

CHAPTER 11 – IMPACT FEES

Table of Contents

Section 1100. Title, Authority, and Applicability..... 1

Section 1101. Legislative Findings, Reliance Upon the Impact Fee Study, and Intent..... 1

Section 1102. Impact Fees to be Imposed..... 2

 1102.1. Fee Obligation..... 2

 1102.2. Exemptions..... 4

 1102.3. Calculation of Amount of Impact Fees..... 4

Section 1103. Use of Impact Fee Funds..... 6

 1103.1. County Impact Fee Funds and Accounts..... 6

 1103.2. Limitations on Expenditures of Fees in Accounts..... 6

 1103.3. Money Spent on First-In/First-Out Basis..... 7

Section 1104. Benefit Districts..... 7

 1104.1. *Countywide Parks Benefit District*..... 7

 1104.2. *Roads Benefit Districts*..... 7

 1104.3. *Law Enforcement Benefit District*..... 8

 1104.4. *Public Safety Benefit District*..... 8

 1104.5. *Administration*..... 8

Section 1105. Refunds of Impact Fees Paid..... 8

 1105.1. *Failure to Encumber Impact Fee Funds*..... 8

 1105.2. *Failure to Initiate Development*..... 8

 1105.3. *Limitation*..... 9

Section 1106. Credits Against Impact Fees..... 9

 1106.1. Improvements Eligible for Credits..... 9

 1106.2. General Standards..... 9

 1106.3. Countywide Parks Credits..... 10

 1106.4. Roads Credits..... 10

 1106.5. Law Enforcement Credits..... 10

 1106.6. Public Safety Credits..... 11

 1106.7. Procedure for Offer of Credits..... 11

Section 1107. Appeals..... 12

 1107.1. General..... 12

 1107.2. Record..... 12

 1107.3. Notice..... 12

 1107.4. Hearing on Appeal..... 12

 1107.5. Standards..... 12

 1107.6. Form of Decision..... 12

Section 1108. Miscellaneous Provisions..... 13

 1108.1. No Expenditure for Routine Maintenance, Rehabilitation, or Replacement..... 13

 1108.2. Construction of Site-Related Improvements and Site-Related Capital Roads Facilities..... 13

 1108.3. Capital Improvements Program..... 13

 1108.4. Administrative Procedures..... 13

 1108.5. Administrative Fee..... 13

 1108.6. Mistake or Misrepresentation..... 13

 1108.7. Affordable Housing..... 13

 1108.8. Automatic Adjustment to Offset Inflation..... 14

 1108.9. Five-Year Review..... 14

 1108.10. Borrowing of Funds from Non-Impact Fee Source..... 14

 1108.11. Enforcement..... 14

Chapter ~~10~~11 – IMPACT FEES

~~*Editor's note –~~

~~Ord. No. 04-19, § 2, adopted Feb. 24, 2004, amended Ch. 118, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 118 pertained to similar subject matter. See also the Code Comparative Table.~~

Section 1100. ~~Section 801~~ Title, Authority, and Applicability.

~~801.1.~~This chapter shall be known and may be cited as Chapter 118: Impact Fees.

~~801.2~~The Board of County Commissioners of Manatee County has the authority to adopt this chapter pursuant to Article VIII of the Florida Constitution (1968) and Chapters 125 and 163 of the Florida Statutes (2003).

~~801.3.~~This chapter shall apply uniformly throughout the unincorporated area of Manatee County.

~~(Ord. No. 04-19, § 2, 2-24-04)~~

Section 1101. ~~Section 802~~ Legislative Findings, Reliance Upon the Impact Fee Study, and Intent.

- ~~A. 802.1.~~The Board of County Commissioners of Manatee County hereby finds that the document titled "IMPACT FEE RATE STUDY FOR ROADS, PARKS, PUBLIC SAFETY, AND LAW ENFORCEMENT IN MANATEE COUNTY, FLORIDA", prepared for Manatee County, Florida, by Henderson Young & Company, and dated May 26, 2011, is based upon the most recent and localized data and relies upon said document in the adoption of this chapter.
- ~~B. 802.2.~~This chapter is intended to implement and be consistent with the Manatee County Comprehensive Plan and is intended to be consistent with Section 163.31801, Florida Statutes (the "Florida Impact Fee Act").
- ~~C. 802.3.~~It is the further intent of this chapter that new development pay for its fair share of the cost of County Capital Facilities required to accommodate new development through the imposition of Impact Fees that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the County to construct or acquire Improvements for County Capital Facilities to accommodate that new development.
- ~~D. 802.4.~~It is also the intent of this chapter to be consistent with the principles for allocating a fair share of the cost of new County Capital Facilities to new users as established by the Florida Supreme Court and the District Courts of Appeal of Florida in the case of Contractors and Builders Association of Pinellas County v. City of Dunedin, 329 So.2d 314 (Fla., 1976), and other cases. This is accomplished by ensuring new development bears a proportionate share of the cost for Improvements to these County Capital Facilities; ensuring such proportionate share does not exceed the cost incurred by the County for Improvements for such County Capital Facilities to accommodate new development; and ensuring that new development receives sufficient benefit from the funds collected in the form of Improvements for such County Capital Facilities.
- ~~E. 802.5.~~It is further the intent of this chapter to establish a system for the efficient and coordinated administration of Impact Fees authorized by this chapter, including the consistent administration of payments, expenditures, appeals, credits, refunds, and reviews of independent impact analysis.
- ~~F. 802.6.~~It is not the intent of this chapter to collect any Impact Fees from any new development in excess of the actual amount necessary to offset new demands for County Capital Facilities.
- ~~G. 802.7.~~It is not the intent of this chapter that any monies collected from any Impact Fees deposited in an Impact Fee Account ever be commingled with monies from a different Impact Fee Account, or ever be used

for a type of County Capital Facility or equipment different from that for which the Fees are paid, or ever be used to replace or rehabilitate existing Improvements for County Capital Facilities.

(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 06-75, §§ 3A, 3B, 11-7-06, eff. 2-17-07; Ord. No. 11-20, § 3(B), 6-21-11)

Section 1102. ~~Section 803~~-Impact Fees to be Imposed.

1102.1. ~~803.1~~-Fee Obligation.

A. ~~803.1.1~~-Obligation. Any person who commences any Impact-Generating Land Development, except those exempted pursuant to ~~Section 803.2~~ Section 1102.2, shall be obligated to pay Impact Fees as required by this chapter. The person commencing the Impact-Generating Land Development or such person's Successor-in-Interest shall be obligated to pay the Impact Fees. The amount of the Fees shall be determined in accordance with ~~Section 1102.3~~ Section 1102.3.

B. ~~803.1.2~~-Fees Levied.

1. ~~803.1.2.1~~-*Countywide Parks Impact Fee*. The Board ~~of County Commissioners~~ hereby imposes a Countywide Parks Impact Fee at the rates established pursuant to ~~Section 1102.3.A~~ Section 1102.3.A ~~803.3.1~~ (Fee Schedule) and ~~Section 1108.8809.8~~ (Automatic Adjustment to Offset Inflation). The Local Parks Impact Fee and the Countywide Park/Open Space Impact Fee, previously levied pursuant to this chapter, are hereby incorporated into this Countywide Parks Impact Fee.

~~803.1.2.2~~-*Roads Impact Fee*. The Board ~~of County Commissioners~~ hereby imposes a Roads Impact Fee at the rates established pursuant to ~~Section 1102.3.A~~ Section 1102.3.A ~~803.3.1~~ (Fee Schedule) and ~~Section 1108.8809.8~~ (Automatic Adjustment to Offset Inflation). The Transportation Impact Fee, previously levied pursuant to this chapter, is hereby incorporated into this Roads Impact Fee. ~~Notwithstanding the foregoing, in response to the significant reduction in road construction costs resulting from economic recession, during the twenty-six month period commencing July 27, 2009, and ending September 30, 2011, the Roads Impact Fee shall be levied at fifty percent (50%) of the rates established pursuant to Section 803.3.1., and shall not be adjusted for inflation during such period. Such reduced rates shall apply to any Impact-Generating Land Development for which:~~

~~a. On or after January 1, 2009, an application was submitted for the approval that would require the payment of Impact Fees pursuant to Section 803.1.3 (FSP, Building Permit, Administrative Permit, etc.), except in the case of development governed by Section 803.1.3.5., in which case application for a building permit must have been submitted on or after January 1, 2009; and~~

~~b. On or after July 27, 2009, the approval that would require the payment of Impact Fees pursuant to Section 803.1.3 (FSP, Building Permit, Administrative Permit, etc.), is issued, except in the case of development governed by Section 803.1.3.5., in which case a certificate of occupancy must be issued on or after July 27, 2009.~~

2. During the aforesaid two-year period the County shall conduct a study of the Roads Impact Fee, and at the end of such two-year period shall make such modifications to ~~Section 1102.3.A~~ Section 1102.3.A ~~803.3.1~~, as are necessary to assure that the rates established thereunder are based on the most recent and localized data in accordance with the requirements of Section 163.31801, Florida Statutes.

3. ~~803.1.2.3~~-*Law Enforcement Impact Fee*. The Board ~~of County Commissioners~~ hereby imposes a Law Enforcement Impact Fee at the rates established pursuant to ~~Section 1102.3.A~~ Section 1102.3.A ~~803.3.1~~ (Fee Schedule) and ~~Section 1108.8809.8~~ (Automatic Adjustment to Offset Inflation).

4. ~~803.1.2.4~~-*Public Safety Impact Fee*. The Board ~~of County Commissioners~~ hereby imposes a Public Safety Impact Fee at the rates established pursuant to ~~Section 1102.3.A~~ Section 1102.3.A ~~803.3.1~~ (Fee Schedule) and ~~Section 1108.8809.8~~ (Automatic Adjustment to Offset Inflation).

C. ~~803.1.3~~-Time Fees Paid. The Impact Fees shall be paid to the County Impact Fee Administrator:

1. ~~803.1.3.1~~-At time of issuance of a Building Permit for additions/renovations and manufactured home

replacements (should there be an increase in the number of bedrooms); or

2. ~~803.1.3.2~~. Prior to Final Plan Approval or its functional equivalent where no Building Permit is required (e.g., "AP," "FSP," etc.); or
 3. ~~803.1.3.3~~. Prior to installation of the required improvements release by the ~~Growth Management Division Department Director~~ for recreational vehicle parks; or
 4. ~~803.1.3.4~~. Prior to Administrative Permit approval for golf courses; or
 5. ~~803.1.3.5~~. Prior to issuance of a Certificate of Occupancy or Certificate of Completion (as the case may be), for all other development and for an Independent Impact Analysis (~~Section 1102.3.E803.3.5~~); or
 6. ~~803.1.3.6~~. At an earlier stage of development if required by a condition of a planned development approval or pursuant to either a Pre-Payment of Impact Fees (~~Section 1102.1.H803.4.8~~) or a Fee Agreement (~~Section 1102.1.I803.4.9~~).
- D. ~~803.1.4~~. Extension of Previous Permit.** If the Feepayer applies for an extension of a previously applied for Building Permit and Impact Fees have not been paid prior to the time the extension is requested, the Impact Fees due for the development subject to the extension shall be the Impact Fees in effect at the time the extension is requested.
- E. ~~803.1.5~~. Change of Use.** If the Feepayer is applying for a permit to allow a change of use or for the expansion, redevelopment, or modification of an existing development, the Impact Fees required to be paid shall be based on the net increase in the Impact Fees for the new use as compared to the previous use.
- F. ~~803.1.6~~. Destruction or Redevelopment.** If the Feepayer is applying for a permit to allow the development or redevelopment of an existing use, which does not involve a change in use, the Impact Fees required to be paid shall be based on the net increase in the unit of measurement between the existing and new development, such as the number of bedrooms for residential development, area for certain nonresidential development, and rooms for hotel/lodging.
- G. ~~803.1.7~~. Prior Obligation.**
1. ~~803.1.7.1~~. *Obligation Under Prior Impact Fee Regulation.* Any Feepayer who, prior to February 17, 2007, was obligated at time of Building Permit under previous versions of ~~Chapter 811~~ or earlier versions of the county's impact fee regulations to pay Impact Fees at time of Certificate of Occupancy shall be responsible for the payment of the Fees which were obligated to be paid, and payment of such Fees shall constitute full and complete compliance with the requirements of this chapter. Should, however, an extension of the permit be required, the provisions of ~~Sec. 1102.1.D803.4.4~~ shall apply.
 2. ~~803.1.7.2~~. *Other Obligation.* Any Feepayer who, prior to February 17, 2007, was obligated as a condition of development approval to pay Impact Fees shall be responsible for the payment of the Fees under the terms of such agreement, and the payment of such Fees will be offset against any Impact Fees otherwise due at later stages of development for which the Fees were paid.
- H. ~~803.1.8~~. Pre-Payment of Impact Fees.**
1. ~~803.1.8.1~~. Any Feepayer may pay Impact Fees for a Component or all Components of an entire Impact-Generating Land Development at any time between the approval of a Final Development Order and issuance of the first Building Permit for the development, upon approval of the Board and pursuant to a Fee Agreement.
 2. ~~803.1.8.2~~. A Fee Agreement providing for pre-payment may include a provision that exempts the Feepayer from subsequent increases in Impact Fees to any Impact Fee Component for which all Fees have been paid pursuant to this subsection. A Feepayer shall be obligated to pay any and all Impact Fees in place at the time Impact Fees are due and owing for Components not pre-paid pursuant to this section, including any new Impact Fee Components adopted.
- I. ~~803.1.9~~. Fee Agreement.** Prior to issuance of a Certificate of Occupancy or Certificate of Completion (as the case may be), the owner of the Impact-Generating Land Development may, ~~with the concurrence~~ subject to the approval of the Board, enter into a Fee Agreement providing for payment of Impact Fees at a time to be specified in the Fee Agreement. In no event shall the terms of the Fee Agreement provide for the payment of Impact Fees later than issuance of a Certificate of Occupancy or Certificate of Completion (as the case may be).

1102.2. ~~803.2.~~Exemptions.

The following types of development shall be exempted from payment of ~~the~~ Impact Fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first Building Permit for the proposed Impact-Generating Land Development that creates the obligation to pay the Impact Fees, and any claim for exemption not made at or before that time is waived. The exemption shall be determined by the County Impact Fee Administrator.

- A. ~~803.2.1.~~ Reconstruction, expansion, or replacement of a previously existing residential unit that does not increase the number of bedrooms.
- B. ~~803.2.2.~~ The replacement of a destroyed or partially destroyed non-residential building or structure with a new non-residential building or structure of the same use as the original structure, where there is no increase in area.
- C. ~~803.2.3.~~ Construction of unoccupied accessory structures related to a residential unit.
- D. ~~803.2.4.~~ Impact-Generating Land Development for which Impact Fees for each type of County Capital Facility covered by this chapter has previously been paid in an amount that equals or exceeds the Impact Fees that would be required by this chapter.
- E. ~~803.2.5.~~ Impact-Generating Land Development undertaken by a Federal, State, County or Municipal government or a fire district.
- F. ~~803.2.6.~~ Impact-Generating Land Development undertaken by a public school board or community college.
- G. ~~803.2.7.~~ Impact Generating Land Development undertaken by the Manatee County Port Authority within PDPM (Planned Development Port Manatee) provided in ~~Section 603.18~~ **Section 402.18** of the Manatee County Land Development Code where the structures are owned by the Manatee County Port Authority. This exemption shall not include Impact-Generating Land Development undertaken within PDPM (Planned Development Port Manatee) where structures are owned by a person other than the Manatee County Port Authority, in which event the structure itself and any land leased by the Manatee County Port Authority to that person shall be subject to the requirements of this chapter.

1102.3. ~~803.3.~~Calculation of Amount of Impact Fees.

The amount of Impact Fees due shall be determined pursuant to the provisions of this subsection by the County Impact Fee Administrator at or prior to the time payment is due pursuant to ~~Section 1102.1.C~~ **Section 803.4.3**.

- A. ~~803.3.1~~ **Fee Schedule.** Any person who commences any Impact-Generating Land Development, except those exempted pursuant to ~~Section 1102.2~~ **Section 803.2** (Exemptions), or those preparing an Independent Impact Analysis pursuant to ~~Section 1102.3.E~~ **Section 803.3.5** (Independent Impact Analysis), shall pay all Impact Fees applicable to the proposed Impact-Generating Land Development, as determined by the Impact Fee Schedule included in this chapter as ~~Exhibit 8-411-1~~ **Exhibit 8-411-1**; Impact Fee Schedule, and incorporated herein by reference. The County Impact Fee Administrator shall make a determination as to the appropriate land use designation listed in the Impact Fee Schedule, based upon the nature and intent of a proposed use and any mitigation measures have been put in place to reduce the impact of such use. Such determination may be appealed to the Board ~~of County Commissioners~~ upon payment of a nonrefundable processing fee.
- B. ~~803.3.2.~~ **Uses Not Listed.** If the Impact-Generating Land Development is of a type not listed in ~~Exhibit 8-411-1~~ **Exhibit 8-411-1**; Impact Fee Schedule, then the County Impact Fee Administrator shall be responsible for determining whether the use is comparable to another type of land use listed in ~~Exhibit 8-411-1~~ **Exhibit 8-411-1**; Impact Fee Schedule. If the County Impact Fee Administrator determines the use is comparable to another type of land use listed in ~~Exhibit 8-411-1~~ **Exhibit 8-411-1**; Impact Fee Schedule, the Impact Fees due to be paid for the use shall be the same as for the comparable use. If there is no comparable use, the Impact Fees shall be determined by an Independent Impact Analysis pursuant to ~~Section 1102.3.E~~ **Section 803.3.5**.
- C. ~~803.3.3.~~ **Mix of Uses.** If the Impact-Generating Land Development includes a mix of those uses listed in ~~Exhibit 8-411-1~~ **Exhibit 8-411-1**; Impact Fee Schedule, then the Impact Fees shall be determined by adding up the Impact Fees that would be payable for each use as if it were a freestanding use pursuant to ~~Exhibit 8-411-1~~ **Exhibit 8-411-1**.
- D. ~~803.3.4.~~ **Computation.** The Impact Fees for any Impact-Generating Land Development shall be computed on the basis of the maximum impact of proposed use for the land permitted under applicable laws, ordinances,

regulations and permits, except where development is restricted by a Fee Agreement ([Section 1102.1.803.4.9](#)). If the Impact-Generating Land Development includes fractional units, the Fees shall be computed to the appropriate fraction. [In no event shall a dwelling unit not be required to pay a minimum one bedroom impact fee.](#)

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E. ~~803.3.5.~~Independent Impact Analysis.

1. ~~803.3.5.1.~~*Request by Fee-payer.* In lieu of calculating the amount(s) of Impact Fees by reference to [Exhibit 8-411-1: Impact Fee Schedule](#), a Fee-payer may submit an application to request the amount of the required Impact Fees be determined by reference to an Independent Impact Analysis for the proposed Impact-Generating Land Development. Such application must contain the information outlined in this [Section 1102.3.E803.3.5](#), and must be accompanied by the appropriate Independent Impact Analysis. The burden shall be on the Feepayer requesting the Independent Impact Analysis to demonstrate by competent substantial evidence that the data, assumptions, and service units used in the Impact Fee Study and reflected in [Exhibit 8-411-1: Impact Fee Schedule](#) are less accurate than the results of the Independent Impact Analysis.
2. ~~803.3.5.2.~~*Request by County Impact Fee Administrator.* In lieu of accepting a payment of Impact Fees based on [Exhibit 8-411-1: Impact Fee Schedule](#), the Feepayer shall be required to perform an Independent Impact Analysis if the type of Impact-Generating Land Development is not within one (1) of those categories or comparable to a category listed in [Exhibit 8-411-1: Impact Fee Schedule](#); or may be required to perform an Independent Impact Analysis if the development requires a rezone, site plan or subdivision approval, and the County Impact Fee Administrator determines that due to the nature, timing or location of the proposed Impact-Generating Land Development, it will generate substantially more impacts on County Capital Facilities than those determined in [Exhibit 8-411-1](#). If the Feepayer is required pursuant to this subsection to perform an Independent Impact Analysis, the County shall be responsible for retaining a qualified professional to prepare the Independent Impact Analysis consistent with the requirements of this chapter, at the Feepayer's expense, but the expenses of preparing the Independent Impact Analysis shall be deducted from the Impact Fees due from the Feepayer for the Impact Fee Component which the Independent Impact Analysis is prepared pursuant to this subsection. The County Impact Fee Administrator may also choose to perform the Independent Impact Analysis using County staff and current engineering data.
3. ~~803.3.5.3.~~*Qualifications of Preparer.* Unless the County Impact Fee Administrator chooses to perform an Independent Impact Analysis using County staff, each Independent Impact Analysis shall be prepared and certified by an expert approved by the County Impact Fee Administrator as satisfying the criteria for training and experience established by the Administrative Procedures.
4. ~~803.3.5.4.~~*Requirements for Independent Impact Analysis.* An Independent Impact Analysis shall be based on the most recent and localized data, shall be based on the same Capital Facility Standards and unit costs for Improvements for County Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, or Capital Public Safety Facilities (as the case may be) used in the Impact Fee Study, shall use an average cost (not a marginal cost) methodology, and shall document the relevant methodologies and assumptions used. Each Independent Impact Analysis shall comply with the following requirements:
 - a. ~~803.3.5.4.1.~~*Roads Impact Fee.* In the case of the Roads Impact Fee, the Independent Impact Analysis shall use the formulas used in the Impact Fee Study to determine travel demand and the amount of Impact Fees, but may attempt to demonstrate that alternate trip generation rates by land use category, alternate trip length, and/or alternate capture and diversion factors more accurately reflect the transportation impacts of the proposed Impact-Generating Land Development. Support shall be provided through local data and surveys.
 - b. ~~803.3.5.4.2.~~*Other Impact Fees.* In the case of the ~~the~~ Countywide Parks Impact Fee, the Law Enforcement Impact Fee, and the Public Safety Impact Fee, the Independent Impact Analysis shall use the formulas used in the Impact Fee Study for the appropriate component, but may attempt to demonstrate that (a) the anticipated usage of Capital Countywide Parks Facilities by the proposed Impact-Generating Land Development, or (b) the estimated number of calls for law enforcement services by different land uses within the proposed Impact-Generating Land Development, or (c) the per capita replacement cost for Capital Public Safety Facilities required by the proposed Impact-Generating Land Development, vary from the rates used in the Impact Fee Study.
5. ~~803.3.5.5.~~*Completeness.* When done pursuant to a Feepayer request, the County Impact Fee Administrator

shall review the Independent Impact Analysis and the Feepayer's application for completeness. If additional material is required for effective review of the Independent Impact Analysis, the County Impact Fee Administrator shall notify the applicant of the need for such additional material within ten (10) days after receipt of the application. Applicant shall provide the requested additional materials within thirty (30) days of receipt of notice from the County Impact Fee Administrator, or the application shall be considered withdrawn.

6. ~~803.3.5.6~~ **Decision by the County Impact Fee Administrator.** Within thirty (30) days after a determination that the application and accompanying analysis are complete, the County Impact Fee Administrator shall render a written decision accepting, accepting with modifications, or rejecting the Independent Impact Analysis as the basis for calculating Impact Fees due from the proposed Impact-Generating Land Development. The Independent Impact Analysis shall be accepted, accepted with modifications, or rejected based on the review standards in **Section 1102.3.E.7**~~803.3.5.7~~ (Standards). The decision of the County ~~Impact Fee~~ Administrator ~~or designee~~ shall be in writing. If an Independent Impact Analysis is accepted or accepted with modifications, then the Impact Fees due under this chapter shall be calculated according to the Independent Impact Analysis.
7. ~~803.3.5.7~~ **Standards.** The standards for acceptance, acceptance with modifications, or rejection of the Independent Impact Analysis shall be whether the applicant and the Independent Impact Analysis have complied with all requirements of **Section 1102.3.E.4**~~803.3.5.4~~ (Requirements for Independent Impact Analysis), and if so, whether the resulting Independent Impact Analysis demonstrates, by competent substantial evidence, that an alternative Impact Fee amount more accurately reflects the demands for the relevant County Capital Facilities than the applicable Fees shown in **Exhibit 8-4-11-1**; Fee Schedule.

(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 05-52, § 3, 10-6-05; Ord. No. 06-75, §§ 3C, 3D, 11-7-06, eff. 2-17-07; Ord. No. 09-07, § 3, 2-3-09; Ord. No. 09-37, § 3, 5-19-09)

Section 1103. ~~Section 804.~~ **Use of Impact Fee Funds.**

1103.1. ~~804.1.~~ **County Impact Fee Funds and Accounts.**

- A. ~~804.1.1~~ **Establishment of County Impact Fee Funds.** County Impact Fee Funds are hereby established for the purpose of ensuring the Impact Fees collected pursuant to this chapter are designated for the accommodation of impacts reasonably attributable to new Impact-Generating Land Development that paid the Impact Fees. One (1) County Impact Fee Fund shall be established for each Impact Fee Component. These Funds shall be maintained as interest bearing accounts.
- B. ~~804.1.2~~ **Establishment of Separate Accounts Within Funds.** For those Impact Fee Components that have more than one (1) Benefit District, separate Accounts, as determined by the Clerk of the Court, shall be established for each such Benefit District. For those Impact Fee Components that have a single, countywide Benefit District, the County Impact Fee Fund established for each such Impact Fee Component shall be treated as a separate Account, as determined by the Clerk of the Court.
- C. ~~804.1.3~~ **Deposit and Management of the County Impact Fee Accounts.** All Impact Fees collected by the County Impact Fee Administrator pursuant to this chapter shall be identified as Impact Fees and shall be promptly deposited into the appropriate Account in the County Impact Fee Funds.
- D. ~~804.1.4~~ **Interest Earned on Fees.** Interest earned on Fees in any Account in any of the County Impact Fee Funds shall be considered part of such Account, and shall be subject to the same restrictions on use applicable to the Impact Fees deposited in such Account.
- E. ~~804.1.5~~ **Accounting and Reporting of Collections and Expenditures.** The County shall account for the collections and expenditures of all Impact Fees in accordance with applicable law (including, without limitation, Section 163.31801(3)(b), Florida Statutes) and generally accepted governmental accounting practices.

1103.2. ~~804.2.~~ **Limitations on Expenditures of Fees in Accounts.**

- A. ~~804.2.1~~ **Local Park Impact Fee.** The monies collected from the previously imposed Local Park Impact Fee and held in the Local Park Impact Fee Fund shall be transferred to the Countywide Parks Impact Fee Fund and used pursuant to **Section 1103.2.F**~~804.2.6~~.

- B. ~~804.2.2. Countywide Park/Open Space Impact Fee.~~** The monies collected from the previously imposed Countywide Park/Open Space Impact Fee and held in the Countywide Park/Open Space Impact Fee Fund shall be transferred to the Countywide Parks Impact Fee Fund and used pursuant to ~~Section 1103.2.F. 804.2.6.~~
- C. ~~804.2.3. Transportation Impact Fee.~~** The monies collected from the previously imposed Transportation Impact Fee and held in the Transportation Impact Fee Fund shall be transferred to the Roads Impact Fee Fund and used pursuant to ~~Section 1103.2.G. 804.2.7.~~
- D. ~~804.2.4. Law Enforcement Impact Fee.~~** The monies collected from the Law Enforcement Impact Fee shall be used only for Capital Law Enforcement Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Law Enforcement Facilities, or reimburse the County for such costs. The costs of Capital Law Enforcement Facilities also include the costs of related planning for the provision of Capital Law Enforcement Facilities.
- E. ~~804.2.5. Public Safety Impact Fee.~~** The monies collected from the Public Safety Impact Fee shall be used only for Capital Public Safety Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Public Safety Facilities, or reimburse the County for such costs. The costs of Capital Public Safety Facilities also include the costs of related planning for the provision of Capital Public Safety Facilities.
- F. ~~804.2.6. Countywide Parks Impact Fee.~~** The monies collected from the Countywide Parks Impact Fee shall be used only for Capital Countywide Parks Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Countywide Parks Facilities, or reimburse the County for such costs. The costs of Capital Countywide Park Facilities also include the costs of related planning for the provision of Capital Countywide Parks Facilities.
- G. ~~804.2.7. Roads Impact Fee.~~** The monies collected from the Roads Impact Fee shall be used only for Capital Roads Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Roads Facilities, or reimburse the County for such costs.

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1103.3. ~~804.3. Money Spent on First-In/First-Out Basis.~~

Monies in each Account shall be considered to be spent in the order collected, on a first-in/first-out basis.

~~(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 06-75, § 3E, 11-7-06, eff. 2-17-07)~~

Section 1104. ~~Section 805. Benefit Districts.~~

For the purpose of ensuring Fee-payers receive sufficient benefit for Impact Fees paid, the following benefit districts are established for each Impact Fee Component.

1104.1. ~~805.1. Countywide Parks Benefit District.~~

The Countywide Parks Benefit District shall include the entirety of Manatee County. Countywide Parks Impact Fees shall be expended within the Countywide Parks Benefit District.

1104.2. ~~805.2. Roads Benefit Districts.~~

Four (4) Roads Benefit Districts are established: (1) the Northwest Roads Benefit District, (2) the Northeast Roads Benefit District, (3) the Southwest Roads Benefit District, and (4) the Southeast Roads Benefit District. The boundaries of all four (4) Roads Benefit Districts are shown on Exhibit 8-211-2: Roads Benefit Districts, which is incorporated herein by reference.

- A. ~~805.2.1. Within Benefit District.~~** Roads Impact Fees shall be expended within the Roads Benefit District from which the Fees have been collected ~~in a manner consistent with the requirements of applicable law~~, except as ~~noted~~ authorized pursuant to in Section 805.2.2 1104.2.B.

B. ~~805.2.2.~~Outside Benefit District. Roads Impact Fees may be spent on improvements located outside the Benefit District in which the Impact-Generating Land Developments that paid the Fees are located if the Board first makes a written determination that such expenditure will sufficiently benefit the Impact-Generating Land Developments located within the Benefit District and that such expenditure will comply with the requirements of applicable law.

1104.3. ~~805.3.~~Law Enforcement Benefit District.

The Law Enforcement Benefit District shall include the entirety of Manatee County. Law Enforcement Impact Fees shall be expended within the Law Enforcement Benefit District.

1104.4. ~~805.4.~~Public Safety Benefit District.

The Public Safety Benefit District shall include the entirety of Manatee County. Public Safety Impact Fees shall be expended within the Public Safety Benefit District.

1104.5. ~~805.5.~~Administration.

The County Impact Fee Administrator shall be responsible for ensuring that Impact Fees authorized and collected pursuant to this chapter are expended only in accordance with the provisions of this **Section 1104.805.**

(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 06-75, § 3F, 11-7-06, eff. 2-17-07)

Section 1105. ~~Section 806—Refunds of Impact Fees Paid.~~

1105.1. ~~806.1.~~Failure to Encumber Impact Fee Funds.

A. ~~806.1.1.~~Encumbrance of expenditure within seven (7) years. Any Impact Fees collected that have not been spent or encumbered within seven (7) years after the date on which the Fees are paid shall be eligible to be refunded to the Feepayer or the Feepayer's Successor-in-Interest, along with interest at the rate of two (2) percent per annum since the date of payment, except as otherwise noted in this section.

B. ~~806.1.2.~~Extension of time. The Board may by resolution extend for up to three (3) years the date at which Impact Fees shall be refunded. Such an extension shall be made only upon a finding that within such three (3) year period, specific Improvements for County Capital Facilities are planned and will be constructed that will sufficiently benefit the Impact-Generating Land Development for which the Impact Fees were paid. In the case of such an extension, any Impact Fees collected that have not been spent or encumbered within such extension period shall be refunded to the Feepayer or the Feepayer's Successor-in-Interest, along with interest at the rate of two (2) percent per annum since the date of payment.

C. ~~806.1.3.~~Refund. In order to be eligible to receive a refund of Impact Fees, the Feepayer or the Feepayer's Successor-in-Interest shall be required to submit an application for such refund to the County Impact Fee Administrator. Refunds for proceeds not timely expended shall be made by the County Impact Fee Administrator within one (1) year following the end of the calendar quarter immediately following the seventh year from the date on which the last Certificate of Occupancy was issued for the Impact-Generating Land Development or the expiration date of the extension, whichever is later. If the Feepayer or the Feepayer's Successor-in-Interest does not make application for a refund, the funds shall remain in the impact fee account until spent.

D. ~~806.1.4.~~Successors-in-Interest. If the Successor-in-Interest claims a refund of Impact Fees, the County Impact Fee Administrator may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested refund.

E. ~~806.1.5.~~Payment and Interest. The County Impact Fee Administrator shall approve the refund application if it is determined that the Feepayer or the Feepayer's Successor-in-Interest has paid Impact Fees the County has not spent within the period of time permitted under this section. The refund shall include the Impact Fees paid plus interest at the rate of two (2) percent per annum, less any applicable administrative fees adopted pursuant to **Section 1108.5809.5** (Administrative Fee).

1105.2. ~~806.2.~~Failure to Initiate Development.

If a Feepayer has paid Impact Fees required by this chapter and has obtained a Building Permit, and the Building Permit for which the Fee was paid later expires without the possibility of further extension, then the Feepayer or the Feepayer's Successor-in-Interest shall be entitled to a refund of the Fees paid, without interest, and less any applicable administrative fees adopted pursuant to ~~Section 1108.5~~ **809.5** (Administrative Fee). In order to be eligible to receive a refund of Impact Fees, the Feepayer or the Feepayer's Successor-in-Interest shall be required to submit an application for such refund to the County Impact Fee Administrator within thirty (30) days after the expiration of the Building Permit for which the Fee was paid. If a Successor-in-Interest claims a refund of Impact Fees, the County Impact Fee Administrator may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested refund.

1105.3. ~~806.3.~~ Limitation.

After Impact Fees have been paid pursuant to this chapter, no refund of any part of the Fees shall be made if the Impact-Generating Land Development for which the Fees were paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the development or the number of units in the development.

~~(Ord. No. 04 19, § 2, 2 24 04; Ord. No. 06 75, §§ 3G — 3I, 11 7 06, eff. 2 17 07)~~

Section 1106. ~~Section 807.~~ Credits Against Impact Fees.

1106.1. ~~807.1.~~ Improvements Eligible for Credits.

Any person who shall commence any Impact-Generating Land Development may apply for a credit against the appropriate Component of the Impact Fees for Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, or Capital Public Safety Facilities proposed to be paid pursuant to the provisions of this chapter for any contribution, construction, or dedication of land accepted and received by the County for any Non-Site Related Improvements ~~or Non-Site Related Capital Roads Facilities~~, including any contribution, payment, construction, or dedication of land made pursuant to a development order issued by the County pursuant to local land development regulations, Section 380.06, ~~Fla. Stat.~~ [Florida Statutes](#), or any additional requirement imposed by the Florida Land and Water Adjudicatory Commission on a development of regional impact.

1106.2. ~~807.2.~~ General Standards.

All awards of Impact Fee credits shall be subject to the following requirements:

A. ~~807.2.1.~~ Credit. Impact Fee credits shall be directly attributable to and approved for the person who made a contribution, payment, construction or land dedication that conforms to the requirements of this section or to such person's Successor-in-Interest.

B. ~~807.2.2.~~ Options for Use of Credits. Impact Fee credits may be utilized consistent with one (1) of the three (3) following options:

1. ~~807.2.2.1.~~ Impact Fee credits may be used to offset Impact Fees due and owing for an applicable Impact Fee Component of the development project for which contribution, construction, or dedication of land for County Capital Facilities is made and credit accepted pursuant to this section. Credits utilized pursuant to this subsection may only be applied against Building Permits issued subsequent to the time the application for the offer of credit is submitted.

2. ~~807.2.2.2.~~ Credit may be used in the form of a refund of Impact Fee funds to the developer/owner in the amount of the credit accepted for the contribution, construction, or dedication of land for County Capital Facilities, if Impact Fees have been paid ~~by third parties~~ for Building Permits issued for the development project for which the contribution, construction, or dedication of land is made for which the credit is accepted. Refunds for credits pursuant to this subsection may be requested only by the developer/owner who made the contribution, payment, construction or land dedication for which credit is accepted. The right to receive refunds for credits pursuant to this subsection is not transferable. In no case shall the refund be greater than the amount of Impact Fees paid ~~by third parties~~ for the applicable Impact Fee Component. Further, the total amount which may be refunded for a development project shall not exceed the total amount of Impact Fees due to Manatee County for the applicable Impact Fee Component of the development project less any credit applied against the Impact Fees due and owing (~~Section 1106.2.B.1~~ **807.2.2.4**). If credits are refunded

pursuant to this subsection, the Credit Authorization shall be amended to reduce the amount of credit that can be applied against Impact Fees due and owing.

3. ~~807.2.2.3.~~ Subject to approval by the Board of County Commissioners, Impact Fee credits may be assigned to any entity and used by the assignee to offset Impact Fees due and owing for an applicable Impact Fee Component of any development project located in the same Benefit District as the development project for which the contribution, construction of improvements, or dedication of land for County Capital Facilities was made and for which the credit was accepted pursuant to this ~~Section 807.1106.~~
 4. ~~807.2.2.4.~~ Subject to the limitations set forth in this subsection, and pursuant to Section 163.3180(12), Florida Statutes, Impact Fee credits may be used to pay, in part, proportionate share contributions for local and regionally significant traffic impacts, to satisfy the transportation concurrency requirements of the Manatee County Comprehensive Plan for developments of regional impact. Such use of Impact Fee credits shall be subject to the approval by the County of a Land Development Agreement acceptable to the County in its contractual and fiscal discretion. Such Land Development Agreement may include provisions addressing, among other things: (1) the identification of one or more mobility improvements to benefit a regionally significant transportation facility to be fully funded and completed by or on behalf of the applicant, the County, and/or another governmental or quasi-governmental entity; (2) an agreed-upon discounting of the Impact Fee credits to reflect their true present value; and (3) a contribution of land, construction and/or cash payment toward such project or projects, in addition to the use of Impact Fee credits, to at least equal to the applicant's required proportionate-share contribution, taking into consideration the present-value discounting of such Impact Fee credits.
- ~~C. 807.2.3. Transferability.~~ Credits shall not be transferable from one Impact Fee Component to another Component, ~~except c~~ Credits for each individual Component shall be transferable among development units under the same ownership and within the same Benefit District at the time the Credit Authorization is approved.
- ~~D. 807.2.4. Assignment.~~ A portion or all of a credit approved pursuant to a Credit Authorization may be assigned and reassigned for use pursuant to ~~Section 1106.2.B.3807.2.2.3~~ under terms and conditions acceptable to the County. Such assignment shall be memorialized in an amendment to the Credit Authorization and approved by the Board of County Commissioners.
- ~~E. 807.2.5. Limitation.~~ No credit shall exceed the amount due for the applicable Impact Fee Component against which it is to be credited, except to the extent that Impact Fees credits are to be transferred pursuant to ~~Section 1106.2.C807.2.3.~~ or assigned pursuant to ~~Section 1106.2.D.807.2.4.~~

~~1106.3.~~ ~~807.3.~~ Countywide Parks Credits.

For any Countywide Parks Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Countywide Parks Impact Fees shall be provided for any off-site or on-site contribution, payment, construction or dedication of land for a Capital Countywide Park Facility used in the calculation of the Countywide Parks Impact Fee that is intended for the use of the general public and accepted for that purpose by the County. The credit shall be valued at one hundred (100) percent of the fair market value of the contribution, payment, construction of improvements, or dedication of land.

~~1106.4.~~ ~~807.4.~~ Roads Credits.

For any Roads Impact Fees proposed to be paid, a credit of up to one hundred (100) percent of the Roads Impact Fees shall be provided for any contribution, payment, construction or dedication of land for right-of-way (ROW) for Non-Site Related improvements that expand the capacity of the Impact Fee Road System. The credit shall be valued at one hundred (100) percent of the fair market value of the contribution, payment, construction of improvements, or dedication of land.

~~1106.5.~~ ~~807.5.~~ Law Enforcement Credits.

For any Law Enforcement Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Law Enforcement Impact Fee shall be provided for any off-site or on-site contribution, payment, construction or dedication of land for Capital Law Enforcement Facilities used in the calculation of the Law Enforcement Impact Fee. The credit shall be valued at one hundred (100) percent of the fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.6. ~~807.6.~~ Public Safety Credits.

For any Public Safety Impact Fee proposed to be paid, a credit of up to one hundred (100) percent of the Public Safety Impact Fee shall be provided for any off-site or on-site contribution, payment, construction, or dedication of land for any Capital Public Safety Facilities used in the calculation of the Public Safety Impact Fee. The credit shall be valued at one hundred (100) percent fair market value of the contribution, payment, construction of improvements, or dedication of land.

1106.7. ~~807.7.~~ Procedure for Offer of Credits.

- A. ~~807.7.1.~~ Application.** Any person eligible to receive Impact Fee credits pursuant to ~~Section 1106.1~~~~807.4.~~ may submit a written application to the County Impact Fee Administrator. The amount of credits requested (stated as either a final valuation or, if construction has not been completed at the time of application, an estimate of the valuation) shall be included in the application, and the appropriate documentation supporting the valuation or estimate shall accompany the application.
- B. ~~807.7.2.~~ Completeness Review.** Within thirty (30) days of receipt of the written application, the County Impact Fee Administrator shall determine if it is complete, and if the application is found to be incomplete, the County Impact Fee Administrator shall mail written notification to the applicant at the address listed in the application setting forth the deficiencies and requiring the applicant submit the necessary information. The applicant shall submit the requested information or shall request additional time for submission within thirty (30) days of receipt of the notice. The County Impact Fee Administrator may grant an extension of the time for applicant submission. If an applicant does not submit the information requested or request an extension within such thirty (30) days the application shall be considered withdrawn. The County Impact Fee Administrator shall not process the application until the County Impact Fee Administrator determines that the application is complete.
- C. ~~807.7.3.~~ Substantive Review and Staff Recommendation.** Within thirty (30) days of the date the application for an offer of credit is determined complete, it shall be reviewed by the County Impact Fee Administrator to determine whether it meets the standards of ~~Section 1106.7.D~~~~807.7.3.4.~~ (Standards) whether it should be accepted, and if so, the amount of credit. The results of the review shall be presented to the Board by the County Impact Fee Administrator along with the Administrator's recommendation for either approval or denial.
- D. ~~807.7.3.1.~~ Standards.** The standard to be applied in making a decision to accept, accept with modifications, or reject an offer for credit shall be whether the offer complies with all applicable requirements of this ~~Section 807.1106.~~ (Credits Against Impact Fees), and if so, whether the offer of credit will result in a reduction of the costs to the County of constructing Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, or Capital Public Safety Facilities (as the case may be), by an amount at least equal to the value of the offer of credit.
- E. ~~807.7.4.~~ Board Approval and Credit Authorization.** The Board shall review all applications for offers of credit on a case-by-case basis and shall approve or deny each application. In its review, the Board may consider any information it deems relevant including, without limitation, the standards set forth in ~~Section 1106.7.D~~~~807.7.3.4.~~ For all applications receiving Board approval, the County shall issue a Credit Authorization identifying the contribution, construction or dedication of land for which credit is provided, its fair market value, the amount of the approved credit, how credit is to be provided, and any other relevant terms and conditions of the credit. All material terms of the Credit Authorization must be approved by the Board. Failure to approve an application may necessitate that the County provide the applicant with an alternative form of compensation for the contribution, construction of improvements, or dedication of land for which the credits were applied.
- F. ~~807.7.5.~~ Withdrawal.** The applicant may withdraw the application for an offer of credit at any time prior to the acceptance of an offer of credit by the County Impact Fee Administrator, by submitting written notice to the County Impact Fee Administrator stating an intent to withdraw.
- G. ~~807.7.6.~~ Time of Credit and Valuation.**
- ~~807.7.6.1.~~ Land Dedications.** Where land is being dedicated, the Fee payer shall deposit with the County a pro-rated amount of property taxes based on the prior year's ad valorem tax. Approved credits for land dedications shall become effective when the land has been conveyed to the County in a form acceptable to the County at no cost to the County, and has been accepted by the Board. When such conditions have been met, the County Impact Fee Administrator shall note that fact in the County's records. The Credit Authorization shall state the amount of credit available.

2. ~~807.7.6.2~~. *Improvements*. Approved credits for acquisition or construction of Improvements shall become effective when (a) all required construction has been completed and has been accepted by the County, (b) a suitable maintenance and warranty bond has been received and approved by the County, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the County (and the State of Florida, if applicable).
3. ~~807.7.6.3~~. *Valuation*. The value of any contribution, construction of improvements, or dedication of land for County Capital Facilities for which credit is sought or has been approved shall be calculated as of the earliest point in the development approval process when the need for the contribution, construction of improvements, or dedication of land was identified and made a condition of approval.

(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 06-75, § 3J, 11-7-06, eff. 2-17-07; Ord. No. 10-63, § 3, 9-14-10)

Section 1107. ~~Section 808.~~ Appeals.

1107.1. ~~808.1~~. General.

A Fee payer may appeal a decision of the County Impact Fee Administrator to the Board on a request for an Independent Impact Analysis (~~Section 1102.3.E803.3.5~~), a Refund (~~Section 1105806~~), or an offer of credit (~~Section 1106807~~), by filing an appeal, in writing, with the County Impact Fee Administrator, within sixty (60) calendar days of the decision. The appeal shall include a written notice stating in detail the grounds of the appeal. The County Impact Fee Administrator shall place the appeal on the Board's agenda for a regularly scheduled meeting or a special meeting called for that purpose, and forward the record of the matter that is on appeal to the Board.

1107.2. ~~808.2~~. Record.

The record considered by the Board shall be the record of the application for Independent Impact Analysis, the offer of credit, or the request for Refund (as the case may be).

1107.3. ~~808.3~~. Notice.

The County Impact Fee Administrator shall notify the applicant by mail or hand delivery at least 15 calendar days prior to the Board's hearing on the appeal.

1107.4. ~~808.4~~. Hearing on Appeal.

At the hearing on the appeal, the Board shall provide the appellant an opportunity to identify the grounds for the appeal and the basis for the County Impact Fee Administrator's error on the decision, based on the record. The County Impact Fee Administrator or a representative, other County staff involved in the decision, and the appellant shall be allowed to respond, based on the record. After the presentations, the Board may hear from any other person(s) it deems appropriate, and then based on the testimony heard at the hearing and the record, the Board shall affirm, modify or reverse the decision of the County Impact Fee Administrator based on the standards in ~~Section 1107.5808.5~~ (Standards).

1107.5. ~~808.5~~. Standards.

To reverse a decision of the County Impact Fee Administrator, the Board shall find that there is a clear and demonstrable error in the application of the facts in the record to the standards for review of an Independent Impact Analysis (~~Section 1102.3.E803.3.5~~), Refund (~~Section 1105806~~), or offer of credit (~~Section 1106807~~) (as the case may be). If the Board reverses or modifies the decision, it shall provide the County Impact Fee Administrator clear direction on the proper decision. In no case shall the Board have the authority to negotiate the amount of the Impact Fees or waive the Fees. The decision of the Board shall be final.

1107.6. ~~808.6~~. Form of Decision.

The Board's decision on the appeal shall be in writing and shall include findings of fact and the application of those facts to the relevant standards.

(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 06-75, § 3K, 11-7-06, eff. 2-17-07)

Section 1108. ~~Section 809. Miscellaneous Provisions.~~

1108.1. ~~809.1.No Expenditure for Routine Maintenance, Rehabilitation, or Replacement.~~

No monies from the County Impact Fee Funds shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any facility of any type.

1108.2. ~~809.2.Construction of Site-Related Improvements.~~

Nothing in this chapter shall restrict the County from requiring an applicant for an Application for Development Approval to construct Site-Related Improvements, or other reasonable project improvements required to serve the applicant's project, whether or not such improvements are of a type for which credits would otherwise be available under ~~Section 807~~1106. Such Site-Related Improvements shall not be eligible for credits pursuant to ~~Section 807~~1106.

1108.3. ~~809.3.Capital Improvements Program.~~

At least once during each fiscal year of the County, the County Administrator or a designee shall present to the Board a proposed capital improvements program for the County Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities, including related equipment and vehicles, and such capital improvements program shall assign monies from each County Impact Fee Fund and Account to specific projects and related expenses for the type of facilities or services for which the Fees in that Account were paid. The Board shall accept, modify or reject the proposed capital improvements program of the County Administrator or a designee, and direct monies from the County Impact Fee Fund Accounts spent consistent with the approved capital improvement program for that year. Any monies, including any accrued interest, not assigned to specific projects within such capital improvements program, or not expended pursuant to ~~Section 1103~~804 for those County Capital Facilities not eligible for inclusion in such capital improvements program, shall be retained in the same Account until the next fiscal year.

1108.4. ~~809.4.Administrative Procedures.~~

The Board may adopt by resolution Administrative Procedures to implement this chapter.

1108.5. ~~809.5.Administrative Fee.~~

The Board ~~of County Commissioners~~ may adopt a resolution providing for administrative fees to be retained by the County as payment for the expenses of collecting the fees and administering this chapter. In no case shall the administrative fees adopted by the Board exceed the actual costs to the County of paying such expenses.

1108.6. ~~809.6.Mistake or Misrepresentation.~~

If Impact Fees are calculated and paid based on a mistake or misrepresentation, they shall be recalculated. Any amounts overpaid by a Feepayer shall be refunded by the County within thirty (30) days after the County Impact Fee Administrator's acceptance of the recalculated amount, with interest at the rate of two (2) percent per annum since the date of such overpayment. Any amounts underpaid by the Feepayer shall be paid to the County (Clerk of the Circuit Court) within thirty (30) days after the County Impact Fee Administrator's acceptance of the recalculated amount, with interest at the rate of two (2) percent per annum since the date of such underpayment. In the case of an underpayment to the County, after discovery of the error the County shall not issue any additional permits or approvals for the project for which the Impact Fees were previously paid until such underpayment is corrected, and if amounts owed to the County are not paid within sixty (60) days, the County may also repeal any permits issued in reliance on the previous payment of such Impact Fees and refund such Fees to the then current owner of the land.

1108.7. ~~809.7.Affordable Housing.~~

Manatee County may pay a portion of any Impact Fees exacted pursuant to this chapter against any Impact-Generating Land Development that has entered into a Land Use Restriction Agreement ensuring that the Impact-Generating Land Development meets those standards established by Manatee County for an affordable housing project. When an existing affordable housing unit is demolished, the property owner may transfer available Impact Fee credits from the unit for use for affordable housing development as a method for meeting requirements for mitigation related to the loss of the affordable housing unit. Such Impact Fee credits must be used in the Benefit District in which the affordable housing unit that was demolished was located.

1108.8. ~~809.8.~~ Automatic Adjustment to Offset Inflation.

Beginning August 3, 2009, the Impact Fees shown in **Exhibit 8-411-1**; Impact Fee Schedule shall be adjusted annually to reflect the effects of inflation on those costs for Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities set forth in The Impact Fee Study. On the first Monday in August 2009, and on the first Monday of August of each following year, unless (a) and until the Fees in **Exhibit 8-411-1** are revised or replaced by action of the Board, or (b) the automatic increase is deferred pursuant to **this Section 809.8.1**, each Impact Fee amount set forth in **Exhibit 8-411-1** shall be adjusted to account for inflationary increases in the costs of providing the Capital County Facilities using the Construction Cost Index calculated by the Engineering News-Record (ENR). Notice of such increase shall be provided in accordance with Section 163.31801, Florida Statutes. For each such adjustment, the Impact Fees shown in **Exhibit 8-411-1** shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one-year prior to the period reflected in the numerator.

~~809.8.1. Deferral of Automatic Increase.~~ The Board of County Commissioners may elect to defer the automatic adjustment to offset inflation. The election of deferral shall be done by adoption of a Resolution of the Board.

1108.9. ~~809.9.~~ Five-Year Review.

At least once every five (5) years, the County Impact Fee Administrator, after consultation with all other appropriate providers of Capital Countywide Parks Facilities, Capital Roads Facilities, Capital Law Enforcement Facilities, and Capital Public Safety Facilities, shall recommend to the Board whether any changes should be made to **Exhibit 8-411-1**; Impact Fee Schedule, and other sections of this chapter to reflect changes in the factors that affect the fee schedule. The purpose of this review is to analyze potential changes in needs, to assess any changes in the characteristics of land uses, to assess Capital Public Facility Standards, to assess changes on the demand new growth and development places on County Capital Facilities, and to ensure that the Impact Fees charged new Impact-Generating Land Development will not exceed its pro rata share for the reasonably anticipated expansion costs of County Capital Facilities.

1108.10. ~~809.10.~~ Borrowing of Funds from Non-Impact Fee Source.

If the Board borrows funds from non-impact fee sources for the funding of Improvements for County Capital Facilities with the intent of repaying those funds with Impact Fees, the following procedures shall apply. The Board shall adopt a resolution finding that the Improvements for County Capital Facilities for which the funds are borrowed shall mitigate needs created by Impact-Generating Land Development. The Board shall adopt a resolution providing for the appropriation and expenditure of Impact Fee funds in order to reimburse the source of the borrowed funds in the same manner that the Impact Fees would otherwise be expended.

1108.11. ~~809.11.~~ Enforcement.

Knowingly furnishing false information to any governmental official on any matter related to the administration of this chapter shall constitute a violation of this chapter. Violations of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment; however, in addition to or in lieu of any criminal prosecution, the County shall have the power to sue for legal and equitable relief in Circuit Court to enforce the provisions of this chapter.

~~(Ord. No. 04-19, § 2, 2-24-04; Ord. No. 05-52, § 4, 10-6-05; Ord. No. 06-75, § 3L, 11-7-06, eff. 2-17-07; Ord. No. 08-81, § 2, 12-4-08)~~

Exhibit 11 - 1 ~~Exhibit 8-4~~: Manatee County Impact Fee Schedule for Unincorporated Areas, October 1, 2011

Note: Does not include any adjustments for water or sewer fees. Contact the Manatee County Utilities Department for information on water and sewer fees.

	Impact Fee Components				
	Countywide Parks	Roads	Law Enforcement	Public Safety	Total Fee
Residential Categories (per housing unit)					
Single Family Detached					
0-2 bedrooms	\$1,177.02	\$3,254.87	\$471.52	\$250.77	\$5,154.18
3 bedrooms	\$1,426.82	\$3,946.03	\$572.05	\$304.29	\$6,249.19
4+ bedrooms	\$1,878.44	\$4,741.66	\$752.90	\$400.46	\$7,773.47
Townhouse/Duplex					
0-2 bedrooms	\$1,042.81	\$1,542.90	\$604.91	\$254.09	\$3,444.71
3+ bedrooms	\$1,528.61	\$1,918.80	\$886.29	\$372.19	\$4,705.90
Manufactured-Mobile Homes					
0-2 bedrooms	\$505.12	\$1,183.82	\$258.25	\$166.25	\$2,113.44
3+ bedrooms	\$612.32	\$1,436.30	\$313.59	\$201.88	\$2,564.09
All Other Housing Types					
0-2 bedrooms	\$702.43	\$1,627.06	\$320.34	\$180.71	\$2,830.54
3+ bedrooms	\$1,101.19	\$2,272.27	\$502.49	\$283.48	\$4,159.43
Nonresidential (per 1,000 Sq. Ft. of Floor Area)					
Commercial/Shop Ctr.	n/a	\$7,152.15	\$516.23	\$127.96	\$7,796.34
Office	n/a	\$1,822.88	\$606.31	\$133.22	\$2,562.41
Hospital	n/a	\$2,734.32	\$490.03	\$101.03	\$3,325.38
Mini-Warehouse	n/a	\$414.29	\$165.13	\$77.05	\$656.47
Warehouse	n/a	\$589.95	\$153.71	\$75.71	\$819.37
Manufacturing	n/a	\$426.16	\$127.12	\$74.43	\$627.71
Light Industrial	n/a	\$776.46	\$141.97	\$75.81	\$994.24
Church (without weekday school or day care)	n/a	\$1,508.02	\$234.10	\$91.92	\$1,834.04
Nursing Home	n/a	\$2,126.39	\$183.72	\$637.96	\$2,948.07
Day Care	n/a	\$3,310.39	\$715.19	\$100.62	\$4,126.20
Secondary School (High schools, middle schools)	n/a	\$3,310.39	\$715.19	\$100.62	\$4,126.20
Elementary School	n/a	\$3,310.39	\$715.19	\$100.62	\$4,126.20
Lodging ¹	n/a	\$1,143.44	\$399.69	\$131.18	\$1,674.31

(Ord. No. 05-52, § 5, 10-6-05; Ord. No. 06-75, § 3M, 11-7-06, eff. 2-17-07; Ord. No. 09-07, § 4, 2-3-09)

¹ Road impact fee rates for lodging (hotels, motels) are calculated per room. Remaining impact fee rates for lodging are calculated per 1,000 square feet.

Exhibit 8-2: Transportation Benefit Districts



