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City of Oviedo

ORDINANCE NO. 1371

AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, DELETING ARTICLE X OF THE CITY OF OVIEDO LAND DEVELOPMENT CODE, UPDATING IMPACT FEES FOR FIRE AND RESCUE (EMERGENCY MEDICAL SERVICE), LAW ENFORCEMENT, RECREATION AND PARKS, AND TRANSPORTATION FACILITIES; ESTABLISHING AN ADMINISTRATIVE FACILITIES IMPACT FEE; PROVIDING FOR COMPLIANCE WITH THE FLORIDA IMPACT FEE ACT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council retained the firm of Tindale-Oliver & Associates, Inc. to study the need to update the City's existing impact fees for fire and rescue (emergency medical service), law enforcement, recreation and parks, and transportation facilities and to establish the proportionate share of new development's demand for additional administrative facilities and to make recommendations relative to the imposition of an impact fee relating to administrative facilities; and

WHEREAS, Tindale-Oliver & Associates, Inc. has prepared and presented to the City Council a report titled, "City of Oviedo Impact Fee Update," dated July 12, 2006 (the Technical Report) which establishes the proportionate share of new development's impacts on the public facilities for which impact fees are to be collected pursuant to this Ordinance and the City Council hereby adopts and accepts the said report as a composition of legislative findings relating to the enactment of this Ordinance; and

WHEREAS, the Technical Report has been presented to and reviewed by the City Council, which has determined:

- 1) that impact fees are necessary to offset the costs to the City associated with meeting the necessary public service and facility demand created by projected new residential and non-residential development;
- 2) that the amount of the impact fees bears a reasonable relationship to the burden imposed upon the City to provide the new public facilities addressed in the Technical Report to new development;
- 3) the expenditure of impact fees, pursuant to the terms of this Ordinance, will result in a beneficial use to such new development reasonably related to the impact fees, per dwelling unit, by type and per increment of non-residential development;
- 4) that an "essential nexus" exists between the projected new development and the need for additional public facilities to be funded via the development fees; and
- 5) that the amount of the development fees is "roughly proportional" to the fair share of the additional public facilities needed to provide adequate service to new development; and,

WHEREAS, pursuant to § 163.31801, *Florida Statutes* (Chapter 2006-218, Laws of Florida):

- 1) the Technical Report, and the impact fees recommended therein, are based on the most recent and localized data;

- 2) this Ordinance includes procedures for accounting and reporting of impact fee collections and expenditures in order to assure compliance with applicable legal standards;
- 3) this Ordinance includes separate accounting funds for each public facility for which an impact fee is collected;
- 4) administrative fees charged pursuant to this Ordinance for the collection of impact fees are limited to actual costs;
- 5) this Ordinance requires audits of the City's financial statements to include an affidavit of the City's chief financial officer stating that the requirements of § 163.31801, *Florida Statutes*, have been complied with; and

WHEREAS, the impact fees assessed pursuant to this Ordinance are necessary to ensure the public health, safety, and welfare of the residents of the City of Oviedo.

WHEREAS, the Development Review Committee considered the Technical Report on Thursday, July 13, 2006, and recommends adoption; and

WHEREAS, the Planning, Zoning, and Appeals Board conducted a public hearing on Tuesday, July 25, 2006, and thereat, recommended adoption; and

WHEREAS, the City Council of the City of Oviedo hereby finds and determines that the provisions of this Ordinance are consistent with the *Comprehensive Plan of the City of Oviedo* and the controlling provisions of State law; and

WHEREAS, the City Council of the City of Oviedo hereby finds and determines that it has taken all actions relating to the enactment of this Ordinance in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ORDAINED BY the City Council of the City of Oviedo as follows:

SECTION 1. That Article X, Impact Fees, is hereby deleted from the City of Oviedo Land Development Code.

SECTION 2. That the following is hereby adopted to update the City's impact fees for Fire and Rescue (Emergency Medical Service), Law Enforcement, Recreation and Parks, and Transportation Facilities and establish an Administrative Facilities Impact Fee:

PART I – PROCEDURAL AND ADMINISTRATIVE REQUIREMENTS

1.0 Purpose and Authority

- 1.1 The City Council of the City of Oviedo recognizes that growth and development in the City will require that the capacity of the City's public facilities be expanded in order to maintain adequate levels of service, and that without a funded program for public facility improvements, new growth and development will have to be limited in order to protect the health, safety and welfare of the citizens of the City of Oviedo.

- 1.2 The City Council has completed a study updating the type, amount and cost of projected public facility improvements needed to serve new growth and development.
- 1.3 The purpose of this Ordinance is to ensure that new growth and development that is approved by the City pays a fair share of the costs of public facilities needed to serve new growth and development.
- 1.4 This Ordinance, which requires new development to pay reasonable impact fees, requires new development to pay its pro rata share of the reasonably anticipated expansion costs of new public facilities created by new growth and development, which is the responsibility of the City in order to carry out its Comprehensive Plan, as amended, and adopted under Section 163.3161, et seq., *Florida Statutes*, and is in the best interest of the public health, safety, and welfare.
- 1.5 The City of Oviedo has determined that it is in the best economic interests of the citizens of the City to ensure that certain forms of development be exempt from the requirements of payment of certain impact fees.
- 1.6 The technical data, findings and conclusions herein are based on the Comprehensive Plan, as amended, the 2006 Impact Fee Update Report (the "Technical Report"), and other studies and reports.

2.0 Adoption of Technical Report as Basis of Impact Fees

The City hereby adopts and incorporates by reference, the report entitled "City of Oviedo Impact Fee Update," prepared by Tindale-Oliver & Associates, and dated July 12, 2006 (referred to herein as the "Technical Report"), which, among other things, supports the amounts and reasonableness of the impact fees imposed by this Ordinance.

3.0 Interpretations of Ordinance and Fee Schedule

Interpretation of the provisions of this Ordinance shall be made by the City Manager or the City Manager's designee.

4.0 Effect on Other Regulations and Requirements

- 4.1 This Ordinance may not be construed to alter, amend, or modify any provision of the City's Land Development Code and Code of Ordinances. Other provisions of the City's Land Development Code and Code of Ordinances shall be operative and remain in full force and effect notwithstanding any contrary provisions, definitions, or intentions that are or may be expressed or implied in this Ordinance.
- 4.2 The payment of impact fees shall not entitle the applicant to a building permit unless all other applicable land use, land development, zoning, planning, concurrency, and other applicable requirements, standards, and conditions have been met. Such other requirements, standards, and conditions are independent of the requirement for payment of impact fees required by this Ordinance.
- 4.3 This Ordinance, including the specific impact fee ordinances for particular public facilities, shall not affect, in any manner, the permissible use of property, density or intensity of development, design and improvement standards, or other applicable standards or requirements of the Land Development Code.

5.0 Definitions

- 5.1 **"Administrative Facilities"** means the land, buildings, structures, equipment and facilities as may be necessary to meet the needs for City administration which are created by new development, including those costs which are incidental to the above.
- 5.2 **"Administrative Facilities Capital Costs"** include, but are not limited to, costs associated with the planning, design and construction of new or expanded administrative facilities, which have a life expectancy of three or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures or personnel, training, or other operating costs but do include the following costs as they relate to the provision of administrative facilities:
- 5.2.1 the cost of all labor and materials;
- 5.2.2 the cost of all lands, property, rights, easements and franchises acquired, including costs of acquisition or condemnation;
- 5.2.3 the cost of all plans and specifications;
- 5.2.4 the cost of new equipment;
- 5.2.5 the cost of all construction, new drainage facilities in conjunction with new buildings and structures, and site improvements required in accordance with the Comprehensive Plan or Land Development Code;
- 5.2.6 the cost of relocating utilities to accommodate new construction;
- 5.2.7 the cost of planning, engineering and legal services;
- 5.2.8 the cost of all land surveying, and soils and materials testing; and
- 5.2.9 the cost of mitigating negative impacts of construction including natural resource impacts, environmental impacts, noise impacts, air quality impacts, and community impacts.
- 5.3 **"City"** means the City of Oviedo, Florida.
- 5.4 **"Developer"** For the purposes of this Ordinance means a person, corporation, organization, or other legal entity undertaking development.
- 5.5 **"Development"** For the purposes of this Ordinance means any construction or expansion of building(s) or structure(s), or any changes in the use of any building(s) or structure(s) or land use that will generate additional impact on the City's public facilities.
- 5.6 **"Encumbered"** means legally obligated or otherwise committed to use by appropriation or contract.
- 5.7 **"Essential public services"** means services or buildings owned, managed, or operated by or in the interest of a governmental entity, which provides a function critical to the health, safety, and welfare of the public, but which is not proprietary in nature. Essential public services may specifically include, but not be limited to, public schools (including charter schools), water and sewer services, emergency services, publicly-owned housing, public safety facilities and services.
- 5.8 **"Fair Share"** means that share or portion of the cost of public facility improvements which is reasonably attributable to or needed to serve a particular development.
- 5.9 **"Fee Payer"** means a person undertaking development who pays a fair share impact fee in accordance with the terms of this Ordinance.

- 5.10 **"Fire and Rescue (Emergency Medical Service) Facilities"** means the land, buildings, structures, equipment and facilities as may be necessary to meet the needs for City fire and emergency medical services which are created by new development, including those costs which are incidental to the above.
- 5.11 **"Fire and Rescue (Emergency Medical Service) Facilities Capital Costs"** include, but are not limited to, capital costs associated with the planning, design and construction of new or expanded fire and rescue (emergency medical service) facilities which have a life expectancy of three or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures or personnel, training, or other operating costs but do include the following as they relate to the provision of fire and rescue (emergency medical service) facilities:
- 5.11.1 the cost of all labor and materials;
 - 5.11.2 the cost of all lands, property, rights, easements and franchises acquired, including costs of acquisition or condemnation;
 - 5.11.3 the cost of all plans and specifications;
 - 5.11.4 the cost of new equipment;
 - 5.11.5 the cost of all construction, new drainage facilities in conjunction with new buildings and structures, and site improvements required in accordance with the Comprehensive Plan or Land Development Code;
 - 5.11.6 the cost of relocating utilities to accommodate new construction;
 - 5.11.7 the cost of planning, engineering and legal services;
 - 5.11.8 the cost of all land surveying, and soils and materials testing; and
 - 5.11.9 the cost of mitigating negative impacts of construction including natural resource impacts, environmental impacts, noise impacts, air quality impacts, and community impacts.
- 5.12 **"Impact Fee"** means a fee imposed pursuant to this Ordinance.
- 5.13 **"Impact Fee Account"** means an account established by the City for the purpose of segregating impact fee revenues collected for a particular public facility from all other City funds.
- 5.14 **"Level of Service"** is a measure of the availability and accessibility of public facilities in support of public facility services.
- 5.15 **"Non-commencement"** means the cancellation of construction activity making a material change in a structure, or the cancellation of any other development activity making a material change in the use or appearance of land.
- 5.16 **"Recreation and Parks Facilities"** means the land, buildings, structures, equipment and facilities as may be necessary to meet the needs for the City community recreation and parks system, which are created by new development, including those costs which are incidental to the above.
- 5.17 **"Recreation and Parks Facilities Capital Costs"** include, but are not limited to, capital costs associated with the planning, design and construction of new or expanded recreation and parks facilities which have a life expectancy of three or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures or personnel, training, or other operating costs, but do include the following as they relate to the provision of recreation and parks facilities:

- 5.17.1 the cost of all labor and materials;
 - 5.17.2 the cost of all lands, property, rights, easements and franchises acquired, including costs of acquisition or condemnation;
 - 5.17.3 the cost of all plans and specifications;
 - 5.17.4 the cost of new equipment;
 - 5.17.5 the cost of all construction, new drainage facilities in conjunction with new buildings and structures, and site improvements required in accordance with the Comprehensive Plan or Land Development Code;
 - 5.17.6 the cost of relocating utilities to accommodate new construction;
 - 5.17.7 the cost of planning, engineering and legal services;
 - 5.17.8 the cost of all land surveying, and soils and materials testing; and
 - 5.17.9 the cost of mitigating negative impacts of construction including natural resource impacts, environmental impacts, noise impacts, air quality impacts, and community impacts.
- 5.18 "Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having joint or common interest, or any other legal entity.
- 5.19 "Law Enforcement Facilities" means the land, buildings, structures, equipment and facilities as may be necessary to meet the needs for City law enforcement protection which are created by new development, including those costs which are incidental to the above.
- 5.20 "Law Enforcement Facilities Capital Costs" include, but are not limited to, costs associated with the planning, design and construction of new or expanded law enforcement facilities which have a life expectancy of three or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures or personnel, training, or other operating costs but do include the following costs as they relate to the provision of law enforcement facilities:
- 5.20.1 the cost of all labor and materials;
 - 5.20.2 the cost of all lands, property, rights, easements and franchises acquired, including costs of acquisition or condemnation;
 - 5.20.3 the cost of all plans and specifications;
 - 5.20.4 the cost of new equipment;
 - 5.20.5 the cost of all construction, new drainage facilities in conjunction with new buildings and structures, and site improvements required in accordance with the Comprehensive Plan or Land Development Code;
 - 5.20.6 the cost of relocating utilities to accommodate new construction;
 - 5.20.7 the cost of planning, engineering and legal services;
 - 5.20.8 the cost of all land surveying, and soils and materials testing; and
 - 5.20.9 the cost of mitigating negative impacts of construction including natural resource impacts, environmental impacts, noise impacts, air quality impacts, and community impacts.
- 5.21 "Public Facilities" means roadway facilities, law enforcement facilities, fire and rescue (emergency medical service) facilities, recreation and parks facilities, and administrative facilities for which impact fees are collected pursuant to this Ordinance.

- 5.22 "Public Facilities Capital Costs"** includes administrative facilities capital costs, fire and rescue (emergency medical service) facilities capital costs, recreation and parks facilities capital costs, law enforcement facilities capital costs, and roadway capital costs.
- 5.23 "Road Impact Fee"** means the fair share fee imposed upon new growth and development by this Ordinance.
- 5.24 "Roadway facilities"** means transportation facilities, including land, that are planned and designed to provide off-site traffic capacity to new development, in contrast to "on-site" improvements, which are necessary to provide safe and/or efficient access to a particular development. The fact that either type of improvement may have incidental benefits of special or general character shall not be considered in determining which transportation facilities are considered a roadway facility. The character of the improvement shall control a determination of whether an improvement meets the definition of roadway facility and the physical location of the improvement on or off-site shall not be considered determinative.
- 5.25 "Roadway capital costs"** include, but are not limited to, costs associated with the planning, design and construction of new or expanded roadway facilities which have a life expectancy of three or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures or personnel, training, or other operating costs, but do include the following costs as they relate to the provision of roadway facilities:
- 5.25.1** the cost of all labor and materials;
 - 5.25.2** the cost of all lands, property, rights, easements and franchises acquired, including costs of acquisition or condemnation;
 - 5.25.3** the cost of all plans and specifications;
 - 5.25.4** the cost of all construction, including new through lanes, new turn lanes, new bridges, new drainage facilities in conjunction with roadway improvements which add capacity to the roadway system, new street lighting, new traffic signalization and landscaping, and new curbs, sidewalks, medians and shoulders, all in accordance with the Comprehensive Plan or Land Development Code;
 - 5.25.5** the cost of relocating utilities to accommodate new roadway construction;
 - 5.25.6** the cost of planning, engineering and legal services;
 - 5.25.7** the cost of all land surveying, and soils and materials testing; and
 - 5.25.8** the cost of mitigating negative impacts of construction including natural resource impacts, environmental impacts, noise impacts, air quality impacts, and community impacts.
- 5.26 "Technical Report"** means the "City of Oviedo Impact Fee Update," prepared by Tindale-Oliver & Associates, and dated July 12, 2006, as may be further updated from time to time.
- 5.27 "Temporary Uses"** means uses that are required in the construction phase of development or are uniquely seasonal in nature, including, but not limited to: contractor's project offices, project sales offices, seasonal sales of trees or farm produce, carnivals, and tent meetings.

6.0 Applicability of this Ordinance

- 6.1 Affected Area:** This Ordinance shall apply to all new development within the City. Impact fees for particular public facilities may apply to less than the entire City, only as indicated specifically in this Ordinance.
- 6.2 Type of Development Affected:** Except where specifically exempt by the provisions of this Ordinance, this Ordinance shall apply to all new development.
- 6.3 Type of Development Not Affected:** The following types of development shall be exempt from the payment of impact fees pursuant to this Ordinance:
- 6.3.1** Alterations or expansion of an existing dwelling unit where no additional units are created and the use is not changed;
 - 6.3.2** For road impact fees, the construction of accessory buildings or structures which will not increase the traffic counts associated with the principal building or structure or the land;
 - 6.3.3** For fire and rescue (emergency medical service) law enforcement, recreation and parks, and administrative facilities impact fees, the construction of accessory buildings or structures which will not increase the number of individuals living or working in the principal building or structure or the land;
 - 6.3.4** The replacement of a destroyed or partially destroyed building or structure, with a new building or structure of the same size and use;
 - 6.3.5** The construction of agricultural structures;
 - 6.3.6** Temporary uses; and
 - 6.3.7** Essential public services.
- 6.4 Reductions:** Reductions from the requirement to pay impact fees pursuant to this Ordinance shall be granted only as specifically provided in this Ordinance.

7.0 Collection of Impact Fees; Fair Share Agreements; When Not Paid by Mistake or Inadvertence; Liens

- 7.1 Collection:** Impact fees required by this Ordinance shall be assessed against new development and collected in full prior to issuance of a building permit by the City. The City may authorize the payment of impact fees at another point in the development of the property only pursuant to a fair share fee agreement as provided in this section.
- 7.2 Fair Share Fee Agreements:** At any time prior to the issuance of a building permit, the owner of property may enter into a fair share fee agreement with the City providing for payment of impact fees imposed by this Ordinance. Such fee agreement may provide for installment payments of the fee, credit and security arrangements acceptable to the City, and other matters relating to the fee.
- 7.3 Collection of Fees When Not Paid by Inadvertence; Liens:** If the impact fees are not paid as required by this Ordinance prior to the issuance of a certificate of occupancy because of mistake or inadvertence, the City shall proceed to collect the impact fees as follows:
- 7.3.1** The City shall serve, by certified mail, return receipt requested, an Impact Fee Statement Notice upon the applicant at the address set forth in the application for building permit, and the owner at the address appearing on

the most recent records maintained by the property appraiser of Seminole County. The City also shall attach a copy of the Impact Fee Statement Notice to the building permit posted at the affected construction site if the building is under construction. Service of the Impact Fee Statement Notice shall be deemed effective on the date the return receipt indicates the notice was received by either the applicant or the owner or the date said notice was attached to the building permit, whichever occurs first.

7.3.2 The Impact Fee Statement Notice shall contain the legal description of the property and shall advise the applicant and the owner as follows:

7.3.2.1 The amount due and the general purpose for which the Impact Fee was imposed.

7.3.2.2 That the impact fee shall be delinquent if not paid and received by the City within 60 calendar days of the date the Impact Fee Statement Notice is received, excluding the date of receipt, and, upon becoming delinquent, shall be subject to the imposition of a delinquent fee and interest on the unpaid amount until paid;

7.3.2.3 That in the event the impact fee becomes delinquent, a lien against the property for which the building permit was secured shall be recorded in the Official Records Book of Seminole County.

7.3.3 The impact fee shall be delinquent if, within 60 calendar days from the date of the receipt of the Impact Fee Statement Notice by either the applicant or the owner, or the date said notice was attached to the building permit, neither the impact fees have been paid and received by the City, nor a hearing requested pursuant to the requirements above. In the event a hearing is requested, the impact fees shall become delinquent if not paid within 30 calendar days from the date the City Council determines the amount of impact fees due upon the conclusion of such hearing. Said time periods shall be calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of the earliest receipt of said Impact Fee Statement Notice or the hearing date of the City Council's decision in the event of an appeal. In the event the last day falls on a Sunday or legal holiday, the last due date prior to becoming delinquent shall be the next business day. Upon becoming delinquent, a delinquency fee equal to 10 percent of the total impact fee imposed shall be assessed. Such total impact fee, plus delinquency fee, shall bear interest at the statutory rate for final judgments calculated on a calendar day basis, until paid.

7.3.4 Should the impact fee become delinquent, the City shall serve, by certified mail return receipt requested, a "Notice of Lien" upon the delinquent applicant if the building is under construction at the address indicated in the application for the building permit, and upon the delinquent owner at the address appearing on the most recent records maintained by the Property Appraiser of Seminole County. The Notice of Lien shall notify the delinquent applicant and owner that due to their failure to pay the impact fee, the City shall file a Claim of Lien with the Clerk of the Circuit Court in and for Seminole County.

- 7.3.5** Upon mailing of the Notice of Lien, the City Attorney shall file a Claim of Lien with the Clerk of the Circuit Court in and for Seminole County for recording in the Official Records of Seminole County. The Claim of Lien shall contain the legal description of the property, the amount of the delinquent impact fees and the date of their imposition. Once recorded, the Claim of Lien shall constitute a lien against the property described therein. The City Attorney shall proceed expeditiously to collect or otherwise enforce said lien.
- 7.3.6** After the expiration of six months from the date of recording of the Claim of Lien, as provided herein, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted, conducted and enforced in conformity with the procedures for the foreclosure of municipal special assessment liens, as set forth in Sections 173.04 through 173.12, inclusive, Florida Statutes, which provisions are hereby incorporated herein in their entirety to the same extent as if such provision were set forth herein verbatim.
- 7.3.7** The liens for delinquent Impact Fees imposed hereunder shall remain liens, coequal with the lien of all state, county, district and municipal taxes, superior in dignity to all other subsequently filed liens and claims, until paid as provided herein.
- 7.3.8** The collection and enforcement procedures set forth in this Section shall be cumulative with, supplemental to and in addition to, any applicable procedures provided in any other ordinances or administrative regulations of the City or any applicable law or administrative regulation of the State of Florida. Failure of the City to follow the procedure set forth in this Section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the City or any applicable law or administrative regulation of the State of Florida.

8.0 Individual Assessment of Impact Fees

- 8.1** Any person who initiates any development may choose to provide an individual assessment of the public facilities impacts of the proposed development. The individual assessment may be used to determine whether a fair share of the public facilities costs necessitated by the proposed development should be less than the fees set forth in this Ordinance or, if a particular use or combination of uses is not identified in this Ordinance, what fee the use should pay. The individual assessment shall be calculated according to the methodology used for the particular public facility in the Technical Report.
- 8.2** An Application for Individual Assessment shall include the following information:
- 8.2.1** For road impact fees:
- 8.2.1.1** Trip generation rates for the proposed development, consistent with the Technical Report, based on local empirical surveys for the same or similar land use types;

9.0 Credits

- 9.1** Any person who initiates any development may apply for a credit against the impact fees imposed by this Ordinance for any contribution, payment, construction, or dedication of land accepted and received by the City for public facilities, not otherwise required in order to obtain development approval, consistent with the Comprehensive Plan, including all public facilities capital costs.
- 9.2** No credit shall exceed the impact fee imposed by this Ordinance for the proposed development, unless the applicant provides public facility capacity in excess of the fair share demand created by its proposed development.
- 9.3** Development agreements entered into prior to the adoption of this Ordinance which contained public facility improvements may be entitled to a credit under the provisions of this section if the improvement is a public facility and is consistent with the Comprehensive Plan.
- 9.4** Except as limited above, if an applicant is entitled to a credit, such credit shall be equal to the dollar value of the cost of the public facilities contributed, paid for, constructed, or dedicated to the City, based on the following criteria:
- 9.4.1** the actual cost, or estimated cost of improvements based on recent bid sheet information of the City; and
- 9.4.2** a qualified appraisal of the fair market value of any land.
- 9.5** The property owner shall initiate a determination of entitlement to credit by submitting a proposed credit agreement to the City Manager or his/her designee. The credit agreement shall include the following information:
- 9.5.1** a proposed plan of specific public facility improvements, prepared and certified by a duly qualified and licensed Florida engineer; and
- 9.5.2** the estimated costs for the suggested public facilities improvements consistent with the definition of public facilities capital costs, which shall be based on local information for similar public facilities improvements, along with a construction timetable for the completion of such improvements.
- 9.6** The proposed credit agreement shall be prepared by qualified professionals in the field of planning and engineering, impact analysis, and economics, as related to the particular impact fee to be credited.
- 9.7** Within fifteen (15) working days of receipt of the proposed credit agreement, the City Manager or his/her designee shall determine if the proposal is complete. If it is determined that the proposed credit agreement is not complete, the City Manager or his/her designee shall send a written statement to the applicant outlining the deficiencies. The City Manager or his/her designee shall take no further action on the proposed credit agreement until all deficiencies have been corrected or otherwise settled.
- 9.8** Once the City Manager or his/her designee determines the credit agreement is complete, he or she shall review it within thirty (30) working days, and shall recommend to the City Council that the proposed credit agreement be approved if it is determined that the proposed public facility improvement is consistent with the Comprehensive Plan, and the proposed costs for the suggested public facility improvement are professionally acceptable and fairly assess the cost for the

capital improvement. If the City Manager or his/her designee determines that either the suggested public facilities improvement is not consistent with the Comprehensive Plan or that the proposed costs are not acceptable, he or she shall propose a suggested public facility improvement similar to that proposed, but consistent with the provisions of this Ordinance.

- 9.9 If the proposed credit agreement is approved by the City Council, a credit agreement shall be prepared and signed by the applicant and the City. The credit agreement shall specifically outline the public facility improvement that will be constructed by the applicant, the time by which it shall be completed, and the dollar credit the applicant shall receive for construction of the public facilities improvement.
- 9.10 Within fourteen (14) days after execution by the City, the credit agreement shall be recorded with the Seminole County Clerk of the Court.

10.0 Use of Funds Collected; Impact Fee Accounts

- 10.1 Impact fees collected pursuant to this Ordinance shall be used solely for the purpose of acquisition, expansion, and development of the public facilities identified in the Comprehensive Plan, the need for which results from and the provision of which will benefit new development paying impact fees. Allowable expenditures include, but are not limited to:
- 10.1.1 public facilities and public facilities capital costs as defined in this Ordinance;
- 10.1.2 repayment of monies transferred or borrowed from any budgetary fund of the City which were used to fund the acquisition, expense and development of the public facilities identified in the Comprehensive Plan;
- 10.1.3 payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide funds for acquisition, expansion and development of public facilities identified in the Comprehensive Plan;
- 10.1.4 administration of the City's impact fee program to the extent that such administration costs do not exceed three percent (3%) of the funds collected.
- 10.2 Impact fees collected shall be encumbered for the construction of public facilities within seven (7) years of the date of collection.
- 10.3 In order to ensure that impact fee revenues are earmarked and spent solely for the expansion of public facilities necessary to offset the impacts of new development, the following provisions apply:
- 10.3.1 The City shall establish and maintain separate impact fee accounts for each public facility for which an impact fee is collected, in accordance with the provisions of this Ordinance.
- 10.3.2 Impact fees shall be spent solely for the public facility category for which they were collected.
- 10.3.3 Any amounts in an impact fee account not immediately necessary for expenditure shall be invested in an interest bearing account and all interest income derived from such investments shall be deposited in the impact fee account.

10.3.4 Impact fee revenues shall remain segregated from other city funds and only impact fees and accrued interest shall be maintained in the impact fee accounts.

10.3.5 Amounts withdrawn from an impact fee account must be used solely in accordance with the provisions of this Ordinance. Amounts on deposit in an impact fee account shall not be used for any expenditure that would be classified as a maintenance, operations, or repair expense or to address existing deficiencies in public facilities.

11.0 Refunds

- 11.1** Any impact fee collected may be returned to the fee payer if the approved development is canceled due to non-commencement of construction before the funds have been spent or encumbered. Refunds may be made in accordance with this Section provided the present owner of the approved development files a petition for a refund within six (6) months from the date of non-commencement.
- 11.2** In the absence of a fair share fee agreement and in the event impact fees are not encumbered within seven (7) years from the date of collection, the City shall refund the amount of the fee along with accrued interest to the owner of the land for which the fee was collected. For purposes of refunds, the owner of the land on which an impact fee was paid shall be the owner of record at the time that the refund is paid. The owner of the property on which an impact fee has been paid shall have standing to sue for a refund under the provisions of this section. No action shall be commenced after one (1) year after the date of expiration of the required encumbrance date.
- 11.3** A refund application shall include the following information:
- 11.3.1** a notarized sworn statement that the fee payer paid the impact fee for the property and the amount paid;
 - 11.3.2** a copy of the dated receipt issued by the City for payment of the fee;
 - 11.3.3** a certified copy of the latest recorded deed for the property; and
 - 11.3.4** a copy of the most recent ad valorem tax bill.
- 11.4** Within fifteen (15) working days of receipt of a refund application, the City Manager or his/her designee shall determine if it is complete. If the City Manager or his/her designee determines the refund application is not complete, he or she shall send a written statement specifying the deficiencies by mail to the person submitting the refund application. Unless the deficiencies are corrected, the City Manager or his/her designee shall take no further action on the refund application.
- 11.5** When the City Manager or his/her designee determines the refund application is complete, he or she shall review it within thirty (30) working days, and shall approve the proposed refund if he or she determines that the City has not spent or encumbered an impact fee within seven (7) years from the date the fees were paid.
- 11.6** When the refund application is approved, the money shall be returned with interest actually accrued, less three percent (3%) of the total fee to defray the costs of administration.
- 11.7** Any fee payer may appeal the City Manager's or his/her designee's decision on a refund application by filing a petition with the City Council within ten (10) days of the City Manager's or his/her designee's decision.

12.0 Updating, Indexing, Annual Reporting, Audits, and Notice

- 12.1** At least once every five (5) years, the City shall update the technical report which provides the basis for the impact fees imposed under this Ordinance.
- 12.2** During years when no update occurs, as required above, and beginning in July 2007, the impact fee schedules set forth in this Ordinance shall be adjusted annually to account for inflationary increases in the costs to the City of providing public facilities to new development. These annual adjustments shall be consistent with the methodology set forth in the technical report and shall be based on the Construction Cost Index calculated by the Engineering News-Record (ENR), the Seminole County Property Appraiser, the U.S. Department of Labor Consumer Price Index, and Florida Department of Transportation databases, as applicable and appropriate to a particular public facility.
- 12.3** On an annual basis, the City Manager, or his/her designee, shall report to the City Council as to the following:
- 12.3.1 the amount of impact fee revenues currently on account for each public facility for which impact fees are collected;
 - 12.3.2 the amount and nature of any expenditure or encumbrance of impact fees since the prior annual report; and
 - 12.3.3 the amount and nature of any planned expenditures or encumbrances of impact fees prior to the next annual report.
- 12.4** Audits of the City's financial statements, which are performed by a certified public accountant pursuant to Section 218.39, *Florida Statutes*, and submitted to the Auditor General, must include an affidavit signed by the Finance Director, stating that the City has complied with the requirements of Section 163.31801, *Florida Statutes*.
- 12.5** All updates and annual adjustments to this Ordinance shall comply with statutory requirements for notice and publication.

13.0 Appeals

- 13.1 Initiation:** A fee payer may appeal a final decision of a City Manager made pursuant to this Ordinance or any provision of this Ordinance to the City Council, by filing an appeal, in writing, with the City Clerk, within twenty (20) calendar days of the decision. The appeal shall include a written notice stating and specifying briefly the grounds of the appeal. The City Clerk shall place the appeal on the City Council'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 City Council.
- 13.2 Record:** The record considered by the City Council shall be the record of the application associated with the final decision being appealed from and any other documents related to the decision.
- 13.3 Notice:** The City Clerk shall provide the applicant at least fifteen (15) calendar days notice of the Appeal before the City Council by mail or hand delivery.
- 13.4 Hearing on Appeal:** The appeal hearing shall be based on the record of the matter as previously considered and shall not be a *de novo* hearing. At the hearing on the appeal, the City Council shall provide the appellant an opportunity to identify the grounds for the appeal and the basis for the City Manager's alleged

error on the decision, based on the record. To the extent relevant, the City Manager whose decision is being appealed from shall be allowed to respond, based on the record. After the presentations, the City Council may hear from any other person(s) it deems appropriate, and then based on the testimony heard at the hearing and the record affirm, modify, or reverse the decision of the City Manager or the provision of this Ordinance.

- 13.5 **Standards:** To reverse a decision of a City official, the City Council shall find that there is a clear and demonstrable error in the application of the facts in the record to the applicable standards set forth in this Ordinance. If the City Council reverses or modifies the decision, it shall provide the City official clear direction on the proper decision. In no case shall the City Council have the authority to negotiate the amount of the impact fees or waive the impact fees otherwise specified in this Ordinance. The decision of the City Council shall be final.
- 13.6 **Form of Decision:** The City Council's decision on the appeal shall be in writing, and include findings of fact and the application of those facts to the relevant standards.

PART II – IMPACT FEES BY PUBLIC FACILITY

1.0 Transportation Impact Fee

1.1 Transportation Impact Fee Schedule: A transportation impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this Ordinance, in accordance with the following fee schedule:

City of Oviedo Transportation Impact Fee Schedule

| Land Use | Impact Fee Unit | Impact Fee |
|---|-----------------|------------|
| Residential | | |
| Single Family | du | \$985.00 |
| Multi Family | du | \$826.00 |
| Mobile Home | du | \$396.00 |
| Transient, Assisted, Group | | |
| Hotel | room | \$566.00 |
| Motel | room | \$357.00 |
| Nursing Home / ACLF | bed | \$93.00 |
| Recreational | | |
| Golf Course | hole | \$3,958.00 |
| Golf Driving Range | tee | \$1,519.00 |
| Movie Theater with Matinee | screen | \$3,702.00 |
| Racquet Club/Health Club/Spa/Dance Studio | 1,000 sf | \$2,428.00 |
| Regional Park | acre | \$336.00 |
| City/Local Park | acre | \$102.00 |
| Ice Rink | 1,000 sf | \$183.00 |
| Institutions | | |
| Hospital | 1,000 sf | \$1,328.00 |

| | | |
|--|-----------|-------------|
| Day Care Center | 1,000 sf | \$1,952.00 |
| Elementary School | student | \$84.00 |
| Middle School | student | \$125.00 |
| High School | student | \$133.00 |
| Junior/Community College | student | \$152.00 |
| University/College | student | \$288.00 |
| Church | 1,000 sf | \$617.00 |
| Office | | |
| Office 50,000 SF or less | 1,000 sf | \$1,703.00 |
| Office 50,001 - 100,000 SF | 1,000 sf | \$1,322.00 |
| Office 100,001 - 200,000 SF | 1,000 sf | \$1,127.00 |
| Office 200,001 - 400,000 SF | 1,000 sf | \$964.00 |
| Office greater than 400,000 SF | 1,000 sf | \$815.00 |
| Medical Office/Clinic | 1,000 sf | \$3,409.00 |
| Retail, Gross Square Feet | | |
| Specialty Retail, including Bars/Taverns | 1,000 sf | \$2,434.00 |
| Retail 50,000 GSF or less | 1,000 sf | \$1,563.00 |
| Retail 50,001 GSF to 99,999 GSF | 1,000 sf | \$1,277.00 |
| Retail 100,000 GSF to 299,999 GSF | 1,000 sf | \$1,043.00 |
| Retail 300,000 GSF to 499,999 GSF | 1,000 sf | \$1,163.00 |
| Retail 500,000 GSF to 999,999 GSF | 1,000 sf | \$1,297.00 |
| Retail 1,000,000 GSF to 1,250,000 GSF | 1,000 sf | \$1,465.00 |
| Retail over 1,250,000 GSF | 1,000 sf | \$1,611.00 |
| Pharmacy/Drug Store w/Drive-Thru | 1,000 sf | \$1,058.00 |
| Home Improvement Superstore | 1,000 sf | \$1,707.00 |
| Quality Restaurant | 1,000 sf | \$3,953.00 |
| High-Turnover Restaurant | 1,000 sf | \$5,388.00 |
| Fast Food Rest w/ Drive-Thru | 1,000 sf | \$12,630.00 |
| Gas/Service Station | fuel pos. | \$1,310.00 |
| Quick Lube | bay | \$1,449.00 |
| Supermarket | 1,000 sf | \$1,423.00 |
| Convenience Store | 1,000 sf | \$7,308.00 |
| Convenience Store w/Gas Pumps | 1,000 sf | \$6,075.00 |
| Convenience/Gas/Fast Food | 1,000 sf | \$14,752.00 |
| Auto Repair or Body Shop | 1,000 sf | \$1,426.00 |
| Tire Store | 1,000 sf | \$910.00 |
| New and Used Car Sales | 1,000 sf | \$2,367.00 |
| Self Service Car Wash | bay | \$2,874.00 |
| Bank/Savings Walk-in | 1,000 sf | \$4,243.00 |
| Bank/Savings Drive-in | 1,000 sf | \$6,691.00 |
| Paint/Hardware Store | 1,000 sf | \$2,001.00 |
| Video Store | 1,000 sf | \$449.00 |
| Industrial | | |
| General Industrial | 1,000 sf | \$634.00 |

| | | |
|--------------------|--------------|------------|
| Business Park | 1,000 sf | \$1,201.00 |
| Manufacturing | 1,000 sf | \$346.00 |
| Mini-Warehouse | unit | \$18.00 |
| Warehouse | 1,000 sf | \$452.00 |
| Utility Substation | acre/station | \$128.00 |

1.2 Transportation Impact Fee Account: There is hereby established a transportation impact fee account into which all transportation impact fees collected shall be deposited. Transportation impact fee revenues shall be spent only on transportation facilities and transportation capital costs as provided in this Ordinance.

2.0 Law Enforcement Impact Fee

2.1 Law Enforcement Impact Fee Schedule: A law enforcement impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this Ordinance, in accordance with the following fee schedule:

City of Oviedo Law Enforcement Impact Fee Schedule

| Land Use | Impact Fee Unit | Impact Fee |
|---|-----------------|------------|
| Residential | | |
| Single Family | du | \$184.00 |
| Multi Family | du | \$102.00 |
| Mobile Home | du | \$214.00 |
| Transient, Assisted, Group | | |
| Hotel | room | \$68.00 |
| Motel | room | \$68.00 |
| Nursing Home / ACLF | bed | \$97.00 |
| Recreational | | |
| Golf Course | hole | \$109.00 |
| Golf Driving Range | tee | \$77.00 |
| Movie Theater with Matinee | screen | \$608.00 |
| Racquet Club/Health Club/Spa/Dance Studio | 1,000 sf | \$314.00 |
| Regional Park | acre | \$42.00 |
| City/Local Park | acre | \$15.00 |
| Ice Rink | 1,000 sf | \$73.00 |
| Institutions | | |
| Hospital | 1,000 sf | \$167.00 |
| Day Care Center | 1,000 sf | \$91.00 |
| Elementary School | student | \$6.00 |
| Middle School | student | \$7.00 |
| High School | student | \$8.00 |
| Junior/Community College | student | \$6.00 |
| University/College | student | \$13.00 |

| | | |
|--|--------------|----------|
| Church | 1,000 sf | \$58.00 |
| Office | | |
| Office 50,000 SF or less | 1,000 sf | \$169.00 |
| Office 50,001 - 100,000 SF | 1,000 sf | \$131.00 |
| Office 100,001 - 200,000 SF | 1,000 sf | \$111.00 |
| Office 200,001 - 400,000 SF | 1,000 sf | \$95.00 |
| Office greater than 400,000 SF | 1,000 sf | \$81.00 |
| Medical Office/Clinic | 1,000 sf | \$173.00 |
| Retail, Gross Square Feet | | |
| Specialty Retail, including Bars/Taverns | 1,000 sf | \$152.00 |
| Retail 50,000 GSF or less | 1,000 sf | \$292.00 |
| Retail 50,001 GSF to 99,999 GSF | 1,000 sf | \$267.00 |
| Retail 100,000 GSF to 299,999 GSF | 1,000 sf | \$215.00 |
| Retail 300,000 GSF to 499,999 GSF | 1,000 sf | \$238.00 |
| Retail 500,000 GSF to 999,999 GSF | 1,000 sf | \$207.00 |
| Retail 1,000,000 GSF to 1,250,000 GSF | 1,000 sf | \$191.00 |
| Retail over 1,250,000 GSF | 1,000 sf | \$181.00 |
| Pharmacy/Drug Store w/Drive-Thru | 1,000 sf | \$191.00 |
| Home Improvement Superstore | 1,000 sf | \$181.00 |
| Quality Restaurant | 1,000 sf | \$688.00 |
| High-Turnover Restaurant | 1,000 sf | \$719.00 |
| Fast Food Rest w/ Drive-Thru | 1,000 sf | \$890.00 |
| Gas/Service Station | fuel pos. | \$201.00 |
| Quick Lube | bay | \$118.00 |
| Supermarket | 1,000 sf | \$206.00 |
| Convenience Store | 1,000 sf | \$422.00 |
| Convenience Store w/Gas Pumps | 1,000 sf | \$637.00 |
| Convenience/Gas/Fast Food | 1,000 sf | \$727.00 |
| Auto Repair or Body Shop | 1,000 sf | \$298.00 |
| Tire Store | 1,000 sf | \$352.00 |
| New and Used Car Sales | 1,000 sf | \$173.00 |
| Self Service Car Wash | bay | \$192.00 |
| Bank/Savings Walk-in | 1,000 sf | \$261.00 |
| Bank/Savings Drive-in | 1,000 sf | \$211.00 |
| Paint/Hardware Store | 1,000 sf | \$128.00 |
| Video Store | 1,000 sf | \$212.00 |
| Industrial | | |
| General Industrial | 1,000 sf | \$70.00 |
| Business Park | 1,000 sf | \$102.00 |
| Manufacturing | 1,000 sf | \$50.00 |
| Mini-Warehouse | unit | \$1.00 |
| Warehouse | 1,000 sf | \$39.00 |
| Utility Substation | acre/station | \$89.00 |

2.2 Law Enforcement Impact Fee Account: There is hereby established a law enforcement impact fee account into which all law enforcement impact fees collected shall be deposited. Law Enforcement impact fee revenues shall be spent only on law enforcement facilities and law enforcement capital costs as provided in this Ordinance.

3.0 Fire and Rescue (Emergency Medical Service) Impact Fee

3.1 Fire and Rescue (Emergency Medical Service) Impact Fee Schedule: A fire and emergency medical services impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this Ordinance, in accordance with the following fee schedule:

City of Oviedo Fire Rescue Impact Fee Schedule

| Land Use | Impact Fee Unit | Impact Fee |
|---|-----------------|------------|
| Residential | | |
| Single Family | du | \$410.00 |
| Multi Family | du | \$228.00 |
| Mobile Home | du | \$478.00 |
| Transient, Assisted, Group | | |
| Hotel | room | \$151.00 |
| Motel | room | \$151.00 |
| Nursing Home / ACLF | bed | \$217.00 |
| Recreational | | |
| Golf Course | hole | \$244.00 |
| Golf Driving Range | tee | \$172.00 |
| Movie Theater with Matinee | screen | \$1,355.00 |
| Racquet Club/Health Club/Spa/Dance Studio | 1,000 sf | \$700.00 |
| Regional Park | acre | \$95.00 |
| City/Local Park | acre | \$34.00 |
| Ice Rink | 1,000 sf | \$163.00 |
| Institutions | | |
| Hospital | 1,000 sf | \$374.00 |
| Day Care Center | 1,000 sf | \$204.00 |
| Elementary School | student | \$13.00 |
| Middle School | student | \$15.00 |
| High School | student | \$18.00 |
| Junior/Community College | student | \$13.00 |
| University/College | student | \$29.00 |
| Church | 1,000 sf | \$129.00 |
| Office | | |

| | | |
|--|--------------|------------|
| Office 50,000 SF or less | 1,000 sf | \$378.00 |
| Office 50,001 - 100,000 SF | 1,000 sf | \$292.00 |
| Office 100,001 - 200,000 SF | 1,000 sf | \$249.00 |
| Office 200,001 - 400,000 SF | 1,000 sf | \$213.00 |
| Office greater than 400,000 SF | 1,000 sf | \$181.00 |
| Medical Office/Clinic | 1,000 sf | \$387.00 |
| Retail, Gross Square Feet | | |
| Specialty Retail, including Bars/Taverns | 1,000 sf | \$340.00 |
| Retail 50,000 GSF or less | 1,000 sf | \$650.00 |
| Retail 50,001 GSF to 99,999 GSF | 1,000 sf | \$596.00 |
| Retail 100,000 GSF to 299,999 GSF | 1,000 sf | \$480.00 |
| Retail 300,000 GSF to 499,999 GSF | 1,000 sf | \$530.00 |
| Retail 500,000 GSF to 999,999 GSF | 1,000 sf | \$462.00 |
| Retail 1,000,000 GSF to 1,250,000 GSF | 1,000 sf | \$426.00 |
| Retail over 1,250,000 GSF | 1,000 sf | \$403.00 |
| Pharmacy/Drug Store w/Drive-Thru | 1,000 sf | \$426.00 |
| Home Improvement Superstore | 1,000 sf | \$403.00 |
| Quality Restaurant | 1,000 sf | \$1,534.00 |
| High-Turnover Restaurant | 1,000 sf | \$1,602.00 |
| Fast Food Rest w/ Drive-Thru | 1,000 sf | \$1,983.00 |
| Gas/Service Station | fuel pos. | \$448.00 |
| Quick Lube | bay | \$262.00 |
| Supermarket | 1,000 sf | \$460.00 |
| Convenience Store | 1,000 sf | \$940.00 |
| Convenience Store w/Gas Pumps | 1,000 sf | \$1,421.00 |
| Convenience/Gas/Fast Food | 1,000 sf | \$1,620.00 |
| Auto Repair or Body Shop | 1,000 sf | \$664.00 |
| Tire Store | 1,000 sf | \$784.00 |
| New and Used Car Sales | 1,000 sf | \$387.00 |
| Self Service Car Wash | bay | \$428.00 |
| Bank/Savings Walk-in | 1,000 sf | \$582.00 |
| Bank/Savings Drive-in | 1,000 sf | \$471.00 |
| Paint/Hardware Store | 1,000 sf | \$285.00 |
| Video Store | 1,000 sf | \$473.00 |
| Industrial | | |
| General Industrial | 1,000 sf | \$156.00 |
| Business Park | 1,000 sf | \$228.00 |
| Manufacturing | 1,000 sf | \$113.00 |
| Mini-Warehouse | unit | \$2.00 |
| Warehouse | 1,000 sf | \$88.00 |
| Utility Substation | acre/station | \$199.00 |

3.2 Fire and Rescue (Emergency Medical Service) Impact Fee Account: There is hereby established a fire and emergency medical service impact fee account into which all fire and rescue (emergency medical service) impact fees collected shall be deposited. Fire and rescue (emergency medical service) service impact fee revenues shall be spent only on fire and rescue (emergency medical service) facilities and fire and rescue (emergency medical service) service capital costs as provided in this Ordinance.

4.0 Recreation and Parks Impact Fee

4.1 Recreation and Parks Impact Fee Schedule: A recreation and parks impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this Ordinance, in accordance with the following fee schedule:

City of Oviedo Recreation and Parks Impact Fee Schedule

| Land Use | Impact Fee Unit | Impact Fee |
|--------------------|-----------------|------------|
| Residential | | |
| Single Family | du | \$958.00 |
| Multi Family | du | \$539.00 |
| Mobile Home | du | \$1,118.00 |

4.2 Recreation and Parks Impact Fee Account: There is hereby established a recreation and parks impact fee account into which all recreation and parks impact fees collected shall be deposited. Recreation and parks impact fee revenues shall be spent only on recreation and parks facilities and recreation and parks facilities capital costs as provided in this Ordinance.

4.3 Reduction of Part of Recreation and Parks System Impact Fee: The City Council may reduce the recreation and parks impact fee for a given development up to fifty percent (50%) if the City Council determines that the private recreational space and facilities provided in the project are of such nature as to reduce substantially the project's impact upon the City's public need for expansion of the recreation and parks system. This reduction shall not exceed the actual cost of such private recreational space, or fifty percent of the recreation and parks system impact fee, whichever is less.

Administrative Facilities Impact Fee

5.1 Administrative Facilities Impact Fee Schedule: An administrative facilities impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this Ordinance, in accordance with the following fee schedule:

City of Oviedo Administrative Facilities Impact Fee Schedule

| Land Use | Impact Fee Unit | Impact Fee |
|--|-----------------|------------|
| Residential | | |
| Single Family | Du | \$428.00 |
| Multi Family | Du | \$239.00 |
| Mobile Home | Du | \$499.00 |
| Transient, Assisted, Group | | |
| Hotel | Room | \$158.00 |
| Motel | Room | \$158.00 |
| Nursing Home / ACLF | Bed | \$227.00 |
| Recreational | | |
| Golf Course | Hole | \$255.00 |
| Golf Driving Range | Tee | \$180.00 |
| Movie Theater with Matinee | screen | \$1,416.00 |
| Racquet Club/Health Club/Spa/Dance | 1,000 sf | \$731.00 |
| Regional Park | Acre | \$99.00 |
| City/Local Park | Acre | \$35.00 |
| Ice Rink | 1,000 sf | \$170.00 |
| Institutions | | |
| Hospital | 1,000 sf | \$390.00 |
| Day Care Center | 1,000 sf | \$213.00 |
| Elementary School | student | \$14.00 |
| Middle School | student | \$16.00 |
| High School | student | \$18.00 |
| Junior/Community College | student | \$14.00 |
| University/College | student | \$30.00 |
| Church | 1,000 sf | \$135.00 |
| Office | | |
| Office 50,000 SF or less | 1,000 sf | \$395.00 |
| Office 50,001 - 100,000 SF | 1,000 sf | \$305.00 |
| Office 100,001 - 200,000 SF | 1,000 sf | \$260.00 |
| Office 200,001 - 400,000 SF | 1,000 sf | \$222.00 |
| Office greater than 400,000 SF | 1,000 sf | \$189.00 |
| Medical Office/Clinic | 1,000 sf | \$405.00 |
| Retail, Gross Square Feet | | |
| Specialty Retail, including Bars/Taverns | 1,000 sf | \$355.00 |
| Retail 50,000 GSF or less | 1,000 sf | \$679.00 |
| Retail 50,001 GSF to 99,999 GSF | 1,000 sf | \$622.00 |
| Retail 100,000 GSF to 299,999 GSF | 1,000 sf | \$502.00 |
| Retail 300,000 GSF to 499,999 GSF | 1,000 sf | \$554.00 |
| Retail 500,000 GSF to 999,999 GSF | 1,000 sf | \$483.00 |

| | | |
|---------------------------------------|--------------|------------|
| Retail 1,000,000 GSF to 1,250,000 GSF | 1,000 sf | \$445.00 |
| Retail over 1,250,000 GSF | 1,000 sf | \$421.00 |
| Pharmacy/Drug Store w/Drive-Thru | 1,000 sf | \$445.00 |
| Home Improvement Superstore | 1,000 sf | \$421.00 |
| Quality Restaurant | 1,000 sf | \$1,603.00 |
| High-Turnover Restaurant | 1,000 sf | \$1,674.00 |
| Fast Food Rest w/ Drive-Thru | 1,000 sf | \$2,072.00 |
| Gas/Service Station | fuel pos. | \$469.00 |
| Quick Lube | Bay | \$274.00 |
| Supermarket | 1,000 sf | \$480.00 |
| Convenience Store | 1,000 sf | \$983.00 |
| Convenience Store w/Gas Pumps | 1,000 sf | \$1,485.00 |
| Convenience/Gas/Fast Food | 1,000 sf | \$1,693.00 |
| Auto Repair or Body Shop | 1,000 sf | \$694.00 |
| Tire Store | 1,000 sf | \$819.00 |
| New and Used Car Sales | 1,000 sf | \$405.00 |
| Self Service Car Wash | Bay | \$447.00 |
| Bank/Savings Walk-in | 1,000 sf | \$608.00 |
| Bank/Savings Drive-in | 1,000 sf | \$492.00 |
| Paint/Hardware Store | 1,000 sf | \$298.00 |
| Video Store | 1,000 sf | \$495.00 |
| Industrial | | |
| General Industrial | 1,000 sf | \$163.00 |
| Business Park | 1,000 sf | \$239.00 |
| Manufacturing | 1,000 sf | \$118.00 |
| Mini-Warehouse | Unit | \$2.00 |
| Warehouse | 1,000 sf | \$92.00 |
| Utility Substation | acre/station | \$208.00 |

5.2 Administrative Facilities Impact Fee Account: There is hereby established an administrative facilities impact fee account into which all administrative impact fees collected shall be deposited. Administrative facilities impact fee revenues shall be spent only on administrative facilities and administrative facilities capital costs as provided in this Ordinance.

SECTION 3. Notice. The City Manager or his designee is hereby authorized to provide the 90-day notice of the effective date of the updated impact fees in accordance with Section 163.31801, *Florida Statutes*.

SECTION 4. Savings. The provisions of this Ordinance shall apply for all impact fees hereinafter levied and imposed by the City for the purposes set forth in this Ordinance. All prior actions of the City relative to the implementation and administration of its impact fees programs are hereby ratified and affirmed.

SECTION 5. Adoption of Rules by City Manager. The City Manager shall have the power and authority to promulgate administrative rules and formulate incipient City policy in order to implement the provisions of this Ordinance.

SECTION 6. Codification. The provisions of this Ordinance shall be codified as and become and be made a part of the *City of Oviedo Code of Ordinances*. The Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5, 6, 7, 8, and 9 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 7. Conflict. To the extent of any conflict between any other City regulations and ordinances and this Ordinance, this Ordinance shall be deemed to control.

SECTION 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portion hereof.

SECTION 9. Effective Date. This Ordinance shall become effective immediately upon completion of the ninety-day (90) notice period required by Section 163.31801, *Florida Statutes*.

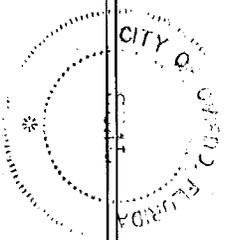
FIRST READING:

August 7, 2006

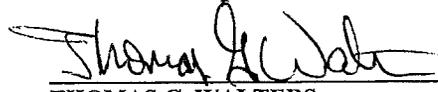
SECOND READING:

September 6, 2006

PASSED AND ADOPTED this 10th day of September, 2006.




DOMINIC PERSAMPIERE
CHAIRMAN of the City Council of the
City of Oviedo, Florida


THOMAS G. WALTERS
MAYOR of the City of Oviedo, Florida

ATTEST:


BARBARA J. BARBOUR
CITY CLERK

