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ORDINANCE 1, 2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND DEVELOPMENT, AT DIVISION 4. CITYWIDE IMPACT FEES, BY REPEALING ARTICLE III. DEVELOPMENT REVIEW PROCEDURES, IN ITS ENTIRETY AND READOPTING SAME, AS REVISED, IN ORDER TO REVISE THE CITY'S IMPACT FEES IN ACCORDANCE WITH MOST RECENT LOCALIZED DATA; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 17, 2000, adopted on June 2, 2000, and amended by Ordinance 31, 2000 on December 5, 2000, and further amended by Ordinance 11, 2001 on August 2, 2001, and Ordinance 38, 2004 on September 30, 2004, and Ordinance 17, 2011 on November 3, 2011, imposes impact fees within the corporate limits of the City; and

WHEREAS, Section 78-95. Review. of the Code of Ordinances requires that the schedule of each impact fee be reviewed periodically to reflect current changes to the cost, credit, and demand components, and that where review warrants a change in impact fees, the Division shall be amended; and

WHEREAS, this Ordinance for petition LDRA-15-10-000058 was reviewed by the Planning, Zoning, and Appeals Board, sitting as the Local Planning Agency, at a public hearing on August 9, 2016, and the Board recommended approval by a vote of 7 to 0; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA that:

SECTION 1. Chapter 78, Land Development of the Code of Ordinances of the City of Palm Beach Gardens, Florida is hereby repealed and readopted, as revised, providing that Article III. Development Review Procedures, Division 4. Citywide Impact Fees of Chapter 78, Land Development shall hereafter read as follows:

See Exhibit "A", which is attached hereto and made a part hereof.

1
2 **SECTION 2.** All ordinances or parts of ordinances in conflict be and the same are
3 hereby repealed.
4

5 **SECTION 3.** Should any section or provision of this Ordinance or any portion
6 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction
7 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.
8

9 **SECTION 4.** Specific authority is hereby given to codify this Ordinance.
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11 **SECTION 5.** This Ordinance shall become effective immediately upon adoption.
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1 PASSED this 8th day of SEPTEMBER, 2016, upon first reading.

2
3 PASSED AND ADOPTED this _____ day of _____, 2016, upon
4 second and final reading.

5
6
7 CITY OF PALM BEACH GARDENS FOR AGAINST ABSENT

8
9 BY: _____
10 Marcie Tinsley, Mayor

11
12 _____
13 Eric Jablin, Vice Mayor

14
15 _____
16 Robert G. Premuroso, Councilmember

17
18 _____
19 Maria Marino, Councilmember

20
21 _____
22 Carl W. Woods, Councilmember

23
24 ATTEST:

25
26
27 BY: _____
28 Patricia Snider, CMC, City Clerk

29
30 APPROVED AS TO FORM AND
31 LEGAL SUFFICIENCY

32
33
34 BY: _____
35 R. Max Lohman, City Attorney



EXHIBIT "A"

Chapter 78

Land Development

Article III. Development Review Procedures

Division 4. Citywide Impact Fees

9	Sec. 78-91.	Applicability.
10	Sec. 78-92.	Fees.
11	Sec. 78-93.	Reserved.
12	Sec. 78-94.	Reserved.
13	Sec. 78-95.	Review.
14	Sec. 78-96.	Trust funds.
15	Sec. 78-97.	Collection and administrative fees.
16	Sec. 78-98.	Refund.
17	Sec. 78-99	Exemptions and credits.
18	Sec. 78-100.	Appeals.
19	Sec. 78-101.	Liens and withholding of permits for nonpayment.
20	Sec. 78-102.	Violations and relief.
21	Sec. 78-103 – 78-110	Reserved.

DIVISION 4. CITYWIDE IMPACT FEES

Sec. 78-91. Applicability.

(a) *Applicability.* This article shall apply to the incorporated portions of the city.

(b) *Intent and purpose.* This division shall implement the city's comprehensive plan. The purpose of this division is to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide road, parks and recreation, police, fire/emergency medical service protection services, and public facilities in the city as established by the comprehensive plan.

(c) *Rules of construction.* The provisions of this division shall be liberally construed so as to effectively carry out its purpose in the interest of public health, safety, and welfare. For purposes of administration and enforcement of this article, unless otherwise stated in this article, the rules of construction listed below shall apply to the text of this division.

- (1) If there is any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.
- (2) The term "shall" is always mandatory and not discretionary; the term "may" is permissive.
- (3) Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- (4) The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."
- (5) The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (6) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
 - a. "and" indicates that all the connected items, conditions, provisions, or events shall apply;
 - b. "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination; and

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

4 (7) The term "includes" shall not limit a term to the specific example, but is intended
 5 to extend its meaning to all other instances or circumstances of like kind or
 6 character.
 7

8 (8) Unless the context clearly indicates to the contrary, the terms "public safety,"
 9 "police protection," "fire protection," "emergency medical services (EMS)," "parks
 10 and recreation", "public facilities", and "public buildings" shall have the same
 11 meanings given those terms in the city's comprehensive plan.
 12

13 (9) For the purposes of this division, the term "road" shall mean those roads
 14 identified in the city's thoroughfare plan and city center linkages plan, as
 15 incorporated into the city's comprehensive plan.
 16

17 (10) The land use types listed in section 78-92 for police, fire/EMS, parks and
 18 recreation, and public facilities fees shall have the same meaning as in article IV
 19 pertaining to zoning. The land use types listed in section 78-92 for collector road
 20 fees shall be as described in the latest edition of the Institute for Transportation
 21 Engineers, *Trip Generation* manual, or as determined by the city engineer.
 22

23 (d) *Imposition of fees.*
 24

25 (1) *Fees required.* Any person who seeks to develop land by applying for the
 26 issuance of a building permit for one of the land use types specified in section
 27 78-92 shall be required to pay an impact fee for the following services: roads,
 28 police protection, fire protection/EMS, parks and recreation, and public facilities
 29 in the manner and amount set forth in this chapter.
 30

31 (2) *Building permits.* A building permit shall not be issued until all applicable impact
 32 fees required have been paid. The amount of the impact fees shall be as set
 33 forth in the schedules provided herein.
 34

35 (3) *Existing uses.* When change of use, redevelopment, or modification of an
 36 existing use requires the issuance of a building permit, any impact fees imposed
 37 shall be based upon the net increase in the impact fee for the new use as
 38 compared to the previous and/or "like" use as set forth in the schedules provided
 39 herein below and as determined by City policy. Changes in use that do not
 40 require a building permit, but yield a net increase in applicable impact fees shall
 41 not be allowed until the net impact fees associated with that change in use have
 42 been paid.
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1 **Sec. 78-92. Fees.**
 2

3 The amount of the impact fees shall be determined by the schedules contained
 4 herein.
 5
 6

PARKS AND RECREATION

LUC	Land Use	Impact Unit	Parks and Rec. Calculated Impact Fee
Residential:			
210	Single Family (detached/attached):		
	- Less than 1,500 sf	du	\$3,363
	- 1,500 to 2,499 sf	du	\$3,703
	- 2,500 sf or more	du	\$4,114
220/230	Multi-Family (Apartment/Condo):		
	- Less than 1,000 sf	du	\$2,450
	- 1,000 sf or more	du	\$3,041
240	Mobile Home	du	\$3,381
Transient, Assisted, Group:			
253	Congregate Care Facility	du	\$1,746
254	Assisted Living Facility	bed	\$1,575
620	Nursing Home	1,000 sf	\$2,980
310	Hotel	room	\$2,638
Recreational:			
412	General Recreation	acre	N/A
443	Movie Theater	seat	N/A
491	Racquet/Tennis Club	court	N/A
495	Recreational Community Center	1,000 sf	N/A
Institution:			
520	Elementary School (Private)	student	N/A
522	Middle School (Private)	student	N/A
530	High School (Private)	student	N/A
540	University (7,500 or fewer students) (Private)	student	N/A
550	University (more than 7,500 students) (Private)	student	N/A
560	Church/Synagogue	1,000 sf	N/A
565	Day Care Center	1,000 sf	N/A
566	Cemetery	acre	N/A
610	Hospital	1,000 sf	N/A
640	Animal Hospital/Veterinary Clinic	1,000 sf	N/A
n/a	Funeral Home	1,000 sf	N/A

Office:			
710	Office (50,000 sf and less)	1,000 sf	N/A
	Office (50,001 - 100,000 sf)	1,000 sf	N/A
	Office (100,001 - 200,000 sf)	1,000 sf	N/A
	Office (200,001 - 400,000 sf)	1,000 sf	N/A
	Office (greater than 400,000 sf)	1,000 sf	N/A
720	Medical Office (less than 10,000 sf)	1,000 sf	N/A
720	Medical Office (10,000 sf and greater)	1,000 sf	N/A
Retail:			
820	Retail 50,000 sf and less	1,000 sf	N/A
	Retail 50,001 - 200,000 sf	1,000 sf	N/A
	Retail 200,001 - 400,000 sf	1,000 sf	N/A
	Retail 400,001 - 600,000 sf	1,000 sf	N/A
	Retail 600,001 - 800,000 sf	1,000 sf	N/A
	Retail greater than 800,000 sf	1,000 sf	N/A
841	New/Used Car Sales	1,000 sf	N/A
853	Convenience Store w/Gas Pumps	1,000 sf	N/A
880	Pharmacy/Drugstore without Drive-Thru	1,000 sf	N/A
881	Pharmacy/Drugstore with Drive-Thru	1,000 sf	N/A
890	Furniture Store	1,000 sf	N/A
911	Bank/Savings Walk-In	1,000 sf	N/A
912	Bank/Savings Drive-In	1,000 sf	N/A
931	Quality Restaurant	1,000 sf	N/A
932	High-Turnover Restaurant	1,000 sf	N/A
934	Fast-Food Rest. w/Drive-Thru	1,000 sf	N/A
941	Quick Lube	bay	N/A
942	Automobile Care Center	1,000 sf	N/A
944	Gas/Service Station	fuel pos.	N/A
945	Gas/Service Station with Convenience Market	fuel pos.	N/A
947	Car Wash	bay	N/A
Industrial:			
110	General Industrial	1,000 sf	N/A
150	Warehousing	1,000 sf	N/A
151	Mini-Warehouse	1,000 sf	N/A

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FIRE RESCUE

LUC	Land Use	Impact Unit	Fire Rescue Calculated Impact Fee
Residential:			
210	Single Family (detached/attached):		
	- Less than 1,500 sf	du	\$424.73
	- 1,500 to 2,499 sf	du	\$468.56
	- 2,500 sf or more	du	\$519.12
220/230	Multi-Family (Apartment/Condo):		
	- Less than 1,000 sf	du	\$310.12
	- 1,000 sf or more	du	\$384.28
240	Mobile Home	du	\$428.10
Transient, Assisted, Group:			
253	Congregate Care Facility	du	\$289.50
254	Assisted Living Facility	bed	\$303.97
620	Nursing Home	1,000 sf	\$470.43
310	Hotel	room	\$329.30
Recreational:			
412	General Recreation	acre	\$72.37
443	Movie Theater	seat	\$36.19
491	Racquet/Tennis Club	court	\$1,143.51
495	Recreational Community Center	1,000 sf	\$1,053.04
Institution:			
520	Elementary School (Private)	student	\$21.71
522	Middle School (Private)	student	\$25.33
530	High School (Private)	student	\$28.95
540	University (7,500 or fewer students) (Private)	student	\$36.19
550	University (more than 7,500 students) (Private)	student	\$25.33
560	Church/Synagogue	1,000 sf	\$184.55
565	Day Care Center	1,000 sf	\$322.06
566	Cemetery	acre	\$43.42
610	Hospital	1,000 sf	\$495.76
640	Animal Hospital/Veterinary Clinic	1,000 sf	\$839.54
n/a	Funeral Home	1,000 sf	\$199.03
Office:			
710	Office (50,000 sf and less)	1,000 sf	\$510.24
	Office (50,001 - 100,000 sf)	1,000 sf	\$430.63
	Office (100,001 - 200,000 sf)	1,000 sf	\$365.49
	Office (200,001 - 400,000 sf)	1,000 sf	\$307.59

	Office (greater than 400,000 sf)	1,000 sf	\$278.64
720	Medical Office (less than 10,000 sf)	1,000 sf	\$412.53
720	Medical Office (10,000 sf and greater)	1,000 sf	\$600.70
Retail:			
820	Retail 50,000 sf and less	1,000 sf	\$886.58
	Retail 50,001 - 200,000 sf	1,000 sf	\$832.30
	Retail 200,001 - 400,000 sf	1,000 sf	\$846.78
	Retail 400,001 - 600,000 sf	1,000 sf	\$882.96
	Retail 600,001 - 800,000 sf	1,000 sf	\$922.77
	Retail greater than 800,000 sf	1,000 sf	\$875.73
841	New/Used Car Sales	1,000 sf	\$531.95
853	Convenience Store w/Gas Pumps	1,000 sf	\$2,109.70
880	Pharmacy/Drugstore without Drive-Thru	1,000 sf	\$687.55
881	Pharmacy/Drugstore with Drive-Thru	1,000 sf	\$720.12
890	Furniture Store	1,000 sf	\$83.23
911	Bank/Savings Walk-In	1,000 sf	\$806.97
912	Bank/Savings Drive-In	1,000 sf	\$825.06
931	Quality Restaurant	1,000 sf	\$2,467.95
932	High-Turnover Restaurant	1,000 sf	\$2,453.48
934	Fast-Food Rest. w/Drive-Thru	1,000 sf	\$3,220.64
941	Quick Lube	bay	\$419.77
942	Automobile Care Center	1,000 sf	\$542.81
944	Gas/Service Station	fuel pos.	\$716.50
945	Gas/Service Station with Convenience Market	fuel pos.	\$705.65
947	Car Wash	bay	\$314.83
Industrial:			
110	General Industrial	1,000 sf	\$249.69
150	Warehousing	1,000 sf	\$101.32
151	Mini-Warehouse	1,000 sf	\$21.71

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POLICE

LUC	Land Use	Impact Unit	Police Protection Calculated Impact Fee
Residential:			
210	Single Family (detached/attached):		
	- Less than 1,500 sf	du	\$278.60
	- 1,500 to 2,499 sf	du	\$307.34
	- 2,500 sf or more	du	\$340.51
220/230	Multi-Family (Apartment/Condo):		
	- Less than 1,000 sf	du	\$203.42
	- 1,000 sf or more	du	\$252.07
240	Mobile Home	du	\$280.81
Transient, Assisted, Group:			
253	Congregate Care Facility	du	\$207.34
254	Assisted Living Facility	bed	\$217.70
620	Nursing Home	1,000 sf	\$336.92
310	Hotel	room	\$235.84
Recreational:			
412	General Recreation	acre	\$51.83
443	Movie Theater	seat	\$25.92
491	Racquet/Tennis Club	court	\$818.98
495	Recreational Community Center	1,000 sf	\$754.18
Institution:			
520	Elementary School (Private)	student	\$15.55
522	Middle School (Private)	student	\$18.14
530	High School (Private)	student	\$20.73
540	University (7,500 or fewer students) (Private)	student	\$25.92
550	University (more than 7,500 students) (Private)	student	\$18.14
560	Church/Synagogue	1,000 sf	\$132.18
565	Day Care Center	1,000 sf	\$230.66
566	Cemetery	acre	\$31.10
610	Hospital	1,000 sf	\$355.06
640	Animal Hospital/Veterinary Clinic	1,000 sf	\$601.27
n/a	Funeral Home	1,000 sf	\$142.54
Office:			
710	Office (50,000 sf and less)	1,000 sf	\$365.43
	Office (50,001 - 100,000 sf)	1,000 sf	\$308.41
	Office (100,001 - 200,000 sf)	1,000 sf	\$261.76
	Office (200,001 - 400,000 sf)	1,000 sf	\$220.29

	Office (greater than 400,000 sf)	1,000 sf	\$199.56
720	Medical Office (less than 10,000 sf)	1,000 sf	\$295.45
720	Medical Office (10,000 sf and greater)	1,000 sf	\$430.22
Retail:			
820	Retail 50,000 sf and less	1,000 sf	\$634.97
	Retail 50,001 - 200,000 sf	1,000 sf	\$596.09
	Retail 200,001 - 400,000 sf	1,000 sf	\$606.46
	Retail 400,001 - 600,000 sf	1,000 sf	\$632.37
	Retail 600,001 - 800,000 sf	1,000 sf	\$660.88
	Retail greater than 800,000 sf	1,000 sf	\$627.19
841	New/Used Car Sales	1,000 sf	\$380.98
853	Convenience Store w/Gas Pumps	1,000 sf	\$1,510.96
880	Pharmacy/Drugstore without Drive-Thru	1,000 sf	\$492.42
881	Pharmacy/Drugstore with Drive-Thru	1,000 sf	\$515.75
890	Furniture Store	1,000 sf	\$59.61
911	Bank/Savings Walk-In	1,000 sf	\$577.95
912	Bank/Savings Drive-In	1,000 sf	\$590.91
931	Quality Restaurant	1,000 sf	\$1,767.54
932	High-Turnover Restaurant	1,000 sf	\$1,757.17
934	Fast-Food Rest. w/Drive-Thru	1,000 sf	\$2,306.61
941	Quick Lube	bay	\$300.64
942	Automobile Care Center	1,000 sf	\$388.76
944	Gas/Service Station	fuel pos.	\$513.16
945	Gas/Service Station with Convenience Market	fuel pos.	\$505.38
947	Car Wash	bay	\$225.48
Industrial:			
110	General Industrial	1,000 sf	\$178.83
150	Warehousing	1,000 sf	\$72.57
151	Mini-Warehouse	1,000 sf	\$15.55

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TRANSPORTATION (ROADS)

LUC	Land Use	Impact Unit	Transportation Calculated Impact Fee
Residential:			
210	Single Family (detached/attached):		
	- Less than 1,500 sf	du	\$1,493
	- 1,500 to 2,499 sf	du	\$1,779
	- 2,500 sf or more	du	\$2,097
220/230	Multi-Family (Apartment/Condo):		
	- Less than 1,000 sf	du	\$1,107
	- 1,000 sf or more	du	\$1,107
240	Mobile Home	du	\$662
Transient, Assisted, Group:			
253	Congregate Care Facility	du	\$176
254	Assisted Living Facility	bed	\$209
620	Nursing Home	1,000 sf	\$602
310	Hotel	room	\$896
Recreational:			
412	General Recreation	acre	\$372
443	Movie Theater	seat	\$122
491	Racquet/Tennis Club	court	\$6,442
495	Recreational Community Center	1,000 sf	\$5,368
Institution:			
520	Elementary School (Private)	student	\$158
522	Middle School (Private)	student	\$222
530	High School (Private)	student	\$217
540	University (7,500 or fewer students) (Private)	student	\$404
550	University (more than 7,500 students) (Private)	student	\$299
560	Church/Synagogue	1,000 sf	\$1,097
565	Day Care Center	1,000 sf	\$3,640
566	Cemetery	acre	\$1,019
610	Hospital	1,000 sf	\$2,334
640	Animal Hospital/Veterinary Clinic	1,000 sf	\$1,487
n/a	Funeral Home	1,000 sf	\$428
Office:			
710	Office (50,000 sf and less)	1,000 sf	\$2,531
	Office (50,001 - 100,000 sf)	1,000 sf	\$2,132
	Office (100,001 - 200,000 sf)	1,000 sf	\$1,814
	Office (200,001 - 400,000 sf)	1,000 sf	\$1,544

	Office (greater than 400,000 sf)	1,000 sf	\$1,397
720	Medical Office (less than 10,000 sf)	1,000 sf	\$4,047
720	Medical Office (10,000 sf and greater)	1,000 sf	\$5,899
Retail:			
820	Retail 50,000 sf and less	1,000 sf	\$3,095
	Retail 50,001 - 200,000 sf	1,000 sf	\$2,941
	Retail 200,001 - 400,000 sf	1,000 sf	\$2,777
	Retail 400,001 - 600,000 sf	1,000 sf	\$2,710
	Retail 600,001 - 800,000 sf	1,000 sf	\$2,771
	Retail greater than 800,000 sf	1,000 sf	\$2,816
841	New/Used Car Sales	1,000 sf	\$3,530
853	Convenience Store w/Gas Pumps	1,000 sf	\$11,172
880	Pharmacy/Drugstore without Drive-Thru	1,000 sf	\$2,047
881	Pharmacy/Drugstore with Drive-Thru	1,000 sf	\$2,388
890	Furniture Store	1,000 sf	\$572
911	Bank/Savings Walk-In	1,000 sf	\$4,711
912	Bank/Savings Drive-In	1,000 sf	\$6,180
931	Quality Restaurant	1,000 sf	\$7,581
932	High-Turnover Restaurant	1,000 sf	\$9,021
934	Fast-Food Rest. w/Drive-Thru	1,000 sf	\$20,811
941	Quick Lube	bay	\$3,585
942	Automobile Care Center	1,000 sf	\$2,828
944	Gas/Service Station	fuel pos.	\$2,513
945	Gas/Service Station with Convenience Market	fuel pos.	\$2,442
947	Car Wash	bay	\$2,231
Industrial:			
110	General Industrial	1,000 sf	\$1,135
150	Warehousing	1,000 sf	\$580
151	Mini-Warehouse	1,000 sf	\$217

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PUBLIC FACILITIES

LUC	Land Use	Impact Unit	Public Facilities Calculated Impact Fee
Residential:			
210	Single Family (detached/attached):		
	- Less than 1,500 sf	du	\$188.90
	- 1,500 to 2,499 sf	du	\$208.39
	- 2,500 sf or more	du	\$230.88
220/230	Multi-Family (Apartment/Condo):		
	- Less than 1,000 sf	du	\$137.93
	- 1,000 sf or more	du	\$170.91
240	Mobile Home	du	\$190.40
Transient, Assisted, Group:			
253	Congregate Care Facility	du	\$128.24
254	Assisted Living Facility	bed	\$134.65
620	Nursing Home	1,000 sf	\$208.39
310	Hotel	room	\$145.87
Recreational:			
412	General Recreation	acre	\$32.06
443	Movie Theater	seat	\$16.03
491	Racquet/Tennis Club	court	\$506.55
495	Recreational Community Center	1,000 sf	\$466.47
Institution:			
520	Elementary School (Private)	student	\$9.62
522	Middle School (Private)	student	\$11.22
530	High School (Private)	student	\$12.82
540	University (7,500 or fewer students) (Private)	student	\$16.03
550	University (more than 7,500 students) (Private)	student	\$11.22
560	Church/Synagogue	1,000 sf	\$81.75
565	Day Care Center	1,000 sf	\$142.67
566	Cemetery	acre	\$19.24
610	Hospital	1,000 sf	\$219.61
640	Animal Hospital/Veterinary Clinic	1,000 sf	\$371.90
n/a	Funeral Home	1,000 sf	\$88.17
Office:			
710	Office (50,000 sf and less)	1,000 sf	\$226.02
	Office (50,001 - 100,000 sf)	1,000 sf	\$190.76
	Office (100,001 - 200,000 sf)	1,000 sf	\$161.90
	Office (200,001 - 400,000 sf)	1,000 sf	\$136.26

	Office (greater than 400,000 sf)	1,000 sf	\$123.43
720	Medical Office (less than 10,000 sf)	1,000 sf	\$182.74
720	Medical Office (10,000 sf and greater)	1,000 sf	\$266.10
Retail:			
820	Retail 50,000 sf and less	1,000 sf	\$392.74
	Retail 50,001 - 200,000 sf	1,000 sf	\$368.69
	Retail 200,001 - 400,000 sf	1,000 sf	\$375.10
	Retail 400,001 - 600,000 sf	1,000 sf	\$391.13
	Retail 600,001 - 800,000 sf	1,000 sf	\$408.77
	Retail greater than 800,000 sf	1,000 sf	\$387.93
841	New/Used Car Sales	1,000 sf	\$235.64
853	Convenience Store w/Gas Pumps	1,000 sf	\$934.55
880	Pharmacy/Drugstore without Drive-Thru	1,000 sf	\$304.57
881	Pharmacy/Drugstore with Drive-Thru	1,000 sf	\$319.00
890	Furniture Store	1,000 sf	\$36.87
911	Bank/Savings Walk-In	1,000 sf	\$357.47
912	Bank/Savings Drive-In	1,000 sf	\$365.48
931	Quality Restaurant	1,000 sf	\$1,093.25
932	High-Turnover Restaurant	1,000 sf	\$1,086.83
934	Fast-Food Rest. w/Drive-Thru	1,000 sf	\$1,426.67
941	Quick Lube	bay	\$185.95
942	Automobile Care Center	1,000 sf	\$240.45
944	Gas/Service Station	fuel pos.	\$317.39
945	Gas/Service Station with Convenience Market	fuel pos.	\$312.59
947	Car Wash	bay	\$139.46
Industrial:			
110	General Industrial	1,000 sf	\$110.61
150	Warehousing	1,000 sf	\$44.88
151	Mini-Warehouse	1,000 sf	\$9.62

1
2 **Secs. 78-93 – 78-94. Reserved.**

3
4 **Sec. 78-95. Review.**

5
6 (a) Under this article, the schedule of each impact fee shall be reviewed from time
7 to time to update costs, credits, and generation rates. Additionally, during this review
8 period, an analysis of the level of service for each impact fee shall be included and based
9 on the most recent and localized data. When any such review warrants a revision to the
10 schedule of impact fees, this chapter shall be amended.
11
12
13
14

1 **Sec. 78-96. Trust funds.**

2
 3 (a) *Trust funds established.* There are established five (5) impact fee trust funds:
 4 one (1) for roads, one (1) for police protection, one (1) for fire protection and EMS, one
 5 (1) for parks and recreation, and one (1) for public facilities.

6
 7 (1) *Police protection trust fund.* The police protection impact fees shall be deposited
 8 in the police protection impact fee trust fund.

9
 10 (2) *Fire and EMS trust fund.* The fire protection and EMS impact fees shall be
 11 deposited in the fire protection impact fee trust fund.

12
 13 (3) *Parks and recreation trust fund.* The parks and recreation impact fees shall be
 14 deposited in the parks and recreation impact fee trust fund.

15
 16 (4) *Road trust fund.* The road impact fees shall be deposited in the road impact fee
 17 trust fund.

18
 19 (5) *Public facilities trust fund.* The public facilities fees shall be deposited in the
 20 public facilities impact fee trust fund.

21
 22 (b) *Investment, use, and budgeting.*

23
 24 (1) *Investment.* The trust funds shall be invested by the city in interest-bearing
 25 sources, and all income derived shall accrue to the applicable trust fund.

26
 27 (2) *Use.* The funds shall be used only for capital improvement costs for which the
 28 impact fee was levied and which would add capacity needed to serve new
 29 development.

30
 31 (3) *Budgeting.* The city manager shall identify in the city's annual budget those new
 32 capital improvements for which the road, police protection, fire protection, parks
 33 and recreation, and public facilities impact fees will be spent. The funds shall
 34 remain restricted to their respective trust funds and the requirements of this
 35 division, and the city manager shall ensure that the funds are expended and
 36 accounted for in accordance with this division.

37
 38 (4) *Audit.* The city manager shall maintain such records and documentation
 39 necessary to allow the effective audit of the use of the road, police protection,
 40 fire protection/EMS, parks and recreation, and public facilities impact fees.

41
 42 **Sec. 78-97. Collection and administrative fees.**

43
 44 (a) *Time of payment.* The fee payer shall pay the road, police protection, fire
 45 protection/EMS, parks and recreation, and public facilities impact fees to the city prior to
 46 the issuance of a building permit that may be required for development listed in the

1 schedules in section 78-92. A building permit shall not be issued for any development,
2 unless exempt from such fees as provided herein, until such fees have been paid or until
3 the city has accepted alternative payment as set out in this section; provided, however,
4 that alternative payments for road impact fees shall be governed exclusively by section
5 78-97(d) below. For land uses not requiring a building permit, the authorization to proceed
6 shall not be granted until the impact fees have been paid.
7

8 (b) *Alternative payment.* In lieu of all or part of the impact fees, the city council may
9 accept an offer by a fee payer to dedicate land and/or construct all or part of a police
10 protection, fire protection/EMS, parks and recreation, or public facilities project. Such
11 construction must be in accordance with state, county, or city design standards,
12 whichever is applicable.
13

14 (1) Project construction. The fee payer shall submit a project description in sufficient
15 detail to allow the city to prepare an engineering and construction cost estimate.
16

17 (2) Land value. The manner of establishing fair market value of land to be dedicated
18 shall be determined by the city council. Costs to determine the land value, such
19 as an appraisal, shall be paid by the fee payer.
20

21 (c) *Acceptance.* If the city council accepts alternative payment, the city manager
22 shall credit the cost of this construction against the police protection, fire protection/EMS,
23 parks and recreation, or public facilities impact fees otherwise due. The portion of the fee
24 represented by facilities construction shall be deemed paid as follows:
25

26 (1) When the construction is completed and accepted by the city;
27

28 (2) When the fee payer posts security, as provided herein, for the costs of such
29 construction; or
30

31 (3) When the city has accepted title to land dedicated by the fee payer as full or
32 partial credit for a required impact fee payment.
33

34 All land dedicated to the city shall be conveyed free of any liens via warranty
35 deed and the costs of conveyance shall be paid by the fee payer. Title insurance
36 in favor of the city or an attorney's opinion of title shall be provided in a manner
37 acceptable to the city attorney.
38

39 (d) *Surety or security.* Security shall be posted with the city council, made payable
40 to the city in an amount approved by the city manager equal to 110 percent of the full cost
41 of such construction. If the construction project will not be constructed within one (1) year
42 of the acceptance of the offer by the city council, the amount of the security shall be
43 increased by ten percent compounded for each year of the life of the security. The type
44 and form of the security shall be reviewed and approved by the city manager's office prior
45 to acceptance of the security by city council.
46

1 (e) *Deposit of funds.* All funds collected pursuant to this division shall be promptly
 2 transferred for deposit into the appropriate trust fund to be held in separate accounts as
 3 determined in section 78-96. Impact fee collections shall be used exclusively for land
 4 acquisition, capital improvements, or expansion related to the public purpose for which
 5 such fees were collected, with the exception of impact fee administrative costs pursuant
 6 to paragraph (f) below. Funds shall be expended in the order in which they are collected.
 7

8 (f) *Administrative fee.* The city shall be entitled to retain a portion of the impact fees
 9 it collects in order to offset the actual costs incurred administering this article. If impact
 10 fee funds which were paid by check, draft, or other negotiable instrument do not clear,
 11 the building permit or development order authorizing the development for which the
 12 impact fees were paid shall be suspended. The city shall send to the fee payer by certified
 13 mail notice of the suspension of a development order. If the impact fees, together with
 14 any charges for the funds not clearing, are not paid within ten (10) business days following
 15 mailing of the notice, the building permit or development order shall be of no further force
 16 and effect for purposes of this article and a stop-work order shall be issued. The stop-
 17 work order shall not be lifted until such time as the impact fees are paid.
 18

19 **Sec. 78-98. Refund.**

20
 21 (a) *Expiration of building permit.* If a building permit expires and no construction has
 22 been commenced, the fee payer shall be entitled to a refund of the impact fees paid as a
 23 condition for its issuance, less any administrative fees incurred as a result of
 24 administering this article. No interest will be paid to the fee payer on refunds due to
 25 noncommencement. Refunds resulting from the city's miscalculation of impact fees shall
 26 not be charged the administrative fees on the amount refunded.
 27

28 (b) *Change in status.* No refunds shall be given for a change in land use or structure
 29 after occupancy has occurred.
 30

31 (c) *Return of fees.* Any funds not expended or encumbered by the end of the
 32 calendar quarter immediately following six (6) years from the date the impact fee was paid
 33 shall, upon application of the fee payer within 180 days of that date, be returned to the
 34 fee payer with interest at the rate of six percent per annum.
 35

36 **Sec. 78-99. Exemptions and credits.**

37
 38 (a) *Exemptions.* Exemptions from payment of impact fees are established below.

- 39
 40 (1) No additional demand. Alteration or expansion of an existing building or use of
 41 land where no additional living units are created, where the use is not changed,
 42 and where no additional demand for road, police, or fire protection services will
 43 be produced over and above that produced by the existing use.
 44
 45
 46

- 1 (2) No additional living or dwelling units. The construction of accessory buildings or
2 structures that will not produce additional living units over and above those
3 located in the principal building or use of the land.
4
- 5 (3) Replacement. The replacement of a building, mobile home, or structure that was
6 in place on the effective date of the ordinance from which this article derives or
7 the replacement of a building, mobile home, or structure that was constructed
8 subsequent thereto and for which the correct impact fee had been paid or
9 otherwise provided for, with a new building, mobile home, or structure of the
10 same use, provided that no additional impact will be produced over and above
11 that produced by the original use of the land.
12
- 13 (4) Public facilities. The construction of publicly owned governmental buildings or
14 facilities.
15
- 16 (5) Abandonments. A use of a structure or land that has been abandoned for a
17 period of more than five (5) years shall not be considered an existing or ongoing
18 use for purposes of exemptions or credits. Any previous payment of impact fees
19 under this article shall be credited against the appropriate impact fees owed as
20 a result of the change. The burden of demonstrating the existence of a use or
21 structure or previous payment of impact fees shall be upon the fee payer. When
22 a use is existing, any additional fees shall be based upon the alteration to the
23 existing use or structure.
24
- 25 (b) *Credit.*
26
- 27 (1) Improvements.
28
- 29 a. All improvements to and/or land dedications for police protection, fire
30 protection and EMS, parks and recreation, or public facilities required under
31 city development approval shall be credited against impact fees up to the total
32 of the impact fees due. A fee payer proposing credit for land dedication shall
33 present property appraisals prepared by qualified professionals and a
34 certified copy of the most recent assessment of the property for tax purposes
35 to be used in determining the amount of the credit. However, the city retains
36 the right to determine the amount to be credited by preparing engineering and
37 construction cost estimates and/or property appraisals for those
38 improvements and/or land dedications.
39
- 40 b. Fee payers claiming credits for construction and/or land dedication shall
41 submit documentation sufficient to permit the growth management director to
42 determine whether such credits are due and, if so, the amount of such credits.
43
- 44 c. In the event the cost of the improvements and/or land dedications exceed the
45 total amount of impact fees due, the city council may, on a case-by-case basis
46 and in the exercise of its discretion, allow the fee payer constructing such

1 improvements and/or making such land dedications to pool impact fees for
2 multiple developments or enter into funding agreements with other fee payers
3 whose developments contribute to the need for such capital improvements.
4

5 (2) Alteration, expansion, or replacement. Where alteration, expansion, or
6 replacement of a building or unit, or a change in land use or presently existing
7 which involves an increase in the number of units or square footage or a change
8 in use resulting in new impacts on road, police, fire and EMS, parks and
9 recreation, or public facilities for which the impact fee is assessed, credit shall be
10 allowed as provided herein. Credit shall be given for the number of existing units
11 or square feet based upon the existing or previous land use, and impact fees
12 shall only be assessed on the increased level of impact resulting from such
13 alteration, expansion, or replacement.
14

15 (3) Residential buildings. For an addition to an existing residential building in which
16 additional living units are created, the fee payer shall provide to the city manager
17 a certification of an architect setting forth the square footage of the existing
18 building. For an addition to an existing residential building, the fee payer, at his
19 or her sole option, may pay the impact fee for the addition as if it alone was a
20 new building rather than provide the certification of an architect setting forth the
21 square footage of the existing building.
22

23 (c) *Failure to claim.* Exemptions or credits must be claimed by the fee payer at the
24 time of the application for a building permit. Any exemptions or credits not so claimed
25 shall be deemed waived by the fee payer.
26

27 (d) *Alternative payment and credit for road impact fees.*
28

29 (1) In general. In lieu of paying or all a portion of the road impact fee, the fee payer
30 may elect to construct road improvements identified in the city's thoroughfare
31 plan or city center linkages plan. The fee payer shall submit a plan of
32 construction, along with a certified engineer's cost estimate, to the growth
33 management director and city engineer.
34

35 (2) Construction standards. All roads constructed pursuant to this subsection shall
36 comply with the requirements of the City's Code of Ordinances.
37

38 (3) Calculation of credit. Based on the certified cost estimate submitted and any
39 other relevant information acquired by or provided to the city, the city engineer
40 shall determine the amount of credit to be given and the timetable for completion
41 of the proposed construction. The city engineer shall certify the amount of the
42 credit to the finance director.
43

44 (4) Costs creditable. Credit shall be given only for the costs of plans preparation
45 and construction.
46

- 1 a. *Plan preparation.* Costs of plan preparation for city road network construction
2 shall be credited if approved by the city engineer and the finance director
3 based on reasonable costs associated with the preparation of such plans.
4
- 5 b. *Construction costs.* Costs of construction shall include only roadway
6 construction and all required sidewalks, striping, signage, and curbing.
7
- 8 (5) Pooling. In the event the cost of the improvements exceeds the total amount of
9 road impact fees due, the city council may, on a case-by-case basis and in the
10 exercise of its discretion, allow the fee payer constructing such improvements to
11 pool impact fees for multiple developments or enter into funding agreements with
12 other fee payers whose developments contribute to the need for such capital
13 improvements.
14

15 **Sec. 78-100. Appeals.**
16

17 Any decision made by the city manager or designee in the course of administering this
18 article may be appealed in accordance with those procedures set forth in this chapter for
19 appeals of administrative decisions.
20

21 **Sec. 78-101. Withholding of permits for nonpayment.**
22

23 (a) *Building permits.* If impact fees remain unpaid, no further building permits of any
24 type shall be issued on the property for which the impact fees remain unpaid. Building
25 permits, certificates of occupancy, or occupancy permits may be issued only upon full
26 payment of any previously owed impact fees, together with any interest owing, and
27 current impact fees, if any.
28

29 **Sec. 78-102. Violations and relief.**
30

31 It shall be unlawful to violate this article, and any violation shall be punishable
32 according to law. However, in addition to or in lieu of any criminal prosecution, the city or
33 any fee payer shall have the power to sue for relief in civil court to enforce the provisions
34 of this article. Knowingly furnishing false information to the growth management director
35 or other city official for any matter relating to the administration of this article shall
36 constitute a violation thereof.
37

38 **Secs. 78-103 – 78-110. Reserved.**
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