The cost of relocating utilities to accommodate new construction;

(7) The cost of planning, engineering and legal services;

(8) The cost of all land surveying, and soils and materials testing; and

(9) The cost of mitigating negative impacts of construction including natural resource impacts, environmental impacts, noise impacts, air quality impacts, and community impacts.

Impact fee means a fee imposed pursuant to this chapter.

Impact fee account means an account established by the eCity for the purpose of segregating impact fee revenues collected for a particular public facility from all other City funds.

Law enforcement facilities means the land, buildings, structures, equipment and facilities as may be necessary to meet the needs for City law enforcement protection which are created by new development, including those costs which are incidental to the above.

Law enforcement facilities capital costs include, but are not limited to, costs associated with the planning, design and construction of new or expanded law enforcement facilities which have a life expectancy of three or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures or personnel, training, or other operating costs but do include the following costs as they relate to the provision of law enforcement facilities:

(1) The cost of all labor and materials;

(2) The cost of all lands, property, rights, easements and franchises acquired, including costs of acquisition or condemnation;

(3) The cost of all plans and specifications;

(4) The cost of new equipment;

(5) The cost of all construction, new drainage facilities in conjunction with new buildings and structures, and site improvements required in accordance with the Comprehensive Plan or Land Development Code;

(6) The cost of relocating utilities to accommodate new construction;

(7) The cost of planning, engineering and legal services;

(8) The cost of all land surveying, and soils and materials testing; and

(9) The cost of mitigating negative impacts of construction including natural resource impacts, environmental impacts, noise impacts, air quality impacts, and community impacts.

Level of service is a measure of the availability and accessibility of public facilities in support of public facility services.

Multimodal fee means a fair share impact fee, imposed by this chapter, necessary to mitigate the multimodal capital costs to the City to provide the multimodal facilities needed to offset the impacts of new residential and nonresidential growth in the City.

Multimodal facilities means transportation and transit facilities, including land, that are planned and designed to provide off-site transportation capacity to new development, in contrast to "on-site" improvements, which are necessary to provide safe and/or efficient access to a particular development. The fact that either type of improvement may have incidental benefits of special or general character shall not be considered in determining which facilities are considered a multimodal facility. The character of the improvement shall control a determination of whether an improvement meets the definition of multimodal facility and the physical location of the improvement on or off-site shall not be considered determinative.

Multimodal capital costs include, but are not limited to, costs associated with the planning, design and construction of new or expanded roadway improvements to the City's classified road system and transit facilities which have a life expectancy of three or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures or personnel, training, or other operating costs, but do include the following costs as they relate to the provision of multimodal improvements to the City's classified road system and transit facilities:

(1) The cost of all labor and materials;

(2) The cost of all lands, property, rights, easements and franchises acquired, including costs of acquisition or condemnation;

(3) The cost of all plans and specifications;

(4) The cost of all construction, including new through lanes, new turn lanes, new bridges, new drainage facilities in conjunction with roadway improvements which add capacity to the roadway system, new street lighting, new traffic signalization and landscaping, and new curbs, sidewalks, medians and shoulders, all in accordance with the Comprehensive Plan or Land Development Code;

(5) The costs of transit improvements, including bus shelters, bus stops, benches, transfer stations, and fleet vehicles;

(6) The cost of bike paths and pedestrian walkway improvements within planned roadway alignments;

(7) The cost of relocating utilities to accommodate new roadway construction;

(8) The cost of planning, engineering and legal services;

(9) The cost of all land surveying, and soils and materials testing; and

(10) The cost of mitigating negative impacts of construction including natural resource impacts, environmental impacts, noise impacts, air quality impacts, and community impacts.

Non-commencement means the cancellation of construction activity making a material change in a structure, or the cancellation of any other development activity making a material change in the use or appearance of land.

Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having joint or common interest, or any other legal entity.

Public facilities means capacity-adding multimodal facilities, law enforcement facilities, fire and rescue (emergency medical service) facilities, recreation and parks facilities, and administrative facilities for which impact fees are collected pursuant to this chapter.

Public facilities capital costs includes administrative facilities capital costs, fire and rescue (emergency medical service) facilities capital costs, recreation and parks facilities capital costs, law enforcement facilities capital costs, and multimodal capital costs.

Recreation and parks facilities means the land, buildings, structures, equipment and facilities as may be necessary to meet the needs for the City community and regional recreation and parks system, which are created by new development, including those costs which are incidental to the above.

Recreation and parks facilities capital costs include, but are not limited to, capital costs associated with the planning, design and construction of new or expanded recreation and parks facilities which have a life expectancy of three or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures or personnel, training, or other operating costs, but do include the following as they relate to the provision of recreation and parks facilities:

(1) The cost of all labor and materials;

(2) The cost of all lands, property, rights, easements and franchises acquired, including costs of acquisition or condemnation;

(3) The cost of all plans and specifications;

(4) The cost of new equipment;

(5) The cost of all construction, new drainage facilities in conjunction with new buildings and structures, and site improvements required in accordance with the Comprehensive Plan or Land Development Code;

(6) The cost of relocating utilities to accommodate new construction;

(7) The cost of planning, engineering and legal services;

(8) The cost of all land surveying, and soils and materials testing; and

(9) The cost of mitigating negative impacts of construction including natural resource impacts, environmental impacts, noise impacts, air quality impacts, and community impacts.

Technical report means the "Impact Fee Study," prepared by Tindale-Oliver & Associates, and dated June 14, 2013.

Temporary uses means uses that are required in the construction phase of development or are uniquely seasonal in nature, including, but not limited to: contractor's project offices, project sales offices, seasonal sales of trees or farm produce, carnivals, and tent meetings.

28-6 Applicability of this chapter.

(a) **Affected area.**

This chapter shall apply to all new development within the City. Impact fees for particular public facilities may apply to less than the entire City, only as indicated specifically in this chapter.

(b) **Type of development affected.**

Except where specifically exempt by the provisions of this chapter, this chapter shall apply to all new development.

(c) **Type of development not affected.**

The following types of development shall be exempt from the payment of impact fees pursuant to this chapter:

(1) Alterations or expansion of an existing dwelling unit where no additional units are created and the use is not changed;

(2) For multimodal fees, the construction of accessory buildings or structures which will not increase the traffic counts associated with the principal building or structure or the land;

(3) For fire and rescue (emergency medical service), law enforcement, recreation and parks, and administrative facilities impact fees, the construction of accessory buildings or structures which will not increase the number of individuals living or working in the principal building or structure or the land;

(4) The replacement of a destroyed or partially destroyed building or structure, with a new building or structure of the same size and use;

(5) The construction of agricultural structures;

(6) Temporary uses; and

(7) Essential public services.

(d) **Reductions.** Reductions from the requirement to pay impact fees pursuant to this chapter shall be granted only as specifically provided in this chapter.

28-7 Collection of impact fees; fair share agreements; when not paid by mistake or inadvertence; liens

(a) *Collection.* Impact fees required by this chapter shall be assessed against new development and collected ~~in full prior to~~ no sooner than the date of issuance of a building permit by the City. ~~The City may authorize the payment of impact fees at another point in the development of the property only pursuant to a fair share fee agreement as provided in this section. The City Council may establish and collect an administrative charge to offset its actual costs of impact fee collection by adoption of a resolution.~~

(b) *Fair share fee agreements.* At any time prior to the issuance of a building permit, the owner of property may enter into a fair share fee agreement with the City providing for payment of impact fees imposed by this chapter. Such fee agreement may provide for installment payments of the fee for a term not to exceed 12 months, credit and security arrangements acceptable to the City, and other matters relating to the fee.

(c) *Collection of fees when not paid by inadvertence; liens.* If the impact fees are not paid as required by this chapter prior to the issuance of a certificate of occupancy because of mistake or inadvertence, the City shall proceed to collect the impact fees as follows:

(1) The City shall serve, by certified mail, return receipt requested, an impact fee statement notice upon the applicant at the address set forth in the application for building permit, and the owner at the address appearing on the most recent records maintained by the property appraiser of Seminole County. The City also shall attach a copy of the impact fee statement notice to the building permit posted at the affected construction site if the building is under construction. Service of the impact fee statement notice shall be deemed effective on the date the return receipt indicates the notice was received by either the applicant or the owner or the date said notice was attached to the building permit, whichever occurs first.

(2) The impact fee statement notice shall contain the legal description of the property and shall advise the applicant and the owner as follows:

a. The amount due and the general purpose for which the Impact Fee was imposed.

b. That the impact fee shall be delinquent if not paid and received by the City within 60 calendar days of the date the impact fee statement notice is received, excluding the date of receipt, and, upon becoming delinquent, shall be subject to the imposition of a delinquent fee and interest on the unpaid amount until paid;

c. That in the event the impact fee becomes delinquent, a lien against the property for which the building permit was secured shall be recorded in the Official Records Book of Seminole County.

(3) The impact fee shall be delinquent if, within 60 calendar days from the date of the receipt of the impact fee statement notice by either the applicant or the owner, or the date said notice was attached to the building permit, neither the impact fees have been paid and received by the City, nor a hearing requested pursuant to the requirements above. In the event a hearing is requested, the impact fees shall become delinquent if not paid within 30 calendar days from the date the City Council determines the amount of impact fees due upon the conclusion of such hearing. Said time periods shall be calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of the earliest receipt of said impact fee statement notice or the hearing date of the City Council's decision in the event of an appeal. In the event the last day falls on a Sunday or legal holiday, the last due date prior to becoming delinquent shall be the next business day. Upon becoming delinquent, a delinquency fee equal to ten percent of the total impact fee imposed shall be assessed. Such total impact fee, plus delinquency fee, shall bear interest at the statutory rate for final judgments calculated on a calendar day basis, until paid.

(4) Should the impact fee become delinquent, the City shall serve, by certified mail return receipt requested, a "notice of lien" upon the delinquent applicant if the building is under construction at the address indicated in the application for the building permit, and upon the delinquent owner at the address appearing on the most recent records maintained by the Property Appraiser of Seminole County. The notice of lien shall notify the delinquent applicant and owner that due to their failure to pay the impact fee, the City shall file a Claim of Lien with the Clerk of the Circuit Court in and for Seminole County.

(5) Upon mailing of the notice of lien, the City attorney shall file a claim of lien with the Clerk of the Circuit Court in and for Seminole County for recording in the Official Records of Seminole County. The claim of lien shall contain the legal description of the property, the amount of the delinquent impact fees and the date of their imposition. Once recorded, the claim of lien shall constitute a lien against the property described therein. The City attorney shall proceed expeditiously to collect or otherwise enforce said lien.

(6) After the expiration of six months from the date of recording of the claim of lien, as provided herein, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted, conducted and enforced in conformity with the procedures for the foreclosure of municipal special assessment liens, as set forth in F.S. §§ 173.04 - 173.12, inclusive, which provisions are hereby incorporated herein in their entirety to the same extent as if such provision were set forth herein verbatim.

(7) The liens for delinquent impact fees imposed hereunder shall remain liens, coequal with the lien of all state, county, district and municipal taxes, superior in dignity to all other subsequently filed liens and claims, until paid as provided herein.

(8) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to and in addition to, any applicable procedures provided in any other ordinances or administrative regulations of the City or any applicable law or administrative regulation of the State of Florida. Failure of the City to follow the procedure set forth in this Section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the City or any applicable law or administrative regulation of the State of Florida.

28-8 Individual assessment of impact fees.

(a) Any person who initiates any development may choose to provide an individual assessment of the public facilities impacts of the proposed development. The individual assessment may be used to determine whether a fair share of the public facilities <u>capacity</u> ~~costs~~ necessitated by the proposed development <u>incurs a cost upon the City</u> ~~should be~~ less than the fees set forth in this chapter or, if a particular use or combination of uses is not identified in this chapter, what fee the use should pay. The individual assessment shall be calculated according to the methodology used for the particular public facility in the technical report. <u>Through an individual assessment, an applicant may calculate the demand component for a proposed development that is different than that described in the Technical Report. However, the cost and credit components for the individual assessment shall be those included in the Technical Report, adjusting for any indexing applied under Section 28-12 or adjustments made by the City Council to the fees calculated in the Technical Report.</u>

(b) An application for individual assessment shall include the following information:

(1) For multimodal fees:

a. Trip generation rates for the proposed development, consistent with the technical report, based on local empirical surveys for the same or similar land use types; and

b. Total trip length, consistent with the technical report, generated from the proposed development onto the City's multimodal system, based upon local empirical surveys of similar land use types.~~; and~~

~~c. An assessment of the costs of providing the multimodal improvements needed to serve the proposed development. Such costs shall include all multimodal capital costs and shall be based upon recent empirical information for the multimodal capital costs in the City or its vicinity.~~

(2) For administrative facilities, law enforcement, fire and rescue (emergency medical service), and recreation and parks impact fees:

a. Public facility demand for the proposed development, based on local empirical surveys for the same or similar land use types; ~~and~~

b. Estimated population based upon local empirical surveys of similar land use types.~~; and~~

~~c. An assessment of the costs of providing the public facilities needed to serve the proposed development. The cost figures used shall include all public facilities capital costs and shall be based upon recent empirical information of the costs in the City for the relevant public facility.~~

(c) The individual assessment analysis shall be prepared by qualified professionals in the fields of planning and engineering, impact analysis and economics, as deemed appropriate to the circumstances of the assessment.

(d) Within 15 working days of receipt of an individual assessment analysis, the City Manager or his/her designee shall determine if the individual assessment analysis is complete. If the City Manager or his/her designee determines the application is not complete, he or she shall send a written statement specifying the deficiencies by mail to the person submitting the application. Until the deficiencies are corrected, the City Manager or his/her designee shall take no further action on the application.

(e) When the City Manager or his/her designee determines the individual assessment analysis is complete, he or she shall review it within 30 working days. The City Manager or his/her designee shall approve the proposed fee if he or she determines that the data, factors, and methodology used to determine the proposed impact fee are professionally acceptable and fairly assess the costs for capital improvements to the City's public facilities systems that are necessitated by the proposed development if the facilities are to be maintained at adopted levels of service. If the City Manager or his/her designee determines that the data, factors, or methodology are unreasonable, the proposed fee shall be denied, and the developer shall pay the impact fees according to the schedule established in Article II of this chapter or as set by the City Manager or his/her designee, if the use had not previously been identified in the fee schedule.

(f) Any applicant may appeal the City Manager's or his/her designee's decision on an individual assessment analysis by filing a petition with the City Council of the City within 10 days of a decision by the City Manager or his/her designee.

28-9 Credits.

(a) Any person who initiates any development may apply for a credit against the impact fees imposed by this chapter for any contribution, payment, construction, or dedication of land accepted and received by the City for public facilities, not otherwise required in order to obtain development approval, consistent with the Comprehensive Plan, including all public facilities capital costs.

(b) No credit shall exceed the impact fee imposed by this chapter for the proposed development, unless the applicant provides public facility capacity in excess of the fair share demand created by its proposed development.

(c) Development agreements entered into prior to the adoption of this chapter which contained public facility improvements may be entitled to a credit under the provisions of this section if the improvement is a public facility and is consistent with the Comprehensive Plan.

(d) Except as limited above, if an applicant is entitled to a credit, such credit shall be equal to the dollar value of the cost of the public facilities contributed, paid for, constructed, or dedicated to the City, based on the following criteria:

(1) The actual cost, or estimated cost of improvements based on recent bid sheet information of the City; and

(2) A qualified appraisal of the fair market value of any land.

(e) The property owner shall initiate a determination of entitlement to credit by submitting a proposed credit agreement to the City Manager or his/her designee. The credit agreement shall include the following information:

(1) A proposed plan of specific public facility improvements, prepared and certified by a duly qualified and licensed Florida engineer; and

(2) The estimated costs for the suggested public facilities improvements consistent with the definition of public facilities capital costs, which shall be based on local information for similar public facilities improvements, along with a construction timetable for the completion of such improvements.

(f) The proposed credit agreement shall be prepared by qualified professionals in the field of planning and engineering, impact analysis, and economics, as related to the particular impact fee to be credited.

(g) Within 15 working days of receipt of the proposed credit agreement, the City Manager or his/her designee shall determine if the proposal is complete. If it is determined that the proposed credit agreement is not complete, the City Manager or his/her designee shall send a written statement to the applicant outlining the deficiencies. The City Manager or his/her designee shall take no further action on the proposed credit agreement until all deficiencies have been corrected or otherwise settled.

(h) Once the City Manager or his/her designee determines the credit agreement is complete, he or she shall review it within 30 working days, and shall recommend to the City Council that the proposed credit agreement be approved if it is determined that the proposed public facility improvement is consistent with the Comprehensive Plan, and the proposed costs for the suggested public facility improvement are professionally acceptable and fairly assess the cost for the capital improvement. If the City Manager or his/her designee determines that either the suggested public facilities improvement is not consistent with the Comprehensive Plan or that the proposed costs are not acceptable, he or she shall propose a suggested public facility improvement similar to that proposed, but consistent with the provisions of this chapter.

(i) If the proposed credit agreement is approved by the City Council, a credit agreement shall be prepared and signed by the applicant and the City. The credit agreement shall specifically outline the public facility improvement that will be constructed by the applicant, the time by which it shall be completed, and the dollar credit the applicant shall receive for construction of the public facilities improvement. The parties to a credit agreement may include a timeframe within which credits granted by the City Council must be redeemed or be subject to expiration.

(j) Within 14 days after execution by the City, the credit agreement shall be recorded with the Seminole County Clerk of the Court.

28-10 Use of funds collected; impact fee accounts.

(a) Impact fees collected pursuant to this chapter shall be used solely for the purpose of acquisition, expansion, and development of the public facilities identified in the Comprehensive Plan, the need for which results from and the provision of which will benefit new development paying impact fees. Allowable expenditures include, but are not limited to:

  (1) Public facilities and public facilities capital costs identified in the Comprehensive Plan;

  (2) Repayment of monies transferred or borrowed from any budgetary fund of the City which were used to fund the acquisition, expense and development of the public facilities identified in the Comprehensive Plan;

  (3) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City that is reasonably connected to, or has a rational nexus with, the increased impact generated by new residential or commercial construction, in order to provide funds for acquisition, expansion and development of public facilities identified in the Comprehensive Plan;

  (4) Administration of the City's impact fee program to the extent that such administration costs do not exceed three percent of the funds collected.

(b) Impact fees collected shall be encumbered for the construction of public facilities within seven (7) years of the date of collection.

(c) In order to ensure that impact fee revenues are earmarked and spent solely for the expansion of public facilities necessary to offset the impacts of new development, the following provisions apply:

(1) The City shall establish and maintain separate impact fee accounts for each public facility for which an impact fee is collected, in accordance with the provisions of this chapter.

(2) Impact fees shall be spent solely for the public facility category for which they were collected.

(3) Any amounts in an impact fee account not immediately necessary for expenditure shall be invested in an interest-bearing account and all interest income derived from such investments shall be deposited in the impact fee account.

(d) Impact fee revenues shall remain segregated from other City funds and only impact fees and accrued interest shall be maintained in the impact fee accounts.

(e) Amounts withdrawn from an impact fee account must be used solely in accordance with the provisions of this chapter. Amounts on deposit in an impact fee account shall not be used for any expenditure that would be classified as a maintenance, operations, or repair expense or to address existing deficiencies in public facilities.

28-11 Refunds.

(a) Any impact fee collected may be returned to the fee payer if the approved development is canceled due to non-commencement of construction before the funds have been spent or encumbered. Refunds may be made in accordance with this section provided the present owner of the approved development files a petition for a refund within six months from the date of non-commencement.

(b) In the absence of a fair share fee agreement and in the event impact fees are not encumbered within seven (7) years from the date of collection, the City shall refund the amount of the fee along with accrued interest to the owner of the land for which the fee was collected. For purposes of refunds, the owner of the land on which an impact fee was paid shall be the owner of record at the time that the refund is paid. The owner of the property on which an impact fee has been paid shall have standing to sue for a refund under the provisions of this section. No action shall be commenced after one year after the date of expiration of the required encumbrance date.

(c) A refund application shall include the following information:

(1) A notarized sworn statement that the fee payer paid the impact fee for the property and the amount paid;

(2) A copy of the dated receipt issued by the City for payment of the fee;

(3) A certified copy of the latest recorded deed for the property; and

(4) A copy of the most recent ad valorem tax bill.

(d) Within fifteen (15) working days of receipt of a refund application, the City Manager or his/her designee shall determine if it is complete. If the City Manager or his/her designee determines the refund application is not complete, he or she shall send a written statement specifying the deficiencies by mail to the person submitting the refund application. Unless the deficiencies are corrected, the City Manager or his/her designee shall take no further action on the refund application.

(e) When the City Manager or his/her designee determines the refund application is complete, he or she shall review it within thirty (30) working days, and shall approve the proposed refund if he or she determines that the City has not spent or encumbered an impact fee within seven (7) years from the date the fees were paid.

(f) When the refund application is approved, the money shall be returned with interest actually accrued, less any administrative charges paid to offset the City's costs of collection.

(g) Any fee payer may appeal the City Manager's or his/her designee's decision on a refund application by filing a petition with the City Council within ten days of the City Manager's or his/her designee's decision.

28-12 Updating, indexing, annual reporting, and audits.

(a) At least once every five years, the City shall update the technical report which provides the basis for the impact fees imposed under this chapter.

(b) During years when no update occurs, as required above, and beginning in July ~~2014~~2020, the impact fee schedules set forth in this chapter shall be adjusted annually to account for inflationary increases in the costs to the City of providing public facilities to new development. These annual adjustments shall be consistent with the methodology set forth in the technical report and shall be based on the Construction Cost Index calculated by the Engineering News-Record (ENR), the Seminole County Property Appraiser, the U.S. Department of Labor Consumer Price Index, and Florida Department of Transportation databases, as applicable and appropriate to a particular public facility.

(c) On an annual basis, the City Manager, or his/her designee, shall report to the City Council as to the following:

(1) The amount of impact fee revenues currently on account for each public facility for which impact fees are collected;

(2) The amount and nature of any expenditure or encumbrance of impact fees since the prior annual report; and

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

(d) 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) All updates and annual adjustments to this chapter shall comply with statutory requirements for notice and publication.

28-13 Appeals.

(a) *Initiation.* A fee payer may appeal a final decision of a City manager made pursuant to this chapter or any provision of this chapter to the City Council, by filing an appeal, in writing, with the City clerk, within twenty (20) calendar days of the decision. The appeal shall include a written notice stating and specifying briefly the grounds of the appeal. The City clerk shall place the appeal on the City Council's agenda for a regularly scheduled meeting or a special meeting called for that purpose, and forward the record of the matter that is on appeal to the City Council.

(b) *Record.* The record considered by the City Council shall be the record of the application associated with the final decision being appealed from and any other documents related to the decision.

(c) *Notice.* The City clerk shall provide the applicant at least fifteen (15) calendar days notice of the Appeal before the City Council by mail or hand delivery.

(d) *Hearing on Appeal.* At the hearing on the appeal, the City Council shall provide the appellant an opportunity to identify the grounds for the appeal and the basis for the City Manager's alleged error on the decision, based on the record. To the extent relevant, the City Manager whose decision is being appealed from shall be allowed to respond, based on the record. After the presentations, the City Council may hear from any other person(s) it deems appropriate, and then based on the testimony heard at the hearing and the record affirm, modify, or reverse the decision of the City Manager or the provision of this chapter.

(e) *Standards.* To reverse a decision of a City official, the City Council shall find that there is a clear and demonstrable error in the application of the facts in the record to the applicable standards set forth in this chapter. If the City Council reverses or modifies the decision, it shall provide the City official clear direction on the proper decision. In no case shall the City Council have the authority to negotiate the amount of the impact fees or waive the impact fees otherwise specified in this chapter. The decision of the City Council shall be final.

(f) *Form of Decision.* The City Council's decision on the appeal shall be in writing, and include findings of fact and the application of those facts to the relevant standards.

ARTICLE II – IMPACT FEES BY PUBLIC FACILITY

28-21 Multimodal Fee

(a) *Multimodal fee schedule*: A multimodal fee shall be assessed and collected from new development, pursuant to all applicable provisions of this chapter, in accordance with the following fee schedule:

~~Land Use~~	~~Unit~~	~~Multimodal~~
~~***RESIDENTIAL:***~~	-	-
~~Single Family (Detached)~~	~~du~~	~~$940~~
~~Multi-Family~~	~~du~~	~~$606~~
~~Mobile Home Park~~	~~du~~	~~$344~~
~~Congregate Care Facility~~	~~du~~	~~$87~~
~~Assisted Living Facility (ALF)~~	~~bed~~	~~$121~~
~~***LODGING:***~~	-	-
~~Hotel~~	~~room~~	~~$477~~

~~Land Use~~	~~Unit~~	~~Multimodal~~
~~Motel~~	~~room~~	~~$337~~
~~RECREATION:~~	-	-
~~City/Local Park~~	~~acre~~	~~$111~~
~~Regional Park~~	~~acre~~	~~$316~~
~~Golf Course~~	~~hole~~	~~$3,871~~
~~Golf Driving Range~~	~~tee~~	~~$1,478~~
~~Movie Theater~~	~~screen~~	~~$3,586~~
~~Racquet Club/Health Club/Spa/Dance Studio~~	~~1,000 sf~~	~~$2,875~~
~~Recreation Community Center~~	~~1,000 sf~~	~~$2,346~~
~~INSTITUTIONS:~~	-	-
~~Elementary School (Private, K-5)~~	~~student~~	~~$81~~
~~Middle School (Private, 6-8)~~	~~student~~	~~$112~~
~~High School (Private, 9-12)~~	~~student~~	~~$119~~
~~Private School (K-12)~~	~~student~~	~~$172~~
~~University/Junior College with 7,500 or fewer students~~	~~student~~	~~$216~~
~~University/Junior College with more than 7,500 students~~	~~student~~	~~$163~~
~~Church~~	~~1,000 sf~~	~~$571~~
~~Day Care Center~~	~~1,000 sf~~	~~$1,789~~
~~Hospital~~	~~1,000 sf~~	~~$1,225~~
~~Nursing Home~~	~~bed~~	~~$110~~
~~OFFICE:~~	-	-
~~General Office 50,000 sf or less~~	~~1,000 sf~~	~~$1,325~~
~~General Office 50,001-100,000 sf~~	~~1,000 sf~~	~~$1,121~~
~~General Office 100,001-200,000 sf~~	~~1,000 sf~~	~~$951~~
~~General Office 200,001-400,000 sf~~	~~1,000 sf~~	~~$804~~
~~General Office greater than 400,000 sf~~	~~1,000 sf~~	~~$729~~
~~Medical Office/Clinic 10,000 sf or less~~	~~1,000 sf~~	~~$2,129~~
~~Medical Office/Clinic greater than 10,000 sf~~	~~1,000 sf~~	~~$3,100~~
~~Business Park~~	~~1,000 sf~~	~~$1,094~~
~~RETAIL:~~	-	-
~~Paint/Hardware Store~~	~~1,000 sf~~	~~$910~~
~~Retail 49,999 sfgla or less~~	~~1,000 sfgla~~	~~$1,534~~
~~Retail 50,000-199,999 sfgla~~	~~1,000 sfgla~~	~~$1,483~~
~~Retail 200,000-399,999 sfgla~~	~~1,000 sfgla~~	~~$1,404~~
~~Retail 400,000 sfgla or greater~~	~~1,000 sfgla~~	~~$1,387~~
~~New/Used Auto Sales~~	~~1,000 sf~~	~~$1,771~~
~~Tire Store~~	~~1,000 sf~~	~~$1,151~~
~~Supermarket~~	~~1,000 sf~~	~~$2,061~~
~~Convenience Market - 24 hrs~~	~~1,000 sf~~	~~$7,413~~
~~Convenience Market with Gas Pumps~~	~~1,000 sf~~	~~$5,415~~
~~Home Improvement Superstore~~	~~1,000 sf~~	~~$857~~
~~Pharmacy/Drugstore w/Drive-Thru~~	~~1,000 sf~~	~~$1,092~~
~~Bank/Savings Walk-In~~	~~1,000 sf~~	~~$2,382~~

~~Land Use~~	~~Unit~~	~~Multimodal~~
~~Bank/Savings Drive-In~~	~~1,000 sf~~	~~$3,129~~
~~Quality Restaurant~~	~~1,000 sf~~	~~$3,884~~
~~High-Turnover Restaurant~~	~~1,000 sf~~	~~$4,630~~
~~Fast Food Restaurant w/Drive-Thru~~	~~1,000 sf~~	~~$10,382~~
~~Quick Lube~~	~~bay~~	~~$1,852~~
~~Automobile Repair/Body Shop~~	~~1,000 sf~~	~~$1,455~~
~~Gasoline/Service Station~~	~~fuel pos.~~	~~$1,250~~
~~Self-Service Car Wash~~	~~bay~~	~~$1,119~~
~~Convenience/Gasoline/Fast Food Store~~	~~1,000 sf~~	~~$14,565~~
~~INDUSTRIAL:~~	-	-
~~General Light Industrial~~	~~1,000 sf~~	~~$595~~
~~Manufacturing~~	~~1,000 sf~~	~~$326~~
~~Warehouse~~	~~1,000 sf~~	~~$305~~
~~Mini-Warehouse/Storage~~	~~unit~~	~~$13~~

Land Use	Unit	Multi-Modal
RESIDENTIAL:	-	-
Single Family (detached)	du	$1,604
Multi-Family, Low-Rise (1-2 levels)	du	$1,155
Multi-Family, Mid-Rise (3-10 levels)	du	$859
Multi-Family, High-Rise (>10 levels)	du	$701
Mobile Home Park	du	$592
Congregate Care Facility	du	$152
Assisted Living Facility	bed	$147
LODGING:	-	-
Hotel	room	$710
Motel	room	$346
RECREATION:	-	-
Public Park	acre	$113
Golf Course	hole	$5,621
Golf Driving Range	tee/driving position	$2,527
Movie Theater	screen	$6,769
Health Club	1,000 sf	$5,167
Recreational Community Center	1,000 sf	$4,133
Dance Studio	1,000 sf	$1,547
INSTITUTIONS:	-	-
Elementary School (Private)	student	$153
Middle/Junior High School (Private)	student	$173
High School (Private)	student	$185
Private School (K-12)	student	$226
University/Junior College (7,500 or fewer students) (Private)	student	$370
University/Junior College (more than 7,500 students) (Private)	student	$278
Church	1,000 sf	$751
Day Care Center	1,000 sf	$2,211

Land Use	Unit	Multi-Modal
MEDICAL:	-	-
Hospital	1,000 sf	$1,719
Nursing Home	bed	$210
OFFICE:	-	-
General Office	1,000 sf	$1,428
Medical Office 10,000 sq ft or less	1,000 sf	$3,646
Medical Office greater than 10,000 sq ft/Clinic	1,000 sf	$5,220
Business Park	1,000 sf	$1,876
RETAIL:	-	-
Paint/Hardware Store	1,000 sf	$286
Shopping Center/Retail	1,000 sfgla	$2,287
New/Used Auto Sales	1,000 sf	$2,757
Tire Store	1,000 sf	$2,281
Supermarket	1,000 sf	$3,736
Convenience Market, 24 hrs	1,000 sf	$13,628
Home Improvement Superstore	1,000 sf	$1,497
Pharmacy with & without Drive-Through Window	1,000 sf	$2,090
SERVICES:	-	-
Bank/Savings Walk-In	1,000 sf	$2,037
Bank/Savings Drive-In	1,000 sf	$3,520
Quality/Local Restaurant	1,000 sf	$6,358
High-Turn Over (Sit Down) Restaurant	1,000 sf	$7,313
Fast Food Restaurant w/Drive-Thru	1,000 sf	$17,252
Quick Lube	service bay	$3,200
Automobile Care Center	1,000 sf	$2,255
Gas/Service Station with Convenience Market (less than 2,000 sf)	fuel pos.	$2,253
Gas/Service Station with Convenience Market (2,000-2,999 sf)	fuel pos.	$2,688
Gas/Service Station with Convenience Market (3,000 sf or more)	fuel pos.	$3,018
Self-Service Car Wash	service bay	$1,963
Convenience/Gas/Fast Food	1,000 sf	$25,376
INDUSTRIAL:	-	-
General Light Industrial	1,000 sf	$728
Manufacturing	1,000 sf	$577
Warehousing	1,000 sf	$255
Mini-Warehouse	unit	$19

(b) *Multimodal Fee Account:* There is hereby established a multimodal fee account into which all multimodal fees collected shall be deposited. Multimodal fee revenues shall be spent only on multimodal facilities and multimodal capital costs as provided in this chapter.

28-22 Law enforcement impact fee

(a) *Law enforcement impact fee schedule:* A law enforcement impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this chapter, in accordance with the following fee schedule:

~~Land Use~~	~~Unit~~	~~Police~~
~~RESIDENTIAL:~~	-	-

~~Land Use~~	~~Unit~~	~~Police~~
~~Single Family (Detached)~~	~~du~~	~~$237.25~~
~~Multi-Family~~	~~du~~	~~$133.75~~
~~Mobile Home/RV Park Site~~	~~du~~	~~$276.79~~
~~Congregate Care Facility~~	~~du~~	~~$138.40~~
~~Assisted Living Facility (ALF)~~	~~bed~~	~~$90.71~~
~~LODGING:~~	-	-
~~Hotel/Motel~~	~~room~~	~~$79.08~~
~~RECREATION:~~	-	-
~~City/Local Park~~	~~acre~~	~~$19.77~~
~~Regional Park~~	~~acre~~	~~$41.87~~
~~Golf Course~~	~~hole~~	~~$125.60~~
~~Golf Driving Range~~	~~tee~~	~~$88.39~~
~~Movie Theater~~	~~screen~~	~~$695.47~~
~~Racquet Club/Health Club/Spa/Dance Studio~~	~~1,000 sf~~	~~$359.37~~
~~Recreation Community Center~~	~~1,000 sf~~	~~$338.43~~
~~INSTITUTIONS:~~	-	-
~~Elementary School (Private, K-5)~~	~~student~~	~~$6.98~~
~~Middle School (Private, 6-8)~~	~~student~~	~~$8.14~~
~~High School (Private, 9-12)~~	~~student~~	~~$9.30~~
~~Private School (K-12)~~	~~student~~	~~$12.79~~
~~University/Junior College with 7,500 or fewer students~~	~~student~~	~~$11.63~~
~~University/Junior College with more than 7,500 students~~	~~student~~	~~$8.14~~
~~Church~~	~~1,000 sf~~	~~$59.31~~
~~Day Care Center~~	~~1,000 sf~~	~~$103.51~~
~~Hospital~~	~~1,000 sf~~	~~$159.33~~
~~Nursing Home~~	~~bed~~	~~$90.71~~
~~OFFICE:~~	-	-
~~General Office 50,000 sf or less~~	~~1,000 sf~~	~~$163.98~~
~~General Office 50,001-100,000 sf~~	~~1,000 sf~~	~~$138.40~~
~~General Office 100,001-200,000 sf~~	~~1,000 sf~~	~~$117.46~~
~~General Office 200,001-400,000 sf~~	~~1,000 sf~~	~~$98.86~~
~~General Office greater than 400,000 sf~~	~~1,000 sf~~	~~$89.55~~
~~Medical Office/Clinic 10,000 sf or less~~	~~1,000 sf~~	~~$132.58~~
~~Medical Office/Clinic greater than 10,000 sf~~	~~1,000 sf~~	~~$193.06~~
~~Business Park~~	~~1,000 sf~~	~~$111.65~~
~~RETAIL:~~	-	-
~~Paint/Hardware Store~~	~~1,000 sf~~	~~$133.75~~
~~Retail 49,999 sfgla or less~~	~~1,000 sfgla~~	~~$284.94~~
~~Retail 50,000-199,999 sfgla~~	~~1,000 sfgla~~	~~$246.56~~
~~Retail 200,000-399,999 sfgla~~	~~1,000 sfgla~~	~~$272.14~~
~~Retail 400,000 sfgla or greater~~	~~1,000 sfgla~~	~~$283.77~~
~~New/Used Auto Sales~~	~~1,000 sf~~	~~$162.82~~
~~Tire Store~~	~~1,000 sf~~	~~$115.14~~

~~Land Use~~	~~Unit~~	~~Police~~
~~Supermarket~~	~~1,000 sf~~	~~$238.42~~
~~Convenience Market - 24 hrs~~	~~1,000 sf~~	~~$636.16~~
~~Convenience Market with Gas Pumps~~	~~1,000 sf~~	~~$678.03~~
~~Home Improvement Superstore~~	~~1,000 sf~~	~~$210.50~~
~~Pharmacy/Drugstore w/Drive-Thru~~	~~1,000 sf~~	~~$227.95~~
~~Bank/Savings Walk-In~~	~~1,000 sf~~	~~$274.47~~
~~Bank/Savings Drive-In~~	~~1,000 sf~~	~~$265.16~~
~~Quality Restaurant~~	~~1,000 sf~~	~~$793.17~~
~~High-Turnover Restaurant~~	~~1,000 sf~~	~~$788.51~~
~~Fast Food Restaurant w/Drive-Thru~~	~~1,000 sf~~	~~$1,035.07~~
~~Quick Lube~~	~~bay~~	~~$134.91~~
~~Automobile Repair/Body Shop~~	~~1,000 sf~~	~~$201.20~~
~~Gasoline/Service Station~~	~~fuel pos.~~	~~$230.27~~
~~Self-Service Car Wash~~	~~bay~~	~~$101.18~~
~~Convenience/Gasoline/Fast Food Store~~	~~1,000 sf~~	~~$831.55~~
~~INDUSTRIAL:~~	-	-
~~General Light Industrial~~	~~1,000 sf~~	~~$80.25~~
~~Manufacturing~~	~~1,000 sf~~	~~$58.15~~
~~Warehouse~~	~~1,000 sf~~	~~$32.56~~
~~Mini-Warehouse/Storage~~	~~unit~~	~~$1.16~~

Land Use	Unit	Law Enforcement
RESIDENTIAL:	-	-
Single Family (detached/attached)	du	$472
Multi-Family (apartment/condominium)	du	$402
Mobile Home Park	du	$284
TRANSIENT, ASSISTED, GROUP:	-	-
Hotel	room	$235
Motel	room	$195
Congregate Care Facility	du	$305
Assisted Living Facility	bed	$197
Nursing Home	bed	$272
RECREATION:	-	-
Public Park	acre	$14
Golf Course	hole	$211
Golf Driving Range	tee/driving position	$59
Movie Theater	screen	$1,460
Health Club	1,000 sf	$676
Recreational Community Center	1,000 sf	$563
Dance Studio	1,000 sf	$507
INSTITUTIONS:	-	-
Elementary School (private)	student	$19
Middle/Junior High School (private)	student	$21
High School (private)	student	$21

Land Use	Unit	Law Enforcement
Private School (K-12)	student	$26
University/Junior College (7,500 or fewer students) (private)	student	$23
University/Junior College (more than 7,500 students) (private)	student	$19
Church	1,000 sf	$87
Day Care Center	1,000 sf	$190
MEDICAL:	-	-
Hospital	1,000 sf	$303
OFFICE:	-	-
General Office	1,000 sf	$204
Medical Office 10,000 sq ft or less	1,000 sf	$282
Medical Office greater than 10,000 sq ft/Clinic	1,000 sf	$404
Business Park	1,000 sf	$218
RETAIL:	-	-
Paint/Hardware Store	1,000 sf	$70
Shopping Center/Retail	1,000 sfgla	$354
New/Used Auto Sales	1,000 sf	$371
Tire Store	1,000 sf	$364
Supermarket	1,000 sf	$573
Convenience Market, 24 hrs	1,000 sf	$1,521
Home Improvement Superstore	1,000 sf	$458
Pharmacy with & without Drive-Through Window	1,000 sf	$439
SERVICES:	-	-
Bank/Savings Walk-In	1,000 sf	$286
Bank/Savings Drive-In	1,000 sf	$352
Quality/Local Restaurant	1,000 sf	$1,251
High-Turn Over (sit down) Restaurant	1,000 sf	$1,213
Fast Food Restaurant w/Drive-Thru	1,000 sf	$2,136
Quick Lube	service bay	$378
Automobile Care Center	1,000 sf	$394
Gas/Service Station with Convenience Market (less than 2,000 sf)	fuel pos.	$345
Gas/Service Station with Convenience Market (2,000-2,999 sf)	fuel pos.	$422
Gas/Service Station with Convenience Market (3,000 sf or more)	fuel pos.	$479
Self-Service Car Wash	service bay	$228
Convenience/Gas/Fast Food	1,000 sf	$1,892
INDUSTRIAL:	-	-
General Light Industrial	1,000 sf	$113
Manufacturing	1,000 sf	$106
Warehousing	1,000 sf	$26
Mini-Warehouse	unit	$2

(b) *Law enforcement impact fee account:* There is hereby established a law enforcement impact fee account into which all law enforcement impact fees collected shall be deposited. Law enforcement impact fee revenues shall be spent only on law enforcement facilities and law enforcement capital costs as provided in this chapter.

28-23 Fire and rescue (emergency medical service) impact fee.

(a) *Fire and rescue (emergency medical service) schedule:* A fire and emergency medical services impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this chapter, in accordance with the following fee schedule:

~~Land Use~~	~~Unit~~	~~Fire~~
~~RESIDENTIAL:~~	-	-
~~Single Family (Detached)~~	~~du~~	~~$423.99~~
~~Multi-Family~~	~~du~~	~~$239.02~~
~~Mobile Home/RV Park Site~~	~~du~~	~~$494.66~~
~~Congregate Care Facility~~	~~du~~	~~$247.33~~
~~Assisted Living Facility (ALF)~~	~~bed~~	~~$162.12~~
~~LODGING:~~	-	-
~~Hotel/Motel~~	~~room~~	~~$141.33~~
~~RECREATION:~~	-	-
~~City/Local Park~~	~~acre~~	~~$35.33~~
~~Regional Park~~	~~acre~~	~~$74.82~~
~~Golf Course~~	~~hole~~	~~$224.47~~
~~Golf Driving Range~~	~~tee~~	~~$157.96~~
~~Movie Theater~~	~~screen~~	~~$1,242.88~~
~~Racquet Club/Health Club/Spa/Dance Studio~~	~~1,000 sf~~	~~$642.23~~
~~Recreation Community Center~~	~~1,000 sf~~	~~$604.81~~
~~INSTITUTIONS:~~	-	-
~~Elementary School (Private, K-5)~~	~~student~~	~~$12.47~~
~~Middle School (Private, 6-8)~~	~~student~~	~~$14.55~~
~~High School (Private, 9-12)~~	~~student~~	~~$16.63~~
~~Private School (K-12)~~	~~student~~	~~$22.86~~
~~University/Junior College with 7,500 or fewer students~~	~~student~~	~~$20.78~~
~~University/Junior College with more than 7,500 students~~	~~student~~	~~$14.55~~
~~Church~~	~~1,000 sf~~	~~$106.00~~
~~Day Care Center~~	~~1,000 sf~~	~~$184.98~~
~~Hospital~~	~~1,000 sf~~	~~$284.74~~
~~Nursing Home~~	~~bed~~	~~$162.12~~
~~OFFICE:~~	-	-
~~General Office 50,000 sf or less~~	~~1,000 sf~~	~~$293.05~~
~~General Office 50,001-100,000 sf~~	~~1,000 sf~~	~~$247.33~~
~~General Office 100,001-200,000 sf~~	~~1,000 sf~~	~~$209.92~~
~~General Office 200,001-400,000 sf~~	~~1,000 sf~~	~~$176.66~~
~~General Office greater than 400,000 sf~~	~~1,000 sf~~	~~$160.04~~
~~Medical Office/Clinic 10,000 sf or less~~	~~1,000 sf~~	~~$236.94~~
~~Medical Office/Clinic greater than 10,000 sf~~	~~1,000 sf~~	~~$345.01~~
~~Business Park~~	~~1,000 sf~~	~~$199.53~~
~~RETAIL:~~	-	-
~~Paint/Hardware Store~~	~~1,000 sf~~	~~$239.02~~
~~Retail 49,999 sfgla or less~~	~~1,000 sfgla~~	~~$509.21~~
~~Retail 50,000-199,999 sfgla~~	~~1,000 sfgla~~	~~$440.62~~

~~Land Use~~	~~Unit~~	~~Fire~~
~~Retail 200,000-399,999 sfgla~~	~~1,000 sfgla~~	~~$486.35~~
~~Retail 400,000 sfgla or greater~~	~~1,000 sfgla~~	~~$507.13~~
~~New/Used Auto Sales~~	~~1,000 sf~~	~~$290.98~~
~~Tire Store~~	~~1,000 sf~~	~~$205.76~~
~~Supermarket~~	~~1,000 sf~~	~~$426.07~~
~~Convenience Market - 24 hrs~~	~~1,000 sf~~	~~$1,136.88~~
~~Convenience Market with Gas Pumps~~	~~1,000 sf~~	~~$1,211.71~~
~~Home Improvement Superstore~~	~~1,000 sf~~	~~$376.19~~
~~Pharmacy/Drugstore w/Drive-Thru~~	~~1,000 sf~~	~~$407.37~~
~~Bank/Savings Walk-In~~	~~1,000 sf~~	~~$490.50~~
~~Bank/Savings Drive-In~~	~~1,000 sf~~	~~$473.88~~
~~Quality Restaurant~~	~~1,000 sf~~	~~$1,417.47~~
~~High-Turnover Restaurant~~	~~1,000 sf~~	~~$1,409.16~~
~~Fast Food Restaurant w/Drive-Thru~~	~~1,000 sf~~	~~$1,849.78~~
~~Quick Lube~~	~~bay~~	~~$241.09~~
~~Automobile Repair/Body Shop~~	~~1,000 sf~~	~~$359.56~~
~~Gasoline/Service Station~~	~~fuel pos.~~	~~$411.52~~
~~Self-Service Car Wash~~	~~bay~~	~~$180.82~~
~~Convenience/Gasoline/Fast Food Store~~	~~1,000 sf~~	~~$1,486.06~~
~~INDUSTRIAL:~~	-	-
~~General Light Industrial~~	~~1,000 sf~~	~~$143.41~~
~~Manufacturing~~	~~1,000 sf~~	~~$103.92~~
~~Warehouse~~	~~1,000 sf~~	~~$58.20~~
~~Mini-Warehouse/Storage~~	~~unit~~	~~$2.08~~

Land Use	Unit	Fire Rescue
RESIDENTIAL:	-	-
Single Family (detached/attached)	du	$479
Multi-Family (apartment/condominium)	du	$408
Mobile Home Park	du	$288
TRANSIENT, ASSISTED, GROUP:	-	-
Hotel	room	$256
Motel	room	$213
Congregate Care Facility	du	$333
Assisted Living Facility	bed	$215
Nursing Home	bed	$297
RECREATION:	-	-
Public Park	acre	$15
Golf Course	hole	$231
Golf Driving Range	tee/driving position	$64
Movie Theater	screen	$1,593
Health Club	1,000 sf	$738
Recreational Community Center	1,000 sf	$615
Dance Studio	1,000 sf	$553

Land Use	Unit	Fire Rescue
INSTITUTIONS:	-	-
Elementary School (private)	student	$20
Middle/Junior High School (private)	student	$23
High School (private)	student	$23
Private School (K-12)	student	$28
University/Junior College (7,500 or fewer students) (private)	student	$26
University/Junior College (more than 7,500 students) (private)	student	$20
Church	1,000 sf	$95
Day Care Center	1,000 sf	$208
MEDICAL:	-	-
Hospital	1,000 sf	$330
OFFICE:	-	-
General Office	1,000 sf	$223
Medical Office 10,000 sq ft or less	1,000 sf	$307
Medical Office greater than 10,000 sq ft/Clinic	1,000 sf	$441
Business Park	1,000 sf	$238
RETAIL:	-	-
Paint/Hardware Store	1,000 sf	$77
Shopping Center/Retail	1,000 sfgla	$387
New/Used Auto Sales	1,000 sf	$405
Tire Store	1,000 sf	$397
Supermarket	1,000 sf	$625
Convenience Market, 24 hrs	1,000 sf	$1,660
Home Improvement Superstore	1,000 sf	$500
Pharmacy with & without Drive-Thru Window	1,000 sf	$479
SERVICES:	-	-
Bank/Savings Walk-In	1,000 sf	$313
Bank/Savings Drive-In	1,000 sf	$384
Quality/Local Restaurant	1,000 sf	$1,365
High-Turn Over (sit down) Restaurant	1,000 sf	$1,324
Fast Food Restaurant w/Drive-Thru	1,000 sf	$2,331
Quick Lube	service bay	$412
Automobile Care Center	1,000 sf	$430
Gas/Service Station with Convenience Market (less than 2,000 sf)	fuel pos.	$377
Gas/Service Station with Convenience Market (2,000-2,999 sf)	fuel pos.	$461
Gas/Service Station with Convenience Market (3,000 sf or more)	fuel pos.	$523
Self-Service Car Wash	service bay	$248
Convenience/Gas/Fast Food	1,000 sf	$1,600
INDUSTRIAL:	-	-
General Light Industrial	1,000 sf	$123
Manufacturing	1,000 sf	$115
Warehousing	1,000 sf	$28
Mini-Warehouse	unit	$3

(b) *Fire and rescue (emergency medical service) account:* There is hereby established a fire and emergency medical service impact fee account into which all fire and emergency medical service impact fees collected shall be deposited. Fire and emergency medical service impact fee revenues shall be spent only on fire and emergency medical service facilities and fire and emergency medical service capital costs as provided in this chapter.

28-24 Recreation and parks impact fee.

(a) *Recreation and parks impact fee schedule:* A recreation and parks impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this chapter, in accordance with the following fee schedule:

~~Land Use~~	~~Unit~~	~~Parks~~
~~***RESIDENTIAL:***~~	-	-
~~Single Family (Detached)~~	~~du~~	~~$1,312.13~~
~~Multi-Family~~	~~du~~	~~$738.35~~
~~Mobile Home/RV Park Site~~	~~du~~	~~$1,530.08~~

Land Use	Unit	Recreation & Parks
Single Family Detached	du	$2,877
Multi-Family	du	$2,452
Mobile Home/RV Park Site	du	$1,721

(b) *Recreation and parks impact fee account:* There is hereby established a recreation and parks impact fee account into which all recreation and parks impact fees collected shall be deposited. Recreation and parks impact fee revenues shall be spent only on recreation and parks facilities and recreation and parks facilities capital costs as provided in this chapter.

(c) *Reduction of part of recreation and parks system impact fee:* The City Council may reduce the recreation and parks impact fee for a given development up to 50 percent if the City Council determines that the private recreational space and facilities provided in the project are of such nature as to reduce substantially the project's impact upon the City's public need for expansion of the recreation and parks system. This reduction shall not exceed the actual cost of such private recreational space, or 50 percent of the recreation and parks impact fee, whichever is less.

28-25 Administrative facilities impact fee.

(a) *Administrative facilities impact fee schedule:* An administrative facilities impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this chapter, in accordance with the following fee schedule:

~~Land Use~~	~~Unit~~	~~Admin~~
~~***RESIDENTIAL:***~~	-	-
~~Single Family (Detached)~~	~~du~~	~~$519.24~~
~~Multi-Family~~	~~du~~	~~$292.71~~
~~Mobile Home/RV Park Site~~	~~du~~	~~$605.78~~
~~Congregate Care Facility~~	~~du~~	~~$302.89~~
~~Assisted Living Facility (ALF)~~	~~bed~~	~~$198.53~~
~~***LODGING:***~~	-	-
~~Hotel/Motel~~	~~room~~	~~$173.08~~
~~***RECREATION:***~~	-	-
~~City/Local Park~~	~~acre~~	~~$43.27~~
~~Regional Park~~	~~acre~~	~~$91.63~~
~~Golf Course~~	~~hole~~	~~$274.89~~
~~Golf Driving Range~~	~~tee~~	~~$193.44~~
~~Movie Theater~~	~~screen~~	~~$1,522.09~~
~~Racquet Club/Health Club/Spa/Dance Studio~~	~~1,000 sf~~	~~$786.50~~
~~Recreation Community Center~~	~~1,000 sf~~	~~$740.68~~

~~Land Use~~	~~Unit~~	~~Admin~~
~~INSTITUTIONS:~~	-	-
~~Elementary School (Private, K-5)~~	~~student~~	~~$15.27~~
~~Middle School (Private, 6-8)~~	~~student~~	~~$17.82~~
~~High School (Private, 9-12)~~	~~student~~	~~$20.36~~
~~Private School (K-12)~~	~~student~~	~~$28.00~~
~~University/Junior College with 7,500 or fewer students~~	~~student~~	~~$25.45~~
~~University/Junior College with more than 7,500 students~~	~~student~~	~~$17.82~~
~~Church~~	~~1,000 sf~~	~~$129.81~~
~~Day Care Center~~	~~1,000 sf~~	~~$226.53~~
~~Hospital~~	~~1,000 sf~~	~~$348.71~~
~~Nursing Home~~	~~bed~~	~~$198.53~~
~~OFFICE:~~	-	-
~~General Office 50,000 sf or less~~	~~1,000 sf~~	~~$358.89~~
~~General Office 50,001-100,000 sf~~	~~1,000 sf~~	~~$302.89~~
~~General Office 100,001-200,000 sf~~	~~1,000 sf~~	~~$257.08~~
~~General Office 200,001-400,000 sf~~	~~1,000 sf~~	~~$216.35~~
~~General Office greater than 400,000 sf~~	~~1,000 sf~~	~~$195.99~~
~~Medical Office/Clinic 10,000 sf or less~~	~~1,000 sf~~	~~$290.16~~
~~Medical Office/Clinic greater than 10,000 sf~~	~~1,000 sf~~	~~$422.52~~
~~Business Park~~	~~1,000 sf~~	~~$244.35~~
~~RETAIL:~~	-	-
~~Paint/Hardware Store~~	~~1,000 sf~~	~~$292.71~~
~~Retail 49,999 sfgla or less~~	~~1,000 sfgla~~	~~$623.60~~
~~Retail 50,000-199,999 sfgla~~	~~1,000 sfgla~~	~~$539.60~~
~~Retail 200,000-399,999 sfgla~~	~~1,000 sfgla~~	~~$595.60~~
~~Retail 400,000 sfgla or greater~~	~~1,000 sfgla~~	~~$621.05~~
~~New/Used Auto Sales~~	~~1,000 sf~~	~~$356.34~~
~~Tire Store~~	~~1,000 sf~~	~~$251.98~~
~~Supermarket~~	~~1,000 sf~~	~~$521.79~~
~~Convenience Market - 24 hrs~~	~~1,000 sf~~	~~$1,392.28~~
~~Convenience Market with Gas Pumps~~	~~1,000 sf~~	~~$1,483.91~~
~~Home Improvement Superstore~~	~~1,000 sf~~	~~$460.70~~
~~Pharmacy/Drugstore w/Drive-Thru~~	~~1,000 sf~~	~~$498.88~~
~~Bank/Savings Walk-In~~	~~1,000 sf~~	~~$600.69~~
~~Bank/Savings Drive-In~~	~~1,000 sf~~	~~$580.33~~
~~Quality Restaurant~~	~~1,000 sf~~	~~$1,735.89~~
~~High-Turnover Restaurant~~	~~1,000 sf~~	~~$1,725.71~~
~~Fast Food Restaurant w/Drive-Thru~~	~~1,000 sf~~	~~$2,265.32~~
~~Quick Lube~~	~~bay~~	~~$295.25~~
~~Automobile Repair/Body Shop~~	~~1,000 sf~~	~~$440.34~~
~~Gasoline/Service Station~~	~~fuel pos.~~	~~$503.97~~
~~Self-Service Car Wash~~	~~bay~~	~~$221.44~~
~~Convenience/Gasoline/Fast Food Store~~	~~1,000 sf~~	~~$1,819.89~~

~~Land Use~~	~~Unit~~	~~Admin~~
~~***INDUSTRIAL:***~~	-	-
~~General Light Industrial~~	~~1,000 sf~~	~~$175.63~~
~~Manufacturing~~	~~1,000 sf~~	~~$127.27~~
~~Warehouse~~	~~1,000 sf~~	~~$71.27~~
~~Mini-Warehouse/Storage~~	~~unit~~	~~$2.55~~

Land Use	Unit	Admin Facilities
RESIDENTIAL:	-	-
Single Family (detached/attached)	du	$731
Multi-Family (apartment/condominium)	du	$623
Mobile Home Park	du	$440
TRANSIENT, ASSISTED, GROUP:	-	-
Hotel	room	$360
Motel	room	$299
Congregate Care Facility	du	$468
Assisted Living Facility	bed	$303
Nursing Home	bed	$418
RECREATION:	-	-
Public Park	acre	$22
Golf Course	hole	$324
Golf Driving Range	tee/driving position	$90
Movie Theater	screen	$2,241
Health Club	1,000 sf	$1,038
Recreational Community Center	1,000 sf	$865
Dance Studio	1,000 sf	$778
INSTITUTIONS:	-	-
Elementary School (private)	student	$29
Middle/Junior High School (private)	student	$32
High School (private)	student	$32
Private School (K-12)	student	$40
University/Junior College (7,500 or fewer students) (private)	student	$36
University/Junior College (more than 7,500 students) (private)	student	$29
Church	1,000 sf	$133
Day Care Center	1,000 sf	$292
MEDICAL:	-	-
Hospital	1,000 sf	$465
OFFICE:	-	-
General Office	1,000 sf	$313
Medical Office 10,000 sq ft or less	1,000 sf	$432
Medical Office greater than 10,000 sq ft/Clinic	1,000 sf	$620
Business Park	1,000 sf	$335
RETAIL:	-	-
Paint/Hardware Store	1,000 sf	$108
Shopping Center/Retail	1,000 sfgla	$544
New/Used Auto Sales	1,000 sf	$569

Land Use	Unit	Admin Facilities
Tire Store	1,000 sf	$558
Supermarket	1,000 sf	$879
Convenience Market, 24 hrs	1,000 sf	$2,335
Home Improvement Superstore	1,000 sf	$703
Pharmacy with & without Drive-Through Window	1,000 sf	$674
SERVICES:		
Bank/Savings Walk-In	1,000 sf	$440
Bank/Savings Drive-In	1,000 sf	$540
Quality/Local Restaurant	1,000 sf	$1,920
High-Turn Over (sit down) Restaurant	1,000 sf	$1,863
Fast Food Restaurant w/Drive-Thru	1,000 sf	$3,279
Quick Lube	service bay	$580
Automobile Care Center	1,000 sf	$605
Gas/Service Station with Convenience Market (less than 2,000 sf)	fuel pos.	$530
Gas/Service Station with Convenience Market (2,000-2,999 sf)	fuel pos.	$649
Gas/Service Station with Convenience Market (3,000 sf or more)	fuel pos.	$735
Self-Service Car Wash	service bay	$350
Convenience/Gas/Fast Food	1,000 sf	$2,904
INDUSTRIAL:		
General Light Industrial	1,000 sf	$173
Manufacturing	1,000 sf	$162
Warehousing	1,000 sf	$40
Mini-Warehouse	unit	$4

(b) *Administrative facilities impact fee account:* There is hereby established an administrative facilities impact fee account into which all administrative impact fees collected shall be deposited. Administrative facilities impact fee revenues shall be spent only on administrative facilities and administrative facilities capital costs as provided in this chapter.

SECTION 3. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the *City of Oviedo Code of Ordinances*. The Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5, 6, 7 and 8 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 4. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designees within City management staff, shall have the power and authority to implement the provisions of this Ordinance by taking appropriate administrative actions to include, but not be limited to, the promulgation of appropriate administrative rules and forms.

SECTION 5. SAVINGS. The prior actions of the City of Oviedo relating to the imposition and administration of impact fees and any and all related matters and processes, are hereby ratified and affirmed.

SECTION 6. SAVINGS. The prior actions of the City of Oviedo relating to the imposition and administration of impact fees and any and all related matters and processes, are hereby ratified and affirmed.

SECTION 7. CONFLICTS. To the extent of any conflict between any other City regulations and ordinances and this Ordinance, this Ordinance shall be deemed to control. Provided, however, that this Ordinance is not intended to amend or repeal any existing chapter or regulation, unless expressly set forth in this Ordinance.

SECTION 8. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

FIRST READING: May 20, 2019

SECTION READING: June 3, 2019

PASSED AND ADOPTED this 3rd day of June, A.D., 2019.

DOMINIC PERSAMPIERE
MAYOR of the City of Oviedo, Florida

ATTEST:

Barbara J. Barbour

BARBARA J. BARBOUR
CITY CLERK

CITY OF OVIEDO SEAL FLORIDA

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, RELATING TO IMPACT FEES; ADOPTING THE FEE STUDY PREPARED BY TISCHLER BISE; INCREASING THE AMOUNTS TO BE CHARGED FOR WATER AND WASTEWATER IMPACT FEES; ADOPTING NEW POLICE, FIRE, LIBRARY, AND PARKS AND RECREATION IMPACT FEES; ESTABLISHING AN ADMINISTRATIVE CHARGE CONSISTENT WITH STATE LAW; AMENDING REGULATIONS PERTAINING TO THE COLLECTION, USE, AND TIMING OF PAYMENTS OF WATER, WASTEWATER, POLICE, FIRE, LIBRARY, AND PARKS AND RECREATION IMPACT FEES; PROVIDING FOR NOTICE OF INCREASED AND NEW FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under its home rule powers and pursuant to §163.31801, *Florida Statutes*, the City of Flagler Beach may impose impact fees to ensure that new development pays for its proportional share of capital facilities required by such new development; and

WHEREAS, the City of Flagler Beach last amended its water and wastewater impact fee program in 2012; and

WHEREAS, the City Commission of the City of Flagler Beach has studied the necessity for and implications of the adoption of an ordinance updating the water and wastewater impact fees and adopting police, fire, library, and parks and recreation impact fees and has retained a professional consulting firm to prepare a study relating to these fees (the "Study") to determine the proportionate demand that new development generates for additional water, wastewater, police, fire, library, and parks and recreation facilities and improvements; and

WHEREAS, the Study has been presented to and reviewed by the City Commission of the City of Flagler Beach, and it has been determined: (1) water, wastewater, police, fire, library, and parks and recreation impact fees are necessary to offset the costs associated with meeting future demands for the City's water, wastewater, police, fire, library, and parks facilities pursuant to the projections set forth in the Study; (2) that the new impact fees bear a reasonable relationship to the burden imposed upon the City to provide infrastructure and facilities to meet the demand of new City residents; (3) that impact fee revenues will provide a direct benefit to such new City residents reasonably related to the fees assessed; (4) that an essential nexus exists between projected new development and the need for additional facilities and infrastructure to be funded with impact fees and the benefits that accrue to new development paying the fees; (5) that the amount of the impact fees are roughly proportional to the *pro rata* share of the additional facilities and infrastructure needed to serve new development; and

WHEREAS, §163.31801, *Florida Statutes* requires impact fee increases to be implemented in annual increments as directed by the statute; and

WHEREAS, Section 163.31801, *Florida Statutes* requires that local governments ensure that collection of an impact fee not be required to occur earlier than the date of issuance of issuance of the building permit for the property that is subject to the fee; and

WHEREAS, the fees adopted herein are consistent with the maximum increase and phase-in provisions of Section 163.31801, *Florida Statutes*;

WHEREAS, the decisions of the City Commission as set forth herein are reasonable and prudent steps pertaining to sound growth management which have been taken for the benefit of the citizens of the City, both present and future; and

WHEREAS, the City is projected to significantly grow in population and further economically develop in the future; and

WHEREAS, this Ordinance contains an administrative framework to ensure that the benefit of facilities and infrastructure funded with impact fees will accrue proportionately to new development paying the fees; and

WHEREAS, Section 163.3202(3), *Florida Statutes*, encourages the use of innovative land use regulations and impact fees by local governments to manage growth and to provide the necessary public facilities and for the imposition by local governments of impact fees on development to fund the capital cost of facilities necessitated by such development; and

WHEREAS, requiring future growth to contribute its fair share of the costs necessary to fund required capital improvements and additions is an integral and vital part of the regulatory plan of growth management in the City and is a practice consistent with sound and generally accepted growth management, fiscal and public administration practices and principles; and

WHEREAS, for clarity and ease of reference all impact fees provisions shall be located in a new Chapter 12 of the Code of Ordinances entitled "Impact Fees" and deletion of the existing provisions related to water and wastewater impact fees contained herein is a relocation of the provisions establishing and regulating those impact fees, not a repeal of said impact fees.

Note: Underlined words constitute the new text of the City of Flagler Beach Code of Ordinances, asterisks (***) indicate an omission from the original text of the Code of Ordinances, City of Flagler Beach, which is intended to remain unchanged, and ~~strikethrough~~ constitutes deletions from the original Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Flagler Beach, Florida, as follows:

SECTION 1. The above recitals, or "Whereas" clauses, are hereby adopted as the City Commission's legislative findings and are incorporated herein by reference.

SECTION 2. Chapter 12 of the Flagler Beach Code of Ordinances is hereby created as follows:

CHAPTER 12 – IMPACT FEES

ARTICLE I. ADOPTION OF FEE STUDY AND RATIONAL NEXUS

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

(b) The city commission finds that there is a reasonable connection, or rational nexus, between the need for new or expanded facilities and infrastructure in the city and the growth in population anticipated within the city. In addition, the city commission finds there is a reasonable connection, or rational nexus, between the anticipated expenditures of the impact fees collected and the benefits accruing to anticipated new development.

ARTICLE II. DEFINITIONS

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

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

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

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

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

Residential means multifamily dwelling units, mobile homes, and single-family detached houses.

ARTICLE III. GENERAL TERMS RELATED TO COLLECTION AND ACCOUNTING OF IMPACT FEE FUNDS

(a) There are established capital fund accounts for impact fees, to be generally designated as the "Impact Fee Capital Improvement Trust Fund for the Extension of Primary Water Systems," "Impact Fee Capital Improvement Trust Fund for the Extension of Primary Wastewater Systems," "Police Impact Fee Account," "Fire Impact Fee Account," "Library Impact Fee Account, and "Parks and Recreation Impact Fee Account." Each capital fund account for impact fees shall continue to be maintained separate and apart from all other accounts of the city. The monies deposited into the impact fee capital fund accounts shall be used solely for the purposes allowed by *Florida Statutes* and as set forth in this chapter.

(b) Funds on deposit in impact fee accounts established within this article shall not be used for any expenditure that would be classified as an operational expense, a maintenance expense or a repair expense.

(c) Any funds on deposit in an impact fee account not immediately necessary for expenditure shall be invested in interest-bearing accounts. Applicants shall not receive a credit for or be entitled to interest from the investment of such funds, except as otherwise required in this chapter.

(d) An applicant may request an estimate of impact fees which may be imposed by filing a written request to the city. Any estimate which the city provides is non-binding and may be subject to change when the impact fees become due and payable pursuant to this chapter. Non-binding estimates are for the sole benefit of the prospective applicant and neither bind the city, nor preclude it from making amendments or revisions to any provisions of this chapter. No vested rights, legal entitlements, or equitable estoppel accrue by reason of a non-binding estimate. A non-binding fee estimate does not constitute a final decision and may not be appealed pursuant to this chapter.

(e) Any person who disagrees with a decision or interpretation of this chapter may appeal to the city manager or designee by filing a written notice of appeal within ten (10) days after the date of the action or decision complained of. The written notice of appeal shall set forth concisely the action or decision appealed as well as the grounds upon which the appeal is based. The city manager or designee shall consider all facts material to the appeal and render a written decision within thirty (30) days of receiving the appeal. Any person who disagrees with the decision of the city manager or designee may appeal to the city commission by filing a written notice of appeal with the city manager's office setting forth concisely the decision appealed within ten (10) days after the date of the city manager's decision. The appeal shall be set for the next available city commission meeting for consideration. The city commission's written decision shall constitute final administrative review

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

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

(1) The present owner must petition the city Commission for the refund within one (1) year following the end of the calendar quarter immediately following ten (10) years from the date on which the fee was received.

(2) The petition must be submitted to the city manager and must contain:

(i) A notarized sworn statement that the petitioner is the current owner of the property;

(ii) A copy of the dated receipt issued for payment of the fee or other document evidencing the date the development was approved by the city, which development was never begun;

(iii) A certified copy of the latest recorded deed; and

(iv) A copy of the most recent ad valorem tax bill.

If reimbursement is approved, the city shall remit to the petitioner within sixty (60) days of approval. In determining whether a petitioner is entitled to a refund, it shall be assumed that impact fees are expended or encumbered in the same order in which they were received (that is, "first in, first out"). No refund shall be made of any administrative fee authorized and collected pursuant to this chapter.

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

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

(j) The City shall be exempt from impact fee charges.

ARTICLE IV. POTABLE WATER IMPACT FEE

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

(b) Subject to the phase-in of fees pursuant to Section 163.31801, *Florida Statutes*, as set forth in paragraph (c) below, impact fees charged and collected for potable water shall be as follows:

Meter Size and Type	Capacity Ratio	**Total Impact Fee to be Collected after Phase-In**[1]	Existing Impact Fee at Time of Adoption[2]	Increase Over Existing
0.75 Displacement	1.00	**$3,007**	$2,509	$498
1.00 Displacement	1.67	**$5,022**	$4,190	$832
1.50 Displacement	3.33	**$10,015**	$8,356	$1,659
2.00 Displacement	5.33	**$16,029**	$13,374	$2,655
3.00 Singlejet	10.67	**$32,089**	$26,773	$5,316
3.00 Compound	10.67	**$32,089**	$26,773	$5,316

[1] AWWA Manual of Water Supply Practices M-1, 7th Ed.
[2] Base meter fee is the current water fee and then is scaled up using the proposed meter capacity ratio

3.00 Turbine	11.67	**$35,096**	$29,282	$5,814
4.00 Singlejet	16.67	**$50,133**	$41,828	$8,305
4.00 Compound	16.67	**$50,133**	$41,828	$8,305
4.00 Turbine	21.00	**$63,155**	$52,693	$10,462
6.00 Singlejet	33.33	**$100,236**	$83,631	$16,604
6.00 Compound	33.33	**$100,236**	$83,631	$16,604
6.00 Turbine	43.33	**$130,310**	$108,723	$21,586
8.00 Compound	53.33	**$160,383**	$62,396	$31,198
8.00 Turbine	93.33	**$163,794**	$133,815	$26,568
10.00 Turbine	140.00	**$421,032**	$351,287	$69,746
12.00 Turbine	176.67	**$531,313**	$443,299	$88,014

(c) Implementation of the increased fees provided herein shall be phased in over two equal installments. During the twelve month period beginning October 1, 2024, the impact fee to be collected shall be the Existing Impact Fee at Time of Adoption amount plus one-half (1/2) of the Increase Over Existing amount. During the twelve month period beginning October 1, 2025, the impact fee to be collected shall be the Total Impact Fee to be Collected after Phase-In.

ARTICLE V. WASTEWATER IMPACT FEE

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

(b) Subject to the phase-in of fees pursuant to Section 163.31801, *Florida Statutes*, as set forth in paragraph (c) below, impact fees charged and collected for wastewater shall be as follows:

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

[3] AWWA Manual of Water Supply Practices M-1, 7th Ed.
[4] Base meter fee is the current sewer fee and then is scaled up using the proposed meter capacity ratio

8.00 Compound	53.33	**$202,958**	$202,958	$38,568
8.00 Turbine	93.33	**$355,186**	$287,690	$67,496
10.00 Turbine	140.00	**$532,798**	$431,550	$101,248
12.00 Turbine	176.67	**$672,353**	$544,585	$127,767

(c) Implementation of the increased fees provided herein shall be phased in over four equal installments. During the twelve month period beginning October 1, 2024, the impact fee to be collected shall be the Existing Impact Fee at Time of Adoption amount plus one-half (1/2) of the Increase Over Existing amount. During the twelve month period beginning October 1, 2025, the impact fee to be collected shall be the Total Impact Fee to be Collected after Phase-In.

ARTICLE VI. POLICE IMPACT FEE

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

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

Residential Fee per Unit	
Square Footage	**Impact Fee to be Collected**
1,100 or less	**$455**
1,101 to 1,500	**$717**
1,501 to 2,000	**$905**

2,001 to 2,500	**$1,054**
2,501 to 3,000	**$1,176**
3,001 to 3,500	**$1,281**
3,501 or more	**$1,373**

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

ARTICLE VII. FIRE IMPACT FEE

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

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

Residential Fee per Unit	
Square Footage	**Impact Fee to be Collected**
1,100 or less	**$538**

1,101 to 1,500	**$849**
1,501 to 2,000	**$1,071**
2,001 to 2,500	**$1,247**
2,501 to 3,000	**$1,392**
3,001 to 3,500	**$1,516**
3,501 or more	**$1,625**

Nonresidential Fee per 1,000 Square Feet	
Development Type	**Impact Fee to be Collected**
Industrial	**$451**
Commercial	**$2.261**
Office & Other Services	**$1,003**
Institutional	**$1,380**

ARTICLE VIII. LIBRARY IMPACT FEE

(a) Any applicant who seeks to develop land or make improvements to real property for residential development shall pay the following library impact fees in the manner and amount established and computed pursuant to this article.

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

Residential Fee per Unit

Square Footage	**Impact Fee to be Collected**
1,100 or less	**$123**
1,101 to 1,500	**$193**
1,501 to 2,000	**$244**
2,001 to 2,500	**$284**
2,501 to 3,000	**$317**
3,001 to 3,500	**$345**
3,501 or more	**$370**

ARTICLE IX. PARKS AND RECREATION IMPACT FEE

(a) Any applicant who seeks to develop land or make improvements to real property for residential development shall pay the following parks and recreation impact fees in the manner and amount established and computed pursuant to this article.

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

Residential Fee per Unit	
Square Footage	**Impact Fee to be Collected**
1,100 or less	**$539**
1,101 to 1,500	**$850**
1,501 to 2,000	**$1,073**
2,001 to 2,500	**$1,250**

2,501 to 3,000	**$1,395**
3,001 to 3,500	**$1,519**
3,501 or more	**$1,628**

ARTICLE X. ADMINISTRATIVE FEE

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

Residential Fee per Unit	
Square Footage	**Administrative Charge**
1,100 or less	**$3**
1,101 to 1,500	**$5**
1,501 to 2,000	**$6**
2,001 to 2,500	**$7**
2,501 to 3,000	**$8**
3,001 to 3,500	**$8**
3,501 or more	**$9**

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

SECTION 3. Appendix "A," "Land Development Regulations" of the City of Flagler Beach, Code of Ordinances is amended by deleting existing Sections 5.03.87 through 5.03.93 which is being replaced by portions of the new language in Section 2, above.

~~**Sec. 5.03.87. Impact Fee.**~~

~~Sec. 5.03.88. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Combination accounts.* Accounts that contain both residential and commercial facilities served through a common meter may be treated as nonresidential.~~

~~*Equivalent living unit.* The following is a definition of equivalent living unit (E.L.U.)~~

~~(1) *Residential Single-family.* Each single-family residence served by the city through a single sewer service and/or water meter shall be one (1) equivalent living unit.~~

~~(2) *Residential Rooms, combinations of rooms, etc.* Each residential room, combination of rooms, apartment, or prepared mobile home space, that includes connection points for sewer and/or water service that is owner-occupied, offered separately for rent as a rental unit, or vacant, shall be one (1) equivalent living unit.~~

~~(3) *Nonresidential, commercial and industrial.* For nonresidential uses not specifically defined elsewhere in this article, the number of equivalent living units shall be computed by the building official using the fixture unit count as defined in the following table:~~

~~Fixture Units~~	~~E.L.U.~~	~~Fixture Units~~	~~E.L.U.~~
~~1 – 15~~	~~1~~	~~241 – 340~~	~~8~~

~~16—30~~	~~2~~	~~341—480~~	~~9~~
~~31—60~~	~~3~~	~~481—620~~	~~10~~
~~61—80~~	~~4~~	~~621—800~~	~~11~~
~~81—100~~	~~5~~	~~801—1000~~	~~12~~
~~101—160~~	~~6~~	~~1001—1300~~	~~13~~
~~161—240~~	~~7~~	~~1301—1650~~	~~14~~

~~For each additional increment of seven hundred fifty (750) fixture units, add one (1) E.L.U.~~

~~*Expansion of an existing connection.* If a building permit is issued for an existing connection which will increase water or sewer demand, or if a building changes from residential to nonresidential occupancy, the total number of E.L.U.'s for the old and new parts of the facility shall be computed as outlined in the definition of "equivalent living unit." The number of new E.L.U.'s shall be determined by subtracting the old E.L.U.'s from the total number of E.L.U.'s in the entire facility. The impact fee will be assessed on the number of new E.L.U.'s. As an example, if an existing building contained one hundred fifty (150) fixture units and it was expanded to three hundred (300) fixture units, the impact fee would equal (8 E.L.U.'s — 6 E.L.U.'s) or 2 E.L.U.'s.~~

~~*Sanitary sewer facilities.* A sanitary sewer system includes two (2) broad categories or subsystems, which are:~~

~~(1) Primary systems:~~

~~a. Plant facilities:~~

~~i. Treatment plants;~~

~~ii. Effluent disposal facilities.~~

~~b. Transmission facilities:~~

~~i. Master pump stations;~~

~~ii. Force mains;~~

~~iii. Interceptors.~~

~~(2) Secondary or local collection systems:~~

~~a. House laterals;~~

~~b. Eight-inch or smaller collector sewers;~~

~~c. Lift stations;~~

~~d. Low pressure sewer mains;~~

~~e. Eight-inch or smaller force mains.~~

~~*Water facilities.* A water facility system includes two (2) broad categories or subsystems, which are:~~

~~(1) Primary systems:~~

~~a. Plant facilities:~~

~~i. Wells and well pumps;~~

~~ii. Raw water mains;~~

~~iii. Treatment plans;~~

~~b. Transmission facilities:~~

~~i. High service pumps;~~

~~ii. Storage and re-pumping;~~

~~iii. Transmission mains.~~

~~Cross reference(s)—General definitions, § 1-2.~~

~~Sec. 5.03.89. Purpose.~~

~~(a) This article is to establish procedures to facilitate the orderly expansion of the city's water supply system and wastewater treatment system.~~

~~(b) In order to fund primary capital improvements, several combined methods of financing will be necessary, one (1) of which is an impact fee defined as "a new building's contribution toward its equitable share of the cost of capital improvements required to serve new users."~~

~~(c) All secondary facilities shall be provided by the customer or developer in accordance with the Uniform Extension Policy to facilitate the orderly expansion of this portion of the water and sewer systems.~~

~~Sec. 5.03.90. Reserved.~~

~~Sec. 5.03.91. Fee schedule.~~

~~(a) There is hereby imposed an impact fee based on the city commission's determination of the equitable portion of the system upon the equivalent living unit responsible for the need for additional system financing.~~

~~(b) The fee for each equivalent living unit connected to the system shall be as follows:~~

~~(1) Water impact fee for primary systems:~~

~~Plant facilities~~	~~$ 320.00~~
~~Transmission facilities~~	~~850.00~~
~~Total~~	~~1,170.00~~

~~(2) Sewer impact fee for primary systems:~~

~~Plant facilities~~	~~$ 725.00~~
~~Transmission facilities~~	~~515.00~~

~~Total~~	~~1,240.00~~

~~(c) Each additional equivalent living unit occasioned by changes in property usage subsequent to the effective date of this section shall be subject to an additional impact fee computed in accordance with the foregoing criteria.~~

~~(d) There shall be an annual adjustment of rates as set forth in Ordinance No. 2000-08 [2000-28], such adjustment shall be calculated by using the annual indexing factor based on the Engineering News Record (ENR) Construction Cost Index. The resulting fee will become effective each October 1, starting October 1, 2002, and will be valid for the new fiscal year.~~

~~Sec. 5.03.92. Imposing fee; when payable; penalty for nonpayment~~

~~(a) The fee in Section 5.03.91 shall be imposed on every equivalent living unit connected to the water or sewer system whether those units are new or existing as follows:~~

~~(1) On every new connection or addition to the water or sewer system where the building permit was issued on October 5, 1979, and subsequent thereto;~~

~~(2) On every equivalent living unit connecting to the water or sewer system as it existed on October 5, 1979 (excepting there from any equivalent living unit for which a building permit was issued prior to October 5, 1979);~~

~~(3) On every equivalent living unit connecting to the water or sewer system and not having obtained final building inspection as of September 25, 1980.~~

~~(b) The fee in Section 5.03.91 shall be imposed on every equivalent living unit constructed or connected in areas served by the existing sewer or water system as well as~~

~~in those areas that will be on an extension of the local collection and distribution system as well as those areas where the local facilities have been installed by the developer.~~

~~(c) Except as otherwise provided in this article, impact fees shall be due and payable as follows:~~

~~(1) In full, upon application for the building permit;~~

~~(2) If building permit has already been issued, the fees shall be paid within six (6) months from the date the permit was issued or upon request for final inspection by the building official, whichever occurs sooner;~~

~~(3) Regardless of method or time of payment, no final inspection shall be made or approved, nor shall a certificate of occupancy be issued until all such fees are paid in full;~~

~~(4) All deferred impact fee payments and all delinquent impact fees shall bear interest at the rate of four point seven five (4.75) percent per annum, compounded monthly from the effective date of this section or from the date due, whichever occurs later.~~

~~(d) For those equivalent residential units that:~~

~~(1) Obtained a building permit on October 5, 1979 and thereafter, and have obtained a final building inspection as of October 23, 1980;~~

~~(2) Are existing structures in areas that will be on future extensions of the local collection and distribution system, a deferred payment plan, known as monthly payback, is hereby established as follows:~~

~~a. For each water and sewer connection, the city shall receive thirty-five dollars and seventy-nine cents ($35.79) per month. This is in addition to all other rates and fees. This fee shall be paid every month until the balance of the fee has been paid. In addition, all "monthly payback" accounts open on each May 1, commencing May 1, 1981, shall be~~

~~assessed a service fee of twenty-five dollars ($25.00) in order to defray the administrative expense of the monthly payback system. The owner of the E.L.U. can pay the remaining amount due on the account at any time during the payback period;~~

~~b. For each water connection, the city shall receive seventeen dollars and seventy-six cents ($17.76) per month. This is in addition to all other rates and fees. This fee shall be paid every month until the balance of the fee has been paid. In addition, all "monthly payback" accounts open on each May 1, commencing May 1, 1981, shall be assessed a service fee of twenty-five dollars ($25.00) in order to defray the administrative expense of the monthly payback system. The owner of the E.L.U. can pay during the payback period;~~

~~c. For each sewer connection, the city shall receive eighteen dollars and three cents ($18.03) per month. This is in addition to all other rates and fees. This fee shall be paid every month until the balance of the fee has been paid. In addition, all "monthly payback" accounts open on each May 1, commencing May 1, 1981, shall be assessed a service fee of twenty-five dollars ($25.00) in order to defray the administrative expense of the monthly payback system. The owner of the E.L.U. can pay during the payback period;~~

~~d. The monthly payback and service fee will be added to the monthly water and sewer bill for the unit and will be the owner's responsibility to ensure payment whether or not the unit is owner- or tenant-occupied.~~

~~(e) Nonpayment of the impact fee including the monthly pay-back where applicable shall be grounds for discontinuing service.~~

~~(f) The impact fee is comprised of two (2) separate fees, i.e., water and sewer. In areas where only one (1) of these services is available, the applicable fee for the other service or~~

~~for both services if neither was available at the time of construction will be imposed when service is made available.~~

~~Sec. 5.03.93. Liens.~~

~~All charges due under this article shall be the obligation of the record owner of the equivalent residential unit, irrespective of actual occupancy, and shall constitute a lien against the property until paid. Notice of such lien need not be recorded in the official records of the county in order to be effective, but the city may cause such a notice to be recorded. If such charges are not promptly paid when due, such lien may be foreclosed in the manner provided by law, and there shall be added to the amount of such lien all costs incident to such proceedings including reasonable attorney's fees.~~

SECTION 4. The City Clerk is directed to post notice on the City's website informing interested parties of this ordinance and the new and increased impact fees contemplated herein.

SECTION 5. Codification. It is the intent of the City Commission of the City of Flagler Beach that the provisions of Section 2 of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provisions of Section 2 of this Ordinance; article and section numbers assigned throughout are suggested by the City.

SECTION 6. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 7. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other existing ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 8. Effective Date. **This Ordinance shall become effective on October 1, 2024**, which date is more than ninety (90) days from the date of adoption of this Ordinance, pursuant to the requirements of §163.31801, Florida Statutes.

PASSED AND ADOPTED this ____ day of _______________, 2024, by the City Commission of the City of Flagler Beach, Florida.

____
Patti King, Mayor

ATTEST:

By:____________________________
Penny Overstreet, City Clerk

ORDINANCE 15-43

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; PROVIDING A STATEMENT OF PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED, THE "CODE"); ADOPTING A NEW SCHEDULE OF IMPACT FEES EFFECTIVE AS OF APRIL 18, 2016, BASED ON THE MOST RECENT IMPACT FEE STUDY COMPLETED BY THE COUNTY IN ACCORDANCE WITH THE FLORIDA IMPACT FEE ACT; AMENDING SECTION 200 OF THE CODE TO PROVIDE NEW OR REVISED DEFINITIONS OF TERMS RELATING TO IMPACT FEES; AMENDING AND RESTATING CHAPTER 11 OF THE CODE, IMPACT FEES, TO PROVIDE FOR A TITLE, AUTHORITY AND APPLICABILITY; TO PROVIDE FOR LEGISLATIVE FINDINGS, RELIANCE UPON THE IMPACT FEE STUDY, AND INTENT; TO PROVIDE FOR IMPACT FEES TO BE IMPOSED; TO PROVIDE FOR USE OF IMPACT FEE FUNDS; TO PROVIDE FOR BENEFIT DISTRICTS; TO PROVIDE FOR REFUNDS OF IMPACT FEES PAID; TO PROVIDE FOR CREDITS AGAINST IMPACT FEES; TO PROVIDE FOR APPEALS; AND TO PROVIDE MISCELLANOUS PROVISIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR NOTICE OF THE NEW AND AMENDED IMPACT FEES IN ACCORDANCE WITH THE FLORIDA IMPACT FEE ACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 04-19, codified as Chapter 11 of the Land Development Code (the "Impact Fee Ordinance"), the County has established a system of impact fees to fund capital facilities needed in order to accommodate new development, based upon an impact fee study and other testimony and evidence entered into the record at the public hearings held for the adoption of the Impact Fee Ordinance; and

WHEREAS, The Impact Fee Ordinance and Section 163.31801, *Florida Statutes* (the "Florida Impact Fee Act" or "Act"), require that the County periodically restudy and revise its impact fees to assure that such impact fees are based upon the most recent and localized data as required pursuant to the Act, and

WHEREAS, Florida Statutes Section 163.3202(3) encourages the use of innovative land development regulations which include the use of impact fees to implement the goals, objectives and policies of the County's Comprehensive Plan; and

WHEREAS, Policy 10.1.3.1 of the County's Comprehensive Plan is to use impact fees as a means of meeting the demands for public facility capital improvements necessitated by new development; and

WHEREAS, Policy 10.1.4 and Policy 10.1.10.1 of the County's Comprehensive Plan call upon the County to consider changes to the adopted Impact Fee Ordinance pursuant to the annual reporting process and Growth Management public meeting process; and

WHEREAS, the Manatee County Board of County Commissioners (the "Board") retained the firm of TischlerBise to study the need to update the County's existing impact fees for transportation and multimodal facilities, law enforcement facilities, parks and natural resource facilities and public safety facilities, to evaluate the need for library facilities, and to establish the proportionate share of new development's demand for capital improvements to these facilities; and

WHEREAS, TischlerBise has prepared and presented to the Board a report titled, "Manatee County 2015 Impact Fee Update Study," dated December 3, 2015 (the "Impact Fee Study"); and

WHEREAS, Goal 2.1 of the County's Comprehensive Plan, among other things includes goals, objectives, and policies for limiting urban sprawl, providing a predictable and functional urban form, encouraging development and redevelopment in the existing urban core area; and

WHEREAS, Goal 5.0 of the County's Comprehensive Plan, among other things, calls for a multimodal transportation system that serves to increase mobility and is coordinated with the County's Future Land Use Map and Future Land Use Element of the Comprehensive Plan; and

WHEREAS, Goal 5.6 of the County's Comprehensive Plan, among other things, calls for a full range of transportation alternatives and a financially-feasible transit system; and for alternatives to the single-occupancy automobile; and

WHEREAS, the Impact Fee Study identifies that proportionate impact necessitated by new development on transportation and multimodal facilities in unincorporated Manatee County; and

WHEREAS, the Board wishes to implement a multimodal transportation impact fee to promote a mix of transportation alternatives, in accordance with the County's Comprehensive Plan goals, objectives, and policies; and

WHEREAS, the Impact Fee Study establishes the proportionate share costs necessitated by new development's impacts on capital improvements for transportation and multimodal facilities, law enforcement facilities, parks and natural resource facilities, public safety facilities, and library facilities in unincorporated Manatee County, in compliance with Florida case law and legislation; and

WHEREAS, pursuant to the Florida Impact Fee Act:

(a) the Impact Fee Study, and the impact fees recommended therein, are based on the most recent and localized data;

(b) this Ordinance includes procedures for accounting and reporting of impact fee collections and expenditures in order to assure compliance with applicable legal standards;

(c) this Ordinance includes separate accounting funds for each public facility for which an impact fee is collected, by benefit district, as applicable;

(d) administrative fees charged pursuant to this Ordinance for the collection of impact fees are limited to actual costs;

(e) the County provided notice at least ninety (90) days prior to the effective date of this Ordinance; and

(f) this Ordinance requires audits of the County's financial statements to include an affidavit of the County's chief financial officer stating that the requirements of the Florida Impact Fee Act have been complied with; and

WHEREAS, the impact fees assessed pursuant to this Ordinance are necessary to ensure the public health, safety, and welfare of the residents of Manatee County.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163, *Florida Statutes,* and Chapter 125, *Florida Statutes,* as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

A. The statements set forth in the above recitals to this Ordinance are true and correct.

B. The amendments to the Land Development Code set forth herein are necessary to fund capital facilities needed in order to accommodate new development.

C. Based on forecasts in the Manatee County Comprehensive Plan, new growth and development in the County is expected to continue into the foreseeable future, placing ever-increasing demands on County Capital Parks and Natural Resources Facilities, Capital Multimodal Transportation Facilities, Capital Law Enforcement Facilities, Capital Public Safety Facilities and Capital Library Facilities (collectively, "County

Capital Facilities"), requiring expansion of these County Capital Facilities to accommodate new growth and development.

D. County Capital Facilities are provided by the County to serve the residents of the County.

E. The County retained TischlerBise to prepare the Impact Fee Study which is incorporated herein by reference.

F. The Impact Fee Study sets forth reasonable methodologies and analyses for determining the impacts of new development on the County's Facilities.

G. Based upon the Impact Fee Study and other testimony and evidence entered into the record at the public hearings held for the adoption of this Ordinance, the Impact Fees levied pursuant to the Land Development Code, as amended hereby, are fair, reasonable and roughly proportionate to the capital needs generated by the new development for which such fees shall be levied and do not exceed the costs incurred by the County to accommodate the new development that will pay the Impact Fees.

H. The adoption of Impact Fees that impose a proportionate share of the costs the County will incur in providing for the expansion of County Capital Facilities implements the Manatee County Comprehensive Plan and ensures new growth and development pays a fair share of the costs the County will incur in accommodating it.

I. There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this Ordinance and the Impact Fees that such development will be required to pay.

J. The Impact Fee Ordinance creates a system by which Impact Fees paid by new development will be used to finance, defray, or reimburse all or a portion of the costs incurred by the County for County Capital Facilities in ways that benefit the development that paid each Impact Fee within a reasonable period of time after the Impact Fee is paid.

K. The Impact Fee Ordinance creates a system under which Impact Fees shall not be used to replace or rehabilitate existing Capital Facilities.

L. The standards, assumptions, and Capital Facility Standards in the Impact Fee Study, and the terms and provisions of this Ordinance, are consistent with the Manatee County Comprehensive Plan.

M. The Planning Commission as the County's local planning agency held a duly noticed public hearing on November 12, 2015, to review this Ordinance, and adopted a motion finding this proposed Ordinance consistent with the Comprehensive Plan and recommending its adoption to the Board of County Commissioners.

N. The Board of County Commissioners held a duly noticed public hearing on December 3, 2015, on this Ordinance to receive public comment and review and consider the Staff Report and the report of the Planning Commission on this Ordinance.

O. The Board of County Commissioners after considering public comment, the recommendations of the Planning Commission and Planning staff, has found this Ordinance to be consistent with the Comprehensive Plan and in furtherance of the public health, safety and welfare, and has adopted this Ordinance as set forth herein.

Section 3. Amendment of Section 200 of the Land Development Code Section 200 of the Land Development Code is hereby amended to add the defined terms, or replace in their entirety the defined terms, as set forth in Exhibit "A" to this Ordinance.

Section 4. Amendment of Chapter 11 of the Land Development Code. Chapter 11 of the Land Development Code is hereby amended and restated to read in its entirety as set forth in Exhibit "B" to this Ordinance.

Section 4. Applicability. The amendments set forth in Sections 3 and 4 of this Ordinance shall apply to any Impact-Generating Land Development for which a building permit application is filed on or after April 18, 2016, and for which a certificate of occupancy is issued on or after April 18, 2016.

Section 5. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 and 4 of this Ordinance into the Land Development Code.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. Statutory Notice Requirement. Notice of the new and amended impact fees established pursuant to this ordinance shall be provided in accordance with the requirements of the Florida Impact Fee Act on or before January 15, 2016.

Section 8. Effective Date. This Ordinance shall become effective on April 18, 2016.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 3rd day of December, 2015.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By: ______________________________
Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

By: ____________________
Deputy Clerk

ORDINANCE EXHIBIT "A"
NEW OR RESTATED DEFINED TERMS FOR SECTION 200

The following terms are restated in their entirety as set forth below, in the alphabetical order in which they appear in the defined terms for "*Impact Fees*" in Section 200:

Accounts shall mean any impact fee account established by the County pursuant to Chapter 11.

Administrative Procedures shall mean the manual adopted by the Board by resolution, to implement the provisions of this Chapter 11: Impact Fees.

Benefit District shall mean those Benefit Districts established pursuant to Chapter 11: Impact Fees.

Capital Parks and Natural Resource Facilities shall mean non-site related lands, buildings, improvements to land, and capital equipment, facilities and vehicles, used for the provision of new public parks, recreation, aquatic facilities, open space, and/or trails — and specifically including those park, open space, recreation and trail elements included in the calculation of Parks and Natural Resources Impact Fees in the Impact Fee Study.

Capital Law Enforcement Facilities shall mean non-site related land, buildings, improvements to land, and capital equipment, facilities and vehicles, used for new county law enforcement services — and specifically including those law enforcement facilities included in the calculation of Law Enforcement Impact Fees in the Impact Fee Study.

Capital Library Facilities shall mean non-site related land, buildings, improvements to land, capital equipment, and collections necessary to provide new county library services — and specifically including those library facilities and collections included in the calculation of Library Facility Impact Fees in the Impact Fee Study.

Capital Public Facility Standards shall mean those measures of levels of service for County Capital Facilities documented and used in the Impact Fee Study to calculate the Impact Fees.

Capital Public Safety Facilities shall mean non-site related lands, buildings, capital improvements to land, and capital equipment, facilities and vehicles, used for the provision of new public safety services — and specifically including those public safety facilities included in the calculation of Public Safety Impact Fees in the Impact Fee Study.

Capital Multimodal Transportation Facilities shall mean non-site related transportation planning, right-of-way acquisition, engineering costs, and the construction of new road and multimodal improvements to land of any project expanding the capacity of any arterial or collector shown in Map 5-B (the Future Traffic Circulation Functional Classification Map) of the Manatee County Comprehensive Plan. Capital Multimodal Transportation Facilities shall not mean routine or periodic maintenance.

County Capital Facilities shall mean Capital Parks and Natural Resources Facilities, Capital Multimodal Transportation Facilities, Capital Law Enforcement Facilities, Capital Public Safety Facilities, and Capital Library Facilities necessitated by new growth.

County Impact Fee Administrator shall mean the County Administrator or a designee, who shall be responsible for the administration of Chapter 11: Impact Fees.

County Impact Fee Funds shall mean the funds established by the County pursuant to Chapter 11 to ensure the Impact Fees collected are designated for the provision of infrastructure necessitated by new Impact-Generating Land Development that paid the Impact Fees. The County Impact Fee Funds include Accounts established pursuant to Chapter 11.

Credit Authorization shall mean the document approved by the Board, which grants impact fee credits to a person for the completion of non-site related improvements and which includes any conditions placed on the use of those credits.

Development shall mean any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which creates additional demand for public services.

Development Unit shall mean any lot, parcel, or phase in a project as depicted in a development order, and for which credit under the provisions of Chapter 11 is sought.

Fair Market Value shall mean the value of land or land and Capital County Facilities that is determined as part of an Offer of Credit. Fair market value shall be established by the Manatee County Property Appraiser, or through an appraisal provided by a State of Florida licensed real estate appraiser, or an appraiser who is a member of the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers, or, in cases where the value of new construction has not yet been included on the Tax Roll in force, the declared value of the improvement on a Manatee County building permit, pursuant to the Administrative Procedures.

Feepayer shall mean a person commencing Impact-Generating Land Development, who is obligated to pay Impact Fees in accordance with the terms of Chapter 11: Impact Fees.

Impact Fees shall mean the Impact Fees for each County Capital Facility, established by Chapter 11: Impact Fees.

Impact Fee Component shall mean each separate County Capital Facility for which Impact Fees are charged. More specifically, the following shall each constitute a separate Impact Fee Component:

a. Capital Parks and Natural Resources Facilities;

b. Capital Multimodal Transportation Facilities;

c. Capital Law Enforcement Facilities;

d. Capital Public Safety Facilities; or

e. Capital Library Facilities.

Impact Fee Multimodal Transportation System shall mean all arterial and collector roads and multimodal improvements shown in Map 5-B (the Future Traffic Circulation Functional Classification Map) of the Manatee County Comprehensive Plan, consistent with the methodology used in the Impact Fee Study.

Impact Fee Schedule shall mean a fee schedule comprised of Impact Fee Components for each separate County Capital Facility provided by the County for which Impact Fees are charged.

Impact Fee Study shall mean the document titled "Manatee County 2015 Impact Fee Update" prepared by TischlerBise, and dated ***<insert date of final study>***, that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on County Capital Facilities, and for determining the cost of these County Capital Facilities necessary to meet the demands created by new development.

Impact-Generating Land Development shall mean either:

a. Land development designed or intended to permit a use of the land that will contain more dwelling units, lots, or floor space than the then existing use of the land, or the making of any material change in the use of any structure or land in a manner that increases demand on County Capital Facilities, unless exempted pursuant to Chapter 11. (The type of proposed Impact-Generating Land Development shall be based on the proposed use of the land.); or

b. Any "land development activity" as defined in Chapters 2 and 11 of the Manatee County Land Development Code, that is obligated to pay but has not paid impact fees.

Improvements shall mean capital improvements, including the planning, engineering design, permitting, construction, inspection, on-site construction, off-site construction, land, the purchase of related equipment, vehicles, and financing associated with new or expanded capital facilities, buildings, and equipment that expand the capacity of a facility or service system, but not including maintenance, operations or improvements that do not expand capacity.

Independent Impact Analysis Study shall mean a study prepared by a Feepayer, calculating the cost the County will incur in providing the necessary County Capital Facilities to serve the Feepayer's proposed Impact-Generating Land Development, based on the established Capital Facility standard(s).

Non-Site Related Improvements shall mean County Capital Facilities that are not Site-Related Improvements.

Nursing Home shall mean the same as outlined in Chapter 400.021 Florida Statutes, and for the purposes of nursing home impact fees shall include residential treatment facilities.

Person shall mean an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.

Site-Related Improvements shall mean County Capital Facilities located inside or outside the boundaries of the proposed Impact-Generating Land Development, which are designed and intended to serve only the needs of that development.

Successor-in-Interest shall mean a person who gains a fee simple interest in land for which Impact Fees are paid or a credit is approved pursuant to the terms of this chapter.

Square feet (Impact Fees) shall mean interior, occupied living areas only.

Trip Generation Rates shall mean both the production and attraction of traffic.

The following terms are deleted in their entirety from the defined terms for "Impact Fees" in Section 200:

Access Improvements;

Capture and Diversion Rate;

Expansion of the capacity of a road;

Impact Fee Schedule; and

Law Enforcement.

The following terms are deleted in their entirety from the defined general terms in Section 200:

Manufacturing (*Impact Fees*); and

Warehouse (*Impact Fees*).

ORDINANCE EXHIBIT "B"
AMENDED AND RESTATED CHAPTER 11, IMPACT FEES

Section 1100. Title, Authority, and Applicability.

This chapter shall be known and may be cited as Chapter 11: Impact Fees. The Board of County Commissioners of Manatee County has the authority to adopt this chapter pursuant to Article VIII of the Florida Constitution (1968) and Chapters 125 and 163 of the Florida Statutes. This chapter shall apply uniformly throughout the unincorporated area of Manatee County.

Section 1101. Legislative Findings, Reliance Upon the Impact Fee Study, and Intent.

A. The Board of County Commissioners of Manatee County hereby finds that the document titled "Manatee County 2015 Impact Fee Update" prepared by TischlerBise, and dated ***<insert date of final study>***, is based upon the most recent and localized data and relies upon said document in the adoption of this chapter.

B. This chapter is intended to implement and be consistent with the Manatee County Comprehensive Plan and is intended to be consistent with Section 163.31801, Florida Statutes (the "Florida Impact Fee Act").

C. It is the further intent of this chapter that new development pay for its fair share of the cost of County Capital Facilities required to accommodate new development through the imposition of Impact Fees that will be used to finance, defray or reimburse all or a portion of the costs incurred by the County to construct or acquire Improvements for County Capital Facilities to accommodate that new development.

D. It is also the intent of this chapter to be consistent with the principles for allocating a fair share of the cost of new County Capital Facilities to new users as established by the Florida Supreme Court and the District Courts of Appeal of Florida in the case of Contractors and Builders Association of Pinellas County v. City of Dunedin, 329 So.2d 314 (Fla., 1976), and other cases. This is accomplished by ensuring new development bears a proportionate share of the cost for Improvements to these County Capital Facilities; ensuring such proportionate share does not exceed the cost incurred by the County for Improvements for such County Capital Facilities to accommodate new development; and ensuring that new development receives sufficient benefit from the funds collected in the form of Improvements for such County Capital Facilities.

E. It is further the intent of this chapter to establish a system for the efficient and coordinated administration of Impact Fees authorized by this chapter, including the consistent administration of payments, expenditures, appeals, credits, refunds and reviews of independent impact analysis.

F. It is not the intent of this chapter to collect any Impact Fees from any new development in excess of the actual amount necessary to offset new demands for County Capital Facilities.

G. It is not the intent of this chapter that any monies collected from any Impact Fees deposited in an Impact Fee Account ever be commingled with monies from a different Impact Fee

Account, or ever be used for a type of County Capital Facility or equipment different from that for which the Fees are paid, or ever be used to replace or rehabilitate existing Improvements for County Capital Facilities.

H. The "whereas clauses" and findings set forth in Ordinance No. 15-43 are hereby adopted as legislative findings.

Section 1102. Impact Fees to be Imposed.

1102.1. Fee Obligation.

A. Obligation. Any person who commences any Impact-Generating Land Development, except those exempted pursuant to Section 1102.2, shall be obligated to pay Impact Fees as required by this chapter. The person commencing the Impact-Generating Land Development or such person's Successor-in-Interest shall be obligated to pay the Impact Fees. The amount of the Fees shall be determined in accordance with Section 1102.3.

B. Fees Levied.

The Board hereby imposes Impact Fees at the rates established pursuant to Section 1102.3.A (Fee Schedule) for all Impact-Generating Land Development.

C. Time Fees Paid. The Impact Fees shall be paid to the County Impact Fee Administrator:

1. At time of issuance of a Building Permit for additions/renovations, and manufactured home replacements (should there be an increase in impacts on County Capital Facilities based on the Fee Schedule in Section 1102.3.A);

2. Prior to Final Plan Approval or its functional equivalent where no Building Permit is required (e.g., "AP," "FSP," etc.);

3. Prior to installation of the required improvements release by the Department Director for recreational vehicle parks;

4. Prior to issuance of a Certificate of Occupancy or Certificate of Completion (as the case may be), for all other development and for an Independent Impact Analysis (Section 1102.3.E); or

5. At an earlier stage of development if required by a condition of a planned development approval or pursuant to either a Pre-Payment of Impact Fees (Section 1102.1.G) or a Fee Agreement (Section 1102.1.H).

D. Extension of Previous Permit. If the Feepayer applies for an extension of a previously-applied-for Building Permit and Impact Fees have not been paid prior to the time the extension is requested, the Impact Fees due for the development subject to the extension shall be the Impact Fees in effect at the time the extension is requested.

E. Change of Use. If the Feepayer is applying for a permit to allow a change of use or for the expansion, redevelopment, or modification of an existing development, the Impact Fees required to be paid shall be based on the net increase in the Impact Fees for the new use as compared to the previous use.

F. Destruction or Redevelopment. If the Feepayer is applying for a permit to allow the development or redevelopment of an existing use, which does not involve a change in use, the Impact Fees required to be paid shall be based on the net increase in the unit of measurement between the existing and new development, such as square feet for certain residential and nonresidential development, and rooms for hotel/lodging, based on the Fee Schedule in Section 1102.3.A.

G. Pre-Payment of Impact Fees.

1. Any Feepayer may pay Impact Fees for a Component or all Components of an entire Impact-Generating Land Development at any time between the approval of a Final Development Order and issuance of the first Building Permit for the development, upon approval of the Board and pursuant to a Fee Agreement, pursuant to this section 1102.1.G and section 1102.1.H.

2. A Fee Agreement providing for pre-payment may include a provision that exempts the Feepayer from subsequent increases in Impact Fees to any Impact Fee Component for which all Fees have been paid pursuant to this subsection. A Feepayer shall be obligated to pay any and all Impact Fees in place at the time Impact Fees are due and owing for Components not pre-paid pursuant to this section, including any new Impact Fee Components adopted.

H. Fee Agreement. Prior to issuance of a Certificate of Occupancy or Certificate of Completion (as the case may be), the owner of the Impact-Generating Land Development may, subject to the approval of the Board, enter into a Fee Agreement providing for payment of Impact Fees at a time to be specified in the Fee Agreement. In no event shall the terms of the Fee Agreement provide for the payment of Impact Fees later than issuance of a Certificate of Occupancy or Certificate of Completion (as the case may be).

1102.2. Exemptions.

The following types of development shall be exempted from payment of Impact Fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first Building Permit for the proposed Impact-Generating Land Development that creates the obligation to pay the Impact Fees, and any claim for exemption not made at or before that time is waived. The exemption shall be determined by the County Impact Fee Administrator.

A. Reconstruction, expansion, or replacement of a previously existing residential unit that does not increase the number of Dwelling Units;

B. The replacement of a destroyed or partially destroyed non-residential building or structure with a new non-residential building or structure of the same use as the original structure, where there is no increase in square feet;

C. Construction of unoccupied accessory structures related to a residential unit;

D. Impact-Generating Land Development for which Impact Fees for each type of County Capital Facility covered by this chapter have previously been paid in an amount that equals or exceeds the Impact Fees that would be required by this chapter;

E. Impact-Generating Land Development undertaken by a Federal, State, County or Municipal government or a fire district;

F. Impact-Generating Land Development undertaken by a public school board or community college; and

G. Impact-Generating Land Development undertaken by the Manatee County Port Authority within PDPM (Planned Development Port Manatee) provided in Section 402.18 of the Manatee County Land Development Code where the structures are owned by the Manatee County Port Authority. This exemption shall not include Impact-Generating Land Development undertaken within PDPM (Planned Development Port Manatee) where structures are owned by a person other than the Manatee County Port Authority, in which event the structure itself and any land leased by the Manatee County Port Authority to that person shall be subject to the requirements of this chapter.

1102.3. Calculation of Amount of Impact Fees.

The amount of Impact Fees due shall be determined pursuant to the provisions of this subsection by the County Impact Fee Administrator at or prior to the time payment is due pursuant to Section 1102.1.C.

A. Fee Schedule. Any person who commences any Impact-Generating Land Development, except those exempted pursuant to Section 1102.2 (Exemptions), or those preparing an Independent Impact Analysis pursuant to Section 1102.3.E (Independent Impact Analysis), shall pay all Impact Fees applicable to the proposed Impact-Generating Land Development, as determined by the Impact Fee Schedule included in this chapter as Exhibit 11-1: Impact Fee Schedule, and incorporated herein by reference.

1. During the time period commencing on April 18, 2016 and ending on April 17, 2017, the impact fee shall be eighty percent (80%) of the amount set forth in the above schedule.

2. During the time period commencing on April 18, 2017 and ending on April 17, 2018, the impact fee shall be ninety percent (90%) of the amount set forth in the above schedule.

3. During the time period commencing on April 18, 2018 and continuing thereafter, the impact fee shall be one hundred percent (100%) of the amount set forth in the above schedule.

The County Impact Fee Administrator shall make a determination as to the appropriate land use designation listed in the Impact Fee Schedule, based upon the nature and intent of a proposed use and any mitigation measures that have been put in place to reduce the impact of such use. Such determination may be appealed to the Board upon payment of a nonrefundable processing fee.

B. Uses Not Listed. If the Impact-Generating Land Development is of a type not listed in Exhibit 11-1: Impact Fee Schedule, then the County Impact Fee Administrator shall be responsible for determining whether the use is comparable to another type of land use listed in Exhibit 11-1: Impact Fee Schedule. If the County Impact Fee Administrator determines the use is comparable to another type of land use listed in Exhibit 11-1: Impact Fee Schedule, the Impact Fees due to be paid for the use shall be the same as for the comparable use. If there is no comparable use, the Impact Fees shall be determined by an Independent Impact Analysis pursuant to Section 1102.3.E.

C. Mix of Uses. If the Impact-Generating Land Development includes a mix of those uses listed in Exhibit 11-1: Impact Fee Schedule, then the Impact Fees shall be determined by adding up the Impact Fees that would be payable for each use as if it were a freestanding use pursuant to Exhibit 11-1.

D. Computation. The Impact Fees for any Impact-Generating Land Development shall be computed on the basis of the maximum impact of proposed use for the land permitted under applicable laws, ordinances, regulations and permits, except where development is restricted by a Fee Agreement (Section 1102.1.H). If the Impact-Generating Land Development includes fractional units, the Fees shall be computed to the appropriate fraction.

E. Independent Impact Analysis.

1. *Request by Feepayer.* In lieu of calculating the amount(s) of Impact Fees by reference to Exhibit 11-1: Impact Fee Schedule, a Feepayer may submit an application to request the amount of the required Impact Fees be determined by reference to an Independent Impact Analysis for the proposed Impact-Generating Land Development. Such application must contain the information outlined in this Section 1102.3.E and must be accompanied by the appropriate Independent Impact Analysis. The burden shall be on the Feepayer requesting the Independent Impact Analysis to demonstrate by competent substantial evidence that the data, assumptions, and service units used in the Impact Fee Study and reflected in Exhibit 11-1: Impact Fee Schedule are less accurate than the results of the Independent Impact Analysis.

2. *Request by County Impact Fee Administrator.* In lieu of accepting a payment of Impact Fees based on Exhibit 11-1: Impact Fee Schedule, the Feepayer shall be required to perform an Independent Impact Analysis if the type of Impact-Generating Land Development is not within one of those categories or comparable to a category listed in Exhibit 11-1: Impact Fee Schedule; or may be required to perform an Independent Impact Analysis if the development requires a rezone, site plan or subdivision approval, and the County Impact Fee Administrator determines that due to the nature, timing or location of the proposed Impact-Generating Land Development, it will generate substantially more impacts on County Capital Facilities than those determined in Exhibit 11-1. If the Feepayer is required pursuant to this subsection to perform an Independent Impact Analysis, the County shall be responsible for retaining a qualified professional to prepare the Independent Impact Analysis consistent with the requirements of this chapter, at the

Feepayer's expense, but the expenses of preparing the Independent Impact Analysis shall be deducted from the Impact Fees due from the Feepayer for the Impact Fee Component which the Independent Impact Analysis is prepared pursuant to this subsection. The County Impact Fee Administrator may also choose to perform the Independent Impact Analysis using County staff and current engineering data.

3. *Qualifications of Preparer.* Unless the County Impact Fee Administrator chooses to perform an Independent Impact Analysis using County staff, each Independent Impact Analysis shall be prepared and certified by an expert approved by the County Impact Fee Administrator as satisfying the criteria for training and experience established by the Administrative Procedures.

4. *Requirements for Independent Impact Analysis.* An Independent Impact Analysis shall be based on the most recent and localized data, shall be based on the same Capital Public Facility Standards and unit costs for Improvements for County Capital Facilities used in the Impact Fee Study, and shall document the relevant methodologies and assumptions used. Each Independent Impact Analysis shall comply with the following requirements:

a. *Multimodal Transportation Impact Fee.* In the case of the Multimodal Transportation Impact Fee, the Independent Impact Analysis shall use the formulas used in the Impact Fee Study to determine travel demand and the amount of Impact Fees, but may attempt to demonstrate that alternate trip generation rates, by development type, alternate trip rate adjustment, and/or alternate trip length adjustment more accurately reflect the transportation impacts of the proposed Impact-Generating Land Development. Support shall be provided through local data and/or surveys.

b. *Other Impact Fees.* In the case of each of the other Impact Fee Components, the Independent Impact Analysis shall use the formulas used in the Impact Fee Study for the appropriate component, but may attempt to demonstrate that the number of service units per development unit vary from the rates used in the Impact Fee Study.

5. *Completeness.* When done pursuant to a Feepayer request, the County Impact Fee Administrator shall review the Independent Impact Analysis and the Feepayer's application for completeness. If additional material is required for effective review of the Independent Impact Analysis, the County Impact Fee Administrator shall notify the applicant of the need for such additional material within ten (10) days after receipt of the application. Applicant shall provide the requested additional materials within thirty (30) days of receipt of notice from the County Impact Fee Administrator, or the application shall be considered withdrawn.

6. *Decision by the County Impact Fee Administrator.* Within thirty (30) days after a determination that the application and accompanying analysis are complete, the County Impact Fee Administrator shall render a written decision accepting, accepting with modifications, or rejecting the Independent Impact Analysis as the basis for calculating Impact Fees due from the proposed Impact-Generating Land Development. The Independent Impact Analysis shall be accepted, accepted with modifications, or rejected based on the review standards in Section 1102.3.E.7 (Standards). The decision of the County Administrator or designee shall be in writing. If an Independent Impact Analysis is accepted or accepted with modifications, then the

Impact Fees due under this chapter shall be calculated according to the Independent Impact Analysis.

7. *Standards.* The standards for acceptance, acceptance with modifications, or rejection of the Independent Impact Analysis shall be whether the applicant and the Independent Impact Analysis have complied with all requirements of Section 1102.3.E.4 (Requirements for Independent Impact Analysis), and if so, whether the resulting Independent Impact Analysis demonstrates, by competent substantial evidence, that an alternative Impact Fee amount more accurately reflects the demands for the relevant County Capital Facilities than the applicable Fees shown in Exhibit 11-1: Fee Schedule.

Section 1103. Use of Impact Fee Funds.

1103.1. County Impact Fee Funds and Accounts.

A. Establishment of County Impact Fee Funds. County Impact Fee Funds are hereby established for the purpose of ensuring the Impact Fees collected pursuant to this chapter are designated for the provision of infrastructure necessitated by new Impact-Generating Land Development that paid the Impact Fees. One (1) County Impact Fee Fund shall be established for each Impact Fee Component. These Funds shall be maintained as interest bearing accounts.

B. Establishment of Separate Accounts Within Funds. For those Impact Fee Components that have more than one Benefit District, separate Accounts, as determined by the Clerk of the Court, shall be established for each such Benefit District. For those Impact Fee Components that have a single Benefit District, the County Impact Fee Fund established for each such Impact Fee Component shall be treated as a separate Account, as determined by the Clerk of the Court.

C. Deposit and Management of the County Impact Fee Accounts. All Impact Fees collected by the County Impact Fee Administrator pursuant to this chapter shall be identified as Impact Fees and shall be promptly deposited into the appropriate Account in the County Impact Fee Funds.

D. Interest Earned on Fees. Interest earned on Impact Fee proceeds in any Account in any of the County Impact Fee Funds shall be considered part of such Account, and shall be subject to the same restrictions on use applicable to the Impact Fees deposited in such Account.

E. Accounting and Reporting of Collections and Expenditures. The County shall account for the collections and expenditures of all Impact Fees in accordance with applicable law (including, without limitation, Section 163.31801(3)(b), Florida Statutes) and generally accepted governmental accounting practices.

1103.2. Limitations on Expenditures of Fees in Accounts.

The monies collected for each Impact Fee Component shall be used only (1) for the same category of County Capital Facilities, or (2) to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of that category of County Capital Facilities, or (3) to reimburse the County for such costs. The costs of County Capital Facilities also include the costs of related planning for the provision of such facilities.

1103.3. Money Spent on First-In/First-Out Basis.

Monies in each Account shall be considered to be spent in the order collected, on a first-in/first-out basis.

Section 1104. Benefit Districts.

For the purpose of ensuring Feepayers receive sufficient benefit for Impact Fees paid, the following benefit districts are established for each Impact Fee Component.

1104.1. Parks and Natural Resources Benefit District.

The Parks and Natural Resources Benefit District shall include the entirety of unincorporated Manatee County. Parks and Natural Resource Impact Fees shall be expended within the Parks and Natural Resources Benefit District.

1104.2. Multimodal Transportation Benefit Districts.

Four (4) Multimodal Transportation Benefit Districts are established: (1) the Northwest Multimodal Transportation Benefit District, (2) the Northeast Multimodal Transportation Benefit District, (3) the Southwest Multimodal Transportation Benefit District, and (4) the Southeast Multimodal Transportation Benefit District. The boundaries of all four (4) Multimodal Transportation Benefit Districts are shown on Exhibit 11-2: Multimodal Transportation Benefit Districts, which is incorporated herein by reference.

A. Within Benefit District. Multimodal Transportation Impact Fees shall be expended within the Multimodal Transportation Benefit District from which the Fees have been collected, except as authorized pursuant to Section 1104.2.B.

B. Outside Benefit District. Multimodal Transportation Impact Fees may be spent on improvements located outside the Benefit District in which the Impact-Generating Land Developments that paid the Impact Fees are located if the Board first makes a written determination that such expenditure will sufficiently benefit the Impact-Generating Land Developments located within the Multimodal Transportation Benefit District and that such expenditure will comply with the requirements of applicable law.

1104.3. Law Enforcement Benefit District.

The Law Enforcement Benefit District shall include the entirety of unincorporated Manatee County. Law Enforcement Impact Fees shall be expended within the Law Enforcement Benefit District.

1104.4. Public Safety Benefit District.

The Public Safety Benefit District shall include the entirety of unincorporated Manatee County. Public Safety Impact Fees shall be expended within the Public Safety Benefit District.

1104.5. Library Facilities Benefit District.

The Library Facilities Benefit District shall include the entirety of unincorporated Manatee County. Library Facilities Impact Fees shall be expended within the Library Facilities Benefit District.

1104.6. Administration.

The County Department of Financial Management shall be responsible for ensuring that Impact Fees authorized and collected pursuant to this chapter are expended only in accordance with the provisions of this Section 1104.

Section 1105. Refunds of Impact Fees Paid.

1105.1. Timeliness of Impact Fee Commitments and Expenditures.

A. Encumbrance of expenditure within seven (7) years. Any Impact Fees collected that have not been spent or encumbered within seven (7) years after the date on which the Fees are paid shall be eligible to be refunded to the Feepayer or the Feepayer's Successor-in-Interest, along with interest at the rate of two (2) percent per annum since the date of payment, except as otherwise noted in this section.

B. Extension of time. The Board may by resolution extend for up to three (3) years the date at which Impact Fees shall be refunded. Such an extension shall be made only upon a finding that within such three (3) year period, specific Improvements for County Capital Facilities are planned and will be constructed that will sufficiently benefit the Impact-Generating Land Development for which the Impact Fees were paid. In the case of such an extension, any Impact Fees collected that have not been spent or encumbered within such extension period shall be refunded to the Feepayer or the Feepayer's Successor-in-Interest, along with interest at the rate of two (2) percent per annum since the date of payment.

C. Refund. In order to be eligible to receive a refund of Impact Fees, the Feepayer or the Feepayer's Successor-in- Interest shall be required to submit an application for such refund to the County Impact Fee Administrator. Refunds for proceeds not timely expended shall be made by the County Impact Fee Administrator within one (1) year following the end of the calendar quarter immediately following the seventh year from the date on which the last Certificate of Occupancy was issued for the Impact-Generating Land Development or the expiration date of the extension, whichever is later. If the Feepayer or the Feepayer's Successor-in-Interest does not make application for a refund, the funds shall remain in the impact fee account until spent.

D. Successors-in-Interest. If the Successor-in-Interest claims a refund of Impact Fees, the County Impact Fee Administrator may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested refund.

E. Payment and Interest. The County Impact Fee Administrator shall approve the refund application if it is determined that the Feepayer or the Feepayer's Successor-in-Interest has paid Impact Fees the County has not spent within the period of time permitted under this section. The refund shall include the Impact Fees paid plus interest at the rate of two (2) percent per annum, less any applicable administrative fees adopted pursuant to Section 1108.5 (Administrative Fee).

1105.2. Failure to Initiate Development.

If a Feepayer has paid Impact Fees required by this chapter and has obtained a Building Permit, and the Building Permit for which the Fee was paid later expires without the possibility of further extension, then the Feepayer or the Feepayer's Successor-in-Interest shall be entitled to a refund of the Fees paid, without interest, and less any applicable administrative fees adopted pursuant to Section 1108.5 (Administrative Fee). In order to be eligible to receive a refund of Impact Fees, the Feepayer or the Feepayer's Successor-in-Interest shall be required to submit an application for such refund to the County Impact Fee Administrator within thirty (30) days after the expiration of the Building Permit for which the Fee was paid. If a Successor-in-Interest claims a refund of Impact Fees, the County Impact Fee Administrator may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested refund.

1105.3. Limitation.

After Impact Fees have been paid pursuant to this chapter, no refund of any part of the Fees shall be made if the Impact-Generating Land Development for which the Fees were paid is later demolished, destroyed, or is altered, reconstructed or reconfigured so as to reduce the size of the development or the number of units in the development.

Section 1106. Credits Against Impact Fees.

1106.1. Improvements Eligible for Credits.

Any person who shall commence any Impact-Generating Land Development may apply for a credit against the appropriate Component of the Impact Fees for Capital Parks and Natural Resources Facilities, Capital Multimodal Transportation Facilities, Capital Law Enforcement Facilities, Capital Library Facilities, or Capital Public Safety Facilities proposed to be paid pursuant to the provisions of this chapter for any contribution, construction, or dedication of land accepted and received by the County for any Non-Site Related Improvements, including any contribution, payment, construction, or dedication of land made pursuant to a development order issued by the County pursuant to local land development regulations, Section 380.06, Florida Statutes, or any additional requirement imposed by the Florida Land and Water Adjudicatory Commission on a development of regional impact.

1106.2. General Standards.

All awards of Impact Fee credits shall be subject to the following requirements:

A. Credit. Impact Fee credits shall be directly attributable to and approved for the person who made a contribution, payment, construction or land dedication that conforms to the requirements of this section or to such person's Successor-in-Interest.

B. Options for Use of Credits. Impact Fee credits may be utilized consistent with one (1) of the three (3) following options:

1. Impact Fee credits may be used to offset Impact Fees due and owing for an applicable Impact Fee Component of the development project for which contribution, construction, or dedication of land for County Capital Facilities is made and credit accepted pursuant to this section. Credits utilized pursuant to this subsection may only be applied against Building Permits issued subsequent to the time the application for the offer of credit is submitted.

2. Credit may be used in the form of a refund of Impact Fee funds to the developer/owner in the amount of the credit accepted for the contribution, construction, or dedication of land for County Capital Facilities, if Impact Fees have been paid for Building Permits issued for the development project for which the contribution, construction, or dedication of land is made for which the credit is accepted. Refunds for credits pursuant to this subsection may be requested only by the developer/owner who made the contribution, payment, construction or land dedication for which credit is accepted. The right to receive refunds for credits pursuant to this subsection is not transferable. In no case shall the refund be greater than the amount of Impact Fees paid for the applicable Impact Fee Component. Further, the total amount which may be refunded for a development project shall not exceed the total amount of Impact Fees due to Manatee County for the applicable Impact Fee Component of the development project less any credit applied against the Impact Fees due and owing (Section 1106.2.B.1). If credits are refunded pursuant to this subsection, the Credit Authorization shall be amended to reduce the amount of credit that can be applied against Impact Fees due and owing.

3. Subject to approval by the Board of County Commissioners, Impact Fee credits may be assigned to any entity and used by the assignee to offset Impact Fees due and owing for an applicable Impact Fee Component of any development project located in the same Benefit District as the development project for which the contribution, construction of improvements, or dedication of land for County Capital Facilities was made and for which the credit was accepted pursuant to this Section 1106.

4. Subject to the limitations set forth in this subsection, and pursuant to Section 163.3180, Florida Statutes, Impact Fee credits may be used to pay, in part, proportionate share contributions for local and regionally significant traffic impacts, to satisfy the transportation concurrency requirements of the Manatee County Comprehensive Plan for developments of regional impact. Such use of Impact Fee credits shall be subject to the approval by the County of a Land Development Agreement acceptable to the County in its contractual and fiscal discretion. Such Land Development Agreement may include provisions addressing, among other things: (1) the identification of one or more mobility improvements to benefit a regionally significant transportation facility to be fully funded and completed by or on behalf of the applicant, the

County, and/or another governmental or quasi-governmental entity; (2) an agreed-upon discounting of the Impact Fee credits to reflect their true present value; and (3) a contribution of land, construction and/or cash payment toward such project or projects, in addition to the use of Impact Fee credits, to at least equal to the applicant's required proportionate-share contribution, taking into consideration the present-value discounting of such Impact Fee credits.

C. Transferability. Credits shall not be transferable from one Impact Fee Component to another Component. Credits for each individual Component shall be transferable among development units under the same ownership and within the same Benefit District at the time the Credit Authorization is approved.

D. Assignment. A portion or all of a credit approved pursuant to a Credit Authorization may be assigned and reassigned for use pursuant to Section 1106.2.B.3 under terms and conditions acceptable to the County. Such assignment shall be memorialized in an amendment to the Credit Authorization and approved by the Board of County Commissioners.

E. Limitation. No credit shall exceed the amount due for the applicable Impact Fee Component against which it is to be credited, except to the extent that Impact Fee credits are to be transferred pursuant to Section 1106.2.C or assigned pursuant to Section 1106.2.D.

1106.3. Parks and Natural Resources Credits.

For any Parks and Natural Resources Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Parks and Natural Resources Impact Fees shall be provided for any off-site or on-site contribution, payment, construction or dedication of land for a Capital Parks and Natural Resources Facility used in the calculation of the Parks and Natural Resources Impact Fee that is intended for the use of the general public and accepted for that purpose by the County. The credit shall be valued at one hundred (100) percent of the fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.4. Multimodal Transportation Credits.

For any Multimodal Transportation Impact Fees proposed to be paid, a credit of up to one hundred (100) percent of the Multimodal Transportation Impact Fees shall be provided for any contribution, payment, construction or dedication of land for right-of-way (ROW) for Non-Site Related improvements that expand the capacity of the Impact Fee Multimodal Transportation System. The credit shall be valued at one hundred (100) percent of the fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.5. Law Enforcement Credits.

For any Law Enforcement Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Law Enforcement Impact Fee shall be provided for any off-site or on-site contribution, payment, construction or dedication of land for any Capital Law Enforcement Facilities used in the calculation of the Law Enforcement Impact Fee. The credit shall be valued at one hundred (100) percent of the fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.6. Public Safety Credits.

For any Public Safety Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Public Safety Impact Fee shall be provided for any off-site or on-site contribution, payment, construction, or dedication of land for any Capital Public Safety Facilities used in the calculation of the Public Safety Impact Fee. The credit shall be valued at one hundred (100) percent fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.7. Library Credits.

For any Library Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Library Impact Fee shall be provided for any off-site or on-site contribution, payment, construction, or dedication of land for any Capital Library Facilities used in the calculation of the Library Impact Fee. The credit shall be valued at one hundred (100) percent fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.8. Procedure for Offer of Credits.

A. Application. Any person eligible to receive Impact Fee credits pursuant to Section 1106.1 may submit a written application to the County Impact Fee Administrator. The amount of credits requested (stated as either a final valuation or, if construction has not been completed at the time of application, an estimate of the valuation) shall be included in the application, and the appropriate documentation supporting the valuation or estimate shall accompany the application.

B. Completeness Review. Within thirty (30) days of receipt of the written application, the County Impact Fee Administrator shall determine if it is complete, and if the application is found to be incomplete, the County Impact Fee Administrator shall mail written notification to the applicant at the address listed in the application setting forth the deficiencies and requiring the applicant submit the necessary information. The applicant shall submit the requested information or shall request additional time for submission within thirty (30) days of receipt of the notice. The County Impact Fee Administrator may grant an extension of the time for applicant submission. If an applicant does not submit the information requested or request an extension within such thirty (30) days the application shall be considered withdrawn. The County Impact Fee Administrator shall not process the application until the County Impact Fee Administrator determines that the application is complete.

C. Substantive Review and Staff Recommendation. Within thirty (30) days of the date the application for an offer of credit is determined complete, it shall be reviewed by the County Impact Fee Administrator to determine whether it meets the standards of Section 1106.8.D (Standards), whether it should be accepted, and if so, the amount of credit. The results of the review shall be presented to the Board by the County Impact Fee Administrator along with the Administrator's recommendation for either approval or denial.

D. Standards. The standard to be applied in making a decision to accept, accept with modifications, or reject an offer for credit shall be whether the offer complies with all applicable requirements of this Section 1106 (Credits Against Impact Fees), and if so, whether the offer of credit will result in a reduction of the costs to the County of constructing an Impact Fee Component of County Capital Facilities, by an amount at least equal to the value of the offer of credit.

E. Board Approval and Credit Authorization. The Board shall review all applications for offers of credit on a case- by-case basis and shall approve or deny each application. In its review, the Board may consider any information it deems relevant including, without limitation, the standards set forth in Section 1106.8.D. For all applications receiving Board approval, the County shall issue a Credit Authorization identifying the contribution, construction or dedication of land for which credit is provided, its fair market value, the amount of the approved credit, how credit is to be provided, and any other relevant terms and conditions of the credit. All material terms of the Credit Authorization must be approved by the Board. Failure to approve an application may necessitate that the County provide the applicant with an alternative form of compensation for the contribution, construction of improvements, or dedication of land for which the credits were applied.

F. Withdrawal. The applicant may withdraw the application for an offer of credit at any time prior to the acceptance of an offer of credit by the County Impact Fee Administrator, by submitting written notice to the County Impact Fee Administrator stating an intent to withdraw.

G. Time of Credit and Valuation.

1. *Land Dedications.* Where land is being dedicated, the Fee payer shall deposit with the County a pro-rated amount of property taxes based on the prior year's ad valorem tax. Approved credits for land dedications shall become effective when the land has been conveyed to the County in a form acceptable to the County at no cost to the County, and has been accepted by the Board. When such conditions have been met, the County Impact Fee Administrator shall note that fact in the County's records. The Credit Authorization shall state the amount of credit available.

2. *Improvements.* Approved credits for acquisition or construction of Improvements shall become effective when (a) all required construction has been completed and has been accepted by the County, (b) a suitable maintenance and warranty bond has been received and approved by the County, and (c) all design, construction, inspection, testing, bonding and acceptance procedures have been completed in compliance with all applicable requirements of the County (and the State of Florida, if applicable).

3. *Valuation.* The value of any contribution, construction of improvements, or dedication of land for County Capital Facilities for which credit is sought or has been approved shall be calculated as of the earliest point in the development approval process when the need for the contribution, construction of improvements, or dedication of land was identified and made a condition of approval.

Section 1107. Appeals.

1107.1. General.

A Feepayer may appeal a decision of the County Impact Fee Administrator to the Board on a request for an Independent Impact Analysis (Section 1102.3.E), a Refund (Section 1105), or an offer of credit (Section 1106), by filing an appeal, in writing, with the County Impact Fee Administrator, within sixty (60) calendar days of the decision. The appeal shall include a written notice stating in detail the grounds of the appeal. The County Impact Fee Administrator shall place the appeal on the Board's agenda for a regularly scheduled meeting or a special meeting called for that purpose, and forward the record of the matter that is on appeal to the Board.

1107.2. Record.

The record considered by the Board shall be the record of the application for Independent Impact Analysis, the offer of credit, or the request for Refund (as the case may be).

1107.3. Notice.

The County Impact Fee Administrator shall notify the applicant by mail or hand delivery at least 15 calendar days prior to the Board's hearing on the appeal.

1107.4. Hearing on Appeal.

At the hearing on the appeal, the Board shall provide the appellant an opportunity to identify the grounds for the appeal and the basis for the County Impact Fee Administrator's error on the decision, based on the record. The County Impact Fee Administrator or a representative, other County staff involved in the decision, and the appellant shall be allowed to respond, based on the record. After the presentations, the Board may hear from any other person(s) it deems appropriate, and then based on the testimony heard at the hearing and the record, the Board shall affirm, modify or reverse the decision of the County Impact Fee Administrator based on the standards in Section 1107.5 (Standards).

1107.5. Standards.

To reverse a decision of the County Impact Fee Administrator, the Board shall find that there is a clear and demonstrable error in the application of the facts in the record to the standards for review of an Independent Impact Analysis (Section 1102.3.E), Refund (Section 1105), or offer of credit (Section 1106) (as the case may be). If the Board reverses or modifies the decision, it shall provide the County Impact Fee Administrator clear direction on the proper decision. In no case shall the Board have the authority to negotiate the amount of the Impact Fees or waive the Fees. The decision of the Board shall be final.

1107.6. Form of Decision.

The Board's decision on the appeal shall be in writing and shall include findings of fact and the application of those facts to the relevant standards.

Section 1108. Miscellaneous Provisions.

1108.1. No Expenditure for Routine Maintenance, Rehabilitation or Replacement.

No monies from the County Impact Fee Funds shall be spent for periodic or routine maintenance, rehabilitation or replacement of any facility of any type.

1108.2. Construction of Site-Related Improvements.

Nothing in this chapter shall restrict the County from requiring an applicant for an Application for Development Approval to construct Site-Related Improvements, or other reasonable project improvements required to serve the applicant's project, whether or not such improvements are of a type for which credits would otherwise be available under Section 1106. Such Site-Related Improvements shall not be eligible for credits pursuant to Section 1106.

1108.3. Capital Improvements Program.

At least once during each fiscal year of the County, the County Administrator or a designee shall present to the Board a proposed capital improvements program for the Capital Parks and Natural Resources Facilities, Capital Multimodal Transportation Facilities, Capital Law Enforcement Facilities, Capital Library Facilities, and Capital Public Safety Facilities, including related equipment and vehicles, and such capital improvements program shall assign monies from each County Impact Fee Fund and Account to specific projects and related expenses for the type of facilities or services for which the Fees in that Account were paid. The Board shall accept, modify or reject the proposed capital improvements program of the County Administrator or a designee, and direct monies from the County Impact Fee Fund Accounts spent consistent with the approved capital improvement program for that year. Any monies, including any accrued interest, not assigned to specific projects within such capital improvements program, or not expended pursuant to Section 1103 for those County Capital Facilities not eligible for inclusion in such capital improvements program, shall be retained in the same Account until the next fiscal year.

1108.4. Administrative Procedures.

The Board may adopt by resolution Administrative Procedures to implement this chapter.

1108.5. Administrative Fee.

The Board may adopt a resolution providing for administrative fees to be retained by the County as payment for the expenses of collecting the fees and administering this chapter. In no case shall the administrative fees adopted by the Board exceed the actual costs to the County of paying such expenses.

1108.6. Mistake or Misrepresentation.

If Impact Fees are calculated and paid based on a mistake or misrepresentation, they shall be recalculated. Any amounts overpaid by a Feepayer shall be refunded by the County within thirty (30) days after the County Impact Fee Administrator's acceptance of the recalculated amount, with interest at the rate of two (2) percent per annum since the date of such overpayment. Any amounts underpaid by the Feepayer shall be paid to the County (Clerk of the Circuit Court) within thirty (30) days after the County Impact Fee Administrator's acceptance of the recalculated amount, with interest at the rate of two (2) percent per annum since the date of such underpayment. In the case of an underpayment to the County, after discovery of the error the County shall not issue any additional permits or approvals for the project for which the Impact Fees were previously paid until such underpayment is corrected, and if amounts owed to the County are not paid within sixty (60) days, the County may also repeal any permits issued in reliance on the previous payment of such Impact Fees and refund such Fees to the then current owner of the land.

1108.7. Affordable Housing.

Manatee County may pay a portion of any Impact Fees charged pursuant to this chapter against any Impact-Generating Land Development that has entered into a Land Use Restriction Agreement ensuring that the Impact-Generating Land Development meets those standards established by Manatee County for an affordable housing project. When an existing affordable housing unit is demolished, the property owner may transfer available Impact Fee credits from the unit for use for affordable housing development as a method for meeting requirements for mitigation related to the loss of the affordable housing unit. Such Impact Fee credits must be used in the Benefit District in which the affordable housing unit that was demolished was located.

1108.8. Five-Year Review.

At least once every five (5) years, the County Impact Fee Administrator, after consultation with all other appropriate providers of County Capital Facilities, shall recommend to the Board whether any changes should be made to Exhibit 11-1: Impact Fee Schedule, and other sections of this chapter to reflect changes in the factors that affect the fee schedule. The purpose of this review is to analyze potential changes in needs, to assess any changes in the characteristics of land uses, to assess Capital Public Facility Standards, to assess changes on the demand new growth and development places on County Capital Facilities, and to ensure that the Impact Fees charged new Impact-Generating Land Development will not exceed its pro rata share for the reasonably anticipated expansion costs of County Capital Facilities.

1108.9. Borrowing of Funds from Non-Impact Fee Source.

If the Board borrows funds from non-impact fee sources for the funding of Improvements for County Capital Facilities with the intent of repaying those funds with Impact Fees, the following procedures shall apply. The Board shall adopt a resolution finding that the Improvements for County Capital Facilities for which the funds are borrowed shall mitigate needs created by

Impact-Generating Land Development. The Board shall adopt a resolution providing for the appropriation and expenditure of Impact Fee funds in order to reimburse the source of the borrowed funds in the same manner that the Impact Fees would otherwise be expended.

1108.10. Enforcement.

Knowingly furnishing false information to any governmental official on any matter related to the administration of this chapter shall constitute a violation of this chapter. Violations of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction, shall be punishable by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment; however, in addition to or in lieu of any criminal prosecution, the County shall have the power to sue for legal and equitable relief in Circuit Court to enforce the provisions of this chapter.

Exhibit 11-1, Impact Fee Schedule

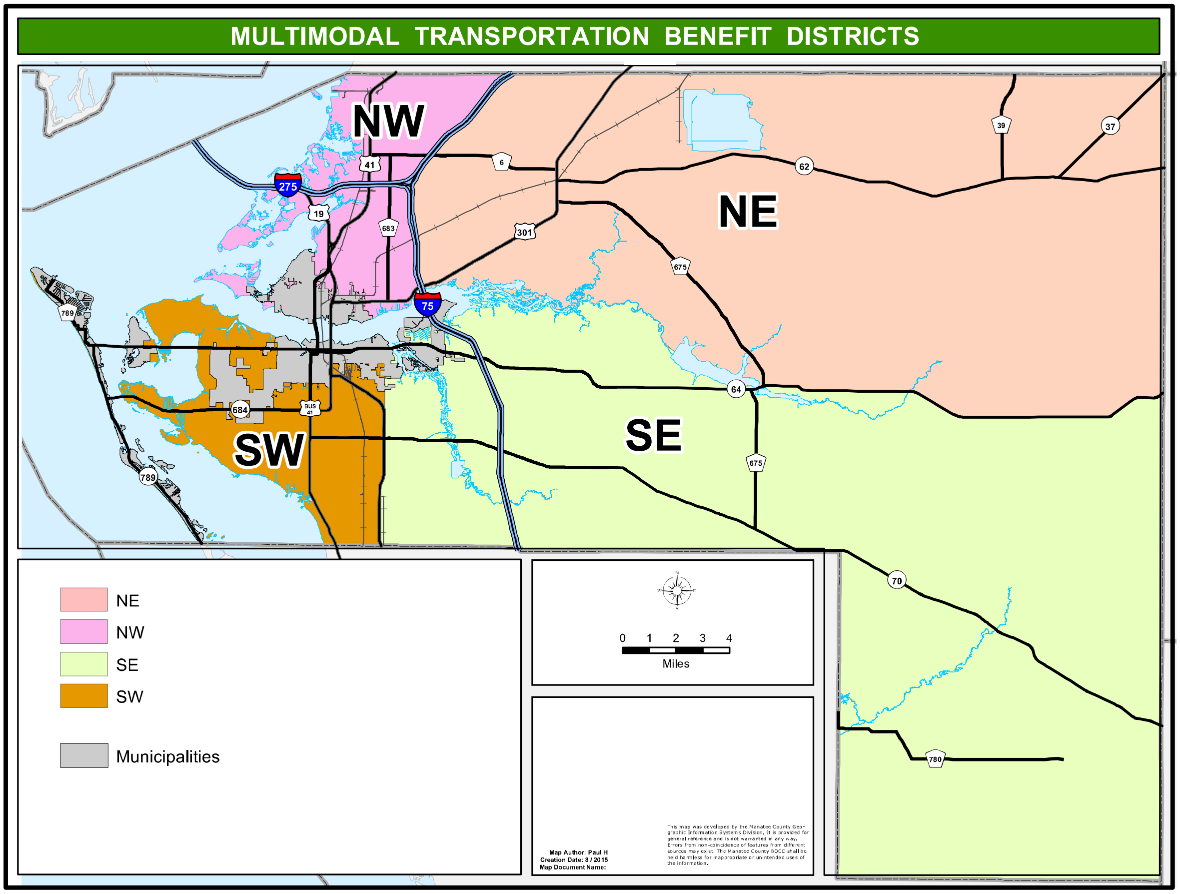
Manatee County Impact Fee Schedule
For Unincorporated Areas
April 18, 2016

	Law Enf.	Libraries	Multi-Modal Transportation				Parks & Natural Resrcs	Public Safety	Admin. Surchg	Total Fee			
			NE District	NW District	SE District	SW District				NE District	NW District	SE District	SW District
RESIDENTIAL (Per Housing Unit)													
1000 sq ft or less	$222	$119	$2,863	$2,731	$2,107	$1,669	$538	$120	$55	$3,917	$3,785	$3,161	$2,723
1001 - 1300 sq ft	$345	$185	$4,455	$4,250	$3,279	$2,598	$836	$186	$86	$6,093	$5,888	$4,917	$4,236
1301 - 1700 sq ft	$473	$253	$6,092	$5,812	$4,485	$3,541	$1,144	$255	$118	$8,335	$8,055	$6,728	$5,784
1701 - 2200 sq ft	$596	$319	$7,657	$7,304	$5,636	$4,450	$1,442	$321	$149	$10,484	$10,131	$8,463	$7,277
2201 or more sq ft	$744	$399	$9,541	$9,102	$7,024	$5,543	$1,801	$401	$186	$13,072	$12,633	$10,555	$9,074
NONRESIDENTIAL (Per 1,000 sq ft unless otherwise stated)													
Commercial/Shop Ctr	$591	$0	$13,041	$12,441	$9,600	$9,330	$0	$149	$75	$13,856	$13,256	$10,415	$10,145
Office & Other Services	$231	$0	$5,104	$4,869	$3,757	$3,651	$0	$177	$89	$5,601	$5,366	$4,254	$4,148
Hospital	$277	$0	$6,117	$5,836	$4,503	$4,377	$0	$177	$89	$6,660	$6,379	$5,046	$4,920
Mini-Warehouse	$52	$0	$1,156	$1,103	$851	$827	$0	$123	$62	$1,393	$1,340	$1,088	$1,064
Warehouse	$74	$0	$1,647	$1,571	$1,212	$1,178	$0	$123	$62	$1,906	$1,830	$1,471	$1,437
Manufacturing	$80	$0	$1,767	$1,686	$1,301	$1,264	$0	$123	$62	$2,032	$1,951	$1,566	$1,529
Light Industrial	$146	$0	$3,225	$3,076	$2,374	$2,307	$0	$123	$62	$3,556	$3,407	$2,705	$2,638
Nursing Home	$159	$0	$3,517	$3,355	$2,589	$2,516	$0	$177	$89	$3,942	$3,780	$3,014	$2,941
Day Care/School	$213	$0	$4,712	$4,495	$3,469	$3,371	$0	$177	$89	$5,191	$4,974	$3,948	$3,850
Lodging (1)	$118	$0	$2,605	$2,485	$1,917	$1,864	$0	$33	$17	$2,773	$2,653	$2,085	$2,032

Notes

- *Rates shown on this schedule are 100% of the rates supported by the December 3, 2015 TischlerBise impact fee study for Manatee County.*
- *Medical offices are assessed at the Office rate.*
- *Nursing homes, assisted living facilities, and residential treatment facilities are assessed at the Nursing Home rate.*
- *Hospitals are assessed per 1,000 square feet.*

Exhibit 11 - 2: Multimodal Transportation Benefit Districts



BOARD RECORDS
FILED FOR THE RECORD
2016 NOV 14 PM 12:04
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL

ORDINANCE NO. 2016-045

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, RELATING TO IMPACT FEE ADMINISTRATION, CREATING CHAPTER 70, ARTICLE I OF THE SARASOTA COUNTY CODE; PROVIDING FOR SECTION 70-1 RELATING TO SHORT TITLE; PROVIDING FOR SECTION 70-2 RELATING TO FINDINGS; PROVIDING FOR 70-3 RELATING TO INTENT; PROVIDING FOR SECTION 70-4 RELATING TO AUTHORITY; PROVIDING FOR SECTION 70-5 RELATING TO DEFINITIONS; PROVIDING FOR SECTION 70-6 RELATING TO APPLICABILITY; PROVIDING FOR SECTION 70-7 RELATING TO ESTABLISHMENT OF IMPACT FEE DISTRICTS; PROVIDING FOR SECTION 70-8 RELATING TO IMPOSITION OF IMPACT FEE AND SERVICE CHARGE; PROVIDING FOR SECTION 70-9 RELATING TO CALCULATION OF IMPACT FEE; PROVIDING FOR SECTION 70-10 RELATING TO MANAGEMENT OF IMPACT FEE AND SERVICE CHARGE FUNDS; PROVIDING FOR SECTION 70-11 RELATING TO REFUNDS; PROVIDING FOR SECTION 70-12 RELATING TO CREDITS; PROVIDING FOR SECTION 70-13 RELATING TO ANNUAL REVIEW; PROVIDING FOR SECTION 70-14 RELATING TO APPEALS AND INDEPENDENT IMPACT FEE STUDIES; PROVIDING FOR SECTION 70-15 RELATING TO EFFECT OF IMPACT FEE ORDINANCES ON ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SECTION 70-16 RELATING TO IMPACT FEE ORDINANCES AS ADDITIONAL OR SUPPLEMENTAL REQUIREMENT; PROVIDING FOR SECTION 70-17 RELATING TO LIBERAL CONSTRUCTION; PROVIDING FOR SECTION 70-18 RELATING TO SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Sarasota County's overall county growth management program includes the County's intent to adopt Impact Fees, as set forth in policies of the Capital Improvements Chapter of the County Comprehensive Plan; and

WHEREAS, the Sarasota County Commission (Board) has considered the recommendations of the Public Facilities Financing Advisory Board (PFFAB), Impact Fee Update report prepared by Duncan Associates, and comments from the public and other interested parties; and

WHEREAS, the Board has provided the City of North Port, City of Sarasota, City of Venice, and the Town of Longboat Key with adequate notice and time for review, comment and public hearings regarding adoption of this Ordinance; and

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WHEREAS, the Board has determined that it is advisable and in the public interest to adopt and implement this Ordinance.

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

SECTION 1. This Ordinance hereby creates Chapter 70, Article I of the Sarasota County Code.

SECTION 2. Section 70-1 of the Code is hereby created to read as follows:

Section 70-1. - Short title.

This Article shall be known and cited as the "Sarasota County Impact Fee Administration Ordinance."

SECTION 3. Section 70-2 of the Code is hereby created to read as follows:

Section 70-2. - Findings.

The Board of County Commissioners of Sarasota County, Florida (Board) hereby finds and declares that:

(a) Sarasota County Government (County), a political subdivision of the State of Florida and a Home Rule Charter County, provides public facilities for libraries, roads, parks, potable water, wastewater, law enforcement, justice, general government, Fire, Emergency Medical Services (EMS), and mobility to residents and businesses in the County.

(b) The County has experienced rapid population growth from the 1980's through the present, which strains the adequacy of existing sources of funds for public facilities to meet the demands created by growth and new development/redevelopment.

(c) The Sarasota County Comprehensive Plan (Comprehensive Plan), as adopted and amended by the Board, and further census and population studies to date indicate that this growth will continue at a substantial rate, creating significant demands for public facilities to accommodate growth and new development/redevelopment at the level of service specified in Chapter 70 Articles II, V, IX, X, and XI.

(d) Growth and development/redevelopment must be accompanied and supported by adequate public facilities in order to maintain the level of service specified in Chapter 70 Articles II, V, IX, X, and XI.

(e) The County provides public facilities for all residents of the County; both within the incorporated municipalities as well as the unincorporated areas of the County.

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(f) Impact Fee funds collected pursuant to Chapter 70 Articles II, V, IX, X, and XI shall be expended only on public facilities within each of the applicable Impact Fee districts. Such public facilities, operating as part of a County-wide system, have a "rational nexus" to and provide benefit to those properties on which fees are imposed pursuant to Chapter 70 Articles II, V, IX, X, and XI.

(g) Impact Fees provide funds for public facilities that are needed to serve growth and new development/redevelopment at the existing level of service as used in the calculation of Impact Fees, which may be supplemented by other County funds as needed to achieve the desired level of service.

(h) Impact Fees collected pursuant to Chapter 70 Articles II, V, IX, X, and XI provide for a proportionate share of the average public facility cost related to the public facilities needed for additional capacity to accommodate growth and new development/redevelopment.

(i) The funding of Public Facilities through the use of Impact Fees established by Chapter 70 Articles II, V, IX, X, and XI shall be based, when applicable, upon the County and Municipal Capital Improvements Programs and be consistent therewith.

(j) Impact Fees established by Chapter 70 Articles II, V, IX, X, and XI are one technique within an overall County growth management program as set forth in the Comprehensive Plan. The use of Impact Fees is supported in the Comprehensive Plan, and is specifically addressed in the Capital Improvements chapter's Objectives and Policies. The Board hereby finds that the Impact Fees imposed by Chapter 70 Articles II, V, IX, X, and XI, as amended from time to time, are consistent with and further the purposes of the Comprehensive Plan.

(k) The Board has considered the matter of financing additional public facilities, the need for which is reasonably related to growth and new development/redevelopment. The Board hereby finds and declares that Impact Fees imposed upon growth and new development/redevelopment to finance public facility projects, the need for which is reasonably related to growth and new development/redevelopment, furthers the public health, safety and welfare of the County. Therefore, the Board deems it advisable to adopt Chapter 70 Articles I, II, V, IX, X, and XI as hereinafter set forth.

(l) The Board, sitting as the Sarasota County Land Development Regulation Commission, has reviewed Chapter 70 Articles I, II, V, IX, X, and XI and has found that they are consistent with the Comprehensive Plan.

SECTION 4. Section 70-3 of the Code is hereby created to read as follows:

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Section 70-3. - Intent.

The intent of this article is to provide for the administration of Chapter 70 Articles II, V, IX, X, and XI.

(a) Chapter 70 Articles II, V, IX, X, and XI are intended to impose fees, payable at the time of Certificate of Occupancy issuance, in an amount based upon the average amount of new public facility demand attributable to growth and new development/redevelopment and the average cost of public facilities needed for the growth and new development/redevelopment at the appropriate level of service. These Articles are intended to allow growth and new development/redevelopment to share in their burdens. Growth and new development/redevelopment shall share in this burden by paying a pro rata share for the reasonably anticipated average costs of public facilities needed to accommodate the demand created by growth and new development/redevelopment at the prescribed levels of service as well as complying with other appropriate development approved conditions.

(b) Chapter 70 Articles II, V, IX, X, and XI shall not be construed to authorize imposition of fees for public facility needs attributable to existing development, and are not intended to affect the use of property, the density of development, the design of a site or buildings or any other attribute of development which is governed by the County Land Development Regulations (LDR).

(c) Chapter 70 Articles II, V, IX, X, and XI identify the analytical basis on which the calculation of Impact Fees are determined from the most recent and localized data.

SECTION 5. Section 70-4 of the Code is hereby created to read as follows:

Section 70-4. - Authority.

The authority for establishment and implementation of Chapter 70 Articles II, V, IX, X, and XI is the Board exercising its County Charter home rule powers and its local authority, including police powers, pursuant to Article VIII, Section 1 of the Florida Constitution and F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.), as amended. The aforementioned provisions authorize and require the County to: (1) provide and finance public facilities; (2) provide for the health, safety and general welfare of the County; (3) coordinate the provision of adequate public facilities with land development; and (4) implement its Comprehensive Plan. Furthermore, the Community Planning Act, F.S. § 163.3161 et seq., encourages the use of innovative land development regulations, including Impact Fees. The provisions of Chapter 70 Articles II, V, IX, X, and XI shall not be construed to limit the scope of the power necessary to accomplish these purposes.

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SECTION 6. Section 70-5 of the Code is hereby created to read as follows:

Section 70-5. - Definitions.

As applied in this Article I and Chapter 70 Articles II, V, IX, X, and XI, the following words and terms shall have the stated meanings, unless another meaning is clearly intended:

Accessory Building or Structure *shall mean a detached, subordinate building, the use of which is clearly indicated and related to the use of the principal building or use of the land and which is located on the same lot as the principal building or use.*

Annual Budget *shall mean the budget adopted annually by the governing body and which shall be adopted as part of the annual County budget.*

Applicant *shall mean the property owner, or duly designated agent of the property owner, of land on which a Certificate of Occupancy is requested and an Impact Fee is due pursuant to this Chapter, or shall mean the property owner, or duly designated agent of the property owner, of land identified in a credit agreement pursuant to Section 70-13 where such property owner or agent is responsible for the provision of Public Facility Project(s) as described in Section 70-13.*

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

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

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

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

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

Certificate of Occupancy (CO) *shall mean a document or action certifying compliance with County building, land development, or zoning regulations, issued by the County or equivalent Municipal document or action as applicable. The term shall be deemed to include final County approval, or equivalent Municipal approval, where no Certificate of Occupancy is required for the construction or occupation of a structure, or use of land. The term "Certificate of Occupancy," as*

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used in this article, shall be deemed to include, but not be limited to business use permit issuance, Mobile Home installation permit, or *any comparable permit as authorized by the County or Municipality as applicable.*

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

Collecting Agency *shall mean the County or municipal department or official authorized to issue Certificates of Occupancy.*

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

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

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

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

Demand *shall mean the average increment of public facilities that a principal use would consume.*

Development *shall mean the execution of any building activity or any material change in the use of a structure or property that requires issuance of a building permit or tenant occupancy permit.*

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

Equivalent Dwelling Unit *shall mean the quantum of Demand associated with a typical single-family detached dwelling unit in Sarasota County.*

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

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General Retail/Commercial Uses *shall mean those business activities and nonresidential uses that are not classified in any other nonresidential land use category included in the Impact Fee schedule.*

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

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

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

Impact Fee *shall mean a monetary exaction imposed at the time of issuance of a Certificate of Occupancy on a pro rata basis in accordance with the average Demand for public facilities created by growth and new development/redevelopment, and this term shall include the term Mobility Fee as related to Chapter 70 Article XII.*

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

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

Land Development Regulations *shall mean County Ordinance No. 97-051, as amended and a codified in Chapter 74 of the Sarasota County Code.*

Level of Service *shall mean the standard sought to be provided by the County as specified in the County Comprehensive Plan or as otherwise lawfully adopted by the Board of County Commissioners.*

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

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

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

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

Municipality *shall mean one of the following: the City of Sarasota, the City of Venice, the City of North Port, or the Town of Longboat Key.*

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

Office Use *shall mean activities primarily involving the provision of professional or skilled services, including but not limited to legal, medical, real estate, financial, personal grooming and personal fitness services.*

Owner *shall mean the Person holding legal title to the real property upon which Principal Uses are to be built.*

Person *shall mean an individual, a corporation, a partnership, an incorporated association, or any other similar entity.*

Principal Use *shall mean the carrying out of any building activity or the making of any material change in the use of a structure or land that requires the issuance of a Certificate of Occupancy and which generates a Demand for public facilities over and above the existing use of the structure or land.*

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Project Costs *shall mean those funds needed for land and structure acquisitions, legal services, planning services, architectural services, engineering services, design services, administrative services, financing, construction, equipping, and development of a Public Facility Project.*

Property Appraiser *shall mean the Sarasota County Property Appraiser.*

Public Facility Project *shall mean and include the construction or the capacity adding expansion of public facilities, as more particularly defined in Articles II, V, IX, and XI, including land and structure acquisitions, professional services, and construction costs.*

Public/Institutional Use *shall mean public or quasi-public nonresidential land uses such as hospitals, nursing homes, churches, schools, and day care centers.*

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

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

Service Charge *shall mean a charge, in addition to the applicable Impact Fee amount, for expenses associated with the establishment, amendment and updates of the Impact Fee ordinance and for expenses associated with the Certificate of Occupancy and financial administration of the Impact Fee ordinances.*

Single-Family Dwelling Unit *shall mean a standalone structure containing only one Dwelling Unit detached from all others.*

Tax Collector *shall mean the Sarasota County Tax Collector.*

Tax Roll *shall mean the ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and the collection of ad valorem taxes.*

Tax Year *shall mean that period commencing January 1 of each year and continuing through the next succeeding December 31.*

Un-interrupted Issuance Process *shall mean that process where a permit application submitted to and accepted by the County or Municipality proceeds through to issuance without invalidation, suspension, or abandonment, and any permit application that exceeds 60 months from date of permit application submittal shall be deemed invalid, suspended, or abandoned for purposes of Impact Fee calculation.*

Zoning Regulations *shall mean County Ordinance No. 2003-052, as amended and as codified as Appendix A to the Sarasota County Code.*

SECTION 7. Section 70-6 of the Code is hereby created to read as follows:

Section 70-6. - Applicability.

Chapter 70 Articles II, V, IX, X, and XI shall be applied as follows:

(a) Said articles are applicable where development activity will generate an increase in the intensity of a use: (1) due to an increase in the number of Dwelling Units; (2) due to an increase in Mobile Home Park spaces; (3) due to an increase in Gross Floor Area for Non-residential Uses; or (4) due to an increase in the number of rentable rooms within a hotel/motel.

(b) The amount of the Impact Fee shall be based solely upon the increase in the intensity of use or Gross Floor Area of Non-residential Uses or an increase in the number of Dwelling Units or Mobile Home Park spaces.

(c) Where this article becomes applicable due to an increase in the number of Dwelling Units, the amount of the Impact Fee shall be based solely upon the increase in the size and number of the new Dwelling Units.

(d) Notwithstanding (a) through (c) above, this article shall not be applicable to Certificates of Occupancy otherwise necessary for:

(1) Room additions, remodeling, rehabilitation or other improvements to an existing structure, provided there is no increase in the number of Dwelling Units for Residential Uses; or

(2) Rebuilding of a damaged or destroyed structure, whether voluntary or involuntary, provided there is no increase in the number of Dwelling Units for Residential Uses; or

(3) A change in occupancy without any increase in the number of Dwelling Units for Residential Uses; or

(4) Governmental Uses which are exempt from Chapter 70 Articles II, V, IX, X, and XI; or

(5) Charter Schools pursuant to F.S. ch. 1002, pt. III [F.S. § 1002.33 (18)(d)] which are exempt from Chapter 70 Articles II, V, IX, X, and XI.

SECTION 8. Section 70-7 of the Code is hereby created to read as follows:

Section 70-7. - Establishment of Impact Fee Districts.

In furtherance of the implementation of Chapter 70 Articles II, V, IX, X, and XI, the Board shall establish the Impact Fee District(s) for each Impact Fee ordinance that includes the unincorporated area of the County and shall specify if the Impact Fee District includes the municipalities within Sarasota County. Those Impact Fee Districts that include municipalities shall be subject to an inter-local agreement between respective municipalities and the County for the collection of impact fees within and by the municipality and provides the governing body of

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the municipality with an advisory role to the Board regarding the imposition and use of impact fees collected within the municipality.

SECTION 9. Section 70-1 of the Code is hereby created to read as follows:

Section 70-8. - Imposition of Impact Fee and Service Charge.

The Impact Fees and Service Charges called for by Chapter 70 Articles II, V, IX, X, and XI shall be imposed as follows:

(a) Unincorporated area. No Certificate of Occupancy or Business Use Permit shall be issued in the unincorporated area of the County unless the Applicant therefor has paid the applicable Impact Fee and Service Charge imposed by Chapter 70 Articles II, V, IX, X, and XI. Any Certificate of Occupancy issued in the unincorporated area without payment by the Applicant and collection by the County of the applicable Impact Fee and Service Charge as required by Chapter 70 Articles II, V, IX, X, and XI shall be null and void.

(b) Municipalities within the County. No Certificate of Occupancy or Business Use Permit shall be issued within any municipality in the County unless the Applicant therefor has paid the applicable Impact Fee and Service Charge imposed by Chapter 70 Articles II, V, IX, X, and XI. Any Certificate of Occupancy issued within any Municipality without payment by the Applicant and collection by the municipality of the applicable Impact Fee and Service Charge as required by Chapter 70 Articles II, V, IX, X, and XI shall be null and void.

(c) A Service Charge shall be established by resolution of the Board as part of the annual review provided for in Section 70-14 of Article I or at such other times as deemed necessary based upon information submitted by the Impact Fee Administrator. The Service Charge is in addition to and shall be paid separately from the Impact Fee, but shall be payable at the time of Certificate of Occupancy issuance and shall be for the sole purpose of defraying expenses for the establishment, amendment and annual updates of the impact fee ordinance and methodology.

SECTION 10. Section 70-9 of the Code is hereby created to read as follows:

Section 70-9. – Calculation of Impact Fee.

Each article of Chapter 70 Articles II, V, IX, X, and XI shall establish a unit of measure and schedule of Impact Fee amounts, and the Impact Fee Administrator shall calculate Impact Fees by:

(a) Verifying the applicable articles unit of measure; and

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(b) Verifying the applicable articles Impact Fee amount from the applicable articles schedule; and

(c) Multiplying the unit of measure by the applicable Impact Fee amount.

SECTION 11. Section 70-10 of the Code is hereby created to read as follows:

Section 70-10. – Management of Impact Fee and Service Charge funds.

The Impact Fee Administrator shall serve as the Sarasota County Administrator designated official responsible for administration, implementation and interpretation of all Impact Fee ordinances, policies and manuals.

Funds collected pursuant to Chapter 70 Articles II, V, IX, X, and XI shall be processed as follows:

(a) Collection of Impact Fee and Service Charge. Impact Fees and Service Charges calculated and imposed pursuant to this article and Chapter 70 Articles II, V, IX, X, and XI shall be collected by the applicable Collecting Agency upon issuance of a Certificate of Occupancy in the unincorporated County and in any Municipality participating in the Impact Fee program.

(b) Transfer of funds to County Finance Department. Impact Fees shall be transferred from the Collecting Agency to the County Finance Department for placement in the appropriate trust fund account which has been established pursuant to subsection (c) of this section. The Service Charge shall be placed in the account and disbursed as set forth in Section 70-10(e).

(c) Trust funds established.

(1) There is hereby directed to be established a separate Impact Fee trust fund account for each Impact Fee ordinance pursuant to Chapter 70 Articles II, V, IX, X, and XI.

(2) Funds withdrawn from this account must be used solely in accordance with the provisions of subsection (d) of this section. The disbursal of such funds shall be in accordance with the Capital Improvement Program of the County and/or applicable Municipal Comprehensive Plans and as directed by the Board of County Commissioners.

(3) Any funds on deposit not immediately necessary for expenditure shall be invested in interest-bearing accounts. All interest earned shall be retained in the applicable Impact Fee trust fund account.

(d) Use of funds collected.

(1) The funds collected by reason of Chapter 70 Articles II, V, IX, X, and XI shall be used exclusively for the purpose of undertaking Public Facility Projects or for financing directly, or as a pledge against bonds, revenue

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certificates and other obligations of indebtedness, the Project Costs of Public Facility Projects.

(2) All Impact Fee funds shall be utilized for Public Facility Projects within the applicable Impact Fee District.

(3) Where there are multiple Impact Fee Districts established within an Impact Fee Article, Impact Fee funds shall not be used in adjacent areas unless the Board adopts the following findings of fact, supported by competent evidence and data concerning the impact of new development and the need for and capacity of the Public Facility Project being built in the adjacent area:

i. "Adjacent area" for purposes of this subsection shall mean and include only those Impact Fee Districts which abut the boundaries of the Impact Fee District from which the Impact Fee has been collected. "Adjacent area" for purposes of this subsection shall not include any area outside of the corporate boundaries of Sarasota County.

ii. The need for the Public Facility Project in the adjacent area is reasonably related to the needs created by new development in both Impact Fee Districts from which funds will be used;

iii. The Public Facility Project in the adjacent area will substantially benefit new development in the Impact Fee District from which Impact Fees are to be transferred;

iv. At least one-third of the minimum service area for the Public Facility Project to be constructed in the adjacent area falls within the Impact Fee District from which Impact Fees are to be transferred and the Public Facility Project is designed to serve residents of both Impact Fee Districts from which Impact Fees will be used; and

v. The amount of Impact Fees transferred for expenditure in an adjacent area shall not exceed 50 percent of the total Public Facility Project Costs

(e) Service Charge funds collected shall be distributed to the Collecting Agency for Certificate of Occupancy administration, to the County for financial administration, and to the County for the establishment, amendment and updates of the Impact Fee ordinances, in percentages to be determined by resolution of the Board.

SECTION 12. Section 70-11 of the Code is hereby created to read as follows:

Section 70-11. – Refunds.

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(a) Upon application of the current property owner, the County shall refund the portions of any Impact Fee which have been on deposit for more than seven (7) years and which remain unexpended, unless the County makes findings:

(1) To identify the specific Public Facility Projects listed in the first three (3) years of the current Capital Improvements Program for which the Impact Fee will be expended, and the year in which the Public Facility Projects will be constructed; and

(2) To demonstrate a "rational nexus" between the Impact Fee and the Public Facility Projects with respect to the applicable Principal Use.

(b) The current owner of the property must petition the County for the refund within one year following the seven-year period or extension thereof granted pursuant to subsection (a) of this section. The time for filing a refund petition shall run from the date on which the Impact Fee was paid.

(c) The petition must contain the following information:

(1) A notarized sworn statement that the petitioner is the current owner of the property;

(2) A copy of the dated receipt issued for payment of the Impact Fee;

(3) A certified copy of the latest recorded deed for the property; and

(4) A copy of the most recent ad valorem tax bill for the property.

(d) Within one month from the date of receipt of a petition for refund, the County shall advise the petitioner of the status of the refund request. If the petition for refund meets all of the requirements of this section, the County shall issue the refund within three months from the date of receipt of the petition for refund.

SECTION 13. Section 70-12 of the Code is hereby created to read as follows:

Section 70-12. – Credits.

(a) Pursuant to all requirements of this Section, any Applicant subject to an Impact Fee pursuant to this article who elects to undertake all or a portion of a Public Facility Project or who escrows money with the Governing Body for a Public Facility Project shall be eligible for a credit for such contribution against the Impact Fee otherwise due. The Applicant must, prior to the Applicant's construction, dedication or escrow, submit a petition to the Impact Fee Administrator for a determination of credit eligibility.

(b) A credit may be granted and the amount of the credit may be determined by the Impact Fee Administrator if the proposed Public Facility Project is in the five-year schedule of improvements contained in the Capital

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Improvements Program. The amount of the credit shall be based upon certified cost estimates submitted by the Applicant and approved by the Impact Fee Administrator. In no event shall the credit exceed the amount of the otherwise applicable Impact Fee.

(c) The Impact Fee Administrator shall approve, deny, or approve with conditions the petition and establish the amount of credit within 60 days following the filing of a petition.

(d) If a petition is approved for credit by the Impact Fee Administrator, the Applicant and the Governing Body shall enter into a credit agreement which shall provide for the following, including but not limited to:

(1) The timing of the actions to be taken by the Applicant and the obligations and responsibilities of the Applicant, including but not limited to the land acquisition and construction standards and requirements to be complied with;

(2) The obligations and responsibilities of the Governing Body, including but not limited to inspection of the project; and

(3) The amount of the credit or mechanism to be used to determine the value of dedicated property qualifying for credit.

(e) Where the Applicant eligible for credit is not the property owner or agent of the property owner requesting a Certificate of Occupancy, such Applicant shall agree to provide recorded notice to subsequent owners of the property regarding the credit, if any, available to purchasers and shall agree to indemnify the County for any and all costs and liabilities arising from any claims related to the Impact Fee credit. If any credit available at the time of issuance of a Certificate of Occupancy is less than the Impact Fee otherwise due, the Applicant shall pay the Impact Fee less the credit at the time of Certificate of Occupancy issuance.

SECTION 14. Section 70-13 of the Code is hereby created to read as follows:

Section 70-13. – Annual review.

(a) Prior to February 1 of each year, the Impact Fee Administrator shall prepare a report to the Board on the subject of Impact Fees collected pursuant to Chapter 70 Articles II, V, IX, X, and XI, which report shall incorporate:

(1) Recommendations on amendments, if appropriate, to said articles;

(2) Proposed changes to the Impact Fee calculation methodology;

(3) Proposed changes to the Impact Fee calculation variables;

(4) Proposed changes to Impact Fee rates or schedules.

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(b) The Impact Fee Administrator, in preparing the annual report, shall obtain and review the following information:

(1) A statement from the County Finance Department, summarizing Impact Fees collected and disbursed during the preceding fiscal year by facility;

(2) A statement from the County Department or Constitutional Officer associated with each respective Impact Fee system summarizing all Public Facility Projects initiated and completed during the preceding fiscal year by the County;

(3) A statement from the Planning and Development Services Department summarizing the Certificate of Occupancy issued, by type of Principal Use, during the preceding fiscal year;

(4) A statement from the Planning and Development Services Department that the Public Facility Projects undertaken with Impact Fee funds are consistent with the adopted Capital Improvement Program (CIP) and Comprehensive Plan.

(c) Based on the annual report and such other factors as the Board deems relevant and appropriate, the Board may amend Chapter 70 Articles I, II, V, IX, X, and XI.

(d) Nothing herein precludes the Board or limits its discretion to amend Chapter 70 Articles I, II, V, IX, X, and XI at such other times as may be deemed necessary.

SECTION 15. Section 70-14 of the Code is hereby created to read as follows:

Section 70-14. – Appeals and Independent Impact Fee Studies.

(a) The Impact Fee Administrator is hereby authorized to develop an administrative procedures manual for impact fees addressing, among other things, standards and appeal procedures for independent impact fee studies. The administrative procedures manual shall be presented to the Board for approval by resolution prior to implementation of the procedures outlined in the manual. Notwithstanding the foregoing, any independent impact fee studies submitted prior to Board approval of such administrative procedures manual shall be reviewed and considered by the Impact Fee Administrator using generally accepted industry standards.

(b) Any applicant (1) who believes that the base information used to calculate the impact fee for the applicant's development is incorrect, or (2) who has a unique or restrictive land use that can be verified through the County's building permit or business use permit process and believes that this results in a different value than that used to calculate the impact fee for the applicant's development, or (3) whose land use is not listed in the

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impact fee schedule, or believes the use is incorrectly assigned in the impact fee schedule, shall have the option to provide an independent impact fee study prepared in accordance with the administrative procedures manual provided for under Chapter 70 Article I Section 70-14. The Impact Fee Administrator is hereby authorized to reject any independent impact fee study not meeting such standards. The applicant shall provide notice of its intent to provide an independent impact fee study not later than sixty days following issuance of the building permit or business use permit. Upon submission of the independent impact fee study, the applicant shall pay a review fee to the County in an amount to be established by resolution, which shall not exceed the actual cost of reviewing the independent impact fee study. If the independent impact fee study cannot be completed and a final determination of sufficiency made by the Impact Fee Administrator, including any appeals, prior to issuance of the certificate of occupancy for the development, the applicant shall pay the applicable impact fee in the impact fee schedule. However, if the impact fee study is subsequently accepted by the County Administrator following issuance of the certificate of occupancy or business use permit, a refund shall be made to the applicant to the extent the impact fee paid was higher than the impact fee determined in the independent impact fee study.

(c) After determination of: (i) the amount of the Impact Fee, which occurs at the time of issuance of a building permit as defined in this Article or at the time of issuance of a determination on an independent impact fee study prepared pursuant to subsection (a) above , whichever occurs later in time, (ii) the amount of the credit, which occurs at the time of issuance of a determination on an independent impact fee study prepared pursuant to this appeal process, or (iii) the amount of the refund due, which occurs at the time of issuance of a determination on an independent impact fee study under Chapter 70 Article I Section 70-14, an Applicant for a building permit or a property owner may appeal in writing such determination to the Impact Fee Administrator. The Impact Fee Administrator shall have 15 business days to respond in writing to the appeal request. Should the appeal request be denied, the Applicant shall have the right to appeal the decision of the Impact Fee Administrator to the Board within 30 days following the determination of the appeal request by the Impact Fee Administrator. The Notice of Appeal shall be filed with the Clerk of the Board with a copy to the County Impact Fee Administrator. The Impact Fee Administrator shall prepare a written response justifying the decision to deny the appeal request and cite applicable policies and rationale for the decision. The filing of an appeal shall stay the issuance of a building permit unless a bond, letter of credit, or other surety has been filed with the County in an amount equal to the impact fee assessed and applicable

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surcharge. The Board shall base its decision on any appeal on the applicable standards and criteria established in this Article and the evidence presented at a properly advertised public hearing. The hearing shall be held within 60 days of receipt of the appeal request. The Board may uphold or revoke, in whole or in part, the determination being appealed and to that end shall have the powers of the administrative official from whom the appeal is taken.

(d) The Impact Fee Administrator is authorized, without a hearing to the Board, to take such actions as are necessary to correct errors in the calculation and/or collection of Impact Fees which are the subject of an appeal timely filed in accordance with this Article I.

SECTION 16. Section 70-15 of the Code is hereby created to read as follows:

Section 70-15. – Effect of Impact Fee ordinances on zoning and land development regulations.

Chapter 70 Articles I, II, V, IX, X, and XI shall not affect, in any manner, the permissible use of the 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 land development regulations or other regulations of the County or Municipalities, which shall be operative and remain in full force and effect without limitation with respect to all such development.

SECTION 17. Section 70-16 of the Code is hereby created to read as follows:

Section 70-16. – Impact Fee ordinances as additional or supplemental requirement.

The payment of Impact Fees is additional and supplemental to, and not in substitution of, any other requirements imposed by the County or Municipalities on the development of a Principal Use or the issuance of a Certificate of Occupancy. In no event shall a property owner be obligated to pay for Public Facility Projects in an amount exceeding the amount calculated pursuant to Chapter 70 Articles I, II, V, IX, X, and XI provided, however, that a property owner may be required to pay, pursuant to County or municipal ordinances, regulations or policies, for other public facilities in addition to the Impact Fee for Public Facility Projects as specified herein. Nothing in this article shall be construed as a guarantee of adequate public facilities at the time of development of any particular property.

SECTION 18. Section 70-17 of the Code is hereby created to read as follows:

Section 70-17. – Liberal construction.

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The provisions of Chapter 70 Articles I, II, V, IX, X, and XI shall be liberally construed to effectively carry out its purposes in the interest of public health, safety, welfare and convenience.

SECTION 19. Section 70-18 of the Code is hereby created to read as follows:

Section 70-18. – Severability.

Should any sentence, clause, part or provision of Chapter 70 Articles I, II, V, IX, X, and XI be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of such Article as a whole, or any part thereof other than the part declared to be invalid.

SECTION 20. Finding of Consistency with the Comprehensive Plan. The Board of County Commissioners, sitting as the Land Development Regulation Commission, has reviewed the provisions of this Ordinance and has found them consistent with the Sarasota County Comprehensive Plan.

SECTION 21. Effective date. This Ordinance shall take effect immediately upon filing with the Office of the Secretary of the State of Florida.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA this 8th day of November, 2016.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By: ______________________
Chairman

ATTEST:

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

By: Andrea Green
Deputy Clerk

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