

## **Chapter 22**

### **IMPACT FEES\***

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\* **Editors Note:** Ord. No. 2004-26, § 2, adopted April 6, 2004, amended Ch. 22, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 22 pertained to similar subject matter. Subsequently, Ord. No. 2007-60, § 1, adopted December 11, 2007, amended Ch. 22, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 22 pertained to similar subject matter. With the exception of § 22-11, this chapter shall become effective March 11, 2008. Section 22-11 shall become effective April 1, 2008. See also the Code Comparative Table.

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**Art. I. General Provisions, §§ 22-1--22-20**

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

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

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

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

**Art. VI. Library Impact Fees, §§ 22-59--22-63**

### **ARTICLE I.**

#### **GENERAL PROVISIONS**

##### **Sec. 22-1. Applicability.**

This chapter shall apply as follows:

- (1) Educational impact fees, transportation impact fees and library impact fees shall apply to the unincorporated areas of Lake County, Florida and to all municipalities within Lake County, Florida. Educational impact fees and library impact fees shall only apply to residential construction.
- (2) Fire rescue impact fees shall be imposed in all unincorporated areas of the county and within all municipalities that consent to the imposition of the fire rescue impact fees within their municipal boundaries through a duly executed interlocal agreement, and which participate in the county fire rescue system.
- (3) Park impact fees shall be imposed in all unincorporated areas of the county and within all municipalities that consent to the imposition of the park impact fees within their municipal boundaries through a duly executed interlocal agreement.

(Ord. No. 2007-60, § 1, 12-11-07; Ord. No. 2009-33, § 2, 6-23-09)

### **Sec. 22-2. Authority.**

The board of county commissioners is authorized to enact this chapter pursuant to Article VIII, Sec. 1(f), Florida Constitution, F.S. Ch. 125, F.S. Ch. 163, the Lake County Comprehensive Plan and pursuant to its home rule powers.

(Ord. No. 2007-60, § 1, 12-11-07)

### **Sec. 22-3. Intent and purpose.**

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

(Ord. No. 2007-60, § 1, 12-11-07)

### **Sec. 22-4. Definitions.**

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

- (1) *Accessory building or structure* is a detached, subordinate building, the use of which is clearly indicated and related to the use of the principal building or use of the land and which is located on the same lot as the principal building or use.
- (2) *Active adult community* is defined as a community which meets the definition of housing for older persons contained in this Code, which has been approved by the county attorney to be exempt from educational system impact fees pursuant to section 22-14(8), and which contains on-site facilities and services specifically designed to meet the physical or social needs of its residents, such as pools, spas, tennis courts, basketball courts, golf courses, horseshoe areas, bachi courts, community center, banquet halls, health gyms, clubhouses and/or other sports or activities for use by the residents, including at least one thousand (1,000) square feet of building space per one hundred (100) dwelling units. If a community ceases to contain at least two (2) or more of such facilities or services, and a minimum of at least one thousand (1,000) square feet of building space for residents per one hundred (100) dwelling units, the applicable transportation impact fee in effect at the time of the change in circumstances shall be due and payable for all such residential units located within the subdivision, mobile home or manufactured housing park, or multi-family structure. To be recognized as being within the active adult transportation impact fee category, the property must meet the above described qualifications
- (3) *Ancillary plant* includes the buildings, sites and site improvements necessary to provide support services to educational programs and shall include, but not be limited to, such facilities as vehicle maintenance, warehouses, maintenance or administrative buildings not located at educational plants. Any such building, site or site improvement may be independently referred to as an

ancillary facility.

- (4) *Apartment* is a rental dwelling unit located within the same building as other dwelling units.
- (5) *Assisted living facilities* are any building or buildings licensed as an assisted living facility pursuant to F.S. Ch. 400, Pt. III, or its statutory successor in function.
- (6) *Auxiliary facilities* shall mean those portions of an educational plant which are not designated for student occupant stations.
- (7) *Building* is any structure, either temporary or permanent, designed or built for the support, enclosure shelter or protection of persons, chattels or property of any kind. This term shall include trailers, mobile homes or any other vehicles serving in any way the function of a building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a construction.
- (8) *Capital equipment* is equipment with a life expectation of three (3) years or more.
- (9) *Capital improvement* includes expenditures for facility planning, land acquisition, site improvements, construction, necessary off-site improvements, acquisition of, or additions to buildings and capital equipment, but excludes maintenance and operation.
- (10) *Condominium* is a dwelling unit that has at least one (1) other similar unit within the same building structure. The term "condominium" includes all fee-simple or titled multi-unit structures, including townhouses and duplexes.
- (11) *County fire rescue system* shall mean the buildings, apparatus, and capital equipment provided by the county that are used for suppression and prevention of fires, responses to medical emergencies or other disasters and the handling of incidents involving hazardous materials.
- (12) *County library system* shall mean the buildings, books, periodicals, audio and video resources and equipment, computer equipment and facilities and other collection items provided by the county and/or a municipal member of the public library cooperative.
- (13) *County park system* shall include all parks owned and operated by the county, including active parks, passive parks, water access sites, and associated recreational facilities and buildings, but does not include those parks and recreational facilities that are owned and operated by a municipal corporation within the county or those parks that are owned and operated by the State of Florida. County park system shall include the system of trails owned and operated by Lake County.
- (14) *Development* means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three (3) or more parcels.

- (15) *Development order/permit* means any order granting, denying, or granting with conditions an application to carry out development.
- (16) *Dwelling unit* is a building, or a portion thereof, which is designed for residential occupancy, consisting of one (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. For purposes of the educational impact fee only, the term dwelling unit excludes assisted living facilities and time-share property.
- (17) *Educational facilities* shall mean the building, furniture and equipment that are built, installed or established to serve educational purposes and are designated for student occupant stations or to facilitate the delivery of educational services.
- (18) *Educational plant* shall mean the land, building, furniture, equipment and site improvements necessary to accommodate students, faculty, administrators, staff and the activities of the educational programs and services for each student and shall include both the educational facilities and auxiliary facilities.
- (19) *Educational system* shall mean the educational plants and ancillary plants which are used to provide instruction within the public schools or the administrative or support activities related thereto.
- (20) *Educational system impact fee* shall mean the fee imposed pursuant to section 22-22 of the Lake County Code, as it may be amended from time-to-time.
- (21) *Fire rescue impact construction* shall mean construction designed or intended to permit a use of the land which will contain more dwelling units, buildings or floor space than the existing use of land, or to otherwise change the use of the land in a manner that increases the impact upon the county fire rescue system.
- (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.
- (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.
- (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.
- (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--3619, 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.

- (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.
- (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.
- (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 dwelling unit, as defined in F.S. Ch. 553.
- (29) *Multi-family dwelling unit* shall mean a building or a portion of a building, regardless of ownership, containing more than one (1) dwelling unit designed for occupancy by a single family, which units are not customarily offered for rent for one (1) day, and shall include apartments and condominiums.
- (30) *Nonsite-related improvements* are improvements that are required by the permitting authority as part of the development approval process which are beyond what is mandated by federal, state or local codes or regulations to provide safe and adequate ingress and egress to the site. These may include, but are not limited to, additional lanes, deceleration lanes, left-turn lanes, signalization and widening of roads not at or near the site. Nonsite-related improvements improve the transportation system of the area over and above the improvements required based on criteria outlined in applicable federal, state or local codes or regulations as part of the development approval and can be credited against transportation impact fees.
- (31) *Owner of record* means the most recent owner of a parcel of property appearing in the Official Records of Lake County, Florida.
- (32) *Park impact fee* shall mean the fee imposed pursuant to section 22-54 of the Lake County Code, as it may be amended from time-to-time.
- (33) *Park impact fee study* shall mean that certain study entitled "Impact Fees for Parks and Recreational Facilities in Lake County, Florida," dated as of July 2, 2003, prepared by Henderson Young & Company, as adopted by the board of county commissioners.
- (34) *Public schools* are all pre-kindergarten classes; kindergarten classes; elementary, middle and high school grades and special classes; and all adult, part-time, vocational and evening schools, courses or classes operated by law under the control of the school board or a public school

charter board.

- (35) *Residential* means multi-family dwelling units, mobile homes and single-family detached houses.
- (36) *Residential construction* is land development designed or intended to permit more dwelling units than the existing use or non-use of land contains.
- (37) *School board* is the School Board of Lake County, Florida, which is the governing body of the School District of Lake County, Florida.
- (38) *Single-family detached house* is a dwelling unit on an individual lot.
- (39) *Site-related improvements* are those improvements that are mandated by federal, state or local codes or regulations to provide safe and adequate ingress and egress to the site. These may include but are not limited to additional lanes, deceleration lanes, left-turn lanes, signalization, widening of adjacent roadways and resurfacing. These improvements are designed to improve safety for the increased traffic generated from the site, prevent the development of the site from causing physical deterioration of the existing adjacent roadways, and accommodate increased traffic generation caused by the development of the site. Site-related improvements that are so required as part of a development approval based on criteria outlined in applicable federal, state or local codes or regulation shall not be credited against transportation impact fees.
- (40) *Student occupant station* shall mean the area necessary for a student to engage in educational activities, excluding ancillary and auxiliary spaces.
- (41) *Superintendent* shall mean the chief administrative officer of the public schools or the designee of such person.
- (42) *Square footage* shall mean the gross area measured in square feet from the exterior faces of exterior walls or other exterior boundaries of the building, including all floors and mezzanines within said building, but excluding areas within the interior of the building that are utilized for parking. This definition applies to Article IV, Fire Impact Fees only.
- (43) *Time-share property* means the facilities and accommodations offered in a time-share plan that are classified as time-share estates and time-share licenses as those terms are defined in F.S. Ch. 721.
- (44) *Unit for residential and motel uses* means each entity of occupancy within a building and not the entire building. For land uses calculated using units of one thousand (1,000) square feet, the rate is to be calculated on total square feet. For land uses expressed in acres, the rate is to be calculated on number of acres in production during a typical five-year period.

(Ord. No. 2007-60, § 1, 12-11-07)

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

(a) The provisions of Chapter 22 shall be liberally construed so as to effectively carry out its purpose in the interest of public health, safety, and welfare.

(b) For the purposes of administration and enforcement of Chapter 22, unless otherwise stated in this article, the following rules of construction shall apply to the text of this article:

- (1) The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."
- (2) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected terms, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- (3) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (4) A road right-of-way used to define road benefit district boundaries may be considered within any district it bounds.

(Ord. No. 2007-60, § 1, 12-11-07)

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

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

- (1) *Purpose.* The Lake County Impact Fee Committee is hereby created in order to review impact fees adopted by the board of county commissioners, to evaluate the expenditure of funds collected via impact fees, and to make recommendations to the board.
- (2) *Duties.* The Lake County Impact Fee Committee shall have the following duties and obligations:
  - a. Review impact fee revenues and expenditures of funds collected via impact fees to ensure local, state and federal funds relating to the provision of capital facilities and equipment are expended in the most cost effective and efficient manner.
  - b. Annually review this chapter and make recommendations regarding the same to the board of county commissioners.

- c. Investigate alternative funding for capital facilities and equipment required by the county because of demands placed on capital facilities and equipment by new growth.
- d. Recommendations to the board shall be made by March 1 of each year in order to allow the board to budget for the following fiscal year.

(3) *Membership.*

- a. Members of the Lake County Impact Fee Committee shall be appointed by the board of county commissioners. The committee shall consist of eleven (11) members, as follows:
  - 1. One (1) member of the chamber of commerce.
  - 2. One (1) member who is an elected official and represents the League of Cities.
  - 3. One (1) member of the Home Builders Association.
  - 4. One (1) member of the Lake County Conservation Council or other organized environmental group if necessary.
  - 5. One (1) representative from the banking or finance industry.
  - 6. The superintendent of schools or designee.
  - 7. One (1) representative from the agricultural industry.
  - 8. Four (4) citizens at-large.
- b. The term of office for each member shall be for two (2) years.
- c. Members may be removed from membership on the Lake County Impact Fee Committee by the board at any time. Regular attendance at meetings is required.
- d. A current commissioner of the Lake County Board of County Commissioners shall serve as liaison to this committee in a non-voting position and shall not be considered a member of the committee.

(4) *Procedure.*

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



- c. The Lake County Impact Fee Committee may appoint subcommittees to perform specific duties provided for herein, subject to final approval and recommendation to the board of county commissioners, by the full Lake County Impact Fee Committee. The subcommittees shall be subject to the same meeting requirements provided for in this section.
- d. The Lake County Impact Fee Committee shall meet at least quarterly, or more often, as determined by the committee.
  - 1. All meetings are public meetings and shall be held in a public place and shall be open to the public.
  - 2. The approval by the committee of its final recommendations must be made by affirmative vote of a majority of the membership present at a public hearing.
  - 3. All meetings shall be noticed and minutes recorded in accordance with Florida's Sunshine Law.
  - 4. Robert's Rules of Order, Newly Revised, shall be the final authority on all questions of parliamentary procedure.
  - 5. A quorum for conducting business shall be a majority of the members of the committee.
  - 6. The county manager or designee shall serve as staff to the committee.

(Ord. No. 2007-60, § 1, 12-11-07; Ord. No. 2008-61, § 5, 9-2-08)

**Sec. 22-7. Reserved.**

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

(a) Impact fees shall be paid at the time of issuance of a building permit, or if no building permit is required, at the time of approval of the final development order. The amount of the impact fee shall be determined as of the date of issuance of the building permit or final development order. If a building permit or final development order expires, impact fees shall be recalculated and charged as of the date that a new building permit or final development order is issued. An extension of a building permit or final development order shall not cause additional impact fees to be due.

(b) The payment of any impact fee shall be in addition to all other fees, charges or assessments due for the issuance of a building permit or final development order.

(c) The obligation for payment of any required impact fee shall run with the land.

(d) All impact fees shall be deposited into their respective trust accounts immediately upon receipt,

with the exception of the educational system impact fee which is payable to the school board by the county on a quarterly basis, and by the municipalities to the county on a monthly basis. Any educational system impact fee collected by the county or by the municipalities shall be held by them separate and distinct from all other revenues until transferred to the school board.

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

(f) Funds on deposit that are not immediately necessary for expenditure shall be invested in accordance with the county's investment policy and applicable Florida Statutes; provided, however, that the educational system impact fee shall be invested in accordance with applicable school board policy. All income derived from such investments shall be deposited in the respective impact fee trust account and used as provided herein.

(Ord. No. 2007-60, § 1, 12-11-07)

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

(a) This section is included in order to comply with the provisions of F.S. Ch. 420, and F.S. § 163.3177(6)(f), to encourage the provision of housing for very low and low income families.

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

(1) A housing unit which will be affordable to a low income person as defined by F.S. Ch. 420, fifty (50) percent waiver of the impact fees for that housing unit.

(2) A housing unit which will be affordable to a very low income person as defined by F.S. Ch. 420, seventy-five (75) percent waiver of the impact fees for that housing unit.

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

(d) Any such waiver shall be conditioned upon the applicant entering into a recapture agreement with Lake County. The agreement shall provide for the recapture of the waived impact fees upon the sale or other transfer of the property to a person who does not meet the minimum income and asset criterion listed above if the sale or other transfer is made within five (5) years from the date the waiver was granted by the county manager. Such recapture agreement shall be recorded in the public records of Lake County and shall obtain priority status as a lien holder subject only to the lien of a first mortgage. The county manager is authorized to consent to subordination of the recapture agreement in the case that the first mortgage is being refinanced so long as the principal amount of the first mortgage is not increased.

(e) When an application for a building permit or final development order for a single family home is

made where the home is intended to be occupied by a qualified low or very low income individual, the county manager may enter into an agreement for deferral of seventy-five (75) percent of the impact fees until the time that the home is sold under the following conditions:

- (1) An agreement between the applicant and the county shall be entered into which shall be recorded in the public records of Lake County which shall have first priority lien on the real property involved in the full amount of the impact fees, without taking into account any waiver.
- (2) The maximum length of the deferral shall be for a twelve-month period commencing on the date of issuance of the building permit.
- (3) The agreement shall provide that any applicable impact fees shall be paid at the time of the closing and transfer of the property. If all impact fees are not waived at the time of closing and transfer of the property, any amounts due shall include interest at a rate of six (6) percent per annum for the time period from the date of issuance of the building permit until the time the impact fees are paid.

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

(g) Upon such waiver, the board shall identify, on the record, the source of county funds that will 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. Should no funding source be available, or should an available funding source be inadequate to cover the total amount of the impact fees that are being waived, the waiver shall not be granted unless or until funding becomes available.

(h) The county manager or designee shall maintain a list of all applications for, and approvals of, waiver or deferral of impact fees for very low and low income housing. Applications shall be recorded in the order of the date of their receipt by the county manager or designee. In the event that a lack of funding or inadequate funding results in a temporary halt to the granting of impact fee waivers under the preceding paragraph, projects shall be granted waivers at the time funds become available in accordance with their place on the list.

(Ord. No. 2007-60, § 1, 12-11-07; Ord. No. 2009-33, § 3, 6-23-09)

#### **Sec. 22-10. Waiver and deferral of impact fees for commercial and industrial land uses.**

(a) When an application for a development permit is made for an industrial land use and request for a waiver of all or a portion of impact fees is made by the applicant, the board of county commissioners may waive all or a portion of the amount of the impact fee required by this chapter if the board finds such waiver or reduction is for good cause and is of benefit to Lake County. Upon such waiver or reduction, the board 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.

- (b) 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 commercial and industrial development. Good cause may include, but shall not be limited to, the financing of the project, timing of availability of funds, the type of business, the number of jobs created, or the nature of the legal entity funding the project.

(Ord. No. 2007-60, § 1, 12-11-07; Ord. No. 2008-61, § 4, 9-2-08; Ord. No. 2009-33, § 4, 6-23-09)

### **Sec. 22-11. Prepayment of impact fees.**

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

- (1) For new single-family residential development, pre-payment of impact fees shall not be permitted until the final plat is recorded in the public records of Lake County, Florida.
- (2) The amount of impact fees shall not be subject to adjustment at the time of building permit or final development order so long as the proposed development has not been modified to the extent that the impact is increased by a change in the plans. If the plans for the proposed development are changed in such a way that the impact has been increased, the impact fee will be determined at the time of building permit or final development order utilizing whatever fee schedules are in effect at that time, with credit being provided for the amount of prepayment. As provided in (3) below, if a building permit or final development order is not obtained within twelve (12) months from the date of prepayment, the amount of impact fees will be recalculated at the time the building permit or final development order is obtained, with the applicant obtaining a credit for the amount of the prepayment.
- (3) Prepaid impact fees can only be used for the particular project and on the particular land, or in the case of a recorded plat, the particular lot, which is the subject of the building permit or final development order. Prepaid impact fees cannot be transferred to any other real property. Such prepaid impact fees shall only be valid to avoid adjustment of the impact fees based on a new fee schedule for a period of twelve (12) months from the date of issuance. If the building permit or final development order is not obtained by that date, or after being obtained, is allowed to expire, impact fees shall be recalculated at the time of issuance of the permit (or new permit as the case may be) using the then current impact fee schedules with a credit being given for the amount of the previous prepayment.
- (4) The prepaid impact fee shall not be refundable for any reason other than failure of the impact fee being expended as required by section 22-13(b), below. If the plans for the proposed development are changed in such a way that the impact has been decreased, or if a building

permit or final development order has not been issued, the prepaid impact fee (or portion thereof, as the case may be) shall not be refundable. Credit will be given for a different project on the same site in the future in an amount equal to the prepayment, however, the fees shall be determined using the fee schedule in existence at the time of approval of the new development.

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

(6) An administrative fee as set by the board of county commissioners by resolution shall be charged each time an applicant elects to use the prepaid impact fee method.

(Ord. No. 2007-60, § 1, 12-11-07)

### **Sec. 22-12. Changes in size and use.**

Unless otherwise specified within this chapter, impact fees shall be imposed and calculated for the alteration, expansion or replacement of a building or dwelling unit or the construction of an accessory building or structure if the alteration, expansion or replacement of the building or dwelling unit or the construction of an accessory building or structure results in a land use determined by the county manager or designee to generate a greater impact than the present use under the applicable impact fee rate schedule. The impact fee imposed for the building, dwelling unit or accessory building or structure after construction, alteration, expansion or replacement, shall be as set forth in this chapter, less the impact fee credited to the property prior to such alteration, expansion, replacement or construction. A credit shall be given for the amount of fee that would have been imposed for the building, dwelling unit or accessory building or structure prior to such alteration, expansion, replacement or construction.

(Ord. No. 2007-60, § 1, 12-11-07)

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

(a) [Generally.] If a building permit or final development order expires or is canceled without commencement of the construction the owner of record shall be entitled to a refund, without interest, of the impact fee. The owner of record shall submit an application for the refund to the county manager, or designee, within one hundred eighty (180) days of the expiration of the permit or final development order. Failure to submit the application for refund within the time specified constitutes a waiver of any claim to such monies. Upon review of the completed application the county manager shall issue the refund if it is clear the building permit or final development order has expired without the commencement of construction.

(b) Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fee or land dedication monies were paid shall, upon application of the owner of record, be returned to such owner of record without interest provided that the owner of record submits an application for a refund to the county manager or designee, and to the school board in the case of the educational impact fee, within one hundred eighty (180) days of the expiration of the six-year period. This six-year period may be extended by action of the board of county commissioners for up to an additional three (3) years. Failure to submit the application within the time specified herein constitutes a waiver of any claim to such

monies. The board shall issue such refund if a determination is made that the impact fees were not expended or encumbered within the time specified.

(c) In the event the owner of record demonstrates that the impact fees have been paid twice or that the impact fees have been calculated incorrectly, the owner of record shall submit an application for refund to the county manager or designee within three hundred sixty-five (365) days of the double payment or error date. The county manager shall issue such refund if a determination is made that the double payment or error was made on the impact fees. Failure to submit the application within the time specified herein constitutes a waiver of any claim to such monies. Double payment includes pre-payment and payment at time of issuance of building permit, payment at time of issuance of building permit when a waiver of impact fees had previously been granted, etc.

(d) In the event a new single family residence is constructed with impact fees being paid at the time of issuance of building permit, and title to such home is sold, conveyed or otherwise transferred to a person who would qualify for an impact fee waiver pursuant to section 22-9, the county manager shall issue a refund to the qualifying individual if such person is the first person to reside in such residence and if application is made to the county manager within one hundred eighty (180) days from the date of such sale, conveyance or transfer.

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

(f) An applicant for a refund the need for which has not been caused by county error shall be charged an administrative fee as set by the board of county commissioners by resolution. Refunds caused by failure of an applicant to claim credit for a prepayment, a concurrency payment, or a preexisting structure shall be charged an administrative fee. Refunds issued pursuant to subsection (d) above shall not be charged an administrative fee.

(g) No refund shall be made of the administrative fee collected pursuant to section 22-16(a).  
(Ord. No. 2007-60, § 1, 12-11-07)

#### **Sec. 22-14. Exemptions.**

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

- (1) Alterations or replacements of an existing building or dwelling units or construction of an accessory building or structure where no additional dwelling units are created and where the use is not changed, provided there is no increase in the impacts to public facilities and services.
- (2) The replacement of a removed, destroyed or partially destroyed building or dwelling unit on the same site with a new building or dwelling unit of the same size or smaller and same use so long as the building permit for the reconstruction or replacement is obtained prior to January 1, 2014, or within six (6) years of the removal or destruction, whichever occurs last.
- (3) Impact fees shall not be imposed on conditional use permits allowing the installation of a

temporary mobile home for the care of an elderly infirm person where a bond is posted for removal of the temporary housing.

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

- a. The board of county commissioners hereby recognizes the following agricultural industries as farms.
  1. Agricultural production crops: Establishments primarily engaged in the production of crops, plants, vines, and trees (excluding forestry operations); including, cash grains, field crops, vegetables and melons, fruits and tree nuts, and horticultural specialties.
  2. Agricultural production, livestock and animal specialties: Establishments primarily engaged in the keeping, grazing, or feeding of livestock for the sale of livestock or livestock products; including, beef cattle and beef cattle feedlots, dairy operations, hogs, sheep and goats, poultry and eggs, fur-bearing animals and rabbits, horses and other equines, animal aquaculture operations, alligators, bees and honey production, apiaries, aviaries, earthworm hatcheries, silkworms and silk production, frogs, rattlesnakes, laboratory animals, as well as dogs, cats and kennels for breeding and raising own stock.
- b. The board of county commissioners does not recognize the following agricultural industries as farms.
  1. Agricultural services: Establishments primarily engaged in performing soil preparation services, crop services, veterinary services, other animal services, farm labor and management services, and landscape and horticultural services, for others on a contract or fee basis.
- c. The board of county commissioners hereby recognizes the following structures as nonresidential farm buildings.
  1. Structures, including storage facilities, exclusively required for the production of crops, plants, vines, and trees (excluding forestry operations); including, cash grains, field crops, vegetables and melons, fruits and tree nuts, and horticultural specialties.
  2. Structures, including storage facilities, exclusively required for the keeping, grazing, or feeding of livestock for the sale of livestock or livestock products.
- d. The board of county commissioners does not recognize the following structures as nonresidential farm buildings.
  1. Structures, excluding storage facilities, required or used for performing soil

preparation services, crop services, veterinary services, other animal services, farm labor and management services, and landscape and horticultural services, for others on a contract or fee basis.

2. Structures required or used for private households, personal affairs management, domestic services, private estates, noncommercial farm homes, and noncommercial residential farms.
- e. Any claim of exemption must be made no later than the time of application for a building permit or approval of final development order. Any claim not so made shall be deemed waived.
- (5) Any residential construction that qualifies as housing for older persons and meets the following requirements shall be exempt from payment of the educational system impact fee imposed pursuant to section 22-22:
- a. Any person seeking an exemption from the educational system impact fee as housing for older persons shall file with the county attorney an application for exemption and receive county attorney approval prior to receiving a building permit, or if no building permit is required, prior to receiving a development permit for the proposed residential construction. The application for exemption shall contain the following:
    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.

- (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.

(Ord. No. 2007-60, § 1, 12-11-07)

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

Failure to dedicate land or to pay an impact fee when determined by the county that either obligation, or a combination of said obligations is required to satisfy the impact of development shall result in the amount due becoming a lien against the property, as provided for herein. The county shall provide a written notice of the impact fee due by personal service, certified, return receipt requested United States mail or Federal Express or other equivalent overnight letter delivery company. Upon failure to pay the impact fee within thirty (30) days of the date of the notice, a notice of lien shall be served by personal service, certified, return receipt requested United States mail or Federal Express or other equivalent overnight letter delivery company, advising the developer that the county shall file a claim of lien against the property in question. Once recorded, the claim of lien may be foreclosed as provided for F.S. Ch. 170, F.S. Ch. 173, or any other applicable law. The lien for unpaid impact fees shall be coequal with a lien for state, county, special district and municipal taxes and is superior in dignity to subsequently filed liens.

(Ord. No. 2007-60, § 1, 12-11-07)

### **Sec. 22-16. Administrative fees.**

(a) A municipality entering into an interlocal agreement with Lake County to collect impact fees within the municipality shall be entitled to collect an additional three (3) percent charge based on the funds collected up to a maximum of one hundred dollars (\$100.00) per building permit or final development order as compensation for the expense of collecting the fee, or, at the option of the municipality, by resolution it may set its own administrative fee which shall not exceed the actual costs of collection of the fee. If Lake County collects the impact fees, Lake County shall be entitled to collect an additional three (3) percent charge based on the funds collected up to a maximum of one hundred dollars (\$100.00) per building permit or final development order as compensation for the expense of collecting the fee.

(b) All other administrative costs associated with providing capital improvements and administering the impact fee program shall be eligible for the appropriation of impact fees collected by the county or a municipality; however, administrative costs, including the three (3) percent collection allowance, shall not exceed five (5) percent of the total amount collected by the county and municipalities.

(Ord. No. 2007-60, § 1, 12-11-07)

### **Sec. 22-17. Appeals.**

Any person who disagrees with a decision or interpretation of this chapter may appeal to the county manager or designee by filing a written notice of appeal within ten (10) days after the date of the action or

decision complained of. The written notice of appeal shall set forth concisely the action or decision appealed as well as the grounds upon which the appeal is based. The county manager or designee, who shall be different than the person who rendered the original decision, shall consider all facts material to the appeal and render a written decision within thirty (30) days of receiving the appeal. Any person who disagrees with the decision of the county manager or designee 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. The minutes of the meeting shall constitute the board's final written decision and shall constitute final administrative review.

(Ord. No. 2007-60, § 1, 12-11-07)

**Secs. 22-18--22-20. Reserved.**

## **ARTICLE II.**

### **EDUCATIONAL SYSTEM IMPACT FEES**

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

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

- (1) The school board has adopted a resolution which requests the Board of County Commissioners of Lake County to adopt a revised and updated educational system impact fee which requires future residential construction to contribute its fair share of the cost of capital improvements and additions to the educational system which are necessary to accommodate such growth.
- (2) The school board has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements and additions to the educational system which are necessary to accommodate such growth.
- (3) F.S. Ch. 163, Pt. II requires the county to adopt a comprehensive plan containing a capital improvements element which considers the need and location of public facilities within its areas of jurisdiction and the projected revenue source which will be utilized to fund these facilities.
- (4) Pursuant to F.S. § 1013.33, the school board and the county are required to coordinate the planning of educational facilities with the planning of residential construction and the providing of other necessary services. Moreover, F.S. § 1013.33(10), requires educational facilities to be consistent with the comprehensive plan.
- (5) The implementation of a revised and updated educational system impact fee to require future growth to contribute its fair share of the cost of growth necessitated capital improvements to the educational system promotes the general welfare of the citizens of Lake County. The provision of educational facilities which are adequate for the needs of growth is in the general welfare of all

county residents and constitutes a public purpose.

- (6) The implementation of a revised and updated educational system impact fee to require future growth to contribute its fair share of the cost of required capital improvements and additions is an integral and vital element of the regulatory plan of growth management in the county.
- (7) The projected capital improvements to the educational system and the allocation of projected costs between those necessary to serve existing development and those required to accommodate the educational needs of future residential construction as presented in the study entitled "Impact Fees for Educational Facilities in Lake County, Florida, June 28, 2007," is hereby approved and adopted by the county and such study is found to be consistent with the comprehensive plan of the county.
- (8) Interlocal agreements have been entered into between the county, the school board and the municipalities within Lake County to assist in the imposition and implementation of the educational system impact fee within all areas of the county. The interlocal agreements shall provide for the consistent collection and administration of the educational system impact fee throughout the county.
- (9) The required improvements and additions to the educational system needed to eliminate any existing deficiencies shall be financed by revenue sources of the school board other than educational system impact fees.

(Ord. No. 2007-60, § 1, 12-11-07; Ord. No. 2007-61, § 1, 12-11-07)

**Sec. 22-22. Imposition.**

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

Single-family detached house, per dwelling unit . . . . \$9,324.00

Multi-family dwelling unit, per dwelling unit . . . . 5,689.00

Mobile home, per dwelling unit . . . . 3,297.00

(Ord. No. 2007-60, § 1, 12-11-07; Ord. No. 2007-61, § 2, 12-11-07)

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

(a) Educational system impact fees shall, upon receipt by the school board, be deposited in a separate trust account established and maintained by the school board. Such account shall be designated as the "educational system impact fee trust account" and shall be maintained separate and apart from all other accounts of the school board.

(b) The school board shall maintain adequate records to justify all expenditures from the educational system impact fee trust account. Upon reasonable notice, the county shall have access to such books, records

and documents relating to the educational system impact fee trust account for the purpose of inspection or audit. The county has the right, but not the duty, to audit the school board's educational system impact fee trust account at the county's sole cost and expense.

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

- (1) Land acquisition, including any cost of acquisition;
- (2) Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
- (3) Design and construction documents;
- (4) Site development, site-related improvements and on-site and off-site improvements incidental to the construction thereto;
- (5) Any permitting or application fees necessary for the construction;
- (6) Design and construction of educational plants and ancillary plants;
- (7) Design and construction of drainage facilities required by the construction of educational plants and ancillary plants or improvements thereto;
- (8) Relocating utilities required by the construction of educational plants and ancillary plants or improvements or additions thereto;
- (9) Acquisition of furniture and equipment necessary to accommodate students, faculty, administrators, staff and the activities of the educational programs and services at educational plants which is necessitated by growth;
- (10) Repayment of monies borrowed after October 1, 2003 from any budgetary fund of the county or the school board which were used to fund growth necessitated capital improvements to the educational plants or ancillary plants as provided herein; and
- (11) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the school board to fund growth-necessitated improvements and additions to the educational system.

(Ord. No. 2007-60, § 1, 12-11-07)

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

(a) In order to provide land to meet the need for public school sites created by new residential construction and to provide the funds needed to develop such lands as educational plants and ancillary plants, a

developer of new residential construction may dedicate suitable land to the school board in lieu of paying the educational system impact fee imposed in section 22-22, as agreed to by the county and the school board.

(b) Any land dedicated to the school board in lieu of paying the educational system impact fee imposed in section 22-22 must be acceptable to the school board, in the school board's sole discretion, in terms of suitable size, dimension, soil type, topography, dimensions, location, accessibility and general character. The requirements for suitable school sites are set forth in the current school board facilities policies, Lake County Schools Educational Specifications, as approved by the school board and the department of education, education facilities planning and education department, the Lake County School Siting Ordinance (Ordinance No. 2002-11), and as set forth in the Florida State Board of Education Administrative Rules.

(c) Subject to the terms and conditions of this section, credit shall be granted against the educational system impact fee imposed by section 22-22 for the donation of land or for the construction of an improvement or addition to the educational system that is required pursuant to a development order/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 after consultation with the superintendent. No credit shall be given for the donation of land or construction unless such property is conveyed in fee simple to the school board without consideration.

(d) 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 educational system to the county manager. The proposed plan shall include:

- (1) A designation of the residential construction for which the plan is being submitted;
- (2) A legal description of any land proposed to be donated and a written appraisal prepared in conformity with subsection (g) of this section;
- (3) A list of the contemplated contributions to the educational system and an estimate of the proposed construction costs certified by a professional architect or engineer; and
- (4) A proposed time schedule for completion of the proposed plan.

(e) Within ten (10) days after receipt, the county manager shall forward the proposed plan to the superintendent for review and recommendation. The superintendent shall provide a recommendation to the county manager within thirty (30) days of receipt. After reviewing the superintendent's recommendation, the county manager shall approve or deny the proposed plan in accordance with subsection (f) of this section and, if approved, establish the amount of credit in accordance with subsection (g) of this section. The county manager shall issue a decision within sixty (60) days after the filing of the proposed plan.

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

- (1) If such proposed plan is in conformity with contemplated improvements and additions to the educational system;

(2) If the proposed donation of land and construction by the applicant is consistent with the public interest; and

(3) If the proposed time schedule is consistent with the capital improvement program for the educational system.

(g) The amount of developer contribution credit shall be determined as follows:

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

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

(3) The land donations and construction contributions shall only provide improvements or additions to the educational system required to accommodate growth.

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

(1) The timing of actions to be taken by the applicant and the obligations and responsibilities of the applicant, including, but not limited to, the construction standards and requirements to be complied with;

(2) The obligations and responsibilities of the board of county commissioners and school board, including but not limited to inspection of the project; and

(3) The amount of the credit as determined in accordance with subsection (g) of this section.

(i) A credit for the donation of land shall be granted at such time as the property which is the subject of the donation has been conveyed to and accepted by the school board. A credit for the construction of an improvement or addition to the educational system shall be granted at such time as the construction is completed, approved and accepted by the school board. The administration of said contribution credits shall be the responsibility of the superintendent after said credits have been approved by the county manager.

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

(k) Credits provided pursuant to this section shall not be transferable from one (1) residential construction site to another.

(Ord. No. 2007-60, § 1, 12-11-07)

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

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

(Ord. No. 2007-60, § 1, 12-11-07)

#### **Secs. 22-26--22-35. Reserved.**

### **ARTICLE III.**

#### **TRANSPORTATION IMPACT FEES**

#### **Sec. 22-36. Short title, authority.**

- (a) This article shall be known and may be cited as the "Transportation Impact Fee Ordinance."
- (b) F.S. Ch. 336, vests the board of county commissioners with general supervision and control of all

county roads and road facilities within Lake County which comprise the county road system as defined in F.S. Ch. 334, including county roads within municipalities.

(c) The board of county commissioners hereby adopts the "Lake County Transportation Impact Fee Update Study Final Report," dated December 2001, prepared by Tindale-Oliver and Associates, Inc. (Ord. No. 2007-60, § 1, 12-11-07)

**Sec. 22-37. Imposition.**

(a) Transportation impact fees shall be determined as follows:

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
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
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
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
	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
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/Drugstore	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
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			

sf = square foot

du = dwelling unit

(Ord. No. 2007-60, § 1, 12-11-07)

**Sec. 22-38. Alternative transportation impact fee; mixed uses; change of use; fee challenges.**

(a) 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.

- (1) The two-digit Standard Industrial Classification (SIC) Code, or two-digit Department of Revenue (DOR) Land Use Code, into which the land use falls is to be determined.
- (2) The two-digit SIC Code, or two-digit DOR Land Use Code shall be cross-referenced to an appropriate Institute of Transportation Engineers (ITE) Land Use Code in order to derive an appropriate trip generation rate.
- (3) At the discretion of the county's designated agent, information provided by the person seeking to develop land may be used in determining the appropriate trip generation rate.

- (4) Once a trip generation rate has been determined for a land use not contained within the "Fee Schedule," located in subsection (a), that rate shall be considered precedence for future assessment of similar land uses.
- (5) The person seeking to develop land shall either pay the transportation impact fee determined by the county agent authorized to make the trip generation determination, or prepare a traffic study in accordance with the methodology contained in this article.

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

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

(d) If the person seeking to develop land challenges the transportation impact fee as determined according to the section 22-37, the person shall prepare and submit a traffic study and independent impact fee calculation for the development activity for which a building permit or development order is sought in accordance with the procedures set forth below. The independent fee calculation shall employ the methodology contained in the "Transportation Impact Fee Update Study," dated May 30, 2001, prepared by Tindale-Oliver and Associates, Inc. and be calculated at the same rate as set forth in the fee schedule.

(e) The traffic study shall document the basis upon which the independent fee calculation was made and be in accordance with the methodology described above. The county manager or designee shall consider the documentation submitted; however, the county manager or designee is not required to accept such documentation if it is deemed to be inaccurate or not reliable. The county manager or designee may require the submission of additional and distinct documentation for consideration. If an acceptable independent impact fee calculation is not presented, the county manager or designee shall require payment in accordance with the fee schedule located in subsection (a). If an acceptable independent impact fee calculation is presented, the county manager or designee may adjust the impact fee, as appropriate to a specific building permit or development order.

- (f) The following procedures shall be used to prepare the alternative transportation impact fee study:
  - (1) *Pre application conference.* Feepayers are encouraged to schedule a meeting with the public works department before proceeding with a study. At such a meeting, the basic requirements of a study can be discussed.
  - (2) *Application, study methodology, and initial approval.* The following materials shall be submitted

and approved prior to the study being conducted. Submitted materials will be reviewed and every effort will be made to approve, approve with conditions, or deny the study methodology within ten (10) working days of the date submitted.

- a. An application form indicating the name, address and telephone number of the feepayer and the name, address and telephone number of any agent for the feepayer, a legal description of the property involved and a description of the development activity proposed.
- b. If the feepayer proposes relying on the results of any previous studies, such as studies originally submitted as part of the zoning approval process, copies of those reports should be provided. Such studies must meet the requirements of this procedure in order to be relied upon.
- c. The feepayer shall, in accordance with the following guidelines, provide the study methodology that is proposed to be used for the study.
  1. The proposed methodology shall identify a minimum of three (3) comparable sites to be studied. Such sites shall be located within Lake County unless sites are not available in Lake County. The site descriptions should include the specific location, the character of the location (Central Business District, urban, suburban, or rural), and the land use(s) at the location. An explanation of why the proposed sites are similar to the proposed new development should be included. The explanation should address pertinent characteristics, such as land use, adjacent area, and demographics. A map should be included showing the location of the proposed new development and the proposed study sites.
  2. The proposed methodology shall discuss the proposed data elements of the study. These shall include trip generation rate, trip length and percent new trips, and any other applicable data elements that may be necessary.
  3. The trip generation rate should normally be determined by machine counts. The proposed methodology should provide documentation depicting the proposed machine counter sites and locations within the site as well as the type of equipment, hose/loop detector configurations, and the proposed dates of counting.
  4. The machine counters should normally be placed at project driveways, for a minimum of seven (7) consecutive days of twenty-four-hour machine counting, on days representative of typical traffic patterns at that site (not during a holiday, for example).
  5. The data to be collected should include:
    - i. Date and time counts,

- ii. A summary of counts by fifteen-minute increments (entering, exiting and total),
    - iii. Average daily volume, and
    - iv. Volume during the a.m. and p.m. peak hours of the adjacent street.
  - 6. 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.
- d. 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:
- 1. Date of interview,
  - 2. Location of the interview,
  - 3. Name of the interviewer,
  - 4. Time of day of the interview,
  - 5. Origin of the interviewee's trip,
  - 6. Destination of the interviewee's trip, and
  - 7. Trip purpose.
- e. 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:
- 1. The specific name of the place (mall, town, bank, supermarket, subdivision, school, etc.),
  - 2. The address of the place,
  - 3. The intersection nearest to the place, and
  - 4. The major intersection nearest to the place.

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

- f. The proposed methodology should include a copy of the interview form to record the interview responses which are proposed to be used. Copies of the completed interview forms should be included in the study report.
- g. It is not acceptable to collect trip length as estimated and reported by the interviewee. The proper method to determine a trip length is to use a scaled map to measure the shortest route between the site and the reported places of origin and destination, or to measure the distance directly using a vehicle odometer.
- h. Acceptable procedures to determine if a trip is classified as primary, secondary, diverted, or captured, and to compute the assessable trip length are described in "Measuring Travel Characteristics for Transportation Impact Fees" W.E. Oliver, (ITE Journal, April 1991). Another acceptable procedure is in the most recent Florida Department of Transportation-site Impact Handbook.
- i. Also included in the study report should be the following:
  - 1. The number of observations (useable interview responses),
  - 2. The mean trip length, rounded off to one-tenth (0.1) mile, and
  - 3. The percent new trips.
- j. In determining a reasonable estimate of the trip length and percent new trips the proposed methodology must propose surveys to be performed for a minimum of three (3) sites for three (3) days. These surveys will be conducted for nine (9) hours each day. The specific time period to be covered should be governed by the type of land being surveyed and the typical daily operations of the specific land use. The total survey hours should be approximately eighty-one (81) hours ( $3 \times 3 \times 9 = 81$ ).
- k. The study report should be submitted in the following format:
  - 1. Table of contents,
  - 2. Letter of transmittal,
  - 3. Findings of the report:
    - Trip generation rate
    - Trip length and percent new trips,

4. Impact fee calculations, and appendices:

Trip generation rate summary

Trip length worksheet

Percent new trips worksheet

Trip generation data

Interview forms

- l. The proposed study shall include a completed impact fee work sheet in the format provided by the county manager or designee.
  - m. 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.
- (3) 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.
  - (4) 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.
  - (5) 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.

(Ord. No. 2007-60, § 1, 12-11-07)

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

(a) In lieu of all or part of the transportation impact fee, the county manager or a designee, may enter into a developer's agreement with a person seeking to develop land to allow such person to construct part of a road improvement project shown in the Lake County Comprehensive Plan, or to construct off-site road improvements determined necessary as a result of the development of the property or to donate land or right-of-way for a project shown in the Lake County Comprehensive Plan so long as the project or improvement is within the road benefit district in which the funds were collected. The person seeking to enter into the developer's agreement shall submit a construction cost estimate certified by an engineer registered pursuant to F.S. Ch. 471, to the county manager or designee. If acceptable, the county manager or designee shall agree to credit the cost of construction of the improvements towards the transportation impact fee chargeable to the

proposed development. If right-of-way dedicated is to be included in the credit, the person shall provide to the county manager or designee an MAI appraisal indicating the fair market value of the property to be dedicated; provided, however, that if the parcel is valued by the property appraiser at fifteen thousand dollars (\$15,000.00) or less, the property appraiser's assessed value may be used to determine the square footage value of the right-of-way. The county manager or designee may additionally determine the value of the right-of-way by using the square footage value as determined from an appraisal of a similarly situated parcel so long as such appraisal was completed upon request of the county and is no older than one (1) year. If the county manager or designee elects to use an appraisal of a similarly situated parcel, the county manager or designee shall make a determination that such the economic conditions at the time of the appraisal have not changed significantly so as to invalidate such appraisal. The developer's agreement shall be approved by the board of county commissioners and shall set forth all other applicable requirements and conditions of performance.

(b) In the event the impact fee credits for construction shall exceed the impact fees chargeable to a particular development, the county manager or designee may agree to compensate the person seeking to develop land with cash, impact fee credit or a combination thereof, as set forth in the developer's agreement. If the person seeking to develop elects cash reimbursement, the person shall be required to competitively bid the construction project and/or professional services. Professional services shall be bid in accordance with F.S. § 287.055, known as the Consultants' Competitive Negotiation Act, and construction services shall be bid in accordance with the county's standard competitive bidding procedures and any other applicable Florida Statutes. A construction cost estimate and/ or right-of-way appraisal shall be provided in the same manner as subsection (a) above. The developer's agreement shall be approved by the board of county commissioners and shall set forth all other applicable requirements and conditions.

(Ord. No. 2007-60, § 1, 12-11-07)

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

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

- (1) A request to permit the transfer of impact fee credits, if any, shall be submitted simultaneously with the property owner's request to construct road improvements in accordance with section 22-38 above. All requests to permit the transfer of impact fees credits shall be approved by the board of county commissioners. Untimely requests shall not be considered, nor shall the board of county commissioners consider a request to transfer any impact fee credits distributed by the county to any owner of record prior to the effective date of this subsection, unless the project was specifically approved at the time of submittal to allow the future transfer of such credits.
- (2) The county manager or designee shall establish an account in the name of the owner of record and credit to the account the amount of impact fee credits due and owing as certified by the county manager or designee. In the event the owner of record desires to transfer any portion of the impact fee credits to another party, and the board of county commissioners has previously approved the transfer of credits for the project, the owner of record shall submit a notarized affidavit to the county manager or designee indicating to whom the credits are to be transferred. Upon receipt of the notarized affidavit, the impact fee credits shall be transferred to a similar account established for the transferee.



- (3) The transfer shall become effective upon confirmation by the county manager or designee that the credits have been:
  - a. Duly distributed to the transferor;
  - b. Approved by the board of county commissioners for transferring; and
  - c. Are being transferred within the same transportation benefit district.

The county manager or designee shall notify the transferee when the credits are available to the transferee.

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

(Ord. No. 2007-60, § 1, 12-11-07)

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

(a) A separate transportation benefit district account shall be established for each road benefit district and funds shall be deposited accordingly. Such accounts shall be known as the "Transportation Impact Fee Trust Account."

(b) All funds collected from transportation impact fees shall be used solely for the purpose of providing capital improvements to transportation facilities associated with the arterial and collector road network under the jurisdiction of the county, or the state, and shall not be used for maintenance or operations. Such improvements shall be of the type as are made necessary by new development.

(c) All funds shall be used exclusively for capital improvements within the transportation benefit district in which the funds were collected or for projects in other transportation benefit districts which are of direct benefit to the transportation benefit districts from which the funds were collected. In the event, funds collected in one (1) transportation benefit district are to be utilized for a project in another transportation benefit district that is of direct benefit to the transportation benefit district in which the funds were collected, such use shall be approved by a majority of the municipalities in the transportation benefit district within which the funds

were collected. Said recommendation shall be forwarded to the board of county commissioners through the county manager or designee. The board of county commissioners shall approve the use of funds collected in one (1) transportation benefit district for a project in another transportation benefit district after a specific finding that there shall be a direct benefit to the transportation benefit district in which the funds were collected. Funds shall be expended in the order in which they are collected.

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

(d) The governmental authority issuing the permit or other approval for the development shall determine whether road improvements constructed by the person seeking to develop land are "site-related" or "nonsite-related" as defined herein. In the event the permitting authority has a question as to whether a particular improvement is site-related or nonsite-related, the county shall be consulted and make the final decision. (Ord. No. 2007-60, § 1, 12-11-07)

#### **Sec. 22-42. Transportation benefit districts.**

The following transportation benefit districts are established:

- (1) *Transportation Benefit District 1.* Begin at C-42 and the Lake County line in Section 31, Township 17 South, Range 27 East, Lake County, Florida; run easterly along C-42 to C-439; thence run southerly along C-439 to C-44A; thence run easterly along C-44A to SR-44; thence run southwesterly along SR-44 to C-46A; thence run southeasterly along C-46A to SR-46; thence run easterly along SR-46 to the Lake County line in Section 21, Township 19 South, Range 29 East; thence run northeasterly, northerly, northwesterly, and southerly along the Lake County line to the aforementioned C-42 being the end of this description.
- (2) *Transportation Benefit District 2.* Beginning at C-561 and C-455 in Section 8, Township 21 South, Range 26 East, Lake County, Florida; run west along C-455 to 3-2739 North Buckhill Road; thence run northerly along 3-2739 North Buckhill Road to a point on the north line of Section 1, Township 21 South, Range 25 East; thence run east to the theoretical northeast corner of said Section 1; thence run north to the theoretical northeast corner of Section 13, Township 20 South, Range 25 East; thence run thence run west to the theoretical southeast corner of Section 14, Township 20 South, Range 25 East; thence run northwest to the theoretical northwest corner of said Section 14; thence run north to a point lying east of the mouth of Dead River and Lake Harris; thence run east to the mouth of said Dead River; thence run northeasterly along Dead River to Lake Eustis; thence run east to the theoretical east line of Section 19, Township 19 South, Range 26 East; thence run north to the northeast corner of Section 6, Township 19 South, Range 26 East; thence run west to C-44; thence northeasterly along C-44 to 5-6744 Fish Camp

Road; thence run north along 5-6744 Fish Camp Road to C-452; thence run northerly along C-452 to the Lake County Line in Section 2, Township 18 South, Range 25 East; thence run east and north along the Lake County line to C-42 in Section 31, Township 17 South, Range 27 East; thence run easterly along C-42 to C-439; thence run southerly along C-439 to C-44A; thence run easterly along C-44A to SR-44; thence run southwesterly along SR-44 to C-46A; thence run southeasterly along C-46A to SR-46; thence run easterly along SR-46 to the Lake County Line in Section 21, Township 19 South, Range 29 East designated as point "A". Return to point of beginning. From said point of beginning run southeasterly along C-455 to the south line of Section 22, Township 21 South, Range 26 East; thence run east to the Lake County line; thence run north, east and northerly along the Lake County line to SR-46 and the aforementioned point "A" being the end of this description.

- (3) *Transportation Benefit District 3.* Begin at the Oklawaha River and the Lake County line in Section 6, Township 18 South, Range 25 East, Lake County Florida; run southerly along the Oklawaha River to a point on the theoretical west line of Section 17, Township 18 South, Range 25 East; thence run south to the theoretical northeast corner of Section 19, Township 19 South, Range 25 East; thence run west to the theoretical northwest corner of said Section 19; thence run south to the theoretical southwest corner of Section 31, Township 19 South, Range 25 East; thence run east to the theoretical southwest corner of Section 35; thence run north to a point lying west of the mouth of Dead River and Lake Harris; thence run east to the mouth of said Dead River; thence run northeasterly along Dead River to Lake Eustis; thence run east to the theoretical east line of Section 19, Township 19 South, Range 26 East; thence run north to the northeast corner of Section 6, Township 19 South, Range 26 East; thence run west to C-44; thence run northeasterly along C-44 to 5-6744 Fish Camp Road; thence run north along 5-6744 Fish Camp Road to C-452; thence run northwesterly along C-452 to the Lake County line; thence run west along the Lake County line to the aforementioned Oklawaha River being the end of this description.

Also:

Begin at C-470 and the Lake County line in Section 7, Township 20 South, Range 24 East, Lake County, Florida run easterly along C-470 to C-33; thence run northeasterly along C-33 to US-27; thence run northerly along US-27 to the north line of Section 2, Township 20 South, Range 24 East; thence run East to the theoretical northeast corner of Section 1, Township 20 South, Range 24 East designated as Point "A." Return to point of beginning. From said point of beginning run north along the Lake County line to the northwest corner of Section 6, Township 18 South, Range 24 East; thence run east along the Lake County line to the Oklawaha River being in Section 6, Township 18 South, Range 25 East; thence run southerly along the Oklawaha River to a point on the theoretical west line of Section 17, Township 18 South, Range 25 East; thence run south to the theoretical northeast corner of Section 19, Township 19 South, Range 25 East; thence run south to the northeast corner of Section 1, Township 19 South, Range 25 East; thence run south to the corner of Section 1, Township 20 South, Range 24 East and the aforementioned point "A" being the end of this description.

- (4) *Transportation Benefit District 4.* Begin at C-561 and US-27 in Section 36, Township 21 South,

Range 25 East, Lake County, Florida; run northerly along C-561 to C-455; thence run west along C-455 to 3-2739 North Buckhill Road; thence run northerly along 3-2739 North Buckhill Road to a point on the north line of Section 1, Township 21 South, Range 25 East; thence run east to the theoretical northeast corner of said Section 1; thence run north to the theoretical southeast corner of Section 13, Township 20 South, Range 25 East; thence run west to the theoretical southeast corner of Section 14, Township 20 South, Range 25 East; thence run northwest to the theoretical northwest corner of said Section 14; thence run north to the theoretical northwest corner of Section 2; Township 20 South, Range 25 East designated as point "A". Return to point of beginning. From said point of beginning run northwesterly along US-27 to 2-2713 Bridges Road; thence run westerly along 2-2713 Bridges Road, 2-2607 Austin Merritt Road, and 2-2403 Youth Camp Road to the Lake County line; thence run north along the Lake County Line to C-470; thence run easterly along C-470 to C-33; thence run northeasterly along C-33 to US-27; thence run northerly along US-27 to the north line of Section 2, Township 20 South, Range 24 East; thence run east to the theoretical northwest corner of Section 2, Township 20 South, Range 24 East, and the aforementioned point "A" being the end of this description.

- (5) *Transportation Benefit District 5.* Begin at SR-33 and the Lake County line in Section 28, Township 24 South, Range 25 East, Lake County, Florida; run northerly along SR-33 to C-565B; thence run easterly along C-565B to C-561; thence run northerly along C-561 to C-561A; thence run northwesterly, northeasterly along C-561A to US-27; thence run northerly along US-27 to C-561; thence run northerly along C-561 to C-455; thence run southeasterly along C-455 to the south line of Section 22, Township 21 South, Range 26 East; thence run east to the Lake County line, thence run southerly, west, north, and west along the Lake County line to the aforementioned SR-33 being the end of this description.
- (6) *Transportation Benefit District 6.* Begin at SR-33 and the Lake County line in Section 28, Township 24 South, Range 25 East, Lake County, Florida; run northerly along SR-33 to C-565B; thence run easterly along C-565B to C-561; thence run northerly along C-561 to C-561A; thence run northwesterly, northeasterly along C-561A to US-27; thence run northwesterly along US-27 to 2-2713 Bridges Road; thence run westerly along 2-2713 Bridges Road, 2-2607 Austin Merritt Road, and 2-2403 Youth Camp Road to the Lake County line; thence run south, east, north and east along the Lake County line to the aforementioned SR-33 being the end of this description.

(Ord. No. 2007-60, § 1, 12-11-07)

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

#### **ARTICLE IV.**

#### **FIRE RESCUE IMPACT FEES**

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

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

- (1) The county fire rescue system benefits all residents of the county.
- (2) Development necessitated by the growth contemplated in the comprehensive plan and the fire rescue impact fee study will require improvements and additions to the county fire rescue system to accommodate the new development generated by such growth and maintain the standards of service provided by the county.
- (3) Future growth, as represented by fire rescue impact construction, should contribute its fair share to the cost of improvements and additions to the county fire rescue system that are required to accommodate the impact generated by such growth.
- (4) The required improvements and additions to the county fire rescue system needed to eliminate any deficiencies shall be financed by revenue sources of the county other than fire rescue impact fees.
- (5) Implementation of the fire rescue impact fees to require fire rescue impact construction within the county to contribute its fair share to the cost of required capital improvements is an integral and vital element of the regulatory plan of growth management of the county.
- (6) The board of county commissioners expressly finds that the improvements and additions to the county fire rescue system to be funded by the fire rescue impact fee provide a benefit to all fire rescue impact construction within the county that is in excess of the actual fire rescue impact fees.
- (7) The purpose of this article is to require payment of fire rescue impact fees by those who engage in fire rescue impact construction and to provide for the cost of capital improvements to the county fire rescue system which are required to accommodate such growth. This article shall not be construed to permit the collection of fire rescue impact fees in excess of the amount reasonably anticipated to offset the demand on the county fire rescue system generated by such applicable fire rescue impact construction.
- (8) The revision and re-imposition of a fire impact fee is to provide a source of revenue to fund the construction or improvement of the county fire system necessitated by growth as delineated in the capital improvement element of the comprehensive plan.

(Ord. No. 2007-60, § 1, 12-11-07)

**Sec. 22-47. Imposition.**

All fire rescue impact construction occurring within the county, both within the unincorporated area and within the municipal boundaries of any consenting municipality, shall pay the following fire rescue impact fees:

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

(Ord. No. 2007-60, § 1, 12-11-07)

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

(a) The board of county commissioners hereby establishes a separate trust account for the fire rescue impact fees, to be designated as the "fire rescue impact fee trust account," which shall be maintained separate and apart from all other accounts of the county.

(b) The monies deposited into the fire rescue impact fee trust account shall be used solely for the purpose of constructing or improving the county fire rescue system to serve new growth as projected in the fire rescue impact fee study, including, but not limited to:

- (1) Design and construction plan preparation;
- (2) Permitting and fees;
- (3) Land acquisition, including any costs of acquisition or condemnation;
- (4) Construction and design of new fire and rescue facilities;
- (5) Design and construction of new drainage facilities required by the construction of improvements and additions to the county fire rescue system;
- (6) Relocating utilities required by the construction of improvements and additions to the county fire rescue system;
- (7) Landscaping;
- (8) Construction management and inspection;
- (9) Surveying, soils and materials testing;
- (10) Acquisition of apparatus or equipment utilized by the county in the suppression and prevention of fires, responses to medical emergencies or other disasters and the handling of incidents involving hazardous materials;
- (11) 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;

- (12) Costs related to the administration, collection and implementation of the fire rescue impact fee; and
- (13) 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.

(Ord. No. 2007-60, § 1, 12-11-07)

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

(a) In the event an applicant believes that the impact to the county fire rescue system caused by fire rescue impact construction is less than the impact established under the applicable fire rescue impact fee land use category specified in section 22-47 such applicant may, prior to issuance of a building permit for such fire rescue impact construction, or, if no building permit is required, prior to the time of approval of the final development order, file an alternative fire rescue 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.

(b) For purposes of any alternative fire rescue impact fee calculation, the fire rescue impact construction shall be presumed to have the maximum impact on the county fire rescue system for the appropriate fire rescue impact fee land use category.

(c) The alternative fire rescue impact fee calculation shall be based on data, information or assumptions contained in this article and the fire rescue impact fee study, or independent sources, provided that:

- (1) The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the impact fee study; or
- (2) The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the impact fee study.

(d) If the county manager or designee determines that the data, information and assumptions utilized by the applicant comply with the requirements of this section and that the calculation of the alternative fire rescue impact fee was by a generally accepted methodology, then the alternative fire rescue impact fee shall be paid in lieu of the fees adopted in section 22-47.

(e) If the county manager or designee determines that the data, information and assumptions utilized by the applicant to compute an alternative fire rescue impact fee do not comply with the requirements of this section, then the county manager or designee shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection and the reasons therefore.

(Ord. No. 2007-60, § 1, 12-11-07)

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

(a) In the event fire rescue impact construction involves a land use not contemplated under the fire rescue impact fee land use categories set forth in section 22-47 herein, the county manager or designee shall determine the impact to be generated by the proposed fire rescue impact construction and shall calculate the appropriate fire rescue impact fees utilizing the methodology contained in the fire rescue impact fee study. The county manager or designee shall utilize as a standard in this determination the impact assumed in the most similar fire rescue impact fee land use category or any other generally accepted standard source of planning and cost impact analysis.

(b) In the event a fire rescue impact construction involves more than one (1) fire rescue impact fee land use category, the county manager or designee shall calculate the fire rescue impact fees based upon the impact to be generated by each separate fire rescue impact fee land use category included in the proposed fire rescue impact construction.

(Ord. No. 2007-60, § 1, 12-11-07)

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

(a) In order to provide lands to meet the need for county fire rescue system sites created by fire rescue impact construction or to provide necessary county fire rescue system capital equipment or facilities, a developer of fire rescue impact construction may dedicate suitable land, capital equipment or facilities to the county in lieu of paying the fire rescue impact fee imposed in section 22-47, as agreed to by the county.

(b) Any land, capital equipment or facilities dedicated to the county in lieu of paying the fire rescue impact fee imposed in section 22-47 must be acceptable to the county in terms of suitable size, dimension, soil type, topography, dimensions, location, accessibility and general character, type and specifications.

(c) Subject to the terms and conditions of this section credit shall be granted against the fire rescue impact fee imposed by section 22-47 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 fire rescue impact construction. Such donations, equipment or facilities shall be subject to the approval and acceptance of the county manager. 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.

(d) 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 fire rescue system to the county manager. The proposed plan shall include:

- (1) A designation of the fire rescue impact construction for which the plan is being submitted;
- (2) A legal description of any land proposed to be donated and a written appraisal prepared in conformity with subsection (g) of this section;



- (3) A list of the contemplated contributions to the county fire rescue 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
- (4) A proposed time schedule for completion of the proposed plan.
- (e) Within sixty (60) days after receipt, the county manager shall approve or deny the proposed plan in accordance with subsection (f) of this section and, if approved, establish the amount of credit in accordance with subsection (g) of this section.
  - (f) In reviewing the proposed plan, the county manager shall determine:
    - (1) If such proposed plan is in conformity with contemplated improvements and additions to the county fire rescue system;
    - (2) If the proposed donation of land or capital equipment and construction by the applicant is consistent with the public interest; and
    - (3) If the proposed time schedule is consistent with the capital improvement program for the county fire rescue system.
  - (g) The amount of developer contribution credit shall be determined as follows:
    - (1) The value of donated land shall be based upon a written appraisal of fair market value as determined by an M.A.I. appraiser who was selected and paid for by the applicant, and who used generally accepted appraisal techniques. If the appraisal does not conform to the requirements of this section and the applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the county manager or designee accepts the methodology of the appraisal but disagrees with the appraised value, he may engage another M.A.I. appraiser at the county's expense and the value shall be an amount equal to the average of the two (2) appraisals. If either party does not accept the average of the two (2) appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the county and the owner or applicant. The third appraiser shall be selected by the first two (2) appraisers and the third appraisal shall be binding on the parties.
    - (2) The value of the construction of an improvement to the county fire rescue system or the value of donated capital equipment shall be based upon the actual cost of construction or acquisition of said improvement or capital equipment as certified by a professional architect or engineer or as shown by a manufacturer's or supplier's invoice. However, as to the construction of improvements to the county fire rescue system, in no event shall any credit be granted in excess of the estimated construction costs provided by a professional architect or engineer and approved by the county unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost of construction. The cost of professional services shall be competitively bid in accordance with F.S. § 287.055, in order to be eligible for impact fee credits; and

(3) The land donations, construction and capital equipment contributions shall only provide improvements or additions to the county fire rescue system required to accommodate growth.

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

(1) The timing of actions to be taken by the applicant and the obligations and responsibilities of the applicant, including, but not limited to, the construction standards and requirements to be complied with;

(2) The obligations and responsibilities of the board of county commissioners, including but not limited to inspection of the project; and

(3) The amount of the credit as determined in accordance with subsection (g) of this section.

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

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

(k) Credits provided pursuant to this section shall not be transferable from one (1) fire rescue impact construction site to another.

(Ord. No. 2007-60, § 1, 12-11-07)

**Sec. 22-52. Reserved.**

## **ARTICLE V.**

### **PARK IMPACT FEES**

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

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

(1) The county park system benefits all residents of the county.

- (2) Development necessitated by the growth contemplated in the comprehensive plan will require improvements and additions to the county park 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 park system that are required to accommodate such growth and the use of such county park system by such growth.
- (4) Implementation of a park impact fee to require future residential construction to contribute its fair share to the cost of required park 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 park impact fee is to provide a source of revenue to fund the construction or improvement of the county park 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 park system as contained in the park impact fee study provides a benefit to all residential construction within the county in excess of the park impact fee.
- (7) The county has the responsibility to provide parks and recreational facilities in the county park system. Residential construction occurring within the county impacts upon the county park system; therefore, residential construction should pay its fair share of the cost of maintaining the county's existing standard of service.
- (8) The purpose of this article is to require payment of park impact fees by those who engage in residential construction and to provide for the cost of capital improvements to the county park system which are required to accommodate such growth. This article shall not be construed to permit the collection of park impact fees in excess of the amount reasonably anticipated to offset the demand on the county park system generated by such residential construction.

(Ord. No. 2007-60, § 1, 12-11-07)

**Sec. 22-54. Imposition.**

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

Single-family detached house, per dwelling unit . . . . . \$222.00

Multi-family, per dwelling unit . . . . . 171.00

Mobile home, per dwelling unit . . . . . 177.00

(Ord. No. 2007-60, § 1, 12-11-07)

**Sec. 22-55. Impact fee trust fund and use of monies.**

(a) The board of county commissioners hereby establishes three (3) park districts, as provided in Appendix A, for purposes of collection and expenditure of the park impact fee. The board of county commissioners hereby establishes three (3) separate trust accounts to correspond to the three (3) park districts, which accounts shall be maintained separate and apart from all other accounts of the county.

(b) The monies deposited into any of the three (3) park district trust accounts shall be used solely for the purpose of constructing or improving the county park system within the corresponding park district, including, but not limited to:

- (1) Design and construction plan preparation;
- (2) Permitting and fees;
- (3) Land and materials acquisition including any costs of acquisition or condemnation;
- (4) Construction and design of recreational facilities;
- (5) Design and construction of new drainage facilities in conjunction with parks and recreational facilities;
- (6) Landscaping;
- (7) Construction management and inspection;
- (8) Surveying, soils and material testing;
- (9) Acquisition of capital equipment for parks;
- (10) Repayment of monies transferred or borrowed from any budgetary fund of the county after January 1, 2004, which were used to fund any of the construction or improvements herein defined;
- (11) 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 contemplated capital parks and recreational facilities improvements;
- (12) Costs related to the administration, collection and implementation of the park impact fees; and
- (13) Relocating utilities to accommodate new park construction.

(Ord. No. 2007-60, § 1, 12-11-07)

**Sec. 22-56. Alternative park impact fee.**

(a) In the event an applicant believes that the impact to the county park system caused by the residential construction is less than the impact established in the park impact fee study and the fee provided in section 22-54 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 park 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.

(b) For purposes of any alternative park impact fee calculation, residential construction shall be presumed to have the maximum impact on the county park system.

(c) The alternative park impact fee calculation shall be based on data, information or assumptions contained in this article and the park impact fee study or independent sources, provided that:

- (1) The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the impact fee study; or
- (2) The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the impact fee study.

(d) If the county manager or designee determines that the data, information and assumptions utilized by the applicant comply with the requirements of this section and that the calculation of the alternative park impact fee was by a generally accepted methodology, then the alternative park impact fee shall be paid in lieu of the fees adopted in section 22-54.

(e) If the county manager or designee determines that the data, information and assumptions utilized by the applicant to compute an alternative park impact fee do not comply with the requirements of this section, then the county manager or designee shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection and the reasons therefore.

(Ord. No. 2007-60, § 1, 12-11-07)

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

(a) In order to provide lands to meet the need for county park system sites created by residential construction or to provide necessary county park system capital equipment or facilities, a developer of residential construction may dedicate suitable land, facilities, or capital equipment to the county in lieu of paying the park impact fee imposed in section 22-54, as agreed to by the county.

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

(c) Subject to the terms and conditions of this section, credit shall be granted against the park impact fee imposed by section 22-54 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, equipment or construction 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.

(d) 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 park system to the county manager or designee. The proposed plan shall include:

- (1) A designation of the residential construction for which the plan is being submitted;
- (2) A legal description of any land proposed to be donated and a written appraisal prepared in conformity with subsection (g) of this section;
- (3) A list of the contemplated contributions to the county park 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
- (4) A proposed time schedule for completion of the proposed plan.

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

(f) In reviewing the proposed plan, the county manager or designee shall determine:

- (1) If such proposed plan is in conformity with contemplated improvements and additions to the county park system;
- (2) If the proposed donation of land or capital equipment and construction by the applicant is consistent with the public interest; and
- (3) If the proposed time schedule is consistent with the capital improvement program for the county park system.

(g) The amount of developer contribution credit shall be determined as follows:

- (1) The value of donated land shall be based upon a written appraisal of fair market value as determined by an M.A.I. appraiser who was selected and paid for by the applicant, and who used generally accepted appraisal techniques. If the appraisal does not conform to the requirements of this section and the applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the county manager or designee accepts the methodology of the appraisal but disagrees with the appraised value, he may engage another M.A.I. appraiser at the

county's expense and the value shall be an amount equal to the average of the two (2) appraisals. If either party does not accept the average of the two (2) appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the county and the owner or applicant. The third appraiser shall be selected by the first two (2) appraisers and the third appraisal shall be binding on the parties.

- (2) The value of the construction of an improvement to the county park system or the value of donated capital equipment shall be based upon the actual cost of construction or acquisition of said improvement or capital equipment as certified by a professional architect or engineer or as shown by a manufacturer's or supplier's invoice. However, as to the construction of improvements to the county park system, in no event shall any credit be granted in excess of the estimated construction costs provided by a professional architect or engineer and approved by the county unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost of construction. The cost of professional services shall be competitively bid in accordance with F.S. § 287.055, in order to be eligible for impact fee credits; and
- (3) The land donations, construction and capital equipment contributions shall only provide improvements or additions to the county park system required to accommodate growth and such land donations, construction or capital equipment contributions must be provided within the same park district as the subject residential construction.

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

- (1) The timing of actions to be taken by the applicant and the obligations and responsibilities of the applicant, including, but not limited to, the construction standards and requirements to be complied with;
- (2) The obligations and responsibilities of the board of county commissioners, including but not limited to inspection of the project; and
- (3) The amount of the credit as determined in accordance with subsection (7) of this section.

(i) A credit for the donation of land shall be granted at such time as the property which is the subject of the donation has been conveyed to and accepted by the county. A credit for the construction of an improvement or donation of capital equipment to the county park system shall be granted at such time as the construction is completed, approved and accepted by the county or the time the capital equipment is approved and accepted by the county. The administration of said contribution credits shall be the responsibility of the county manager or designee.

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

refunded to the applicant or owner.

(k) Credits provided pursuant to this section shall not be transferable from one (1) residential construction to another nor from one (1) park district to another.  
(Ord. No. 2007-60, § 1, 12-11-07)

**Sec. 22-58. Reserved.**

## **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, as outlined in section 22-60.
- (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 construction should pay its fair share of the cost of maintaining the county's



existing standard of service.

(8) The purpose of this article is to require payment of library impact fees by residential construction and to provide for the cost of capital improvements to the county library system which are required to accommodate such growth. This article shall not be construed to permit the collection of library impact fees in excess of the amount reasonably anticipated to offset the demand on the county library system generated by such residential construction.

(9) Any required improvements and additions to the county library system needed to eliminate any deficiencies shall be financed by revenue sources of the county other than library impact fees.

(Ord. No. 2007-60, § 1, 12-11-07; Ord. No. 2009-33, § 5, 6-23-09)

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

(1) All residential construction occurring within the incorporated and unincorporated areas of the county shall pay the following library impact fees:

Single-family detached house, per dwelling unit . . . . \$191.00

Multi-family, per dwelling unit . . . . 146.00

Mobile home, per dwelling unit . . . . 152.00

(2) A credit shall be granted for any municipal library impact fee paid, provided proof of payment is submitted to the county at the time the county library impact fee is imposed. Such credit shall be applied at the time of the imposition of the county library impact fee and shall not exceed the total of the library impact fee imposed by the county.

(Ord. No. 2007-60, § 1, 12-11-07; Ord. No. 2009-33, § 6, 6-23-09)

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

(a) The board of county commissioners hereby establishes a separate trust account for the library impact fees, to be designated as the "library impact fee trust account," which shall be maintained separate and apart from all other accounts of the county.

(b) The monies deposited into the library impact fee trust account shall be used solely for the purpose of constructing or improving the county library system, including, but not limited to:

- (1) Design and construction plan preparation;
- (2) Permitting and fees;
- (3) Land acquisition, including any costs of acquisition or condemnation;
- (4) Construction and design of new library facilities;

- (5) Design and construction of new drainage facilities required by the construction of improvements and additions to the county library system;
- (6) Relocating utilities required by the construction of improvements and additions to the county library system;
- (7) Landscaping;
- (8) Construction management and inspection;
- (9) Surveying, soils and materials testing;
- (10) Acquisition of collection items, public access computers and other capital equipment utilized by the county to provide library services within the county library system;
- (11) 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;
- (12) Costs related to the administration, collection and implementation of the library impact fee; and
- (13) 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.

(Ord. No. 2007-60, § 1, 12-11-07)

**Sec. 22-62. Alternative library impact fee.**

(a) 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.

(b) For purposes of any alternative library impact fee calculation, the residential construction shall be presumed to have the maximum impact on the county library system.

(c) The alternative library impact fee calculation shall be based on data, information or assumptions contained in this article and the library impact fee study or independent sources, provided that:

- (1) The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost

impact analysis which is consistent with the impact fee study; or

- (2) The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the impact fee study.

(d) If the county manager or designee determines that the data, information and assumptions utilized by the applicant comply with the requirements of this section and that the calculation of the alternative library impact fee was by a generally accepted methodology, then the alternative library impact fee shall be paid in lieu of the fees adopted in section 22-60.

(e) If the county manager or designee determines that the data, information and assumptions utilized by the applicant to compute an alternative library impact fee do not comply with the requirements of this section, then the county manager or designee shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection and the reasons therefore  
(Ord. No. 2007-60, § 1, 12-11-07)

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

(a) In order to provide lands to meet the need for county library system sites created by residential construction or to provide necessary county library system capital equipment or facilities, a developer of residential construction may dedicate suitable land, facilities or capital equipment to the county in lieu of paying the library impact fee imposed in section 22-60, as agreed to by the county.

(b) Any land, capital equipment or facilities dedicated to the county in lieu of paying the library impact fee imposed in section 22-60 must be acceptable to the county in terms of suitable size, dimension, soil type, topography, dimensions, location, accessibility and general character, type and specifications.

(c) 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.

(d) 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:

- (1) A designation of the residential construction for which the plan is being submitted;
- (2) A legal description of any land proposed to be donated and a written appraisal prepared in conformity with subsection (g) of this section;
- (3) 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

(4) A proposed time schedule for completion of the proposed plan.

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

(f) In reviewing the proposed plan, the county manager or designee shall determine:

(1) If such proposed plan is in conformity with contemplated improvements and additions to the county library system;

(2) If the proposed donation of land or capital equipment and construction by the applicant is consistent with the public interest; and

(3) If the proposed time schedule is consistent with the capital improvement program for the county library system.

(g) The amount of developer contribution credit shall be determined as follows:

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

(2) The value of the construction of an improvement to the county library system or the value of donated capital equipment shall be based upon the actual cost of construction or acquisition of said improvement or capital equipment as certified by a professional architect or engineer or as shown by a manufacturer's or supplier's invoice. However, as to the construction of improvements to the county library system, in no event shall any credit be granted in excess of the estimated construction costs provided by a professional architect or engineer and approved by the county unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost. The cost of professional services shall be competitively bid in accordance with F.S. § 287.055, in order to be eligible for impact fee credits; and

(3) The land donations, construction and capital equipment contributions shall only provide

improvements or additions to the county library system required to accommodate growth.

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

- (1) The timing of actions to be taken by the applicant and the obligations and responsibilities of the applicant, including, but not limited to, the construction standards and requirements to be complied with;
- (2) The obligations and responsibilities of the board of county commissioners, including but not limited to inspection of the project; and
- (3) The amount of the credit as determined in accordance with subsection (7) of this section.

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

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

(k) Credits provided pursuant to this section shall not be transferable from one (1) residential construction to another.

(Ord. No. 2007-60, § 1, 12-11-07)