

CHAPTER X ACCESSORY AND TEMPORARY STRUCTURES AND USES

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10.00.00 Generally.

It is the purpose of this Chapter to regulate the installation, configuration, and use of Accessory Structures, and the conduct of Accessory and temporary uses in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

10.01.00 Accessory Uses and Structures.

10.01.01 General Standards And Requirements. Accessory Structures within residential and agricultural zoning districts may be allowed on a Lot, provided that the following requirements are met:

- A. There Shall be a Permitted Principal Structure on the Lot that is in full compliance with all standards and requirements of these Regulations.
- B. A structure for agricultural purposes (General and Non-Intensive), on conforming Lots in Agriculture (A), Ranchette (RA) and Agricultural Residential (AR) Zoning Districts shall be considered the Principal Structure.
- C. All Accessory Structures Shall comply with applicable standards and Codes, unless exempted or superseded elsewhere in these Regulations.
- D. Accessory Structures Shall not be located in a required Buffer area, Landscape Buffer Strips, or minimum Building Setback area.
- E. Accessory Structure square footage shall not exceed 80% of the main floor square footage of the enclosed living area of the Permitted Principal Structure, excluding features such as garages, patios, and porches. If there is more than one Accessory Structure, the combined square footage shall apply.
- F. Accessory Structures Shall not exceed the height of the Principal Structure or 25 feet, whichever is greater.
- G. Conforming Lots within the Agriculture (A), Ranchette (R) and Agricultural Residential (AR) Zoning Districts that are two (2) acres in size or larger shall be exempt from Sections E. and F. above.

10.01.02 Storage Buildings, Utility Buildings, Non-Commercial Greenhouses.

- A. No Accessory Buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials Shall be located nearer than one hundred (100) feet from any property line.
- B. Storage Buildings, non-commercial greenhouses, and the like Shall be Permitted only in compliance with standards for distance between Buildings, and Setbacks, if any, from property lines.
- C. Storage Buildings, non-commercial greenhouses and the like Shall be Permitted only in side and rear yards, and Shall not encroach into any required Building Setback from an abutting Right-of-Way.
- D. Vehicles, including Manufactured Housing and Mobile Homes, Shall not be used as storage Buildings, utility Buildings, or other such uses.

10.01.03 Swimming Pools, Hot Tubs, and Similar Structures.

- A. Swimming pools, hot tubs and similar structures shall not encroach into any required building setbacks established within these regulations or buffers required by Chapter VI. For swimming pools, hot tubs, and similar structures, setbacks shall be measured from the deck or enclosure and shall maintain a minimum of five (5) feet from the property line or the ongoing development setback, whichever is greater.
- B. Enclosures for pools, hot tubs and similar structures shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of these regulations.
- C. All pools, hot tubs and similar structures shall be completely enclosed with an approved wall, fence or other substantial structure not less than four (4) feet in height. The enclosure shall meet the requirements of the Florida Building Code and state statutes.

(Ord. No. 2002-1, § 2, 1-22-02)

10.01.04 Satellite Dish Antenna.

- A. Standards.
 - 1. All satellite dish antenna installations for residential satellite dishes more than one (1) meter in diameter, and commercial dishes more than two (2) meters in diameter Shall meet the following requirements:
 - a. The satellite dish antenna Shall be considered an Accessory Structure requiring a Building Permit to be issued prior to installation. Subsequent to installation, the antenna Shall be maintained in compliance with all applicable Building and

Electrical Codes.

- b. The satellite dish antenna installation and any part thereof Shall maintain vertical and horizontal clearances from any electric lines and Shall conform to the County adopted National Electric Code.
- c. The satellite dish antenna installation Shall meet all FCC and manufacturer specifications, rules, and requirements.
- d. The installer of any satellite dish antenna, prior to permit approval, Shall submit detailed blueprints/drawings of the proposed satellite dish antenna installation and foundation which Shall be certified by the manufacturer or a Professional Engineer or Architect.
- e. The satellite dish antenna installation, whenever possible, Shall be Permitted to be placed in side and rear areas of the main Dwelling or commercial Structure or shall be screened from sight.
- f. The satellite dish antenna Shall, to the maximum extent possible, be screened from view from a Right-of-Way.

(Ord. No. 1997-22, § 2, 3-18-97; Ord. No. 1997-65, § 10, 9-23-97)

10.01.05 Accessory Dwellings.

A. Purpose. The purpose of this Section is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.

B. Standards. Accessory Dwellings may be allowed in agricultural and residential zoning districts provided that all of the following requirements Shall be met:

- 1. The Lot must be a Lot of Record or a legally created Lot and must be 43,560 square feet or greater in size.
- 2. No more than one (1) principal structure and one (1) Accessory Dwelling Shall be permitted on any Lot of Record, or legally created Lot. Prior to the date a Building Permit is issued for an Accessory Structure or prior to the use of an existing Structure as an Accessory Dwelling, the Owner Shall execute and the County Manager or designee Shall record in the public records of Lake County, Florida, at the Owner's expense, a legal document that requires the principal Structure and the Accessory Dwelling to remain in the same ownership.
- 3. Accessory Dwellings may be attached to a principal Structure, an apartment unit within the principal structure, or a stand-alone building.
- 4. An Accessory Dwelling unit Shall not exceed one thousand two hundred (1,200) square feet or forty (40) percent of the air conditioned, enclosed living area (excluding garages, patios, porches

and the like) of the principal dwelling.

5. The Accessory Dwelling Shall be located and designed not to interfere with the appearance of the principal Structure as a one-family Dwelling Unit.
6. Accessory Dwelling units must meet the setback requirements of the principal Structure.
7. Impact fees Shall be paid on Accessory dwelling units as if they were a separate dwelling.
(Ord. No. 1997-44, § 9, 6-17-97; Ord. No. 2001-89, § 2, 6-5-01; Ord. No. 2004-14, § 2, 3-16-04)

10.01.06 Home Occupations. A Home Occupation Shall be allowed as an Accessory use in a bona fide Dwelling Unit or Accessory Building on the same Lot as the main Building in the Agricultural or Residential zoning districts, subject to the following requirements:

- A. Permitted Home Occupations.
 1. Professions such as physician, veterinarian, attorney, Architect, Engineer, accountant, clergyman, and other professional Persons for consultation but not general office practice of the profession.
 2. The Creation of arts and crafts when such activities do not create noise, vibration, smoke, heat, dust, glare, odors, electrical interference, any of which is offensive to Persons in the neighborhood.
 3. Domestic crafts such as sewing, weaving, washing and ironing.
 4. Educational activities such as private tutoring and instruction (limited to three (3) pupils at any one (1) time).
 5. Artistic and handicrafts such as painting, sculpture, pottery, and stained glass.
 6. Day care limited to five (5) children at any one (1) time.
 7. Telephone for an address of convenience.
- B. One individual outside the immediate family may assist in the operation of the Home Occupation.
- C. The use of the Dwelling Unit for the Home Occupation Shall be clearly incidental and subordinate to its use for residential purposes by its Occupants, and Shall under no circumstances change the residential character of the Structure.
- D. There Shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of such Home Occupation, other than one (1) Sign not exceeding one (1) square foot in area, non-illuminated, mounted flat against the wall or window of the Principal

Building at a position not more than two (2) feet from the main entrance of the residence.

- E. The area devoted to the Home Occupation Shall not be the dominant use of the Building.
- F. No traffic Shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood.
- G. No chemical, electrical or mechanical equipment is to be stored except that which is normally used for purely domestic, household purposes.
- H. Outdoor storage of materials Shall not be Permitted nor Shall a display of products be visible from the Street.
- I. The following Shall not be considered Home Occupations: beauty shops, barbershops, public dining facility or tea room, antique or gift shops, photographic studio, fortune telling or similar activity, outdoor repair, auto repair, food processing, or Retail sales.
- J. A Home Occupation Shall be subject to all applicable County business tax requirements, fees, and other business taxes.

10.01.07. Tube and Canvas Structures. Tube and canvas structures shall not be required to have building permits providing the following conditions are satisfied:

- A. The structure shall be located in residential and agricultural zoning districts only.
- B. The structure shall not exceed two hundred (200) square feet in size.
- C. The structure Shall be located in the side or rear of the property and shall meet all setback requirements for the residential or agricultural zoning district.

(Ord. No. 2002-1, § 3, 1-22-02; Ord. No. 2007-27, § 17, 6-5-07; Ord. No. 2008-45, § 3, 7-1-08)

10.02.00 Temporary Housing.

10.02.01 Generally. The purpose of this Section is to provide interim housing for residents of Lake County. Housing is provided in this Section for special purposes or during construction of a permanent residence. The County Manager or designee is authorized to give approval to the maintenance of a mobile home, Department of Community Affairs (DCA) approved manufactured home, travel trailer, or recreational vehicle for use as a temporary residence during construction of a permanent residence if the requirements of 10.02.02 or 10.02.03 below are met.

10.02.02 Temporary Housing During Construction. A single-wide mobile home or travel trailer may be occupied as a temporary residence in agricultural and residential zoning districts for one (1) family only on a lot of record or legally created lot that is forty-three thousand five hundred sixty (43,560) square feet or greater in size while a permanent residence is being constructed thereon under the following conditions:

- A. That a Building Permit has been obtained for a permanent residential Building on the Site on which the mobile home or travel trailer is to be located.
- B. That the mobile home or travel trailer Shall not be placed on such Site until health department authorized sanitary waste facilities have been installed thereon.
- C. That the mobile home will be removed from the premises within thirty (30) days after the completion of the residential structure, upon cancellation or expiration of the building permit for the permanent residence, or when any provisions hereof have been violated. If a travel trailer was used, that it Shall be properly stored in accordance with Zoning district rules within thirty (30) days after the completion of the residential structure, upon cancellation or expiration of the building permit for the permanent residence, or when any provisions hereof have been violated
- D. That a letter be submitted by the holder of the building permit explaining in detail the means of financing the construction, which will assure expeditious completion, such letter to also give assurance that the mobile home will be maintained and occupied on the subject premises only so long as the original building permit is in full force and effect, which shall be an additional condition of the bond thereafter mentioned.
- E. That the applicant give the County a cash or surety bond in the amount of five thousand dollars (\$5,000.00) guaranteeing that the mobile home or travel trailer shall remain on the building site only so long as the building permit is in full force and effect and subject to the condition that no extension of time of the building permit shall extend the time for maintenance of the mobile home on the property unless substantial progress has been made on the construction of a permanent residential building as evidenced by progressive required inspections having been completed within the time limit permitted.
- F. The applicant shall pay an application fee. The Board of County Commissioners shall set such fees by resolution.

10.02.03 Temporary Residential, Commercial and Industrial Use Housing Following a Disaster.

- A. Purpose. The purpose of this Section is to provide for the regulation of temporary structures following a natural or man-made disaster in the Residential, Commercial and Industrial Use zoning districts.
- B. When a natural or man-made disaster has rendered a single-family residence unfit for human habitation, as determined by the County Manager or designee, the temporary use of a mobile home, travel trailer or recreational vehicle located on the single-family lot during rehabilitation of the original residence, or the construction of a new residence, may be permitted through the issuance of a temporary housing permit regardless of the zoning district requirements set forth in these regulations. The maximum length of use Shall be one (1) year from the date of issuance of the temporary housing permit. The County Manager or designee may require temporary housing permits to include additional conditions in order to ensure that property owners are taking steps to build a permanent residence within a reasonable amount of time. The County Manager or

designee may grant extensions of the temporary housing permit if the property owner can demonstrate that the delay in completing the permanent residence was due to unavailability of construction materials, or delays in receiving financial assistance for the reconstruction or rehabilitation of the residence from private insurance or state or federal disaster assistance programs.

- C. When a natural or man-made disaster has rendered a commercial or industrial structure unfit for occupancy, as determined by the County Manager or designee, the temporary use of a DCA approved manufactured home to carry out the commercial or industrial use during the rehabilitation of the original structure, or the construction of a new structure, may be permitted. Such temporary nonresidential structures may be permitted only for use on the site of the damaged structure. The Board of County Commissioners Shall make a finding that this provision Shall be enacted as the use of the temporary nonresidential structure(s) is necessary to preserve the public interest, and to allow for the rehabilitation of the area's economic base. At the time of enactment of this provision, the Board Shall additionally determine the maximum length of use from the date of issuance of the temporary housing permit. The Board may additionally authorize the County Manager or designee to impose conditions as part of temporary housing permit that will ensure a permanent structure Shall constructed within a reasonable amount of time.
- D. Minimum Standards For Temporary Housing Permit Issuance. For all temporary structures allowed under this subsection, the following apply:
1. That the mobile home, DCA manufactured home, travel trailer or recreational vehicle Shall not be placed on the site until the Health Department authorized sanitary waste facilities have been installed thereon.
 2. Mobile homes, DCA manufactured homes, travel trailers or recreational vehicles must be placed in a way as to minimize impact on wetland areas and shorelines.
 3. Mobile homes or DCA manufactured homes Shall not be placed in the 100 year flood zone unless the requirements of the Land Development Regulations are met. If a temporary structure is required to be placed in the 100 year flood zone, it must be a travel trailer or recreational vehicle.
 4. For temporary structures placed in Commercial or Industrial Zoning Districts, parking Shall be provided based upon the square footage of the temporary structure, including handicapped parking. Additionally, the temporary structure must meet the Florida Accessibility Code for building construction amenities.
 5. More than one (1) temporary structure may be placed on a residential Lot so long as the capacity (based on bedrooms or such other measure determined by the building official) of all the temporary structures does not exceed the capacity of the original Structure by more than one hundred and twenty-five percent (125%).
 6. The mobile home Shall be removed from the premises within thirty (30) days after the

cancellation or expiration of the temporary housing permit. If a travel trailer or recreational vehicle is used, it Shall be properly stored in accordance with Zoning District rules or removed from the premises within thirty (30) days after the cancellation or expiration of the temporary housing permit.

7. Failure to so remove the temporary structure(s) as described herein Shall permit the County to avail itself of all legal remedies to have the structure removed, and assess the cost thereof to the property owner.
8. All temporary structures Shall be permitted and installed in accordance with all other applicable codes and standards.

(Ord. No. 2001-114, § 1, 9-4-01; Ord. No. 2004-14, § 3, 3-16-04; Ord. No. 2004-68, § 2, 10-19-04; Ord. No. 2005-19, § 2, 3-1-05; Ord. No. 2005-65, § 2, 8-2-05; Ord. No. 2006-94, §§ 2, 3, 9-5-06; Ord. No. 2007-9, § 2, 2-6-07)

10.03.00 Open Air Vendors.

A. Purpose. The purpose of this Section is to provide for the regulation of Open Air Vendors allowed in the Neighborhood Commercial "C-1," Community Commercial District "C-2," Employment Center District "C-3," Planned Commercial District "CP," Light Industrial District "LM," Heavy Industrial District "HM," Planned Industrial District "MP," and Community Facility District "CFD."

B. Applicability. This Section Shall apply to all Open Air Vendors within the County, with the exception of roadside stands selling produce raised or produced on the farmland of which they are a part and are composed of a minimum Structure.

C. Requirements. The County Manager or designee may approve the sale of merchandise or food by an Open Air Vendor for a period not to exceed thirty (30) days upon receipt of the following:

1. A valid business tax receipt;
2. A letter from the Owner of the property upon which the vendor proposes to locate giving permission to locate on said property and indicating that sanitary facilities Shall be available to vendor customers.
3. A Site Plan showing the proposed location of the vendor. Open Air Vendors Shall be located only in areas of commercial zoning. The vendor stall or area Shall be placed only in areas where there is sufficient parking to accommodate customers, and Shall not be located in an area that will interrupt the normal flow of traffic.
4. Documentation that the Additional standards of D, below, have been met, as applicable.

D. Additional Standards.

1. All pyrotechnical items sold must be consistent with State laws regulating same and all Persons

selling pyrotechnical merchandise must be licensed by the State Fire Marshall.

2. The location and sales of proposed sale of pyrotechnical items must be approved by the County Fire Marshall.
3. Electrical hook-up or fixtures Shall meet the County adopted National Electrical Code.
(Ord. No. 1997-22, § 3, 3-18-97; Ord. No. 2007-27, § 18, 6-5-07; Ord. No. 2009-25, § 2, 5-5-09)

10.03.01 Open Air Gatherings and Other Temporary Uses.

- A. Purpose. The purpose of this Section is to provide for the regulation of open air gatherings in all zoning districts.
- B. Applicability. This Section Shall apply for all open air gatherings within the County for a public purpose.
- C. Requirements. The County Manager or designee may approve open air gatherings for a period not to exceed thirty (30) days upon receipt of the following:
 1. A letter from the property Owner indicating that sanitary facilities are available to those in attendance of the gathering.
 2. A Site Plan showing the location of the gathering Site, parking, and Site entrance.

10.04.00 Boat Docks and Ramps.

10.04.01 Private Boat Docks and Ramps.

- A. Private boat docks and ramps Shall be Permitted as an Accessory use within all residential zoning districts. Private boat docks and ramps Shall meet the front and side Setback requirements of the residential zoning district within which they are located; and in the R-3 Medium Residential District, the side Setback Shall be twenty-five (25) feet from the property line.
- B. A common private boat dock or ramp for the private use of two (2) or more Lots Shall be encouraged and Shall meet the Setback requirements of the zoning district in which it is located (see Table 3.02.05). However, the Setbacks Shall be applied from the two (2) outermost property lines of the Lots upon which the dock or ramp is located, i.e., not from the internal property lines of the Lots which are sharing the dock or ramp.
- C. Private boat docks and ramps Shall only be Permitted as an Accessory use on the residential Lot on which the main residential Structure is located or on a Lot owned by the property Owner and adjacent and contiguous to the residential Lot. A Lot Shall be considered adjacent and contiguous if a substantial part of the Lot actually touches the first residential Lot or is separated by a Road Right-of-Way which physically divides both Lots. Private boat docks and ramps Shall not be Permitted on Lots that are not adjacent and contiguous to the residential Lot on which the

residential Structure is located.
(Ord. No. 1997-44, § 10, 6-17-97)

10.04.02 Common Boat Docks, Common Boat Ramps, and Common Recreational Areas. Common boat docks, common boat ramps and common recreational areas Shall only be Permitted in Platted residential Subdivisions and only under the following conditions:

- A. The common boat dock, common boat ramp and common recreational area is placed on a Tract of Land within the Subdivision which is specifically designated for a common boat dock, boat ramp or common recreational area on the recorded Plat.
- B. The common boat dock, common boat ramp or common recreational area Tract of Land Shall be located entirely within the Platted Subdivision.
- C. If a common boat dock, common boat ramp or common recreational area is adjacent to property not within the Subdivision, a Setback of one hundred (100) feet from the Applicant's property line Shall be required. A minimum of ten (10) feet within the one-hundred-foot Setback Shall be Landscaped so as to provide a Visual Screen and reduce noise. However, an Applicant with a recorded Plat on the effective date of this ordinance which designates a parcel for recreational uses, common elements or common areas Shall be Permitted to set back less than one hundred (100) feet but Shall provide at a minimum a Setback of twenty-five (25) feet in lieu of the one-hundred-foot Setback otherwise required.
- D. No common boat dock, common boat ramp or common recreational area or Access to a common boat dock, common boat ramp or common recreational area Shall be Permitted on an ingress and egress Easement or Right-of-Way which is not located entirely within the Platted Subdivision within which the common boat dock, common boat ramp or common recreational area is to be located.

10.04.03 Additional Permits Required. The Applicant for a Permit for a boat dock, boat ramp or common recreational area Shall obtain all required state, regional, County or other required Permits prior to issuance of a Building Permit.

10.05.00 Temporary Housing for the Care of Infirm, Terminally Ill, or Disabled Persons.

10.05.01 Generally. The purpose of this Section is to provide temporary housing to allow family members to provide care for persons who are infirm, terminally ill or disabled, and who need assistance with health care or daily living. Such temporary housing may be a mobile home which such person who is in need of assistance Shall reside which will be located on a lot on which a primary dwelling already exists; or, it may be a mobile home located on the lot on which the primary dwelling of the person who is in need of assistance is located. In either case, the caregiver that occupies the second residence Shall be related by blood or marriage to the person in need of assistance and Shall make this residence their fulltime permanent residence. Members of the immediate family of the person in need of assistance or the caregiver will also be allowed to reside in such dwelling.

10.05.02 Requirements. Upon application from an individual seeking to locate a temporary dwelling as allowed by this Section, the County Manager or designee is authorized to grant approval for such temporary use for a period not to exceed one (1) year if the application meets the requirements of 10.05.01 and if the following conditions are met:

- A. *Zoning District and Parcel Size.* The lot or parcel on which the mobile home is to be placed must be located within the "A" Agricultural or "RA" Ranchette Zoning district and contain a minimum of five (5) acres. Such lot or parcel must meet all other requirements of the applicable zoning district. A single-wide mobile home may be permitted.
- B. *Required Documentation.* Documentation of the need for health care or living assistance shall be supplied by a physician's affidavit on a form to be provided by the County. The affidavit must be signed and dated by a physician who is licensed to practice medicine in the State of Florida. Such affidavit shall certify that the individual seeking approval under this Section must be infirm, terminally ill or disabled and requires assistance with health care or daily living.
- C. *Access.* The Lot or parcel must have adequate access to a public right-of-way. Such access must be in existence at the time of application for approval and shall not be established for the sole purpose of serving the second temporary residence.
- D. *Agreement.* The applicant shall execute an agreement with the County, which shall be signed by the County Manager or designee on behalf of County, in which applicant agrees to all the terms and conditions of this Section. This agreement must be recorded in the public records of Lake County prior to issuance of a Building Permit.
- E. *Setbacks.* The temporary dwelling shall be located behind the established front building line of the primary residence and shall be set back from side and rear property lines a minimum of fifty (50) feet.

(Ord. No. 2004-14, § 4, 3-16-04; Ord. No. 2004-40, § 2, 6-15-04; Ord. No. 2005-65, § 3, 8-2-05)

10.05.03 Building Permit; Impact Fees.

- A. After approval of the temporary dwelling by the County Manager or designee, the applicant Shall obtain a Building Permit prior to any development or construction on the Site.
- B. The applicant Shall pay impact fees for the temporary dwelling unit at the time of issuance of the Building permit. At the expiration of the use, and after removal of the mobile home from the Site, the applicant Shall be entitled to a refund of the impact fees paid without interest.
- C. Alternatively, impact fees shall not be imposed where a bond is posted for removal of the temporary housing. The applicant may give the County cash or a surety bond in the amount of five thousand dollars (\$5,000.00) guaranteeing (1) that the mobile home shall remain on the site only so long as the mobile home qualifies under this section for placement upon the property; and (2) that the mobile home shall be removed when the need for the temporary housing ceases to exist. The cash or bond shall be used to remove the mobile home if the applicant fails to do so

upon cessation of the need for the temporary housing.
(Ord. No. 2004-40, § 3, 6-15-04)

10.05.04 Extension of Approval; Termination of Temporary Use.

- A. *Extension of Approval.* Sixty (60) days prior to the expiration of the approval granted by the County Manager or designee, the applicant Shall be notified of the pending expiration and advised that in order for the temporary use to continue, a renewal request must be filed along with an updated physician's affidavit of continued hardship. If the applicant desires to renew the approval for temporary housing, such request and affidavit should be filed prior to the expiration of the existing approval. The County Manager or designee Shall grant a one (1) year extension if all the requirements of 10.05.02 continue to be met. The applicant Shall be entitled to successive one (1) year extensions if all the requirements of 10.05.02 are met each year and if an application and updated physician's affidavit are filed.

- B. *Notification by Applicant; Termination of Temporary Use; Removal of Mobile Home.* Upon the need for the temporary use expiring, as in the case where the individual who is infirm, terminally ill or handicapped moves or dies, the applicant Shall notify the County within thirty (30) days and the temporary housing approval Shall be terminated. At the termination of the temporary housing approval for this reason, or because of non-renewal, the mobile home Shall be removed from the property, and any well or septic tank used only for the temporary dwelling properly abandoned.

10.05.05. Fees. The applicant Shall pay an application fee and a fee for the annual renewal. The Board of County Commissioners Shall set such fees by resolution.
(Ord. No. 2001-114, § 2, 9-4-01)