

1 | **Chapter 22 IMPACT FEES***

2
3
4 | **Art. I. General Provisions, §§ 22-1--22-20**

5
6 | **Art. II. Educational System Impact Fees, §§ 22-21--22-35**

7
8 | **Art. III. Transportation Impact Fees, §§ 22-36--22-45**

9
10 | **Art. IV. Fire Rescue Impact Fees, §§ 22-46--22-52**

11
12 | **Art. V. Park Impact Fees, §§ 22-53--22-58**

13
14 | **Art. VI. Library Impact Fees, §§ 22-59--22-64**

15
16
17 | **ARTICLE I. GENERAL PROVISIONS**

18
19 | **Sec. 22-1. Applicability.**

20
21 | This chapter shall apply as follows:

- 22
23 | (1) Educational impact fees and transportation impact fees
24 | shall apply to the unincorporated areas of Lake County,
25 | Florida and to all municipalities within Lake County,
26 | Florida. Educational impact fees shall only apply to
27 | residential construction.
28
29 | (2) Fire rescue impact fees and library impact fees shall
30 | be imposed in all unincorporated areas of the county
31 | and within all municipalities that consent to the
32 | imposition of the fire rescue impact fees or library
33 | impact fees within their municipal boundaries through a
34 | duly executed interlocal agreement, and which
35 | participate in the county fire rescue system or the
36 | county library system.
37
38 | (3) Park impact fees shall be imposed in all unincorporated
39 | areas of the county and within all municipalities that
40 | consent to the imposition of the Park impact fees
41 | within their municipal boundaries through a duly
42 | executed interlocal agreement.
43
44

45 | **Sec. 22-2. Authority.**

46
47 | The board of county commissioners is authorized to enact
48 | this ordinance pursuant to Article VIII, Sec. 1(f), Florida
49 | Constitution, Chapter 125, Florida Statutes, Chapter 163, Florida
50 | Statutes, the Lake County Comprehensive Plan and pursuant to its
51 | home rule powers.
52

53
54 | **Sec. 22-3. Intent and purpose.**

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1
2 The purpose and intent of this chapter is to assist in the
3 provision of new facilities, the need for which is created by new
4 development within Lake County so that new development bears a
5 proportionate share of the cost of such new facilities, rather
6 than placing such costs on existing residents and taxpayers.
7

8
9 **Sec. 22-4. Definitions.**

10
11 The following words, terms and phrases, when used in Chapter
12 22, shall have the meaning ascribed to them in this chapter,
13 except where the context clearly indicates a different meaning.
14 For words, terms and phrases not listed in this section,
15 reference shall be made to Chapter 2, Lake County Code, Appendix
16 E, Land Development Regulations.
17

18 (1) *Accessory building or structure* is a detached,
19 subordinate building, the use of which is clearly
20 indicated and related to the use of the principal
21 building or use of the land and which is located on the
22 same lot as the principal building or use.
23

24 (2) *Active adult community* is defined as:

- 25 a. A deed-restricted community with site-built
26 single-family detached homes; and
27
28 b. That either (i) specifically limits occupancy of
29 the homes to persons over the age of fifty (50),
30 or (ii) limits occupancy to at least eighty (80)
31 percent over the age of fifty (50), and not more
32 than twenty (20) percent between the ages of
33 eighteen (18) and fifty (50), or (iii) requires at
34 least one (1) resident to be over the age of fifty
35 (50); and
36
37 c. Specifically markets itself as an "active adult
38 community"; and
39
40 d. Includes such amenities as clubhouses, golf
41 courses, tennis courts, and/or other sports or
42 activity facilities for use by the residents.
43
44

45
46 (3) *Ancillary plant* includes the buildings, sites and site
47 improvements necessary to provide support services to
48 educational programs and shall include, but not be
49 limited to, such facilities as vehicle maintenance,
50 warehouses, maintenance or administrative buildings not
51 located at educational plants. Any such building, site
52 or site improvement may be independently referred to as
53 an ancillary facility.
54

Deleted: . (3) .Alternative fire rescue impact fee shall mean any alternative fee calculated by an applicant and approved by the county manager pursuant to section 22-49 of the Lake County Code.¶

¶
¶ (4) .Alternative fire rescue impact fee study shall mean a study prepared by an applicant and submitted to the county manager pursuant to section 22-49 of the Lake County Code.¶

¶ (5) .Alternative library impact fee shall mean any alternative fee calculated by an applicant and approved by the county manager pursuant to section 22-62 of the Lake County Code.¶

¶ (6) .Alternative library impact fee study shall mean a study prepared by an applicant and submitted to the county manager pursuant to section 22-62 of the Lake County Code.¶

¶ (7) .Alternative park impact fee shall mean any alternative fee calculated by an applicant and approved by the county manager pursuant to section 22-56 of the Lake County Code.¶

¶ (8) .Alternative park impact fee study shall mean a study prepared by an applicant and submitted to the county manager pursuant to section 22-56 of the Lake County Code.¶

Deleted: 9

Deleted: G:\DOCUMENT\ORDINAN CES\Impact Fee Ordinances\May 2, 2007 draft.DOC

- 1 | (4) *Apartment* is a rental dwelling unit located within the same building as other dwelling units. Deleted: 10
- 2 |
- 3 |
- 4 | (5) *Assisted living facilities* are any building or Deleted: 11
- 5 | buildings licensed as an assisted living facility
- 6 | pursuant to Part III, Chapter 400, Florida Statutes, or
- 7 | its statutory successor in function.
- 8 |
- 9 | (6) *Auxiliary facilities* shall mean those portions of an Deleted: 12
- 10 | educational plant which are not designated for student
- 11 | occupant stations.
- 12 |
- 13 | (7) *Building* is any structure, either temporary or Deleted: 13
- 14 | permanent, designed or built for the support, enclosure
- 15 | shelter or protection of persons, chattels or property
- 16 | of any kind. This term shall include trailers, mobile
- 17 | homes or any other vehicles serving in any way the
- 18 | function of a building. This term shall not include
- 19 | temporary construction sheds or trailers erected to
- 20 | assist in construction and maintained during the term
- 21 | of a construction.
- 22 |
- 23 | (8) *Capital equipment* is equipment with a life expectation Deleted: 14
- 24 | of three (3) years or more.
- 25 |
- 26 | (9) *Capital improvement* includes expenditures for facility Deleted: 15
- 27 | planning, land acquisition, site improvements,
- 28 | construction, necessary off-site improvements,
- 29 | acquisition of, or additions to buildings and capital
- 30 | equipment, but excludes maintenance and operation.
- 31 |
- 32 | (10) *Condominium* is a dwelling unit that has at least one Deleted: 16
- 33 | other similar unit within the same building structure.
- 34 | The term "condominium" includes all fee-simple or
- 35 | titled multi-unit structures, including townhouses and
- 36 | duplexes.
- 37 |
- 38 | (11) *County fire rescue system* shall mean the buildings, Deleted: 17
- 39 | apparatus, and capital equipment provided by the county
- 40 | that are used for suppression and prevention of fires,
- 41 | responses to medical emergencies or other disasters and
- 42 | the handling of incidents involving hazardous
- 43 | materials.
- 44 |
- 45 | (12) *County library system* shall mean the buildings, books, Deleted: 18
- 46 | periodicals, audio and video resources and equipment,
- 47 | computer equipment and facilities and other collection
- 48 | items provided by the county and/or a municipal member
- 49 | of the public library cooperative.
- 50 |
- 51 | (13) *County park system* shall include all parks owned and Deleted: 19
- 52 | operated by the county, including active parks, passive
- 53 | parks, water access sites, and associated recreational
- 54 | facilities and buildings, but does not include those Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 parks and recreational facilities that are owned and
2 operated by a municipal corporation within the county
3 or those parks that are owned and operated by the State
4 of Florida. County Park System shall include the
5 system of trails owned and operated by Lake County.

6
7 (14) Development means the carrying out of any building
8 activity or mining operation, the making of any
9 material change in the use or appearance of any
10 structure or land, or the dividing of land into three
11 (3) or more parcels.

Deleted: 20

12
13 (15) Development order/permit means any order granting,
14 denying, or granting with conditions an application to
15 carry out development.

Deleted: 21

16
17 (16) Dwelling unit is a building, or a portion thereof,
18 which is designed for residential occupancy, consisting
19 of one (1) or more rooms which are arranged, designed
20 or used as living quarters for one (1) family only. For
21 purposes of the educational impact fee only, the term
22 dwelling unit excludes assisted living facilities and
23 time-share property.

Deleted: 22

Deleted: , but excluding,
time-share property

Deleted: also

24
25 (17) Educational facilities shall mean the building,
26 furniture and equipment that are built, installed or
27 established to serve educational purposes and are
28 designated for student occupant stations or to
29 facilitate the delivery of educational services.

Deleted: 23

30
31 (18) Educational plant shall mean the land, building,
32 furniture, equipment and site improvements necessary to
33 accommodate students, faculty, administrators, staff
34 and the activities of the educational programs and
35 services for each student and shall include both the
36 educational facilities and auxiliary facilities.

Deleted: 24

37
38 (19) Educational system shall mean the educational plants
39 and ancillary plants which are used to provide
40 instruction within the public schools or the
41 administrative or support activities related thereto.

Deleted: 25

42
43 (20) Educational system impact fee shall mean the fee
44 imposed pursuant to section 22-22 of the Lake County
45 Code, as it may be amended from time-to-time.

Deleted: 26

46
47 (21) Fire rescue impact construction shall mean construction
48 designed or intended to permit a use of the land which
49 will contain more dwelling units, buildings or floor
50 space than the existing use of land, or to otherwise
51 change the use of the land in a manner that increases
52 the impact upon the county fire rescue system.

Deleted: 27

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

(22) Fire rescue impact fee shall mean the fee imposed by the county pursuant to section 22-47 of the Lake County Code, as it may be amended from time-to-time.

Deleted: 28
Deleted: fire rescue impact

(23) Fire rescue impact fee land use category shall mean those categories of land use incorporated in the fire impact fee rate schedule in section 22-47 of the Lake County Code.

Deleted: 29
Deleted: 30
Deleted: 31

(24) Fire rescue impact fee study shall mean that certain study entitled "Impact Fees for Fire and Rescue Services in Lake County, Florida," dated as of July 21, 2003, prepared by Henderson Young & Company, as adopted by the board of county commissioners.

Deleted: . (32) .Level of Service C shall have the same meaning as set forth in the Transportation Research Board Special Report #209, "Highway Capacity Manual", (1985), as follows:

(25) Housing for older persons shall mean residential dwelling units that (1) are within a community or subdivision that is operated as Housing for Older Persons in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Acts of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995, 42 U.S.C. §§ 3601-19, or its statutory successor in function; and (2) prohibit any person under the age of eighteen (18) years of age from residing within any dwelling unit on the property as a permanent resident, as evidenced by a recorded declaration of covenants and restrictions that runs with the land and is not subject to revocation or amendment for a period of at least thirty (30) years from the date of recording.

. Level of Service "C" is in the range of stable flow, but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream. The selection of speed is affected by the presence of others, and maneuvering within the traffic stream requires substantial vigilance on the part of the user. The general level of comfort and convenience declines noticeably at this level. On urban arterials, Level of Service "C" represents restrictions in the ability to maneuver and change lanes in midblock locations and longer queues or adverse signal coordination, or both, which may contribute to lower average travel speeds of about fifty (50) percent of the average free-flow speed for the arterial class. Urban motorists will experience an appreciable tension while driving.

(26) Library impact fee shall mean the fee imposed pursuant to section 22-60 of the Lake County Code, as it may be amended from time-to-time.

(33) Level of Service D shall have the same meaning as set forth in the Transportation Research Board Special Report #209, "Highway Capacity Manual", (1985), as follows:

(27) Library impact fee study shall mean that certain study entitled "Impact Fees for Library Facilities in Lake County, Florida," dated as of June 17, 2003, prepared by Henderson Young & Company, as adopted by the board of county commissioners.

. Level of Service "D" represents high-density but stable flow. Speed and freedom to maneuver are

(28) Mobile home is a structure transportable in one (1) or more sections, which structure is eight (8) body feet or more in width and over thirty-five (35) feet in length, and which structure is built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term mobile home includes manufactured homes designed to be used as a

Deleted: 34
Deleted: 35
Deleted: . (36) .Maximum service volume means the maximum number of vehicles which can reasonably be expected to pass over a fixed point or section

Deleted: 37
Deleted: G:\DOCUMENT\ORDINAN CES\Impact Fee Ordinances\May 2, 2007 draft.DOC

1 dwelling unit, as defined in Chapter 553, Florida
2 Statutes.

3
4 (29) Multi-family dwelling unit shall mean a building or a
5 portion of a building, regardless of ownership,
6 containing more than one (1) dwelling unit designed for
7 occupancy by a single family, which units are not
8 customarily offered for rent for one (1) day, and shall
9 include apartments and condominiums.

Deleted: 38

10
11 (30) Nonsite-related improvements are improvements that are
12 required by the permitting authority as part of the
13 development approval process which are beyond what is
14 mandated by federal, state or local codes or
15 regulations to provide safe and adequate ingress and
16 egress to the site. These may include, but are not
17 limited to, additional lanes, deceleration lanes, left-
18 turn lanes, signalization and widening of roads not at
19 or near the site. Nonsite-related improvements improve
20 the transportation system of the area over and above
21 the improvements required based on criteria outlined in
22 applicable federal, state or local codes or regulations
23 as part of the development approval and can be credited
24 against transportation impact fees.

Deleted: 39

25
26 (31) Owner of record means the most recent owner of a parcel
27 of property appearing in the Official Records of Lake
28 County, Florida.

Deleted: 40

29
30 (32) Park impact fee shall mean the fee imposed pursuant to
31 section 22-54 of the Lake County Code, as it may be
32 amended from time-to-time.

Deleted: 41

33
34 (33) Park impact fee study shall mean that certain study
35 entitled "Impact Fees for Parks and Recreational
36 Facilities in Lake County, Florida," dated as of July
37 2, 2003, prepared by Henderson Young & Company, as
38 adopted by the board of county commissioners.

Deleted: 42

39
40 (34) Public schools are all pre-kindergarten classes;
41 kindergarten classes; elementary, middle and high
42 school grades and special classes; and all adult, part-
43 time, vocational and evening schools, courses or
44 classes operated by law under the control of the school
45 board or a public school charter board.

Deleted: 43

46 (35) Residential means multi-family dwelling units, mobile
47 homes and single-family detached houses.

Deleted: 44

48
49 (36) Residential construction is land development designed
50 or intended to permit more dwelling units than the
51 existing use or non-use of land contains.

Deleted: 45

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 | (37) *School board* is the School Board of Lake County,
2 | Florida, which is the governing body of the School
3 | District of Lake County, Florida.

Deleted: 46

5 | (38) *Single-family detached house* is a dwelling unit on an
6 | individual lot.

Deleted: 47

8 | (39) *Site-related improvements* are those improvements that
9 | are mandated by federal, state or local codes or
10 | regulations to provide safe and adequate ingress and
11 | egress to the site. These may include but are not
12 | limited to additional lanes, deceleration lanes, left-
13 | turn lanes, signalization, widening of adjacent
14 | roadways and resurfacing. These improvements are
15 | designed to improve safety for the increased traffic
16 | generated from the site, prevent the development of the
17 | site from causing physical deterioration of the
18 | existing adjacent roadways, and accommodate increased
19 | traffic generation caused by the development of the
20 | site. Site-related improvements that are so required as
21 | part of a development approval based on criteria
22 | outlined in applicable federal, state or local codes or
23 | regulation shall not be credited against transportation
24 | impact fees.

Deleted: 48

26 | (40) *Student occupant station* shall mean the area necessary
27 | for a student to engage in educational activities,
28 | excluding ancillary and auxiliary spaces.

Deleted: 49

30 | (41) *Superintendent* shall mean the chief administrative
31 | officer of the public schools or the designee of such
32 | person.

Deleted: 50

34 | (42) *Square footage* shall mean the gross area measured in
35 | square feet from the exterior faces of exterior walls
36 | or other exterior boundaries of the building, including
37 | all floors and mezzanines within said building, but
38 | excluding areas within the interior of the building
39 | that are utilized for parking. This definition applies
40 | to Article IV, Fire Impact Fees only.

Deleted: 51

42 | (43) *Time-share property* means the facilities and
43 | accommodations offered in a time-share plan that are
44 | classified as time-share estates and time-share
45 | licenses as those terms are defined in Chapter 721,
46 | Florida Statutes.

Deleted: 52

48 | (44) *Unit for residential and motel uses* means each entity
49 | of occupancy within a building and not the entire
50 | building. For land uses calculated using units of one
51 | thousand (1,000) square feet, the rate is to be
52 | calculated on total square feet. For land uses
53 | expressed in acres, the rate is to be calculated on

Deleted: 53

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 number of acres in production during a typical five-
2 year period.

3
4
5 **Sec. 22-5. Rules of construction.**

- 6
7 (1) The provisions of Chapter 22 shall be liberally construed so
8 as to effectively carry out its purpose in the interest of
9 public health, safety, and welfare.
10
11 (2) For the purposes of administration and enforcement of
12 Chapter 22, unless otherwise stated in this article, the
13 following rules of construction shall apply to the text of
14 this article:
15
16 a. The phrase "used for" includes "arranged for,"
17 "designed for," "maintained for," or "occupied for."
18
19 b. Unless the context clearly indicates the contrary,
20 where a regulation involves two (2) or more items,
21 conditions, provisions, or events connected by the
22 conjunction "and," "or," or "either...or," the
23 conjunction shall be interpreted as follows:
24
25 1. "And" indicates that all the connected terms,
26 conditions, provisions, or events shall apply.
27
28 2. "Or" indicates that the connected items,
29 conditions, provisions, or events may apply singly
30 or in any combination.
31
32 3. "Either...or" indicates that the connected items,
33 conditions, provisions, or events shall apply
34 singly but not in combination.
35
36 c. The word "includes" shall not limit a term to the
37 specific example but is intended to extend its meaning
38 to all other instances or circumstances of like kind or
39 character.
40
41 d. A road right-of-way used to define road benefit
42 district boundaries may be considered within any
43 district it bounds.
44

45 **Sec. 22-6. Impact fee committee.**

46 The "Lake County Impact Fee Committee" is hereby created.

- 47
48
49 (1) *Purpose.* The Lake County Impact Fee Committee is hereby
50 created in order to review impact fees adopted by the board
51 of county commissioners, to evaluate the expenditure of
52 funds collected via impact fees, and to make recommendations
53 to the board.
54

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 (2) *Duties.* The Lake County Impact Fee Committee shall have the
2 following duties and obligations:

- 3
4 a. Review impact fee revenues and expenditures of funds
5 collected via impact fees to ensure local, state and
6 federal funds relating to the provision of capital
7 facilities and equipment are expended in the most cost
8 effective and efficient manner.
9
10 b. Annually review this chapter and make recommendations
11 regarding the same to the board of county
12 commissioners.
13
14 c. Investigate alternative funding for capital facilities
15 and equipment required by the county because of demands
16 placed on capital facilities and equipment by new
17 growth.
18
19 d. Recommendations to the board shall be made by March 1
20 of each year in order to allow the board to budget for
21 the following fiscal year.

Deleted: July

22
23 (3) *Membership.*

24
25 a. Members of the Lake County Impact Fee Committee shall
26 be appointed by the board of county commissioners. The
27 committee shall consist of eleven (11) members, as
28 follows:

Deleted: ten

Deleted: 10

- 29
30 1. One (1) member of the chamber of commerce.
31
32 2. One (1) member who is an elected official and
33 represents the League of Cities.
34
35 3. One (1) member of the home builders association.
36
37 4. One (1) member of the Lake County Conservation
38 Council or other organized environmental group if
39 necessary.
40
41 5. One (1) representative from the industrial
42 community. Recommendations shall be submitted by
43 the industrial development authority.
44
45 6. The superintendent of schools or designee.
46
47 7. One (1) representative from the agricultural
48 industry.
49
50 8. Four (4) citizens at-large.

Deleted: Three

Deleted: 3

51
52 b. The term of office for each member shall be for two (2)
53 years. No person shall be reappointed if, by the end
54 of the current term of office , the person will have

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 | served (or, but for resignation, would have served) in
2 | that office for three (3) consecutive years.

3 |
4 | c. Members may be removed from membership on the Lake
5 | County Impact Fee Committee by the board at any time.
6 | Regular attendance at meetings is required.

Formatted: No underline

7 |
8 | d. A current commissioner of the Lake County Board of
9 | County Commissioners shall serve as liaison to this
10 | committee in a non-voting position and shall not be
11 | considered a member of the committee.

12 |
13 | (4) Procedure.

14 |
15 | a. The members of the Lake County Impact Fee Committee
16 | shall elect a chairman and vice-chairman for a term of
17 | one (1) year at its organizational meeting, and
18 | annually thereafter. The same person may be elected for
19 | successive one-year terms.

20 |
21 | b. The members of the Lake County Impact Fee Committee may
22 | elect a secretary for a term of one (1) year. The same
23 | person may be elected for successive one-year terms.

24 |
25 | c. The Lake County Impact Fee Committee may appoint
26 | subcommittees to perform specific duties provided for
27 | herein, subject to final approval and recommendation to
28 | the board of county commissioners, by the full Lake
29 | County Impact Fee Committee. The subcommittees shall be
30 | subject to the same meeting requirements provided for
31 | in this section.

32 |
33 | d. The Lake County Impact Fee Committee shall meet at
34 | least quarterly, or more often, as determined by the
35 | committee.

36 |
37 | 1. All meetings are public meetings and shall be held
38 | in a public place and shall be open to the public.

39 |
40 | 2. The approval by the review committee of its final
41 | recommendations must be made by affirmative vote
42 | of a majority of the membership present at a
43 | public hearing.

44 |
45 | 3. All meetings shall be noticed and minutes recorded
46 | in accordance with Florida's Sunshine Law.

47 |
48 | 4. Robert's Rules of Order, Newly Revised, shall be
49 | the final authority on all questions of
50 | parliamentary procedure.

51 |
52 | 5. A quorum for conducting business shall be a
53 | majority of the members of the committee.

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 6. The county manager or designee shall serve as
2 staff to the review committee.
3
4

5 **Sec. 22-7. Reserved.**
6
7

8 **Sec. 22-8. Payment and use of impact fees.**
9

- 10 (1) Impact fees shall be paid prior to the issuance of a
11 building permit, or if no building permit is required, at
12 the time of approval of the final development order. The
13 amount of the Impact Fee shall be determined as of the date
14 of issuance of the building permit or final development
15 order. If a building permit or final development order
16 expires, Impact Fees shall be recalculated and charged as of
17 the date that a new building permit or final development
18 order is issued. An extension of a building permit or final
19 development order shall not cause additional Impact Fees to
20 be due.
21
22 (2) The payment of any impact fee shall be in addition to all
23 other fees, charges or assessments due for the issuance of a
24 building permit or final development order.
25
26 (3) The obligation for payment of any required impact fee shall
27 run with the land.
28
29 (4) All impact fees shall be deposited into their respective
30 trust accounts immediately upon receipt, with the exception
31 of the educational system impact fee which is payable to the
32 school board by the county on a quarterly basis, and by the
33 municipalities to the county on a monthly basis. Any
34 educational system impact fee collected by the county or by
35 the municipalities shall be held by them separate and
36 distinct from all other revenues until transferred to the
37 school board.
38
39 (5) Funds on deposit in any impact fee account established
40 within this chapter shall not be used for any expenditure
41 that would be classified as an operational expense, a
42 maintenance expense or a repair expense.
43
44 (6) Funds on deposit that are not immediately necessary for
45 expenditure shall be invested in accordance with the
46 county's investment policy and applicable Florida Statutes;
47 provided, however, that the educational system impact fee
48 shall be invested in accordance with applicable school board
49 policy. All income derived from such investments shall be
50 deposited in the respective impact fee trust account and
51 used as provided herein.
52
53

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 **Sec. 22-9. Waiver or deferral of impact fees for very low and low**
2 **income housing.**

3
4 (1) This section is included in order to comply with the
5 provisions of Chapter 420, Florida Statutes, and section
6 163.3177(6)(f), Florida Statutes, to encourage the provision
7 of housing for very low and low income families.

8
9 (2) When an application for a building permit or final
10 development order is made, the county manager may waive the
11 impact fees required by this chapter according to the
12 following graduated scale if the county manager finds that
13 the proposed development will provide housing that is
14 affordable for families that meet the following specified
15 income classifications:

16
17 a. A housing unit which will be affordable to a low income
18 person as defined by Chapter 420, Florida Statutes,
19 fifty (50) percent waiver of the impact fees for that
20 housing unit.

21
22 b. A housing unit which will be affordable to a very low
23 income person as defined by Chapter 420, Florida
24 Statutes, seventy-five (75) percent waiver of the
25 impact fees for that housing unit.

26
27 (3) Any such waiver shall be only for that portion of the
28 development that meets the minimum income criterion. The
29 county shall not increase the amount of the impact fees
30 payable under this chapter to replace any revenue utilized
31 from another revenue source because of the waiver granted
32 under this subsection.

Deleted: Upon such waiver, the county manager shall identify on the record the source of county funds that shall be used to pay the impact fees for the services or facilities that would otherwise have been paid for by the development that received the waiver.

33
34 (4) Any such waiver shall be conditioned upon the applicant
35 entering into an agreement with Lake County which shall be
36 recorded in the Public Records of Lake County which shall
37 provide for recapture of any Impact Fees waived pursuant to
38 this section upon the sale or other transfer of the property
39 within ten (10) years from the date of the waiver for which
40 the impact fees would have been charged to a person who does
41 not meet the minimum income and asset criterion listed
42 above. Such recapture agreement shall be recorded such that
43 it obtains priority status as a lien holder subject only to
44 the lien of a first mortgage. The County Manager is
45 authorized to consent to subordination of the recapture
46 agreement in the case that the first mortgage is being
47 refinanced so long as the principal amount of the first
48 mortgage is not increased.

Deleted: However, the county manager may choose to allocate interest earned in any impact fee trust account to be used to provide waivers as provided herein for similar impact fees.

49
50 (5) When an application for a building permit or final
51 development order for a single family home is made where the
52 home is intended to be occupied by a qualified low or very
53 low income individual, the county manager may enter into an
54 agreement for deferral of seventy-five percent (75%) of the

Deleted: G:\DOCUMENT\ORDINAN CES\Impact Fee Ordinances\May 2, 2007 draft.DOC

1 impact fees until the time that the home is sold under the
2 following conditions:

3
4 (a) An agreement between the applicant and the County shall
5 be entered which shall be recorded in the Public
6 Records of Lake County which shall have first priority
7 lien on the real property involved in the full amount
8 of the impact fees, without taking into account any
9 waiver.

10
11 (b) The maximum length of the deferral shall be for a
12 twelve month period commencing on the date of issuance
13 of the building permit.

14
15 (c) The agreement shall provide that any applicable impact
16 fees shall be paid at the time of the closing and
17 transfer of the property. If all impact fees are not
18 waived at the time of closing and transfer of the
19 property, any amounts due shall include interest at a
20 rate of six percent (6%) per annum for the time period
21 from the date of issuance of the building permit until
22 the time the impact fees are paid.

23
24
25 (6) The Lake County Affordable Housing Advisory Committee, or
26 any successor committee or board, shall review and make
27 recommendations to the board of county commissioners on
28 applications for waiver and/or deferral of impact fees
29 received pursuant to this section for multi family
30 developments.

31
32
33 **Sec. 22-10. Waiver and deferral of impact fees for commercial and**
34 **industrial land uses.**

35
36 (1) When an application for a development permit is made for an
37 industrial land use and a request for a waiver of all or a
38 portion of impact fees is made by the applicant, the board
39 of county commissioners may waive all or a portion of the
40 amount of the impact fee required by this chapter if the
41 board finds such waiver or reduction is for good cause and
42 is of benefit to Lake County. Upon such waiver or reduction,
43 the board shall identify on the record, the source of county
44 funds that shall be used to pay the impact fees for the
45 services or facilities that would otherwise have been paid
46 for by the development that received the waiver. However,
47 the board of county commissioners may choose to allocate
48 interest earned in any impact fee trust account to be used
49 to provide waivers as provided herein for similar impact
50 fees.

51
52 (2) The board of county commissioners may in its discretion, for
53 good cause shown, permit deferral of payment of impact fees
54 from the date of issuance of the building permit to the date

Formatted: Indent: Left: 0 pt,
Hanging: 72 pt, Tabs: Not at 0.05
pt

Deleted: (4) The board of county commissioners may in its discretion, for good cause shown, permit deferral of payment of impact fees from the date of issuance of the building permit to the date of issuance of the certificate of occupancy for a qualified very low and low income housing development. Good cause may include, but shall not be limited to, the financing of the project, timing of availability of funds, or the nature of the legal entity funding the project.

Deleted: 5

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 of issuance of the certificate of occupancy for commercial,
2 excluding retail, and industrial development. Good cause may
3 include, but shall not be limited to, the financing of the
4 project, timing of availability of funds, the type of
5 business, the number of jobs created, or the nature of the
6 legal entity funding the project.
7

- 8 (3) The industrial development authority, or any successor
9 committee or board, shall review and make recommendations to
10 the board of county commissioners on applications for waiver
11 and/or deferral of impact fees received pursuant to this
12 section.
13
14

15 Sec. 22-11. Prepayment of impact fees.

16
17 The board of county commissioners recognizes that in some
18 instances some persons may wish to secure firm estimates of
19 impact fees that may be due in connection with a proposed
20 development and not be subject to increases in the fee schedules
21 prior to the issuance of the building permit or, where no
22 building permit is required, issuance of the final development
23 order. In such a case, prior to issuance of the building permit,
24 or where no building permit is required, issuance of a final
25 development order, Lake County shall or the municipality may, at
26 its option, accept payment of the estimated impact fees. The
27 provisions of this section are optional for municipalities, and
28 no municipality shall be required to accept prepayments of impact
29 fees, except that a municipality shall accept a valid prepayment
30 certificate if issued by the County. Should a person utilize the
31 option of prepayment allowed by this section, the following rules
32 shall apply:
33

34 (1) For new single-family residential development, pre-
35 payment of impact fees shall not be permitted until the
36 final plat is recorded in the public records of Lake
37 County, Florida.

38
39 (2) The amount of impact fees shall not be subject to
40 adjustment at the time of building permit or final
41 development order so long as the proposed development
42 has not been modified to the extent that the impact is
43 increased by a change in the plans. If the plans for
44 the proposed development are changed in such a way that
45 the impact has been increased, the impact fee will be
46 determined at the time of building permit or final
47 development order utilizing whatever fee schedules are
48 in effect at that time, with credit being provided for
49 the amount of prepayment. As provided in (3) below, if
50 a building permit or final development order is not
51 obtained within twelve (12) months from the date of
52 prepayment, the amount of impact fees will be
53 recalculated at the time the building permit or final

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 development order is obtained, with the applicant
2 obtaining a credit for the amount of the prepayment.

3
4 (3) Prepaid impact fees can only be used for the particular
5 project and on the particular land, or in the case of a
6 recorded plat, the particular lot, which is the subject
7 of the building permit or final development order.
8 Prepaid impact fees cannot be transferred to any other
9 real property. Such Prepaid impact fees shall only be
10 valid to avoid adjustment of the impact fees based on a
11 new fee schedule for a period of twelve (12) months
12 from the date of issuance. If the building permit or
13 final development order is not obtained by that date,
14 or after being obtained, is allowed to expire, Impact
15 Fees shall be recalculated at the time of issuance of
16 the permit (or new permit as the case may be) using the
17 then current Impact Fee schedules with a credit being
18 given for the amount of the previous prepayment.

19
20 (4) The prepaid impact fee shall not be refundable for any
21 reason other than failure of the impact fee being
22 expended as required by section 22-13(2), below. If the
23 plans for the proposed development are changed in such
24 a way that the impact has been decreased, or if a
25 building permit or final development order has not been
26 issued, the prepaid impact fee (or portion thereof, as
27 the case may be) shall not be refundable. Credit will
28 be given for a different project on the same site in
29 the future in an amount equal to the prepayment,
30 however, the fees shall be determined using the fee
31 schedule in existence at the time of approval of the
32 new development.

33
34 (5) Payment of capacity reservation fees as required by
35 Chapter V, Lake County Code, Appendix E, Land
36 Development Regulations, entitled Concurrency, shall
37 not constitute prepayment of impact fees. However, a
38 developer, at the time the capacity reservation fee is
39 paid, may elect to utilize the provisions of this
40 section and prepay any applicable impact fees in full.

41
42 (6) An administrative fee as set by the Board of County
43 Commissioners by resolution shall be charged each time
44 an applicant elects to use the prepaid impact fee
45 method.

46
47
48 **Sec. 22-12. Changes in size and use.**

49
50 Unless otherwise specified within this chapter, impact fees
51 shall be imposed and calculated for the alteration, expansion or
52 replacement of a building or dwelling unit or the construction of
53 an accessory building or structure if the alteration, expansion
54 or replacement of the building or dwelling unit or the

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 construction of an accessory building or structure results in a
2 land use determined by the county manager or designee to generate
3 a greater impact than the present use under the applicable impact
4 fee rate schedule. The impact fee imposed for the building,
5 dwelling unit or accessory building or structure after
6 construction, alteration, expansion or replacement, shall be as
7 set forth in this chapter, less the impact fee credited to the
8 property prior to such alteration, expansion, replacement or
9 construction. A credit shall be given for the amount of fee that
10 would have been imposed for the building, dwelling unit or
11 accessory building or structure prior to such alteration,
12 expansion, replacement or construction.

13

14 **Sec. 22-13. Refund of impact fees paid.**

15

16 (1) [Generally.] If a building permit or final development order
17 expires or is canceled without commencement of the
18 construction the owner of record shall be entitled to a
19 refund, without interest, of the impact fee paid except that
20 the county shall retain five (5) percent of the fee to
21 offset a portion of the costs of collection and refund. The
22 owner of record shall submit an application for the refund
23 to the county manager, or designee, within one hundred and
24 eighty (180) days of the expiration of the permit or final
25 development order. Failure to submit the application for
26 refund within the time specified constitutes a waiver of any
27 claim to such monies. Upon review of the completed
28 application the county manager shall issue the refund if it
29 is clear the building permit or final development order has
30 expired without the commencement of construction.

Deleted: thirty (30)

31

32 (2) Any funds not expended or encumbered by the end of the
33 calendar quarter immediately following six (6) years from
34 the date the impact fee or land dedication monies were paid
35 shall, upon application of the owner of record, be returned
36 to such owner of record without interest provided that the
37 owner of record submits an application for a refund to the
38 county manager or designee, and to the school board in the
39 case of the educational impact fee, within one hundred
40 eighty (180) days of the expiration of the six-year period.
41 This six-year period may be extended by action of the board
42 of county commissioners for up to an additional three (3)
43 years. Failure to submit the application within the time
44 specified herein constitutes a waiver of any claim to such
45 monies. The board shall issue such refund if a determination
46 is made that the impact fees were not expended or encumbered
47 within the time specified.

48

49 (3) In the event the owner of record demonstrates that the
50 impact fees have been paid twice or that the impact fees
51 have been calculated incorrectly, the owner of record shall
52 submit an application for refund to the county manager or
53 designee within three hundred sixty five (365) days of the
54 double payment or error date. The county manager shall issue

Deleted: one hundred eighty (180)

Deleted: G:\DOCUMENT\ORDINAN CES\Impact Fee Ordinances\May 2, 2007 draft.DOC

1 such refund if a determination is made that the double
2 payment or error was made on the impact fees. Failure to
3 submit the application within the time specified herein
4 constitutes a waiver of any claim to such monies. Double
5 payment includes pre-payment and payment at time of issuance
6 of building permit, payment at time of issuance of building
7 permit when a waiver of impact fees had previously been
8 granted, etc.

9
10 (4) In the event a new single family residence is constructed
11 with impact fees being paid at the time of issuance of
12 building permit, and title to such home is sold, conveyed or
13 otherwise transferred to a person who would qualify for an
14 impact fee waiver pursuant to s. 22-9, the County Manager
15 shall issue a refund to the qualifying individual if such
16 person is the first person to reside in such residence and
17 if application is made to the County Manager within One
18 Hundred and Eighty (180) days from the date of such sale,
19 conveyance or transfer.

20
21 (5) Any refund approved pursuant to this section may be
22 disbursed to someone other than the owner of record if the
23 county manager is presented with a sworn, notarized
24 affidavit from the owner of record stating that such money
25 should be refunded to another person, with such persons name
26 and address included therein.

Deleted: 4

27
28 (6) An applicant for a refund the need for which has not been
29 caused by County error shall be charged an administrative
30 fee as set by the Board of County Commissioners by
31 Resolution. Refunds caused by failure of an applicant to
32 claim credit for a prepayment, a concurrency payment, or a
33 preexisting structure shall be charged an administrative
34 fee. Refunds issued pursuant to subsection (4) above shall
35 not be charged an administrative fee.

36
37 (7) No refund shall be made of the administrative fee collected
38 pursuant to s. 22-16 (1)

41 **Sec. 22-14. Exemptions.**

42
43 The following development shall be exempted from payment of
44 impact fees:

45
46 (1) Alterations or replacements of an existing building or
47 dwelling units or construction of an accessory building
48 or structure where no additional dwelling units are
49 created and where the use is not changed, provided
50 there is no increase in the impacts to public
51 facilities and services.

Deleted: (2) The construction of an accessory building or structure, provided there is no increase in the impacts to public facilities and services.

Deleted: G:\DOCUMENT\ORDINAN CES\Impact Fee Ordinances\May 2, 2007 draft.DOC

1 | (2) The replacement of a destroyed or partially destroyed
2 | building or dwelling unit on the same site with a new
3 | building or dwelling unit of the same size or smaller
4 | and same use so long as the building permit for the
5 | reconstruction or replacement is obtained within six
6 | (6) years of the destruction.

Deleted: 3

8 |
9 | (3) Impact fees shall not be imposed on conditional use
10 | permits allowing the installation of a temporary mobile
11 | home for the care of an elderly infirm person where a
12 | bond is posted for removal of the temporary housing.

14 | (4) Nonresidential farm buildings on farms, as follows:

- 15 |
16 | a. The board of county commissioners hereby
17 | recognizes the following agricultural industries
18 | as farms.
- 19 |
20 | 1. *Agricultural production crops:* Establishments
21 | primarily engaged in the production of crops,
22 | plants, vines, and trees (excluding forestry
23 | operations); including, cash grains, field
24 | crops, vegetables and melons, fruits and tree
25 | nuts, and horticultural specialties.
- 26 |
27 | 2. *Agricultural production, livestock and animal*
28 | *specialties:* Establishments primarily engaged
29 | in the keeping, grazing, or feeding of
30 | livestock for the sale of livestock or
31 | livestock products; including, beef cattle
32 | and beef cattle feedlots, dairy operations,
33 | hogs, sheep and goats, poultry and eggs, fur-
34 | bearing animals and rabbits, horses and other
35 | equines, animal aquaculture operations,
36 | alligators, bees and honey production,
37 | apiaries, aviaries, earthworm hatcheries,
38 | silkworms and silk production, frogs,
39 | rattlesnakes, laboratory animals, as well as
40 | dogs, cats and kennels for breeding and
41 | raising own stock.
- 42 |
43 | b. The board of county commissioners does not
44 | recognize the following agricultural industries as
45 | farms.
- 46 |
47 | 1. *Agricultural services:* Establishments
48 | primarily engaged in performing soil
49 | preparation services, crop services,
50 | veterinary services, other animal services,
51 | farm labor and management services, and
52 | landscape and horticultural services, for
53 | others on a contract or fee basis.

Deleted: (4) Installation of a replacement mobile home, that is the same size or smaller than the original mobile home, and being installed for the same use, when an impact fee for such mobile home site has previously been paid, or where a mobile home legally existed on the same site on, or prior to the following:

. . . a. August 1, 1991 for educational system impact fees;

. . . b. March 15, 1985 for transportation impact fees;

. . . c. March 19, 1996 for fire services impact fees.

For replacement mobile homes that are larger than the original mobile home, a credit shall be given for the amount of impact fees that would have been due if the original mobile home had been installed as of the dates listed above, with the difference between the credit and the current fee to be paid to the county.

(5) The replacement of a conventionally built home with a conventionally built home of the same size or smaller, and for the same use, when a conventionally built home legally existed on such site and has been moved to another site.

Deleted: 6

Deleted: 7

Deleted: G:\DOCUMENT\ORDINAN CES\Impact Fee Ordinances\May 2, 2007 draft.DOC

- 1 c. The board of county commissioners hereby
2 recognizes the following structures as
3 nonresidential farm buildings.
4
- 5 1. Structures, including storage facilities,
6 exclusively required for the production of
7 crops, plants, vines, and trees (excluding
8 forestry operations); including, cash grains,
9 field crops, vegetables and melons, fruits
10 and tree nuts, and horticultural specialties.
11
 - 12 2. Structures, including storage facilities,
13 exclusively required for the keeping,
14 grazing, or feeding of livestock for the sale
15 of livestock or livestock products.
16
- 17 d. The board of county commissioners does not
18 recognize the following structures as
19 nonresidential farm buildings.
20
- 21 1. Structures, excluding storage facilities,
22 required or used for performing soil
23 preparation services, crop services,
24 veterinary services, other animal services,
25 farm labor and management services, and
26 landscape and horticultural services, for
27 others on a contract or fee basis.
28
 - 29 2. Structures required or used for private
30 households, personal affairs management,
31 domestic services, private estates,
32 noncommercial farm homes, and noncommercial
33 residential farms.
34
- 35 e. Any claim of exemption must be made no later than
36 the time of application for a building permit or
37 approval of final development order. Any claim not
38 so made shall be deemed waived.
39

40 (5) Any residential construction that qualifies as housing
41 for older persons and meets the following requirements
42 shall be exempt from payment of the educational system
43 impact fee imposed pursuant to section 22-22:
44

- 45 a. Any person seeking an exemption from the
46 educational system impact fee as housing for older
47 persons shall file with the county attorney an
48 application for exemption and receive county
49 attorney approval prior to receiving a building
50 permit, or if no building permit is required,
51 prior to receiving a development permit for the
52 proposed residential construction. The application
53 for exemption shall contain the following:
54

Deleted: 8

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

- 1. The name and address of the owner or authorized agent;
 - 2. The legal description of the residential construction;
 - 3. Evidence that the residential construction is within a community or subdivision that is operated as an housing for older persons in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Acts of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995, 42 U.S.C. §§ 3601-19, or its statutory successor in function; and
 - 4. A copy of the recorded declaration of covenants and restrictions that run with the land, cannot be revoked or amended for a period of at least thirty (30) years from recording, and that prohibit any person under the age of eighteen (18) years of age from residing within any dwelling unit on the property as a permanent resident.
- b. If the residential construction meets the requirements for the housing for older persons exemption, the county attorney shall issue an exemption. The exemption shall be presented in lieu of payment of the educational system impact fee.

c. In the event the recorded declaration of covenants and restrictions is breached or otherwise modified following recording such that persons under the age of eighteen (18) are allowed to reside as permanent residents in any residential dwelling unit receiving an housing for older persons exemption, the educational system impact fee in effect at the time of the change in circumstances shall be due for all dwelling units within the community.

Deleted: . . c. The amount of the educational system impact fee shall not be increased to replace any revenue lost due to the housing for older persons exemption.

Deleted: d

(6) In order to claim any exemption permitted by this part, the burden is on the property owner to prove entitlement to such exemption, and such property owner shall submit documentation to the County Manager in order to show such entitlement.

Formatted: Indent: Left: 0 pt, Hanging: 72 pt, Tabs: Not at 108 pt

Sec. 22-15. Penalties and liens against property.

Deleted: G:\DOCUMENT\ORDINAN CES\Impact Fee Ordinances\May 2, 2007 draft.DOC

1 Failure to dedicate land or to pay an impact fee when
2 determined by the county that either obligation, or a combination
3 of said obligations is required to satisfy the impact of
4 development shall result in the amount due becoming a lien
5 against the property, as provided for herein. The county shall
6 provide a written notice of the impact fee due by personal
7 service, certified, return receipt requested United States mail
8 or Federal Express or other equivalent overnight letter delivery
9 company. Upon failure to pay the impact fee within thirty (30)
10 days of the date of the notice, a notice of lien shall be served
11 by personal service, certified, return receipt requested United
12 States mail or Federal Express or other equivalent overnight
13 letter delivery company, advising the developer that the county
14 shall file a claim of lien against the property in question. Once
15 recorded, the claim of lien may be foreclosed as provided for
16 Chapter 170, Florida Statutes, Chapter 173, Florida Statutes, or
17 any other applicable law. The lien for unpaid impact fees shall
18 be coequal with a lien for state, county, special district and
19 municipal taxes and is superior in dignity to subsequently filed
20 liens.

21
22
23 **Sec. 22-16. Administrative fees.**

- 24
25 (1) A municipality entering into an interlocal agreement with
26 Lake County to collect impact fees within the municipality
27 shall be entitled to collect an additional three (3) percent
28 charge based on the funds collected up to a maximum of Five
29 Hundred Dollars (\$500.00) as compensation for the expense of
30 collecting the fee. If Lake County collects the impact fees,
31 Lake County shall be entitled to collect an additional three
32 (3) percent charge based on the funds collected up to a
33 maximum of Five Hundred Dollars (\$500.00) as compensation for
34 the expense of collecting the fee.
35
36 (2) All other administrative costs associated with providing
37 capital improvements and administering the impact fee
38 program shall be eligible for the appropriation of impact
39 fees collected by the county or a municipality; however,
40 administrative costs, including the three (3) percent
41 collection allowance, shall not exceed five (5) percent of
42 the total amount collected by the county and municipalities.

Deleted: retain

Deleted: of

Deleted: retain

Deleted: of

43
44
45 **Sec. 22-17. Appeals.**

46
47 Any person who disagrees with a decision or interpretation
48 of this chapter may appeal to the county manager by filing a
49 written notice of appeal within ten (10) days after the date of
50 the action or decision complained of. The written notice of
51 appeal shall set forth concisely the action or decision appealed
52 as well as the grounds upon which the appeal is based. The county
53 manager shall consider all facts material to the appeal and
54 render a written decision within thirty (30) days of receiving

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 | the appeal, The County Manager's decision shall constitute final
2 | administrative review.

3
4
5 **Secs. 22-18--22-20. Reserved.**

6
7
8 **ARTICLE II. EDUCATIONAL SYSTEM IMPACT FEES**

9
10 **Sec. 22-21. Legislative findings.**

11
12 The Board of County Commissioners of Lake County, Florida,
13 hereby finds, determines and declares that:

- 14
15 (1) The school board has adopted a resolution which
16 requests the Board of County Commissioners of Lake
17 County to adopt a revised and updated educational
18 system impact fee which requires future residential
19 construction to contribute its fair share of the cost
20 of capital improvements and additions to the
21 educational system which are necessary to accommodate
22 such growth.
23
24 (2) The school board has determined that ad valorem tax
25 revenue and other revenues will not be sufficient to
26 provide the capital improvements and additions to the
27 educational system which are necessary to accommodate
28 such growth.
29
30 (3) Part II of Chapter 163, Florida Statutes, requires the
31 county to adopt a comprehensive plan containing a
32 capital improvements element which considers the need
33 and location of public facilities within its areas of
34 jurisdiction and the projected revenue source which
35 will be utilized to fund these facilities.
36
37 (4) Pursuant to F.S. § 1013.33, the school board and the
38 county are required to coordinate the planning of
39 educational facilities with the planning of residential
40 construction and the providing of other necessary
41 services. Moreover, F.S. § 1013.33(10), requires
42 educational facilities to be consistent with the
43 comprehensive plan.
44
45 (5) The implementation of a revised and updated educational
46 system impact fee to require future growth to
47 contribute its fair share of the cost of growth
48 necessitated capital improvements to the educational
49 system promotes the general welfare of the citizens of
50 Lake County. The provision of educational facilities
51 which are adequate for the needs of growth is in the
52 general welfare of all county residents and constitutes
53 a public purpose.
54

Deleted: . Any person who disagrees with the decision of the county manager may appeal to the board of county commissioners by filing a written notice of appeal with the county manager's office setting forth concisely the decision appealed within ten (10) days after the date of the county manager's decision. The appeal shall be set for the next available board of county commissioners meeting for consideration. At the meeting the board of county commissioners shall render a verbal decision.

Deleted: minutes of the meeting

Deleted: the board's final written decision and shall constitute

Deleted: G:\DOCUMENT\ORDINAN CES\Impact Fee Ordinances\May 2, 2007 draft.DOC

- 1 (6) The implementation of a revised and updated educational
 2 system impact fee to require future growth to
 3 contribute its fair share of the cost of required
 4 capital improvements and additions is an integral and
 5 vital element of the regulatory plan of growth
 6 management in the county.
 7
- 8 (7) The projected capital improvements to the educational
 9 system and the allocation of projected costs between
 10 those necessary to serve existing development and those
 11 required to accommodate the educational needs of future
 12 residential construction as presented in the study
 13 entitled "Impact Fees for Educational Facilities in
 14 Lake County, Florida," dated December, 3, 2004, is
 15 hereby approved and adopted by the county and such
 16 study is found to be consistent with the comprehensive
 17 plan of the county.
 18
- 19 (8) Interlocal agreements have been entered into between
 20 the county, the school board and the municipalities
 21 within Lake County to assist in the imposition and
 22 implementation of the educational system impact fee
 23 within all areas of the county. The interlocal
 24 agreements shall provide for the consistent collection
 25 and administration of the educational system impact fee
 26 throughout the county.
 27
- 28 (9) The required improvements and additions to the
 29 educational system needed to eliminate any existing
 30 deficiencies shall be financed by revenue sources of
 31 the school board other than educational system impact
 32 fees.
 33

34
 35 **Sec. 22-22. Imposition.**
 36

37 All residential construction occurring within the county,
 38 both within the unincorporated area and within the
 39 municipalities, shall pay the following educational system impact
 40 fees:
 41

- 42 Single-family detached house, per dwelling unit
 43 \$7,055.00
 44
- 45 Multi-family dwelling unit, per dwelling unit
 46 4,260.00
 47
- 48 Mobile home, per dwelling unit 2,497.00
 49
 50

51 **Sec. 22-23. Impact fee trust account and use of monies.**
 52

- 53 (1) Educational system impact fees shall, upon receipt by the
 54 school board, be deposited in a separate trust account

Deleted: G:\DOCUMENT\ORDINAN
 CES\Impact Fee Ordinances\May 2, 2007
 draft.DOC

1 established and maintained by the school board. Such account
2 shall be designated as the "educational system impact fee
3 trust account" and shall be maintained separate and apart
4 from all other accounts of the school board.
5

6 (2) The school board shall maintain adequate records to justify
7 all expenditures from the educational system impact fee
8 trust account. Upon reasonable notice, the county shall have
9 access to such books, records and documents relating to the
10 educational system impact fee trust account for the purpose
11 of inspection or audit. The county has the right, but not
12 the duty, to audit the school board's educational system
13 impact fee trust account at the county's sole cost and
14 expense.
15

16 (3) The monies deposited into the educational system impact fee
17 trust account shall be used solely for the purpose of
18 providing growth-necessitated capital improvements to
19 educational plants and ancillary plants of the educational
20 system including, but not limited to:
21

- 22 a. Land acquisition, including any cost of acquisition;
- 23 b. Fees for professional services, including but not
24 limited to architecture, engineering, surveying,
25 landscaping, soils and material testing, legal,
26 appraisals, and construction management;
- 27
- 28 c. Design and construction documents;
- 29
- 30 d. Site development, site-related improvements and on-site
31 and off-site improvements incidental to the
32 construction thereto;
- 33
- 34 e. Any permitting or application fees necessary for the
35 construction;
- 36
- 37 f. Design and construction of educational plants and
38 ancillary plants;
- 39
- 40 g. Design and construction of drainage facilities required
41 by the construction of educational plants and ancillary
42 plants or improvements thereto;
- 43
- 44 h. Relocating utilities required by the construction of
45 educational plants and ancillary plants or improvements
46 or additions thereto;
- 47
- 48 i. Acquisition of furniture and equipment necessary to
49 accommodate students, faculty, administrators, staff
50 and the activities of the educational programs and
51 services at educational plants which is necessitated by
52 growth;
- 53

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

- 1 j. Repayment of monies borrowed after October 1, 2003 from
2 any budgetary fund of the county or the school board
3 which were used to fund growth necessitated capital
4 improvements to the educational plants or ancillary
5 plants as provided herein; and
6
7 k. Payment of principal and interest, necessary reserves
8 and costs of issuance under any bonds or other
9 indebtedness issued by the school board to fund growth-
10 necessitated improvements and additions to the
11 educational system.
12
13

14 **Sec. 22-24. Dedication of land and impact fee credits.**
15

- 16 (1) In order to provide land to meet the need for public school
17 sites created by new residential construction and to provide
18 the funds needed to develop such lands as educational plants
19 and ancillary plants, a developer of new residential
20 construction may dedicate suitable land to the school board
21 in lieu of paying the educational system impact fee imposed
22 in section 22-22, as agreed to by the county and the school
23 board.
24
25 (2) Any land dedicated to the school board in lieu of paying the
26 educational system impact fee imposed in section 22-22 must
27 be acceptable to the school board, in the school board's
28 sole discretion, in terms of suitable size, dimension, soil
29 type, topography, dimensions, location, accessibility and
30 general character. The requirements for suitable school
31 sites are set forth in the current school board facilities
32 policies, Lake County Schools Educational Specifications, as
33 approved by the school board and the department of
34 education, education facilities planning and education
35 department, the Lake County School Siting Ordinance
36 (Ordinance No. 2002-11), and as set forth in the Florida
37 State Board of Education Administrative Rules.
38
39 (3) Subject to the terms and conditions of this section, credit
40 shall be granted against the educational system impact fee
41 imposed by section 22-22 for the donation of land or for the
42 construction of an improvement or addition to the
43 educational system that is required pursuant to a
44 development order/permit or made voluntarily in connection
45 with residential construction. Such donations or
46 constructions shall be subject to the approval and
47 acceptance of the county manager after consultation with the
48 superintendent. No credit shall be given for the donation of
49 land or construction unless such property is conveyed in fee
50 simple to the school board without consideration.
51
52 (4) Prior to issuance of a building permit, or if no building
53 permit is required, prior to the issuance of the final
54 development order, the applicant shall submit a proposed

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 plan for donations or contributions to the educational
2 system to the county manager. The proposed plan shall
3 include:

- 4 a. A designation of the residential construction for which
5 the plan is being submitted;
- 6 b. A legal description of any land proposed to be donated
7 and a written appraisal prepared in conformity with
8 subsection (7) of this section;
- 9 c. A list of the contemplated contributions to the
10 educational system and an estimate of the proposed
11 construction costs certified by a professional
12 architect or engineer; and
- 13 d. A proposed time schedule for completion of the proposed
14 plan.

15 (5) Within ten (10) days after receipt, the county manager shall
16 forward the proposed plan to the superintendent for review
17 and recommendation. The superintendent shall provide a
18 recommendation to the county manager within thirty (30) days
19 of receipt. After reviewing the superintendent's
20 recommendation, the county manager shall approve or deny the
21 proposed plan in accordance with subsection (6) of this
22 section and, if approved, establish the amount of credit in
23 accordance with subsection (7) of this section. The county
24 manager shall issue a decision within sixty (60) days after
25 the filing of the proposed plan.

26 (6) In reviewing the proposed plan, the county manager shall
27 determine in consultation with the superintendent:

- 28 a. If such proposed plan is in conformity with
29 contemplated improvements and additions to the
30 educational system;
- 31 b. If the proposed donation of land and construction by
32 the applicant is consistent with the public interest;
33 and
- 34 c. If the proposed time schedule is consistent with the
35 capital improvement program for the educational system.

36 (7) The amount of developer contribution credit shall be
37 determined as follows:

- 38 a. The value of donated land shall be based upon a written
39 appraisal of fair market value as determined by an
40 M.A.I. appraiser who was selected and paid for by the
41 applicant, and who used generally accepted appraisal
42 techniques. If the appraisal does not conform to the
43 requirements of this section and the applicable

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 administrative regulations, the appraisal shall be
2 corrected and resubmitted. In the event the county
3 manager accepts the methodology of the appraisal but
4 disagrees with the appraised value, he may engage
5 another M.A.I. appraiser at the school board's expense
6 and the value shall be an amount equal to the average
7 of the two (2) appraisals. If either party does not
8 accept the average of the two (2) appraisals, a third
9 appraisal shall be obtained, with the cost of said
10 third appraisal being shared equally by the school
11 board and the owner or applicant. The third appraiser
12 shall be selected by the first two (2) appraisers and
13 the third appraisal shall be binding on the parties.
14

15 b. The value of the construction of an improvement or
16 addition to the educational system shall be based upon
17 the actual cost of construction of said improvement or
18 addition as certified by a professional architect or
19 engineer. However, in no event shall any credit be
20 granted in excess of the estimated construction costs
21 provided by a professional architect or engineer and
22 approved by the county and school board unless the
23 construction project is competitively bid, in which
24 case, the credit shall be limited to the actual cost or
25 one hundred twenty (120) percent of the bid amounts,
26 whichever is less; and
27

28 c. The land donations and construction contributions shall
29 only provide improvements or additions to the
30 educational system required to accommodate growth.
31

32 (8) If a proposed plan is approved for credit by the county
33 manager after consultation with the superintendent, the
34 applicant or owner, the board of county commissioners, and
35 the school board shall enter into a credit agreement which
36 shall provide for:
37

38 a. The timing of actions to be taken by the applicant and
39 the obligations and responsibilities of the applicant,
40 including, but not limited to, the construction
41 standards and requirements to be complied with;
42

43 b. The obligations and responsibilities of the board of
44 county commissioners and school board, including but
45 not limited to inspection of the project; and
46

47 c. The amount of the credit as determined in accordance
48 with subsection (7) of this section.
49

50 (9) A credit for the donation of land shall be granted at such
51 time as the property which is the subject of the donation
52 has been conveyed to and accepted by the school board. A
53 credit for the construction of an improvement or addition to
54 the educational system shall be granted at such time as the

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 construction is completed, approved and accepted by the
2 school board. The administration of said contribution
3 credits shall be the responsibility of the superintendent
4 after said credits have been approved by the county manager.
5

6 (10) Any applicant or owner who submits a proposed plan pursuant
7 to this section and desires the immediate issuance of a
8 building permit or other final development order prior to
9 approval of the proposed plan shall pay the applicable
10 educational system impact fee pursuant to section 22-22. Any
11 difference between the amount paid and the amount due,
12 should the county manager approve and accept the proposed
13 plan, shall be refunded to the applicant or owner. The
14 administration of such refunds shall be the responsibility
15 of the superintendent.
16

17 (11) Credits provided pursuant to this section shall not be
18 transferable from one (1) residential construction site to
19 another.
20
21

22 **Sec. 22-25. Review and update.**

23
24 Chapter 22, Article II and the Educational System Impact Fee
25 Study shall be reviewed by the county in consultation with the
26 school board at least once every three (3) years. The initial and
27 each subsequent review shall consider but not be limited to all
28 components of the impact fee study accepted herein. Said review
29 shall also include detailed analyses of the economic impacts of
30 this ordinance. The purpose of this review is to demonstrate that
31 the educational system impact fee does not exceed reasonably
32 anticipated costs associated with growth necessitated capital
33 improvements. In the event the review of the article and the
34 impact fee study required by this section alters or changes the
35 assumptions, conclusions and findings of the impact fee study
36 accepted by reference then said study shall be amended and
37 updated to reflect the assumptions, conclusions and findings of
38 such reviews and the educational system impact fee shall be
39 amended in accordance therewith. Additionally, the school board
40 shall provide an accounting report on an annual basis to the Lake
41 County Impact Fee Evaluation and Review Committee, and shall give
42 an annual accounting presentation to the Lake County Board of
43 County Commissioners. Such accounting shall show all revenues
44 received, including interest earned on impact fee funds, as well
45 as all expenditures of impact fee funds.
46
47

48 **Secs. 22-26--22-35. Reserved.**
49
50

51 **ARTICLE III. TRANSPORTATION IMPACT FEES**

52 **Sec. 22-36. Short title, authority.**
53
54

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

- 1 (1) This article shall be known and may be cited as the
 2 "Transportation Impact Fee Ordinance."
 3
 4 (2) Chapter 336, Florida Statutes, vests the board of county
 5 commissioners with general supervision and control of all
 6 county roads and road facilities within Lake County which
 7 comprise the county road system as defined in Chapter 334,
 8 Florida Statutes, including county roads within
 9 municipalities.
 10
 11 (3) The board of county commissioners hereby adopts the "Lake
 12 County Transportation Impact Fee Update Study Final Report,"
 13 dated December 2001, prepared by Tindale-Oliver and
 14 Associates, Inc.
 15

16
 17 **Sec. 22-37. Imposition.**

- 18
 19 (1) Transportation impact fees shall be determined as follows:
 20
 21
 22
 23

Lake County Transportation Impact Fee Schedule			
Land Use Code	Land Use	Unit	Rate
	Residential:		
210	Single-family/Mobile Home (On Single-family Lot) - Less than 1500 sf* living space	du*	\$1,642.00
210	Single-family/Mobile Home (On Single-family Lot) - 1,501 sf to 2,500 sf living space	du	\$2,189.00

Deleted: G:\DOCUMENT\ORDINAN
 CES\Impact Fee Ordinances\May 2, 2007
 draft.DOC

210	Single-family/Mobile Home (On Single-family Lot) - Greater than 2,500 sf living space	du	\$2,583.00
N/A	Active Adult (Deed Restricted)	du	\$1,153.00
221	Multi-Family (1 or 2 Stories)	du	\$1,408.00
222	Multi-Family (3 & more Stories)	du	\$898.00
240	Mobile Home Park (Mobile Homes clustered in a Park)	du	\$859.00
252	ACLF	du	\$309.00
	Lodging:		
310	Hotel	Room	\$1,446.00
320	Motel/Bed and Breakfast	Room	\$774.00
416	Campground/RV Park	Space	\$536.00
	Recreational:		
412	General Recreation/County Park	Acre	\$388.00
420	Marina	Slip	\$668.00
430	Golf Course	Hole	\$6,594.00

Deleted: G:\DOCUMENT\ORDINANCES\Impact Fee Ordinances\May 2, 2007 draft.DOC

473	Amusement & Recreation Services	1,000 sf	\$25,880.00
492	Racquet Club/Health Spa	1,000 sf	\$3,303.00
494	Bowling Center	1,000 sf	\$6,286.00
N/A	Dance Studio	1,000 sf	\$3,303.00
495	Community Recreation Center	1,000 sf	\$3,895.00
N/A	Horse Training	Acre	\$964.00
	Institutional:		
520	School (Elementary)	Student	\$180.00
522	Middle School	Student	\$287.00
530	School (High)	Student	\$355.00
550	School (College)	Student	\$552.00
540	Junior College	Student	\$357.00
560	Church/Religious Organization	1,000 sf	\$1,322.00
565	Day Care Center	1,000 sf	\$4,507.00
566	Cemetery	Acre	\$1,073.00
590	Library	1,000 sf	\$4,265.00
610	Hospital	1,000 sf	\$2,444.00

Deleted: G:\DOCUMENT\ORDINANCES\Impact Fee Ordinances\May 2, 2007 draft.DOC

620	Nursing Home	Bed	\$242.00
730	Government Office Building - Municipal	1,000 sf	\$4,304.00
733	Government Office Building - County	1,000 sf	\$8,711.00
N/A	Fire Station	1,000 sf	\$2,494.00
	Office:		
710	Office under 10,000 GSF	1,000 sf	\$4,452.00
710	Office 10,001 GSF to 30,000 GSF	1,000 sf	\$3,790.00
710	Office 30,001 GSF to 100,000 GSF	1,000 sf	\$2,883.00
710	Office 100,001 GSF to 400,000 GSF	1,000 sf	\$2,110.00
710	Office greater than 400,000 GSF	1,000 sf	\$1,722.00
715	Single Tenant Office Building	1,000 sf	\$2,275.00
720	Medical Office	1,000 sf	\$6,717.00
750	Office Park	1,000 sf	\$2,123.00
760	Research Center	1,000 sf	\$1,508.00
770	Business Park	1,000 sf	\$2,373.00

Deleted: G:\DOCUMENT\ORDINAN CES\Impact Fee Ordinances\May 2, 2007 draft.DOC

	General Commercial:		
820	Under 50,000 GSF	1,000 sf	\$2,816.00
820	50,000 to 200,000 GSF	1,000 sf	\$2,177.00
820	200,001 to 600,000 GSF	1,000 sf	\$2,171.00
820	Greater than 600,000 GSF	1,000 sf	\$2,385.00
	Retail/Services:		
444	Movie Theater w/Matinee	Screen	\$11,552.00
812	Building Materials and Lumber Store	1,000 sf	\$5,930.00
813	Discount Superstore (greater than 120,000 sf)	1,000 sf	\$2,969.00
814	Specialty Retail	1,000 sf	\$3,553.00
815	Discount Superstore (less or equal to 120,000 sf)	1,000 sf	\$3,580.00
816	Hardware/Paint Store	1,000 sf	\$9,939.00
818	Wholesale Nursery	Acre	\$858.00
831	Quality Restaurant	1,000 sf	\$8,731.00
832	High Turnover Restaurant	1,000 sf	\$11,422.00
834	Fast Food Restaurant/W drive Thru	1,000 sf	\$17,706.00
836	Bar/Lounge/Drinking Place	1,000 sf	\$11,422.00

Deleted: G:\DOCUMENT\ORDINANCES\Impact Fee Ordinances\May 2, 2007 draft.DOC

837	Quick Lube	Bay	\$3,884.00
840	Auto Repair	1,000 sf	\$4,010.00
841	New and Used Auto Sales	1,000 sf	\$5,742.00
844	Service Station	Fuel Position	\$2,080.00
847	Car Wash	1,000 sf	\$5,973.00
850	Supermarket	1,000 sf	\$4,952.00
853	Convenience Market w/gas	1,000 sf	\$14,834.00
881	Pharmacy/Drugs store	1,000 sf	\$3,915.00
890	Furniture Store	1,000 sf	\$704.00
911	Bank	1,000 sf	\$8,202.00
912	Bank w/Drive-Thru	1,000 sf	\$12,207.00
N/A	Convenience Mkt. w/gas, fast food and car wash	1,000 sf	\$32,865.00
N/A	Stand-Alone Meeting Facility w/ Catering	1,000 sf	\$3,368.00
N/A	Veterinary Clinic	1,000 sf	\$1,788.00
	Industrial:		
110	General Light Industrial	1,000 sf	\$2,157.00
120	General Heavy Industrial	1,000 sf	\$464.00

Deleted: G:\DOCUMENT\ORDINANCES\Impact Fee Ordinances\May 2, 2007 draft.DOC

130	Industrial Park	1,000 sf	\$2,084.00
140	Manufacturing	1,000 sf	\$1,182.00
150	Warehouse	1,000 sf	\$1,535.00
151	Mini-Warehouse	1,000 sf	\$290.00
152	High Cube Warehouse (4)	1,000 sf	\$535.00
N/A	Airport Hanger	1,000 sf	\$1,535.00
170	Utilities Building	1,000 sf	\$1,684.00
	Notes:		
	N/A - Does not have an ITE Land Use Code		
	Source - Tindale-Oliver and Associates, Updated as of October 2003		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

sf = square foot

du = dwelling unit

Sec. 22-38. Alternative transportation impact fee; Mixed Uses; Change of Use; Fee Challenges.

(1) In the event that the determination of a transportation impact fee is required for a land use not contained in section 22-37, the following procedure shall be followed. The determination of an alternative transportation impact fee shall be the responsibility of a county-designated planning, zoning or land use professional and supportable by documentation.

- a. The two-digit Standard Industrial Classification (SIC) Code, or two-digit Department of Revenue (DOR) Land Use

Deleted: G:\DOCUMENT\ORDINAN CES\Impact Fee Ordinances\May 2, 2007 draft.DOC

1 Code, into which the land use falls is to be
2 determined.

- 3
- 4 b. The two-digit SIC Code, or two-digit DOR Land Use Code
5 shall be cross-referenced to an appropriate Institute
6 of Transportation Engineers (ITE) Land Use Code in
7 order to derive an appropriate trip generation rate.
8
 - 9 c. At the discretion of the county's designated agent,
10 information provided by the person seeking to develop
11 land may be used in determining the appropriate trip
12 generation rate.
13
 - 14 d. Once a trip generation rate has been determined for a
15 land use not contained within the "Fee Schedule,"
16 located in subsection (1), that rate shall be
17 considered precedence for future assessment of similar
18 land uses.
19
 - 20 e. The person seeking to develop land shall either pay the
21 transportation impact fee determined by the county
22 agent authorized to make the trip generation
23 determination, or prepare a traffic study in accordance
24 with the methodology contained in this article.
25

26 (2) If a building or development permit is requested for mixed
27 uses, then the transportation impact fee shall be determined
28 by using the above fee schedule, and apportioning the space
29 committed according to the building or development permit to
30 uses specified on the fee schedule. However, any secondary
31 use which takes up less than twenty-five (25) percent of the
32 square footage of the primary use will be considered an
33 incidental use, not a mixed use, when such use is necessary
34 to carry out the primary use, i.e., office space needed to
35 operate warehouse.
36

37 (3) In the case of a change of use, redevelopment, or
38 modification of an existing use on-site which requires the
39 issuance of a building permit or development permit, the
40 transportation impact fee shall be based upon the net
41 increase in vehicular traffic generated by the new use as
42 compared to the most intense previous use since February 19,
43 1985. The county manager or a designee shall be guided in
44 this determination by using the most recent edition of the
45 ITE Trip Generation Manual, and the most recent edition of
46 the SIC Manual.
47

48 (4) If the person seeking to develop land challenges the
49 transportation impact fee as determined according to the
50 section 22-37, the person shall prepare and submit a traffic
51 study and independent impact fee calculation for the
52 development activity for which a building permit or
53 development order is sought in accordance with the
54 procedures set forth below. The independent fee calculation

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 shall employ the methodology contained in the
2 "Transportation Impact Fee Update Study," dated May 30,
3 2001, prepared by Tindale-Oliver and Associates, Inc. and be
4 calculated at the same rate as set forth in the fee
5 schedule.

6
7 (5) The traffic study shall document the basis upon which the
8 independent fee calculation was made and be in accordance
9 with the methodology described above. The county manager or
10 designee shall consider the documentation submitted;
11 however, the county manager or designee is not required to
12 accept such documentation if it is deemed to be inaccurate
13 or not reliable. The county manager or designee may require
14 the submission of additional and distinct documentation for
15 consideration. If an acceptable independent impact fee
16 calculation is not presented, the county manager or designee
17 shall require payment in accordance with the fee schedule
18 located in subsection (1). If an acceptable independent
19 impact fee calculation is presented, the county manager or
20 designee may adjust the impact fee, as appropriate to a
21 specific building permit or development order.

22
23 (6) The following procedures shall be used to prepare the
24 alternative transportation impact fee study:

25
26 a. *Pre application conference.* Feepayers are encouraged to
27 schedule a meeting with the public works department
28 before proceeding with a study. At such a meeting, the
29 basic requirements of a study can be discussed.

30
31 b. *Application, study methodology, and initial approval.*
32 The following materials shall be submitted and approved
33 prior to the study being conducted. Submitted materials
34 will be reviewed and every effort will be made to
35 approve, approve with conditions, or deny the study
36 methodology within ten (10) working days of the date
37 submitted.

38
39 1. An application form indicating the name, address
40 and telephone number of the feepayer and the name,
41 address and telephone number of any agent for the
42 feepayer, a legal description of the property
43 involved and a description of the development
44 activity proposed.

45
46 2. If the feepayer proposes relying on the results of
47 any previous studies, such as studies originally
48 submitted as part of the zoning approval process,
49 copies of those reports should be provided. Such
50 studies must meet the requirements of this
51 procedure in order to be relied upon.

52
53 3. The feepayer shall, in accordance with the
54 following guidelines, provide the study

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 methodology that is proposed to be used for the
2 study.

- 3
4 i. The proposed methodology shall identify a
5 minimum of three (3) comparable sites to be
6 studied. Such sites shall be located within
7 Lake County unless sites are not available in
8 Lake County. The site descriptions should
9 include the specific location, the character
10 of the location (Central Business District,
11 urban, suburban, or rural), and the land
12 use(s) at the location. An explanation of why
13 the proposed sites are similar to the
14 proposed new development should be included.
15 The explanation should address pertinent
16 characteristics, such as land use, adjacent
17 area, and demographics. A map should be
18 included showing the location of the proposed
19 new development and the proposed study sites.
20
21 ii. The proposed methodology shall discuss the
22 proposed data elements of the study. These
23 shall include trip generation rate, trip
24 length and percent new trips, and any other
25 applicable data elements that may be
26 necessary.
27
28 iii. The trip generation rate should normally be
29 determined by machine counts. The proposed
30 methodology should provide documentation
31 depicting the proposed machine counter sites
32 and locations within the site as well as the
33 type of equipment, hose/loop detector
34 configurations, and the proposed dates of
35 counting.
36
37 iv. The machine counters should normally be
38 placed at project driveways, for a minimum of
39 seven (7) consecutive days of twenty-four-
40 hour machine counting, on days representative
41 of typical traffic patterns at that site (not
42 during a holiday, for example).
43
44 v. The data to be collected should include:
45
46 a) Date and time counts,
47
48 b) A summary of counts by fifteen-minute
49 increments (entering, exiting and
50 total),
51
52 c) Average daily volume, and
53

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

d) Volume during the a.m. and p.m. peak hours of the adjacent street.

vi. The study methodology should show that the correct operation of the machine counters will be verified by manually observing their proper data recording for at least fifteen (15) minutes on at least four (4) occasions. Two (2) of the four (4) occasions can be verifications performed at the start and finish of the counting period. This manual verification should be documented in the study report.

4. The trip length and percent new trips will normally be determined by an origin/destination survey, consisting of motorist surveys. The proposed study methodology should provide the proposed location of interviewers, interview forms, and dates and times of day for conducting interviews. The origin/destination survey will collect the following information:

- i. Date of interview,
- ii. Location of the interview,
- iii. Name of the interviewer,
- iv. Time of day of the interview,
- v. Origin of the interviewee's trip,
- vi. Destination of the interviewee's trip, and
- vii. Trip purpose.

5. The place of origin or destination should be identified as accurately as possible. The origin and destination should be determined with one (1) of the following methods:

- i. The specific name of the place (mall, town, bank, supermarket, subdivision, school, etc.),
- ii. The address of the place,
- iii. The intersection nearest to the place, and
- iv. The major intersection nearest to the place.

The most preferred method to the least preferred method is indicated by the order listed above.

Deleted: G:\DOCUMENT\ORDINAN CES\Impact Fee Ordinances\May 2, 2007 draft.DOC

- 1 6. The proposed methodology should include a copy of
2 the interview form to record the interview
3 responses which are proposed to be used. Copies of
4 the completed interview forms should be included
5 in the study report.
6
7 7. It is not acceptable to collect trip length as
8 estimated and reported by the interviewee. The
9 proper method to determine a trip length is to use
10 a scaled map to measure the shortest route between
11 the site and the reported places of origin and
12 destination, or to measure the distance directly
13 using a vehicle odometer.
14
15 8. Acceptable procedures to determine if a trip is
16 classified as primary, secondary, diverted, or
17 captured, and to compute the assessable trip
18 length are described in "Measuring Travel
19 Characteristics for Transportation Impact Fees"
20 W.E. Oliver, (ITE Journal, April 1991). Another
21 acceptable procedure is in the most recent Florida
22 Department of Transportation-site Impact Handbook.
23
24 9. Also included in the study report should be the
25 following:
26
27 i. The number of observations (useable interview
28 responses),
29
30 ii. The mean trip length, rounded off to 0.1
31 mile, and
32
33 iii. The percent new trips.
34
35 10. In determining a reasonable estimate of the trip
36 length and percent new trips the proposed
37 methodology must propose surveys to be performed
38 for a minimum of three (3) sites for three (3)
39 days. These surveys will be conducted for nine (9)
40 hours each day. The specific time period to be
41 covered should be governed by the type of land
42 being surveyed and the typical daily operations of
43 the specific land use. The total survey hours
44 should be approximately eighty-one (81) hours (3 x
45 3 x 9 = 81).
46
47 11. The study report should be submitted in the
48 following format:
49
50 i. Table of contents,
51
52 ii. Letter of transmittal,
53
54 iii. Findings of the report:

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

Trip generation rate

Trip length and

percent new trips,

iv. Impact fee calculations, and appendices:

Trip generation rate

summary

Trip length

worksheet

Percent new trips

worksheet

Trip generation data

Interview forms

12. The proposed study shall include a completed impact fee work sheet in the format provided by the county manager or designee.

13. After submittal of the proposed methodology, the county manager or designee will either approve the proposed study methodology or request additional information or changes to the proposed methodology.

c. Upon approval of the study methodology, the feepayer may proceed with the study. Upon completion, three (3) copies shall be submitted to the county manager or designee. A review fee specified in the board of county commissioners fee resolution shall be submitted with the study.

d. County review will be made within thirty (30) days and a written decision will be rendered approving or disapproving of the study and specifying the applicable fee, if necessary.

e. If a property owner desires to obtain a building permit prior to the time the protest is completed he/she shall pay the challenged impact fee at the time of issuance of the building permit. If the county approves the traffic study referenced above and the study establishes a lower fee the owner shall be entitled to a refund representing the difference between that paid and the new established fee. The traffic study described herein shall be completed in a time frame agreed upon in writing by the owner and the county manager at the time of fee payment.

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1
2 **Sec. 22-39. Dedication of land and impact fee credits.**
3

- 4 (1) In lieu of all or part of the transportation impact fee, the
5 county manager or a designee, may enter into a developer's
6 agreement with a person seeking to develop land to allow
7 such person to construct part of a road improvement project
8 shown in the Lake County Comprehensive Plan, or to construct
9 off-site road improvements determined necessary as a result
10 of the development of the property or to donate land or
11 right of way for a project shown in the Lake County
12 Comprehensive Plan so long as the project or improvement is
13 within the road benefit district in which the funds were
14 collected. The person seeking to enter into the developer's
15 agreement shall submit a construction cost estimate
16 certified by an engineer registered pursuant to Chapter 471,
17 Florida Statutes, to the county manager or designee. If
18 acceptable, the county manager or designee shall agree to
19 credit the cost of construction of the improvements towards
20 the transportation impact fee chargeable to the proposed
21 development. If right-of-way dedicated is to be included in
22 the credit, the person shall provide to the county manager
23 or designee an MAI appraisal indicating the fair market
24 value of the property to be dedicated; provided, however,
25 that if the parcel is valued by the property appraiser at
26 \$15,000.00 or less, the property appraiser's assessed value
27 may be used to determine the square footage value of the
28 right-of-way. The county manager or designee may
29 additionally determine the value of the right-of-way by
30 using the square footage value as determined from an
31 appraisal of a similarly situated parcel so long as such
32 appraisal was completed upon request of the county and is no
33 older than one (1) year. If the county manager or designee
34 elects to use an appraisal of a similarly situated parcel,
35 the county manager or designee shall make a determination
36 that such the economic conditions at the time of the
37 appraisal have not changed significantly so as to invalidate
38 such appraisal. The developer's agreement shall be approved
39 by the board of county commissioners and shall set forth all
40 other applicable requirements and conditions of performance.
41
- 42 (2) In the event the impact fee credits for construction shall
43 exceed the impact fees chargeable to a particular
44 development, the county manager or designee may agree to
45 compensate the person seeking to develop land with cash,
46 impact fee credit or a combination thereof, as set forth in
47 the developer's agreement. If the person seeking to develop
48 elects cash reimbursement, the person shall be required to
49 competitively bid the construction project and/or
50 professional services. Professional services shall be bid in
51 accordance with section 287.055, Florida Statutes, known as
52 the Consultants' Competitive Negotiation Act, and
53 construction services shall be bid in accordance with the
54 county's standard competitive bidding procedures and any

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 other applicable Florida Statutes. A construction cost
2 estimate and/ or right-of-way appraisal shall be provided in
3 the same manner as subsection (1) above. The developer's
4 agreement shall be approved by the board of county
5 commissioners and shall set forth all other applicable
6 requirements and conditions.
7
8

9 **Sec. 22-40. Transfer of impact fee credits.**

10
11 The transfer of impact fee credits shall be permitted on a
12 project-by-project basis subject to the following:
13

- 14 (1) A request to permit the transfer of impact fee credits,
15 if any, shall be submitted simultaneously with the
16 property owner's request to construct road improvements
17 in accordance with section 22-38 above. All requests to
18 permit the transfer of impact fees credits shall be
19 approved by the board of county commissioners. Untimely
20 requests shall not be considered, nor shall the board
21 of county commissioners consider a request to transfer
22 any impact fee credits distributed by the county to any
23 owner of record prior to the effective date of this
24 subsection, unless the project was specifically
25 approved at the time of submittal to allow the future
26 transfer of such credits.
27
- 28 (2) The county manager or designee shall establish an
29 account in the name of the owner of record and credit
30 to the account the amount of impact fee credits due and
31 owing as certified by the county manager or designee.
32 In the event the owner of record desires to transfer
33 any portion of the impact fee credits to another party,
34 and the board of county commissioners has previously
35 approved the transfer of credits for the project, the
36 owner of record shall submit a notarized affidavit to
37 the county manager or designee indicating to whom the
38 credits are to be transferred. Upon receipt of the
39 notarized affidavit, the impact fee credits shall be
40 transferred to a similar account established for the
41 transferee.
42
- 43 (3) The transfer shall become effective upon confirmation
44 by the county manager or designee that the credits have
45 been:
46
47 a. Duly distributed to the transferor;
48
49 b. Approved by the board of county commissioners for
50 transferring; and
51
52 c. Are being transferred within the same
53 transportation benefit district.
54

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 The county manager or designee shall notify the
2 transferee when the credits are available to the
3 transferee.
4

- 5 (4) In no event shall any impact fee credit be transferred
6 outside of the transportation benefit district in which
7 the original project was completed. Any transfer of
8 impact fee credit sheet attempting to transfer such
9 credits outside of the transportation benefit district
10 shall be immediately voided by the county manager or
11 designee.
12
- 13 (5) In no event shall the transferee be entitled to further
14 transfer those same credits to a second transferee.
15
- 16 (6) All other provisions, policies and procedures that are
17 applicable to the payment of impact fees, or to impact
18 fee credits shall be applicable to the transfer of
19 impact fee credits.
20
- 21 (7) A schedule of fees may be established by resolution of
22 the board of county commissioners in order to cover the
23 costs of the administrative activities required
24 pursuant to this section.
25
26

27 **Sec. 22-41. Impact fee trust account and use of monies.**
28

- 29 (1) A separate transportation benefit district account shall be
30 established for each road benefit district and funds shall
31 be deposited accordingly. Such accounts shall be known as
32 the "Transportation Impact Fee Trust Account."
33
- 34 (2) All funds collected from transportation impact fees shall be
35 used solely for the purpose of providing capital
36 improvements to transportation facilities associated with
37 the arterial and collector road network under the
38 jurisdiction of the county, or the state, and shall not be
39 used for maintenance or operations. Such improvements shall
40 be of the type as are made necessary by new development.
41
- 42 (3) All funds shall be used exclusively for capital improvements
43 within the transportation benefit district in which the
44 funds were collected or for projects in other transportation
45 benefit districts which are of direct benefit to the
46 transportation benefit districts from which the funds were
47 collected. In the event, funds collected in one (1)
48 transportation benefit district are to be utilized for a
49 project in another transportation benefit district that is
50 of direct benefit to the transportation benefit district in
51 which the funds were collected, such use shall be approved
52 by a majority of the municipalities in the transportation
53 benefit district within which the funds were collected. Said
54 recommendation shall be forwarded to the board of county

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 commissioners through the county manager or designee. The
2 board of county commissioners shall approve the use of funds
3 collected in one (1) transportation benefit district for a
4 project in another transportation benefit district after a
5 specific finding that there shall be a direct benefit to the
6 transportation benefit district in which the funds were
7 collected. Funds shall be expended in the order in which
8 they are collected.
9

10 (4) Each fiscal year the county manager shall present to the
11 board of county commissioners, a proposed transportation
12 capital improvement program based upon the recommendations
13 of the municipalities within the transportation benefit
14 district and senior department director of the department of
15 public works which shall assign funds, including any accrued
16 interest, from the transportation impact fee trust account,
17 to specific road improvement projects and related expenses.
18 Monies, including any accrued interest, not assigned in any
19 fiscal year shall be retained in the same transportation
20 benefit district account until the next fiscal year, except
21 as provided elsewhere in this chapter. The board of county
22 commissioners shall hold a public hearing to adopt the
23 program including any amendments which the board of county
24 commissioners determines are necessary.
25

26 (5) The governmental authority issuing the permit or other
27 approval for the development shall determine whether road
28 improvements constructed by the person seeking to develop
29 land are "site-related" or "nonsite-related" as defined
30 herein. In the event the permitting authority has a question
31 as to whether a particular improvement is site-related or
32 nonsite-related, the county shall be consulted and make the
33 final decision.
34

35
36 **Sec. 22-42. Transportation benefit districts.**

37
38 The following transportation benefit districts are
39 established:

40
41 (1) *Transportation Benefit District 1.* Begin at C-42 and
42 the Lake County line in Section 31, Township 17 South,
43 Range 27 East, Lake County, Florida; run easterly along
44 C-42 to C-439; thence run southerly along C-439 to C-
45 44A; thence run easterly along C-44A to SR-44; thence
46 run southwesterly along SR-44 to C-46A; thence run
47 southeasterly along C-46A to SR-46; thence run easterly
48 along SR-46 to the Lake County line in Section 21,
49 Township 19 South, Range 29 East; thence run
50 northeasterly, northerly, northwesterly, and southerly
51 along the Lake County line to the aforementioned C-42
52 being the end of this description.
53

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 (2) *Transportation Benefit District 2.* Beginning at C-561
2 and C-455 in Section 8, Township 21 South, Range 26
3 East, Lake County, Florida; run west along C-455 to 3-
4 2739 North Buckhill Road; thence run northerly along 3-
5 2739 North Buckhill Road to a point on the north line
6 of Section 1, Township 21 South, Range 25 East; thence
7 run east to the theoretical northeast corner of said
8 Section 1; thence run north to the theoretical
9 northeast corner of Section 13, Township 20 South,
10 Range 25 East; thence run thence run west to the
11 theoretical southeast corner of Section 14, Township 20
12 South, Range 25 East; thence run northwest to the
13 theoretical northwest corner of said Section 14; thence
14 run north to a point lying east of the mouth of Dead
15 River and Lake Harris; thence run east to the mouth of
16 said Dead River; thence run northeasterly along Dead
17 River to Lake Eustis; thence run east to the
18 theoretical east line of Section 19, Township 19 South,
19 Range 26 East; thence run north to the northeast corner
20 of Section 6, Township 19 South, Range 26 East; thence
21 run west to C-44; thence northeasterly along C-44 to 5-
22 6744 Fish Camp Road; thence run north along 5-6744 Fish
23 Camp Road to C-452; thence run northerly along C-452 to
24 the Lake County Line in Section 2, Township 18 South,
25 Range 25 East; thence run east and north along the Lake
26 County line to C-42 in Section 31, Township 17 South,
27 Range 27 East; thence run easterly along C-42 to C-439;
28 thence run southerly along C-439 to C-44A; thence run
29 easterly along C-44A to SR-44; thence run southwesterly
30 along SR-44 to C-46A; thence run southeasterly along C-
31 46A to SR-46; thence run easterly along SR-46 to the
32 Lake County Line in Section 21, Township 19 South,
33 Range 29 East designated as point "A". Return to point
34 of beginning. From said point of beginning run
35 southeasterly along C-455 to the south line of Section
36 22, Township 21 South, Range 26 East; thence run east
37 to the Lake County line; thence run north, east and
38 northerly along the Lake County line to SR-46 and the
39 aforementioned point "A" being the end of this
40 description.
41

42 (3) *Transportation Benefit District 3.* Begin at the
43 Oklawaha River and the Lake County line in Section 6,
44 Township 18 South, Range 25 East, Lake County Florida;
45 run southerly along the Oklawaha River to a point on
46 the theoretical west line of Section 17, Township 18
47 South, Range 25 East; thence run south to the
48 theoretical northeast corner of Section 19, Township 19
49 South, Range 25 East; thence run west to the
50 theoretical northwest corner of said Section 19; thence
51 run south to the theoretical southwest corner of
52 Section 31, Township 19 South, Range 25 East; thence
53 run east to the theoretical southwest corner of Section
54 35; thence run north to a point lying west of the mouth

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 of Dead River and Lake Harris; thence run east to the
2 mouth of said Dead River; thence run northeasterly
3 along Dead River to Lake Eustis; thence run east to the
4 theoretical east line of Section 19, Township 19 South,
5 Range 26 East; thence run north to the northeast corner
6 of Section 6, Township 19 South, Range 26 East; thence
7 run west to C-44; thence run northeasterly along C-44
8 to 5-6744 Fish Camp Road; thence run north along 5-6744
9 Fish Camp Road to C-452; thence run northwesterly along
10 C-452 to the Lake County line; thence run west along
11 the Lake County line to the aforementioned Oklawaha
12 River being the end of this description.
13

14 Also:

15
16 Begin at C-470 and the Lake County line in Section 7,
17 Township 20 South, Range 24 East, Lake County, Florida
18 run easterly along C-470 to C-33; thence run
19 northeasterly along C-33 to US-27; thence run northerly
20 along US-27 to the north line of Section 2, Township 20
21 South, Range 24 East; thence run East to the
22 theoretical northeast corner of Section 1, Township 20
23 South, Range 24 East designated as Point "A." Return to
24 point of beginning. From said point of beginning run
25 north along the Lake County line to the northwest
26 corner of Section 6, Township 18 South, Range 24 East;
27 thence run east along the Lake County line to the
28 Oklawaha River being in Section 6, Township 18 South,
29 Range 25 East; thence run southerly along the Oklawaha
30 River to a point on the theoretical west line of
31 Section 17, Township 18 South, Range 25 East; thence
32 run south to the theoretical northeast corner of
33 Section 19, Township 19 South, Range 25 East; thence
34 run south to the northeast corner of Section 1,
35 Township 19 South, Range 25 East; thence run south to
36 the corner of Section 1, Township 20 South, Range 24
37 East and the aforementioned point ' 'A" being the end
38 of this description.
39

- 40 (4) *Transportation Benefit District 4.* Begin at C-561 and
41 US-27 in Section 36, Township 21 South, Range 25 East,
42 Lake County, Florida; run northerly along C-561 to C-
43 455; thence run west along C-455 to 3-2739 North
44 Buckhill Road; thence run northerly along 3-2739 North
45 Buckhill Road to a point on the north line of Section
46 1, Township 21 South, Range 25 East; thence run east to
47 the theoretical northeast corner of said Section 1;
48 thence run north to the theoretical southeast corner of
49 Section 13, Township 20 South, Range 25 East; thence
50 run west to the theoretical southeast corner of Section
51 14, Township 20 South, Range 25 East; thence run
52 northwest to the theoretical northwest corner of said
53 Section 14; thence run north to the theoretical
54 northwest corner of Section 2; Township 20 South, Range

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 25 East designated as point "A". Return to point of
2 beginning. From said point of beginning run
3 northwesterly along US-27 to 2-2713 Bridges Road;
4 thence run westerly along 2-2713 Bridges Road, 2-2607
5 Austin Merritt Road, and 2-2403 Youth Camp Road to the
6 Lake County line; thence run north along the Lake
7 County Line to C-470; thence run easterly along C-470
8 to C-33; thence run northeasterly along C-33 to US-27;
9 thence run northerly along US-27 to the north line of
10 Section 2, Township 20 South, Range 24 East; thence run
11 east to the theoretical northwest corner of Section 2,
12 Township 20 South, Range 24 East, and the
13 aforementioned point "A" being the end of this
14 description.

15
16 (5) *Transportation Benefit District 5.* Begin at SR-33 and
17 the Lake County line in Section 28, Township 24 South,
18 Range 25 East, Lake County, Florida; run northerly
19 along SR-33 to C-565B; thence run easterly along C-565B
20 to C-561; thence run northerly along C-561 to C-561A;
21 thence run northwesterly, northeasterly along C-561A to
22 US-27; thence run northerly along US-27 to C-561;
23 thence run northerly along C-561 to C-455; thence run
24 southeasterly along C-455 to the south line of Section
25 22, Township 21 South, Range 26 East; thence run east
26 to the Lake County line, thence run southerly, west,
27 north, and west along the Lake County line to the
28 aforementioned SR-33 being the end of this description.
29

30 (6) *Transportation Benefit District 6.* Begin at SR-33 and
31 the Lake County line in Section 28, Township 24 South,
32 Range 25 East, Lake County, Florida; run northerly
33 along SR-33 to C-565B; thence run easterly along C-565B
34 to C-561; thence run northerly along C-561 to C-561A;
35 thence run northwesterly, northeasterly along C-561A to
36 US-27; thence run northwesterly along US-27 to 2-2713
37 Bridges Road; thence run westerly along 2-2713 Bridges
38 Road, 2-2607 Austin Merritt Road, and 2-2403 Youth Camp
39 Road to the Lake County line; thence run south, east,
40 north and east along the Lake County line to the
41 aforementioned SR-33 being the end of this description.
42
43

44 **Secs. 22-43--22-45. Reserved.**

45
46
47 **ARTICLE IV. FIRE RESCUE IMPACT FEES**

48
49 **Sec. 22-46. Legislative findings.**

50
51 The Board of County Commissioners of Lake County, Florida,
52 hereby finds, determines and declares that:
53

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

- 1 (1) The county fire rescue system benefits all residents of
2 the county.
3
- 4 (2) Development necessitated by the growth contemplated in
5 the comprehensive plan and the fire rescue impact fee
6 study will require improvements and additions to the
7 county fire rescue system to accommodate the new
8 development generated by such growth and maintain the
9 standards of service provided by the county.
10
- 11 (3) Future growth, as represented by fire rescue impact
12 construction, should contribute its fair share to the
13 cost of improvements and additions to the county fire
14 rescue system that are required to accommodate the
15 impact generated by such growth.
16
- 17 (4) The required improvements and additions to the county
18 fire rescue system needed to eliminate any deficiencies
19 shall be financed by revenue sources of the county
20 other than fire rescue impact fees.
21
- 22 (5) Implementation of the fire rescue impact fees to
23 require fire rescue impact construction within the
24 county to contribute its fair share to the cost of
25 required capital improvements is an integral and vital
26 element of the regulatory plan of growth management of
27 the county.
28
- 29 (6) The board of county commissioners expressly finds that
30 the improvements and additions to the county fire
31 rescue system to be funded by the fire rescue impact
32 fee provide a benefit to all fire rescue impact
33 construction within the county that is in excess of the
34 actual fire rescue impact fees.
35
- 36 (7) The purpose of this article is to require payment of
37 fire rescue impact fees by those who engage in fire
38 rescue impact construction and to provide for the cost
39 of capital improvements to the county fire rescue
40 system which are required to accommodate such growth.
41 This article shall not be construed to permit the
42 collection of fire rescue impact fees in excess of the
43 amount reasonably anticipated to offset the demand on
44 the county fire rescue system generated by such
45 applicable fire rescue impact construction.
46
- 47 (8) The revision and re-imposition of a fire impact fee is
48 to provide a source of revenue to fund the construction
49 or improvement of the county fire system necessitated
50 by growth as delineated in the capital improvement
51 element of the comprehensive plan.
52

53 **Sec. 22-47. Imposition.**
54

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 All fire rescue impact construction occurring within the
 2 county, both within the unincorporated area and within the
 3 municipal boundaries of any consenting municipality, shall pay
 4 the following fire rescue impact fees:
 5
 6
 7
 8

Fire	01/15/04 (60%)	01/15/05 (70%)	01/15/06 (80%)	01/15/07 (90%)	01/15/08 (95%)
Single-Family Detached House	\$246.00	\$287.00	\$328.00	\$369.00	\$390.00
Multi-Family Dwelling Unit	\$154.00	\$180.00	\$205.00	\$231.00	\$244.00
Mobile Home	\$96.00	\$112.00	\$128.00	\$144.00	\$152.00
Commercial	\$822.00	\$959.00	\$1,096.00	\$1,233.00	\$1,301.00
Industrial/Manufacturing	\$66.00	\$77.00	\$88.00	\$99.00	\$104.00
Warehouse	\$48.00	\$56.00	\$64.00	\$72.00	\$76.00
Governmental Building	\$1,050.00	\$1,225.00	\$1,400.00	\$1,575.00	\$1,662.00
Educational Building	\$1,014.00	\$1,183.00	\$1,352.00	\$1,521.00	\$1,605.00
Religious Building	\$156.00	\$182.00	\$208.00	\$234.00	\$247.00
Other Institutional	\$228.00	\$266.00	\$304.00	\$342.00	\$361.00

9
10

Deleted: G:\DOCUMENT\ORDINANCES\Impact Fee Ordinances\May 2, 2007 draft.DOC

1
2 **Sec. 22-48. Impact fee trust account and use of monies.**
3

- 4 (1) The board of county commissioners hereby establishes a
5 separate trust account for the fire rescue impact fees, to
6 be designated as the "fire rescue impact fee trust account,"
7 which shall be maintained separate and apart from all other
8 accounts of the county.
9
- 10 (2) The monies deposited into the fire rescue impact fee trust
11 account shall be used solely for the purpose of constructing
12 or improving the county fire rescue system to serve new
13 growth as projected in the fire rescue impact fee study,
14 including, but not limited to:
15
- 16 a. Design and construction plan preparation;
 - 17 b. Permitting and fees;
 - 18 c. Land acquisition, including any costs of acquisition or
19 condemnation;
 - 20 d. Construction and design of new fire and rescue
21 facilities;
 - 22 e. Design and construction of new drainage facilities
23 required by the construction of improvements and
24 additions to the county fire rescue system;
 - 25 f. Relocating utilities required by the construction of
26 improvements and additions to the county fire rescue
27 system;
 - 28 g. Landscaping;
 - 29 h. Construction management and inspection;
 - 30 i. Surveying, soils and materials testing;
 - 31 j. Acquisition of apparatus or equipment utilized by the
32 county in the suppression and prevention of fires,
33 responses to medical emergencies or other disasters and
34 the handling of incidents involving hazardous
35 materials;
 - 36 k. Rpayment of monies transferred or borrowed from any
37 budgetary fund of the county after January 1, 2004,
38 which were used to fund any growth impacted
39 construction or improvements as herein defined;
 - 40 l. Costs related to the administration, collection and
41 implementation of the fire rescue impact fee; and
 - 42 m. Payment of principal and interest, necessary reserves
43 and costs of issuance under any bonds or other
44
- 45
46
47
48
49
50
51
52
53
54

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 indebtedness issued by the county to provide funds to
2 construct or acquire growth necessitated capital
3 improvements or additions as provided herein.
4
5

6 **Sec. 22-49. Alternative fire rescue impact fee.**
7

- 8 (1) In the event an applicant believes that the impact to the
9 county fire rescue system caused by fire rescue impact
10 construction is less than the impact established under the
11 applicable fire rescue impact fee land use category
12 specified in section 22-47 such applicant may, prior to
13 issuance of a building permit for such fire rescue impact
14 construction, or, if no building permit is required, prior
15 to the time of approval of the final development order, file
16 an alternative fire rescue impact fee study with the county
17 manager or designee. The county manager or designee shall
18 review the alternative calculations and make a determination
19 within sixty (60) days of submittal as to whether such
20 calculations comply with the requirements of this section.
21
- 22 (2) For purposes of any alternative fire rescue impact fee
23 calculation, the fire rescue impact construction shall be
24 presumed to have the maximum impact on the county fire
25 rescue system for the appropriate fire rescue impact fee
26 land use category.
27
- 28 (3) The alternative fire rescue impact fee calculation shall be
29 based on data, information or assumptions contained in this
30 article and the fire rescue impact fee study, or independent
31 sources, provided that:
32 a. The independent source is a generally accepted standard
33 source of planning information and cost impact analysis
34 performed pursuant to a generally accepted methodology
35 of planning and cost impact analysis which is
36 consistent with the impact fee study; or
37
38 b. The independent source is a local study supported by a
39 data base adequate for the conclusions contained in
40 such study performed pursuant to a generally accepted
41 methodology of planning and cost impact analysis which
42 is consistent with the impact fee study.
43
- 44 (4) If the county manager or designee determines that the data,
45 information and assumptions utilized by the applicant comply
46 with the requirements of this section and that the
47 calculation of the alternative fire rescue impact fee was by
48 a generally accepted methodology, then the alternative fire
49 rescue impact fee shall be paid in lieu of the fees adopted
50 in section 22-47.
51
- 52 (5) If the county manager or designee determines that the data,
53 information and assumptions utilized by the applicant to
54 compute an alternative fire rescue impact fee do not comply

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 with the requirements of this section, then the county
2 manager or designee shall provide to the applicant by
3 certified mail, return receipt requested, written
4 notification of the rejection and the reasons therefore.
5
6

7 **Sec. 22-50. Individual calculation of fire rescue impact fees.**

- 8
9 (1) In the event fire rescue impact construction involves a land
10 use not contemplated under the fire rescue impact fee land
11 use categories set forth in section 22-47 herein, the county
12 manager or designee shall determine the impact to be
13 generated by the proposed fire rescue impact construction
14 and shall calculate the appropriate fire rescue impact fees
15 utilizing the methodology contained in the fire rescue
16 impact fee study. The county manager or designee shall
17 utilize as a standard in this determination the impact
18 assumed in the most similar fire rescue impact fee land use
19 category or any other generally accepted standard source of
20 planning and cost impact analysis.
21
22 (2) In the event a fire rescue impact construction involves more
23 than one (1) fire rescue impact fee land use category, the
24 county manager or designee shall calculate the fire rescue
25 impact fees based upon the impact to be generated by each
26 separate fire rescue impact fee land use category included
27 in the proposed fire rescue Impact construction.
28
29

30 **Sec. 22-51. Dedication of land and impact fee credits.**

- 31
32 (1) In order to provide lands to meet the need for county fire
33 rescue system sites created by fire rescue impact
34 construction or to provide necessary county fire rescue
35 system capital equipment or facilities, a developer of fire
36 rescue impact construction may dedicate suitable land,
37 capital equipment or facilities to the county in lieu of
38 paying the fire rescue impact fee imposed in section 22-47,
39 as agreed to by the county.
40
41 (2) Any land, capital equipment or facilities dedicated to the
42 county in lieu of paying the fire rescue impact fee imposed
43 in section 22-47 must be acceptable to the county in terms
44 of suitable size, dimension, soil type, topography,
45 dimensions, location, accessibility and general character,
46 type and specifications.
47
48 (3) Subject to the terms and conditions of this section credit
49 shall be granted against the fire rescue impact fee imposed
50 by section 22-47 for the donation of land, capital equipment
51 or facilities that is required pursuant to a development
52 order or permit or made voluntarily in connection with fire
53 rescue impact construction. Such donations, equipment or
54 facilities shall be subject to the approval and acceptance

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 of the county manager. No credit shall be given for the
2 donation of land, capital equipment or construction of
3 facilities unless such property is conveyed in fee simple to
4 the county without consideration.
5

6 (4) Prior to issuance of a building permit, or if no building
7 permit is required, prior to the issuance of the final
8 development order, the applicant shall submit a proposed
9 plan for donations or contributions to the county fire
10 rescue system to the county manager. The proposed plan shall
11 include:

- 12 a. A designation of the fire rescue impact construction
13 for which the plan is being submitted;
- 14 b. A legal description of any land proposed to be donated
15 and a written appraisal prepared in conformity with
16 subsection (7) of this section;
- 17 c. A list of the contemplated contributions to the county
18 fire rescue system and an estimate of the proposed
19 construction costs certified by a professional
20 architect or engineer or an estimate of the proposed
21 value of a proposed donation of capital equipment; and
22 d. A proposed time schedule for completion of the proposed
23 plan.
24
25

26 (5) Within sixty (60) days after receipt, the county manager
27 shall approve or deny the proposed plan in accordance with
28 subsection (6) of this section and, if approved, establish
29 the amount of credit in accordance with subsection (7) of
30 this section.
31

32 (6) In reviewing the proposed plan, the county manager shall
33 determine:

- 34 a. If such proposed plan is in conformity with
35 contemplated improvements and additions to the county
36 fire rescue system;
- 37 b. If the proposed donation of land or capital equipment
38 and construction by the applicant is consistent with
39 the public interest; and
40 c. If the proposed time schedule is consistent with the
41 capital improvement program for the county fire rescue
42 system.
43

44 (7) The amount of developer contribution credit shall be
45 determined as follows:

- 46 a. The value of donated land shall be based upon a written
47 appraisal of fair market value as determined by an
48
49

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 M.A.I. appraiser who was selected and paid for by the
2 applicant, and who used generally accepted appraisal
3 techniques. If the appraisal does not conform to the
4 requirements of this section and the applicable
5 administrative regulations, the appraisal shall be
6 corrected and resubmitted. In the event the county
7 manager or designee accepts the methodology of the
8 appraisal but disagrees with the appraised value, he
9 may engage another M.A.I. appraiser at the county's
10 expense and the value shall be an amount equal to the
11 average of the two (2) appraisals. If either party does
12 not accept the average of the two (2) appraisals, a
13 third appraisal shall be obtained, with the cost of
14 said third appraisal being shared equally by the county
15 and the owner or applicant. The third appraiser shall
16 be selected by the first two (2) appraisers and the
17 third appraisal shall be binding on the parties.

18 b. The value of the construction of an improvement to the
19 county fire rescue system or the value of donated
20 capital equipment shall be based upon the actual cost
21 of construction or acquisition of said improvement or
22 capital equipment as certified by a professional
23 architect or engineer or as shown by a manufacturer's
24 or supplier's invoice. However, as to the construction
25 of improvements to the county fire rescue system, in no
26 event shall any credit be granted in excess of the
27 estimated construction costs provided by a professional
28 architect or engineer and approved by the county unless
29 the construction project is competitively bid, in which
30 case, the credit shall be limited to the actual cost of
31 construction. The cost of professional services shall
32 be competitively bid in accordance with section
33 287.055, Florida Statutes, in order to be eligible for
34 impact fee credits; and

35
36 c. The land donations, construction and capital equipment
37 contributions shall only provide improvements or
38 additions to the county fire rescue system required to
39 accommodate growth.

40 (8) If a proposed plan is approved for credit by the county
41 manager or designee, the applicant or owner and the county
42 shall enter into a credit agreement which shall provide for:

43
44 a. The timing of actions to be taken by the applicant and
45 the obligations and responsibilities of the applicant,
46 including, but not limited to, the construction
47 standards and requirements to be complied with;

48
49 b. The obligations and responsibilities of the board of
50 county commissioners, including but not limited to
51 inspection of the project; and
52
53

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 c. The amount of the credit as determined in accordance
2 with subsection (7) of this section.

3
4 (9) A credit for the donation of land shall be granted at such
5 time as the property which is the subject of the donation
6 has been conveyed to and accepted by the county. A credit
7 for the construction of an improvement or donation of
8 capital equipment to the county fire rescue system shall be
9 granted at such time as the construction is completed,
10 approved and accepted by the county or the time the capital
11 equipment is approved and accepted by the county. The
12 administration of said contribution credits shall be the
13 responsibility of the county manager or designee.

14
15 (10) Any applicant or owner who submits a proposed plan pursuant
16 to this section and desires the immediate issuance of a
17 building permit or other final development order prior to
18 approval of the proposed plan shall pay the applicable fire
19 rescue impact fee pursuant to section 22-47. Any difference
20 between the amount paid and the amount due, should the
21 county manager or designee approve and accept the proposed
22 plan, shall be refunded to the applicant or owner.

23
24 (11) Credits provided pursuant to this section shall not be
25 transferable from one (1) fire rescue impact construction
26 site to another.

27
28
29 **Sec. 22-52. Reserved.**

30
31
32 **ARTICLE V. PARK IMPACT FEES**

33
34 **Sec. 22-53. Legislative findings.**

35
36 The Board of County Commissioners of Lake County, Florida,
37 hereby finds, determines and declares that:

- 38
39 (1) The county park system benefits all residents of the
40 county.
41
42 (2) Development necessitated by the growth contemplated in
43 the comprehensive plan will require improvements and
44 additions to the county park system to accommodate the
45 development generated by such growth and maintain the
46 standards of service currently provided by the county.
47
48 (3) Future growth, as represented by residential
49 construction, should contribute its fair share to the
50 cost of improvements and additions to the county park
51 system that are required to accommodate such growth and
52 the use of such county park system by such growth.

53
Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

- 1 (4) Implementation of a park impact fee to require future
2 residential construction to contribute its fair share
3 to the cost of required park capital improvements and
4 additions is an integral and vital element of the
5 regulatory plan of growth management incorporated in
6 the comprehensive plan of the county.
7
- 8 (5) The imposition of a park impact fee is to provide a
9 source of revenue to fund the construction or
10 improvement of the county park system necessitated by
11 growth as delineated in the capital improvement element
12 of the comprehensive plan.
13
- 14 (6) The county expressly finds that the maintenance of the
15 standards for the county park system as contained in
16 the park impact fee study provides a benefit to all
17 residential construction within the county in excess of
18 the park impact fee.
19
- 20 (7) The county has the responsibility to provide parks and
21 recreational facilities in the county park system.
22 Residential construction occurring within the county
23 impacts upon the county park system; therefore,
24 residential construction should pay its fair share of
25 the cost of maintaining the county's existing standard
26 of service.
27
- 28 (8) The purpose of this article is to require payment of
29 park impact fees by those who engage in residential
30 construction and to provide for the cost of capital
31 improvements to the county park system which are
32 required to accommodate such growth. This article shall
33 not be construed to permit the collection of park
34 impact fees in excess of the amount reasonably
35 anticipated to offset the demand on the county park
36 system generated by such residential construction.
37

38
39 **Sec. 22-54. Imposition.**

40 All residential construction occurring within the
41 unincorporated area of the county shall pay the following park
42 impact fees:
43

- 44 Single-family detached house, per dwelling unit
45 \$222.00
- 46
- 47 Multi-family, per dwelling unit 171.00
- 48
- 49 Mobile home, per dwelling unit 177.00
- 50

51
52
53 **Sec. 22-55. Impact fee trust fund and use of monies.**
54

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

- 1 (1) The board of county commissioners hereby establishes three
2 (3) park districts, as provided in Appendix A, for purposes
3 of collection and expenditure of the park impact fee. The
4 board of county commissioners hereby establishes three (3)
5 separate trust accounts to correspond to the three (3) park
6 districts, which accounts shall be maintained separate and
7 apart from all other accounts of the county.
8
- 9 (2) The monies deposited into any of the three (3) park district
10 trust accounts shall be used solely for the purpose of
11 constructing or improving the county park system within the
12 corresponding park district, including, but not limited to:
13
- 14 a. Design and construction plan preparation;
 - 15 b. Permitting and fees;
 - 16 c. Land and materials acquisition including any costs of
17 acquisition or condemnation;
 - 18 d. Construction and design of recreational facilities;
 - 19 e. Design and construction of new drainage facilities in
20 conjunction with parks and recreational facilities;
 - 21 f. Landscaping;
 - 22 g. Construction management and inspection;
 - 23 h. Surveying, soils and material testing;
 - 24 i. Acquisition of capital equipment for parks;
 - 25 j. Repayment of monies transferred or borrowed from any
26 budgetary fund of the county after January 1, 2004,
27 which were used to fund any of the construction or
28 improvements herein defined;
 - 29 k. Payment of principal and interest, necessary reserves
30 and costs of issuance under any bonds or other
31 indebtedness issued by the county to provide funds to
32 construct or acquire contemplated capital parks and
33 recreational facilities improvements;
 - 34 l. Costs related to the administration, collection and
35 implementation of the park impact fees; and
 - 36 m. Relocating utilities to accommodate new park
37 construction.

38
39
40
41
42
43
44
45
46
47
48
49
50
51
52 **Sec. 22-56. Alternative park impact fee.**

- 53 (1) In the event an applicant believes that the impact to the
54 county park system caused by the residential construction is

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 less than the impact established in the park impact fee
2 study and the fee provided in section 22-54 such applicant
3 may, prior to issuance of a building permit for such
4 residential construction, or if no building permit is
5 required, prior to the time of approval of the final
6 development order, file an alternative park impact fee study
7 with the county manager or designee. The county manager or
8 designee shall review the alternative calculations and make
9 a determination within sixty (60) days of submittal as to
10 whether such calculations comply with the requirements of
11 this section.

- 12
- 13 (2) For purposes of any alternative park impact fee calculation,
14 residential construction shall be presumed to have the
15 maximum impact on the county park system.
- 16
- 17 (3) The alternative park impact fee calculation shall be based
18 on data, information or assumptions contained in this
19 article and the park impact fee study or independent
20 sources, provided that:
- 21
- 22 a. The independent source is a generally accepted standard
23 source of planning information and cost impact analysis
24 performed pursuant to a generally accepted methodology
25 of planning and cost impact analysis which is
26 consistent with the impact fee study; or
- 27
- 28 b. The independent source is a local study supported by a
29 data base adequate for the conclusions contained in
30 such study performed pursuant to a generally accepted
31 methodology of planning and cost impact analysis which
32 is consistent with the impact fee study.
- 33
- 34 (4) If the county manager or designee determines that the data,
35 information and assumptions utilized by the applicant comply
36 with the requirements of this section and that the
37 calculation of the alternative park impact fee was by a
38 generally accepted methodology, then the alternative park
39 impact fee shall be paid in lieu of the fees adopted in
40 section 22-54.
- 41
- 42 (5) If the county manager or designee determines that the data,
43 information and assumptions utilized by the applicant to
44 compute an alternative park impact fee do not comply with
45 the requirements of this section, then the county manager or
46 designee shall provide to the applicant by certified mail,
47 return receipt requested, written notification of the
48 rejection and the reasons therefore.

49

50 **Sec. 22-57. Dedication of land and impact fee credits.**

- 51
- 52 (1) In order to provide lands to meet the need for county park
53 system sites created by residential construction or to
54 provide necessary county park system capital equipment or

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 facilities, a developer of residential construction may
2 dedicate suitable land, facilities, or capital equipment to
3 the county in lieu of paying the park impact fee imposed in
4 section 22-54, as agreed to by the county.
5

6 (2) Any land, capital equipment or facilities dedicated to the
7 county in lieu of paying the park impact fee imposed in
8 section 22-54 must be acceptable to the county in terms of
9 suitable size, dimension, soil type, topography, dimensions,
10 location, accessibility and general character, type and
11 specifications.
12

13 (3) Subject to the terms and conditions of this section, credit
14 shall be granted against the park impact fee imposed by
15 section 22-54 for the donation of land, capital equipment or
16 facilities that is required pursuant to a development order
17 or permit or made voluntarily in connection with residential
18 construction. Such donations, equipment or construction
19 shall be subject to the approval and acceptance of the
20 county manager or designee. No credit shall be given for the
21 donation of land, capital equipment or construction of
22 facilities unless such property is conveyed in fee simple to
23 the county without consideration.
24

25 (4) Prior to issuance of a building permit, or if no building
26 permit is required, prior to the issuance of the final
27 development order, the applicant shall submit a proposed
28 plan for donations or contributions to the county park
29 system to the county manager or designee. The proposed plan
30 shall include:
31

- 32 a. A designation of the residential construction for which
33 the plan is being submitted;
- 34 b. A legal description of any land proposed to be donated
35 and a written appraisal prepared in conformity with
36 subsection (7) of this section;
- 37 c. A list of the contemplated contributions to the county
38 park system and an estimate of the proposed
39 construction costs certified by a professional
40 architect or engineer or an estimate of the proposed
41 value of a proposed donation of capital equipment; and
42 d. A proposed time schedule for completion of the proposed
43 plan.
44

45
46
47 (5) Within sixty (60) days after receipt, the county manager or
48 designee shall approve or deny the proposed plan in
49 accordance with subsection (6) of this section and, if
50 approved, establish the amount of credit in accordance with
51 subsection (7) of this section.
52

53 (6) In reviewing the proposed plan, the county manager or
54 designee shall determine:

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

- 1
- 2 a. If such proposed plan is in conformity with
- 3 contemplated improvements and additions to the county
- 4 park system;
- 5
- 6 b. If the proposed donation of land or capital equipment
- 7 and construction by the applicant is consistent with
- 8 the public interest; and
- 9
- 10 c. If the proposed time schedule is consistent with the
- 11 capital improvement program for the county park system.

12
13 (7) The amount of developer contribution credit shall be
14 determined as follows:

- 15
- 16 a. The value of donated land shall be based upon a written
- 17 appraisal of fair market value as determined by an
- 18 M.A.I. appraiser who was selected and paid for by the
- 19 applicant, and who used generally accepted appraisal
- 20 techniques. If the appraisal does not conform to the
- 21 requirements of this section and the applicable
- 22 administrative regulations, the appraisal shall be
- 23 corrected and resubmitted. In the event the county
- 24 manager or designee accepts the methodology of the
- 25 appraisal but disagrees with the appraised value, he
- 26 may engage another M.A.I. appraiser at the county's
- 27 expense and the value shall be an amount equal to the
- 28 average of the two (2) appraisals. If either party does
- 29 not accept the average of the two (2) appraisals, a
- 30 third appraisal shall be obtained, with the cost of
- 31 said third appraisal being shared equally by the county
- 32 and the owner or applicant. The third appraiser shall
- 33 be selected by the first two (2) appraisers and the
- 34 third appraisal shall be binding on the parties.
- 35
- 36 b. The value of the construction of an improvement to the
- 37 county park system or the value of donated capital
- 38 equipment shall be based upon the actual cost of
- 39 construction or acquisition of said improvement or
- 40 capital equipment as certified by a professional
- 41 architect or engineer or as shown by a manufacturer's
- 42 or supplier's invoice. However, as to the construction
- 43 of improvements to the county park system, in no event
- 44 shall any credit be granted in excess of the estimated
- 45 construction costs provided by a professional architect
- 46 or engineer and approved by the county unless the
- 47 construction project is competitively bid, in which
- 48 case, the credit shall be limited to the actual cost of
- 49 construction. The cost of professional services shall
- 50 be competitively bid in accordance with section
- 51 287.055, Florida Statutes, in order to be eligible for
- 52 impact fee credits; and
- 53

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 c. The land donations, construction and capital equipment
2 contributions shall only provide improvements or
3 additions to the county park system required to
4 accommodate growth and such land donations,
5 construction or capital equipment contributions must be
6 provided within the same park district as the subject
7 residential construction.
8

9 (8) If a proposed plan is approved for credit by the county
10 manager or designee, the applicant or owner and the county
11 shall enter into a credit agreement which shall provide for
12 the timing of the action to be taken by the applicant and
13 the obligations and responsibilities of the applicant,
14 including, but not limited to:

15
16 a. The timing of actions to be taken by the applicant and
17 the obligations and responsibilities of the applicant,
18 including, but not limited to, the construction
19 standards and requirements to be complied with;

20
21 b. The obligations and responsibilities of the board of
22 county commissioners, including but not limited to
23 inspection of the project; and
24

25 c. The amount of the credit as determined in accordance
26 with subsection (7) of this section.
27

28 (9) A credit for the donation of land shall be granted at such
29 time as the property which is the subject of the donation
30 has been conveyed to and accepted by the county. A credit
31 for the construction of an improvement or donation of
32 capital equipment to the county park system shall be granted
33 at such time as the construction is completed, approved and
34 accepted by the county or the time the capital equipment is
35 approved and accepted by the county. The administration of
36 said contribution credits shall be the responsibility of the
37 county manager or designee.
38

39 (10) Any applicant or owner who submits a proposed plan pursuant
40 to this section and desires the immediate issuance of a
41 building permit or other final development order prior to
42 approval of the proposed plan shall pay the applicable park
43 impact fee pursuant to section 22-54. Any difference between
44 the amount paid and the amount due, should the county
45 manager or designee, approve and accept the proposed plan,
46 shall be refunded to the applicant or owner.
47

48 (11) Credits provided pursuant to this section shall not be
49 transferable from one (1) residential construction to
50 another nor from one (1) park district to another.
51

52
53 **Sec. 22-58. Reserved.**
54

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

ARTICLE VI. LIBRARY IMPACT FEES

Sec. 22-59. Legislative findings.

The Board of County Commissioners of Lake County, Florida, hereby finds, determines and declares that:

- (1) The county library system benefits all residents of the county and, therefore, the library impact fee shall be imposed in all unincorporated areas of the county and within all municipalities that have consented to the imposition of the library impact fee and which participate in the county library system.
- (2) Development necessitated by the growth contemplated in the comprehensive plan will require improvements and additions to the county library system to accommodate the development generated by such growth and maintain the standards of service currently provided by the county.
- (3) Future growth, as represented by residential construction, should contribute its fair share to the cost of improvements and additions to the county library system that are required to accommodate such growth and the use of such county library system by such growth.
- (4) Implementation of a library impact fee to require those who engage in future residential construction to contribute its fair share to the cost of required library capital improvements and additions is an integral and vital element of the regulatory plan of growth management incorporated in the comprehensive plan of the county.
- (5) The imposition of a library impact fee is to provide a source of revenue to fund the construction or improvement of the county library system necessitated by growth as delineated in the capital improvement element of the comprehensive plan.
- (6) The county expressly finds that the maintenance of the standards for the county library system as contained in the library impact fee study provides a benefit to all residential construction within the county in excess of the library impact fee.
- (7) The county has the responsibility to provide library facilities in the county library system. Residential construction occurring within the county impacts upon the county library system; therefore, residential

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 construction should pay its fair share of the cost of
2 maintaining the county's existing standard of service.

- 3
4 (8) The purpose of this article is to require payment of
5 library impact fees by residential construction and to
6 provide for the cost of capital improvements to the
7 county library system which are required to accommodate
8 such growth. This article shall not be construed to
9 permit the collection of library impact fees in excess
10 of the amount reasonably anticipated to offset the
11 demand on the county library system generated by such
12 residential construction.
13
14 (9) Any required improvements and additions to the county
15 library system needed to eliminate any deficiencies
16 shall be financed by revenue sources of the county
17 other than library impact fees.
18
19

20 **Sec. 22-60. Imposition.**

21
22 All residential construction occurring within the
23 unincorporated area of the county and within the municipal
24 boundaries of any consenting municipalities, shall pay the
25 following library impact fees:

- 26
27 Single-family detached house, per dwelling unit
28 \$191.00
29
30 Multi-family, per dwelling unit 146.00
31
32 Mobile home, per dwelling unit 152.00
33
34

35 **Sec. 22-61. Impact fee trust fund and use of monies.**

- 36
37 (1) The board of county commissioners hereby establishes a
38 separate trust account for the library impact fees, to be
39 designated as the "library impact fee trust account," which
40 shall be maintained separate and apart from all other
41 accounts of the county.
42
43 (2) The monies deposited into the library impact fee trust
44 account shall be used solely for the purpose of constructing
45 or improving the county library system, including, but not
46 limited to:
47
48 a. Design and construction plan preparation;
49
50 b. Permitting and fees;
51
52 c. Land acquisition, including any costs of acquisition or
53 condemnation;
54

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

- d. Construction and design of new library facilities;
- e. Design and construction of new drainage facilities required by the construction of improvements and additions to the county library system;
- f. Relocating utilities required by the construction of improvements and additions to the county library system;
- g. Landscaping;
- h. Construction management and inspection;
- i. Surveying, soils and materials testing;
- j. Acquisition of collection items, public access computers and other capital equipment utilized by the county to provide library services within the county library system;
- k. Repayment of monies transferred or borrowed from any budgetary fund of the county after January 1, 2004, which were used to fund any growth impacted construction or improvements as herein defined;
- l. Costs related to the administration, collection and implementation of the library impact fee; and
- m. Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the county to provide funds to construct or acquire growth necessitated capital improvements or additions as provided herein.

Sec. 22-62. Alternative library impact fee.

- (1) In the event an applicant believes that the impact to the county library system caused by the residential construction is less than the impact established in the library impact fee study and the fee provided in section 22-60 such applicant may, prior to issuance of a building permit for such residential construction, or if no building permit is required, prior to the time of approval of the final development order, file an alternative library impact fee study with the county manager or designee. The county manager or designee shall review the alternative calculations and make a determination within sixty (60) days of submittal as to whether such calculations comply with the requirements of this section.

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

- 1 (2) For purposes of any alternative library impact fee
2 calculation, the residential construction shall be presumed
3 to have the maximum impact on the county library system.
4
- 5 (3) The alternative library impact fee calculation shall be
6 based on data, information or assumptions contained in this
7 article and the library impact fee study or independent
8 sources, provided that:
9
- 10 a. The independent source is a generally accepted standard
11 source of planning information and cost impact analysis
12 performed pursuant to a generally accepted methodology
13 of planning and cost impact analysis which is
14 consistent with the impact fee study; or
15
- 16 b. The independent source is a local study supported by a
17 data base adequate for the conclusions contained in
18 such study performed pursuant to a generally accepted
19 methodology of planning and cost impact analysis which
20 is consistent with the impact fee study.
21
- 22 (4) If the county manager or designee determines that the data,
23 information and assumptions utilized by the applicant comply
24 with the requirements of this section and that the
25 calculation of the alternative library impact fee was by a
26 generally accepted methodology, then the alternative library
27 impact fee shall be paid in lieu of the fees adopted in
28 section 22-60.
29
- 30 (5) If the county manager or designee determines that the data,
31 information and assumptions utilized by the applicant to
32 compute an alternative library impact fee do not comply with
33 the requirements of this section, then the county manager or
34 designee shall provide to the applicant by certified mail,
35 return receipt requested, written notification of the
36 rejection and the reasons therefore
37
38

39 **Sec. 22-63. Dedication of land and impact fee credits.**

- 40
- 41 (1) In order to provide lands to meet the need for county
42 library system sites created by residential construction or
43 to provide necessary county library system capital equipment
44 or facilities, a developer of residential construction may
45 dedicate suitable land, facilities or capital equipment to
46 the county in lieu of paying the library impact fee imposed
47 in section 22-60, as agreed to by the county.
48
- 49 (2) Any land, capital equipment or facilities dedicated to the
50 county in lieu of paying the library impact fee imposed in
51 section 22-60 must be acceptable to the county in terms of
52 suitable size, dimension, soil type, topography, dimensions,
53 location, accessibility and general character, type and
54 specifications.

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

- (3) Subject to the terms and conditions of this section, credit shall be granted against the library impact fee imposed by section 22-60 for the donation of land, capital equipment or facilities that is required pursuant to a development order or permit or made voluntarily in connection with residential construction. Such donations or constructions shall be subject to the approval and acceptance of the county manager or designee. No credit shall be given for the donation of land, capital equipment or construction of facilities unless such property is conveyed, in fee simple to the county without consideration.

- (4) Prior to issuance of a building permit, or if no building permit is required, prior to the issuance of the final development order, the applicant shall submit a proposed plan for donations or contributions to the county library system to the county manager or designee. The proposed plan shall include:
 - a. A designation of the residential construction for which the plan is being submitted;
 - b. A legal description of any land proposed to be donated and a written appraisal prepared in conformity with subsection (7) of this section;
 - c. A list of the contemplated contributions to the county library system and an estimate of the proposed construction costs certified by a professional architect or engineer or an estimate of the proposed value of a proposed donation of capital equipment; and
 - d. A proposed time schedule for completion of the proposed plan.

- (5) Within sixty (60) days after receipt, the county manager or designee shall approve or deny the proposed plan in accordance with subsection (6) of this section and, if approved, establish the amount of credit in accordance with subsection (7) of this section.

- (6) In reviewing the proposed plan, the county manager or designee shall determine:
 - a. If such proposed plan is in conformity with contemplated improvements and additions to the county library system;
 - b. If the proposed donation of land or capital equipment and construction by the applicant is consistent with the public interest; and

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 c. If the proposed time schedule is consistent with the
2 capital improvement program for the county library
3 system.
4

5 (7) The amount of developer contribution credit shall be
6 determined as follows:
7

8 a. The value of donated land shall be based upon a written
9 appraisal of fair market value as determined by an
10 M.A.I. appraiser who was selected and paid for by the
11 applicant, and who used generally accepted appraisal
12 techniques. If the appraisal does not conform to the
13 requirements of this section and the applicable
14 administrative regulations, the appraisal shall be
15 corrected and resubmitted. In the event the county
16 manager or designee accepts the methodology of the
17 appraisal but disagrees with the appraised value, he
18 may engage another M.A.I. appraiser at the county's
19 expense and the value shall be an amount equal to the
20 average of the two (2) appraisals. If either party does
21 not accept the average of the two (2) appraisals, a
22 third appraisal shall be obtained, with the cost of
23 said third appraisal being shared equally by the county
24 and the owner or applicant. The third appraiser shall
25 be selected by the first two (2) appraisers and the
26 third appraisal shall be binding on the parties.
27

28 b. The value of the construction of an improvement to the
29 county library system or the value of donated capital
30 equipment shall be based upon the actual cost of
31 construction or acquisition of said improvement or
32 capital equipment as certified by a professional
33 architect or engineer or as shown by a manufacturer's
34 or supplier's invoice. However, as to the construction
35 of improvements to the county library system, in no
36 event shall any credit be granted in excess of the
37 estimated construction costs provided by a professional
38 architect or engineer and approved by the county unless
39 the construction project is competitively bid, in which
40 case, the credit shall be limited to the actual cost.
41 The cost of professional services shall be
42 competitively bid in accordance with section 287.055,
43 Florida Statutes, in order to be eligible for impact
44 fee credits; and
45

46 c. The land donations, construction and capital equipment
47 contributions shall only provide improvements or
48 additions to the county library system required to
49 accommodate growth.
50

51 (8) If a proposed plan is approved for credit by the county
52 manager or designee, the applicant or owner and the county
53 shall enter into a credit agreement which shall provide for
54 the timing of the action to be taken by the applicant and

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

1 the obligations and responsibilities of the applicant,
2 including, but not limited to:

- 3
- 4 a. The timing of actions to be taken by the applicant and
5 the obligations and responsibilities of the applicant,
6 including, but not limited to, the construction
7 standards and requirements to be complied with;
 - 8
 - 9 b. The obligations and responsibilities of the board of
10 county commissioners, including but not limited to
11 inspection of the project; and
 - 12
 - 13 c. The amount of the credit as determined in accordance
14 with subsection (7) of this section.
 - 15

16 (9) A credit for the donation of land shall be granted at such
17 time as the property which is the subject of the donation
18 has been conveyed to and accepted by the county. A credit
19 for the construction of an improvement or donation of
20 capital equipment to the county library system shall be
21 granted at such time as the construction is completed,
22 approved and accepted by the county or the time the capital
23 equipment is approved and accepted by the county. The
24 administration of said contribution credits shall be the
25 responsibility of the county manager or designee.

26

27 (10) Any applicant or owner who submits a proposed plan pursuant
28 to this section and desires the immediate issuance of a
29 building permit or other final development order prior to
30 approval of the proposed plan shall pay the applicable
31 library impact fee pursuant to section 22-60. Any difference
32 between the amount paid and the amount due, should the
33 county manager or designee approve and accept the proposed
34 plan, shall be refunded to the applicant or owner.

35

36 (11) Credits provided pursuant to this section shall not be
37 transferable from one (1) residential construction to
38 another.

39

40

41 **Sec. 22-64. Reserved.**

42

Deleted: G:\DOCUMENT\ORDINAN
CES\Impact Fee Ordinances\May 2, 2007
draft.DOC

- (32) *Level of Service C* shall have the same meaning as set forth in the Transportation Research Board Special Report #209, "Highway Capacity Manual", (1985), as follows:

Level of Service "C" is in the range of stable flow, but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream. The selection of speed is affected by the presence of others, and maneuvering within the traffic stream requires substantial vigilance on the part of the user. The general level of comfort and convenience declines noticeably at this level. On urban arterials, Level of Service "C" represents restrictions in the ability to maneuver and change lanes in midblock locations and longer queues or adverse signal coordination, or both, which may contribute to lower average travel speeds of about fifty (50) percent of the average free-flow speed for the arterial class. Urban motorists will experience an appreciable tension while driving.

- (33) *Level of Service D* shall have the same meaning as set forth in the Transportation Research Board Special Report #209, "Highway Capacity Manual", (1985), as follows:

Level of Service "D" represents high-density but stable flow. Speed and freedom to maneuver are severely restricted, and the driver or pedestrian experiences a generally poor level of comfort and convenience. Small increases in traffic flow will generally cause operational problems at this level. On urban arterials, Level of Service "D" borders on a range on which small increases in flow may cause substantial increases in approach delay and, hence, decreases in arterial speed. This may be due to adverse signal progression, inappropriate signal timing, high volumes, or some combination of these. Average travel speeds are about fifty (50) percent of free flow speed.

- (36) *Maximum service volume* means the maximum number of vehicles which can reasonably be expected to pass over a fixed point or section of roadway during a given time period under prevailing roadway, traffic and control conditions while maintaining a designated level of service, expressed in passenger car equivalents (PCE).