

5 **ROAD IMPACT FEE ORDINANCE**
6

7 AN ORDINANCE RELATING TO THE REGULATION OF THE USE AND
8 DEVELOPMENT OF LAND IN THE UNINCORPORATED AND
9 INCORPORATED AREAS OF GLADES COUNTY, FLORIDA; IMPOSING
10 AN IMPACT FEE ON LAND DEVELOPMENT IN GLADES COUNTY FOR
11 PROVIDING ADDITIONAL ROAD CAPACITY AND RELATED
12 FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; STATING
13 THE AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING
14 DEFINITIONS; PROVIDING FINDINGS AND DECLARATIONS OF THE
15 BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR THE
16 PAYMENT AND TIME OF PAYMENT OF A ROAD IMPACT FEE; PRO-
17 VIDING FOR REVIEW AND ADJUSTMENT OF ROAD IMPACT FEES AND
18 THE FEE SCHEDULES; PROVIDING FOR THE ESTABLISHMENT OF
19 ROAD IMPACT FEE DISTRICTS; PROVIDING FOR THE PLACEMENT OF
20 REVENUE COLLECTED FROM ROAD IMPACT FEES INTO ROAD
21 IMPACT FEE TRUST FUNDS ESTABLISHED FOR THAT PURPOSE;
22 PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR
23 REFUND OF UNEXPENDED FUNDS; PROVIDING FOR USE OF FUNDS
24 DERIVED FROM ROAD IMPACT FEES; PROVIDING THAT ROAD
25 IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND
26 ISSUES AND SIMILAR DEBT INSTRUMENTS; PROVIDING FOR CREDITS
27 AGAINST IMPACT FEES FOR DONATIONS; PROVIDING FOR
28 AUTOMATIC ADJUSTMENT OF IMPACT FEES; PROVIDING FOR
29 PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR
30 SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
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32 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GLADES
33 COUNTY, FLORIDA:
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36 **Section One: Legislative Findings**
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38 The Board of County Commissioners of the Glades County finds, determines and declares that:
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- 40 A. Glades County must expand the capacity of its road system in order to
41 maintain current levels of service if new development is to be
42 accommodated without decreasing current levels of service. This must be

1 done in order to promote and protect the health, safety and welfare of both
2 existing and new residents and businesses;

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4 B. The Florida Legislature, through the enactment of Florida Statutes Chapter
5 163.3202 (3), has sought to encourage Glades County to enact impact
6 fees;

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8 C. The imposition of impact fees is one of the preferred methods of ensuring
9 that development bears a proportionate share of the cost of capital
10 facilities necessary to accommodate such development. This must be
11 done in order to promote and protect the public health, safety and welfare;

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13 D. Each of the types of land development described in Section Seven hereof,
14 will generate traffic necessitating the acquisition of rights-of-way, road
15 construction and road improvements;

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17 E. The fees established by Section Seven are derived from, are based upon,
18 and do not exceed a pro rata share of the costs of providing additional
19 rights-of-way, road construction and road improvements necessitated by
20 the new land developments for which the fees are levied; and

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22 F. The report entitled "Technical Memorandum on the Methods of
23 Calculating Roads, Parks and Emergency Medical Impact Fees" Prepared
24 for Glades County, Florida", dated March 14, 2006, sets forth a reasonable
25 methodology and analysis for the determination of the impact of new
26 development on the need for and costs for additional rights- of-way, road
27 construction and road improvements in Glades County.

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30 **Section Two: Short Title, Authority and Applicability.**

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32 A. This ordinance shall be known and may be cited as the "Glades County
33 Road Impact Fee Ordinance."

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35 B. The Board of County Commissioners of Glades County has the authority
36 to adopt this ordinance pursuant to Article VII of the Constitution of the
37 State of Florida, and Chapters 125 and 163.3202 (3), of the Florida
38 Statutes.

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41 **Section Three: Intent and Purposes**

1 A. This ordinance is intended to assist in the implementation of the Glades
2 County Comprehensive Plan.

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4 B. The purpose of this ordinance is to regulate the use and development of land so
5 as to assure that new development is provided with needed expansions of road
6 capacity and that new development bears a proportionate share of the cost of
7 capital expenditures necessary to provide that expansion of road capacity.
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10 **Section Four: Rules of Construction**

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12 A. The provisions of this ordinance shall be liberally construed so as to
13 effectively carry out its purpose in the interest of the public health, safety
14 and welfare.
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16 B. For the purposes of administration and enforcement of this ordinance,
17 unless otherwise stated in this ordinance, the following rules of
18 construction shall apply to the text of this ordinance:
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20 (1) In case of any difference of meaning or implication between the text of
21 this ordinance and any caption, illustration, summary table, or illustrative
22 table, the text shall control.
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24 (2) The word "shall" is always mandatory and not discretionary; the word
25 "may" is permissive.
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27 (3) Words used in the present tense shall include the future; and words used in
28 the singular number shall include the plural, and the plural the singular,
29 unless the context clearly indicates the contrary.
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31 (4) Words expressed in the feminine gender shall include the masculine and
32 words expressed in the masculine gender shall include the feminine.
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34 (5) The phrase "used for" includes "arranged for", "designed for", "maintained
35 for", or "occupied for".
36

37 (6) The word "person" includes an individual, a corporation, a partnership, an
38 incorporated association, or any other similar entity.
39

40 (7) Unless the context clearly indicates the contrary, where a regulation
41 involves two (2) or more items, conditions, provisions, or events
42 connected by the conjunction "and", "or" or "either...or", the conjunction
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1 shall be interpreted as follows:

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- 3 (a) "And" indicates that all the connected terms, conditions,
4 provisions or events shall apply.
5
- 6 (b) "Or" indicates that the connected items, conditions, provisions or
7 events may apply singly or in any combination.
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- 9 (c) "Either...or" indicates that the connected items, conditions,
10 provisions or events shall apply singly but not in combination.
11
- 12 (8) The word "includes" shall not limit a term to the specific example but is
13 intended to extend its meaning to all other instances or circumstances of
14 like kind or character.
15
- 16 (9) "Impact Fee Administrator" means the County Administrator or any
17 county or municipal officials he/she may designate to carry out the
18 administration of this ordinance.
19
- 20 (10) All terms relating to types of development shall have the same meaning as
21 established in the Glades County Land Development Code.
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24 **Section Five: Definitions**

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- 26 A. A "feepayer" is a person commencing a land development activity within
27 Glades County which generates traffic and which requires the issuance of a
28 building permit by Glades County or a municipality within Glades County.
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- 30 B. "Building permit" is the approval issued by Glades County or any
31 municipality within Glades County that authorizes the construction or
32 placement of a building, dwelling, mobile home, recreational vehicle or other
33 structure on a site.
34
- 35 C. A "capital improvement" includes transportation planning, preliminary
36 engineering, engineering design studies, land surveys, right-of-way
37 acquisition, engineering, permitting and construction of all the necessary
38 features for any road construction project including, but not limited to:
39 (1) Construction of new through lanes,
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41 (2) Construction of new turn lanes,
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- 1 (3) Construction of new bridges,
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3 (4) Construction of new drainage facilities, sidewalks and bicycle paths in
4 conjunction with new roadway construction,
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6 (5) Purchase and installation of traffic signalization (including new and
7 upgraded signalization),
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9 (6) Construction of curbs, medians, and shoulders, and
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11 (7) Relocating utilities to accommodate new roadway construction.
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14 D. "Expansion" of the capacity of a road applies to all road and intersection
15 capacity enhancements and includes but is not limited to extensions,
16 widening, intersection improvements, upgrading signalization, and expansion
17 of bridges.
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19 E. "Land Development Activity Generating Traffic" means any change in land
20 use or any construction of buildings or structures or any change in the use of
21 any structure that attracts or produces vehicular trips.
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23 F. "Road" shall have the same meaning as set forth in the Florida Statutes.
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25 G. "Arterial Road" shall have the same meaning as set forth in the Florida
26 Statutes.
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28 H. "Collector Road" shall have the same meaning as set forth in the Florida
29 Statutes.
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31 I. "Site-related Improvements" are capital improvements and right- of-way
32 dedications for direct access improvements to and/or within the development
33 in question. Direct access improvements include but are not limited to the
34 following:
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36 (1) Construction of new through lanes,
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38 (2) Access roads leading to the development;
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40 (3) Driveways and roads within the development;
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42 (4) Acceleration and deceleration lanes, and right and left turn lanes leading to

1 those roads and driveways; and

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3 (5) Traffic control measures for those roads and driveways.

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5 J. "Independent Fee Calculation Study" means the traffic engineering and/or
6 economic documentation prepared by a feepayer or on behalf of a feepayer to
7 allow the determination of the impact fee other than by the use of the table in
8 Section Seven (A) of this ordinance.

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10 K. "Level of Service" shall have the same meaning as set forth in the Highway
11 Research Board's Highway Capacity Manual, latest edition and the Glades
12 County Comprehensive Plan.

13
14 L. "Development Order" means a regulatory approval for the development or
15 land by issued by Glades County or any municipality within Glades County.

16
17 M. "Mandatory or Required right-of-way dedications and/or roadway
18 improvements" means such non-compensated dedications and/or roadway
19 improvements required by Glades County or by any municipality within
20 Glades County.

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22 N. "US 27 – SR 29 Corridor" is the area within the rights of way of US 27 and
23 State Road 29 plus an area extending 1,000 feet east of the eastern limit if the
24 right of way and an area extended 1,000 feet west of the western limit of the
25 right of way.

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28 **Section Six: Imposition of Road Impact Fee**

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30 A. Any person who, after the effective date of this Ordinance, seeks to
31 develop land within Glades County, Florida, by applying for a building
32 permit or an the extension of a building permit to make an improvement to
33 land which will generate additional traffic is hereby required to pay a road
34 impact fee in the manner and amount set forth in this ordinance.

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36 B. No new building permit for any activity requiring payment of an impact
37 fee pursuant to Section Seven of this ordinance shall be issued by Glades
38 County or any municipality within Glades County unless and until the
39 road impact fee hereby required has been paid.

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41 C. No extension of a building permit shall be granted unless and until the road
42 impact fee hereby required has been paid.

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Section Seven: Computation of the Amount of Road Impact Fee

A. At the option of the feepayer, the amount of the road impact fee may be determined by the following fee schedule. The amounts shown include a 3% change to cover the cost of administering the road impact fee program. If amounts are shown per 1,000 square feet of floor area, the fees would be applied on a fractional basis for those portions of a building that are less than 1,000 feet.

LAND USE TYPE (UNIT)	Roads Impact Fee
RESIDENTIAL:	
Single Family Detached Unit	\$3,363
Multi-Family Unit	\$2,369
Mobile Home Unit in a Mobile Home Park	\$1,759
Recreational Vehicle	\$1,296
NON-RESIDENTIAL:	
Walk-in Bank per 1,000 FT ² or fraction thereof	\$7,985
Drive-Thru Bank per 1,000 FT ² or fraction thereof	\$8,187
Mini-Warehouse per 1,000 FT ² or fraction thereof	\$533
Hotel/Motel per Room	\$1,937
Movie Theatre per 1,000 FT ² or fraction thereof	\$7,465
Religious Facilities per 1,000 FT ² or fraction thereof	\$2,175
Day Care Center per 1,000 FT ² or fraction thereof	\$1,393
Restaurant per 1,000 FT ² or fraction thereof	\$5,836
Car Sales per 1,000 FT ² or fraction thereof	\$7,043
Offices per 1,000 FT² or fraction thereof:	
Under 100,000 FT ²	\$2,839
100,000 -199,999 FT ²	\$2,203
200,000 FT ² & Over	\$2,372
Medical Buildings:	
Medical Offices per 1,000 FT ² or fraction thereof	\$7,584
Hospitals per 1,000 FT ² or fraction thereof	\$2,966
Nursing Homes per 1,000 FT ² or fraction thereof	\$1,293
Industrial Buildings:	
Gen. Industrial per 1,000 FT ² or fraction thereof	\$2,147
Warehouse/Storage per 1,000 FT ² or fraction thereof	\$1,530
Commercial/Retail per 1,000 FT² or fraction thereof:	
Under 100,000 FT ²	\$4,440
100,000 -199,999 FT ²	\$5,590
200,000 - 399,999 FT ²	\$5,871
400,000 FT ² & Over	\$6,173
Pharmacy with Drive-Thru per 1,000 FT ² or fraction thereof	\$4,973

LAND USE TYPE (UNIT)	Roads Impact Fee
Restaurant with Drive-Thru per 1,000 FT ² or fraction thereof	\$6,988
Service Station per Fueling Station per 1,000 FT ² or fraction thereof	\$1,424
Convenience Retail per 1,000 FT ² or fraction thereof	\$8,318

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- (1) If a building permit is requested for mixed uses, then the fee shall be determined through using the applicable impact fee schedule by apportioning the development committed to uses specified on the applicable impact fee schedule.
- (2) For applications for an extension of a building permit, the amount of the fee is the difference between that fee then applicable or paid when the permit was originally issued and the fee due pursuant to this ordinance.
- (3) If the type of development activity that a building permit is applied for is not specified on the applicable fee schedule, the Impact Fee Administrator shall use the fee applicable to the most nearly comparable type of land use on the impact fee schedule. The Impact Fee Administrator shall be guided in the selection of a comparable type by the report titled Trip Generation (latest edition) prepared by Institute of Transportation Engineers.
- (4) If the Impact Fee Administrator determines that there is no comparable type of land use on the applicable impact fee schedule then the Impact Fee Administrator shall determine the fee by:
 - (a) using traffic generation statistics provided by the Florida Department of Transportation or contained in a report titled Trip Generation (latest edition) prepared by Institute of Transportation Engineers and;
 - (b) applying the formula set forth in Section Seven (B) hereof; and
 - (c) making any appropriate adjustments to the fee pursuant to Section Fourteen of this Ordinance.
- (5) In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use. The Impact Fee Administrator shall be guided in this determination by traffic generation statistics provided by the Florida Department of Transportation or

1 contained in a report titled Trip Generation (latest edition) prepared by
2 Institute Transportation Engineers.
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4 B. If a feepayer opts not to have the impact fee determined according to paragraph (A)
5 of this section, then the feepayer shall prepare and submit to the Impact Fee
6 Administrator an independent fee calculation study for the land development activity
7 for which a building permit is sought. The independent fee calculation study shall
8 follow the prescribed methodologies and formats for the study established by the
9 Guidelines and Procedures Manual adopted by motion of the Board of County
10 Commissioners of Glades County. The traffic engineering and/or economic
11 documentation submitted shall show the basis upon which the independent fee
12 calculation was made, including but not limited to the following:
13

14 (1) Traffic Engineering Studies:

- 15 (a) Documentation of trip generation rates appropriate for the
16 proposed land development activity.
- 17 (b) Documentation of trip length appropriate for the proposed land
18 development activity.
- 19 (c) Documentation of any other trip data appropriate for the
20 proposed land development activity.
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25 (2) Economic Documentation Studies:

- 26 (a) Documentation of the cost per lane per mile for roadway con-
27 struction appropriate for proposed land development activity.
- 28 (b) Documentation of credits attributable to the proposed land
29 development activity which can be expected to be available to
30 replace the portion of the service volume used by the traffic
31 generated by the proposed land development activity.
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35 Independent fee calculation studies shall be prepared and presented by professionals qualified in
36 their respective fields and employ methods recognized within those respective fields. The Impact
37 Fee Administrator shall consider the documentation submitted by the feepayer but is not required
38 to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable
39 and may, in the alternative, require the feepayer to submit additional or different documentation
40 for consideration. If an acceptable independent fee calculation study is not presented, the
41 feepayer shall pay road impact fees based upon the schedules shown in paragraph (A) of this
42 section. Determinations made by the Impact Fee Administrator pursuant to this paragraph may

1be appealed to the Board of County Commissioners by filing a written request with the County
2Manager within ten (10) days of the Impact Fee Administrator's determination.

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4**Section Eight: Payment of Fee**

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6 A. The feepayer shall pay the road impact fee required by this ordinance to
7 the Impact Fee Administrator or his/her designee prior to the issuance of a
8 building permit.

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10 B. All funds collected shall be properly identified by road impact fee district
11 and promptly transferred for deposit in the appropriate Road Impact Fee
12 Trust Fund to be held in separate accounts as determined in Section Ten of
13 this ordinance and used solely for the purposes specified in this ordinance.

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15 C. The collecting governmental entity shall be entitled to retain three (3)
16 percent of all impact fee funds it collects to offset the costs of
17 administering and enforcing this ordinance.

18**Section Nine: Road Impact Fee Districts**

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20There are hereby established two (2) road impact fee districts. The districts are separated by the
21railroad line/track leaving Highlands/Glades County line in the North of the county and along the
22railroad line to the Caloosahatchee River in Moore Haven. The East District is East of this
23railroad; the West District is South and West of this railroad.

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25**Section Ten: Road Impact Fee Trust Funds Established**

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27 A. There are hereby established two(2) separate Road Impact Fee Trust
28 Funds, one for each road impact fee district established by Section Nine of
29 this Ordinance.

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31 B. Funds withdrawn from these accounts must be used in accordance with the
32 provisions of Section Eleven of this ordinance.

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35**Section Eleven: Use of Funds**

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37 A. Funds collected from road impact fees shall be used for the purpose of
38 capital improvements to and expansion of the transportation facilities of
39 Glades County and the State of Florida.

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41 B. No funds shall be used for periodic or routine maintenance.

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- C. Funds shall be used exclusively for capital improvements or expansion within the road impact fee district, including district boundary roads, as identified in Appendix I, hereof, from which the funds were collected or for projects in other road impact districts which are of benefit to the road impact district from which the funds were collected.
- D. Funds shall be expended in the order in which they are collected.
- E. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which road impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are described in paragraph A of this section and are located within the appropriate impact fee districts created by Section Nine of this ordinance or as provided in paragraph C of this section.
- F. Impact fees may be rebated to any person when that person donates any improvement shown in A. above if the reasonable value of that donation is greater than the impact fees available for credit for the donation.
- G. At least once each fiscal period the County Manager shall, after consultation with the municipalities, present to the Board of County Commissioners a proposed capital improvement program for roads, assigning funds, including any accrued interest, from the several Road Impact Fee Trust Funds to specific road improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same Road Impact Fee Trust Funds until the next fiscal period except as provided by the refund provisions of this ordinance.
- H. Funds may be used to provide refunds as described in Section Twelve.

Section Twelve: Refund of Fees Paid

- A. If a building permit expires without commencement of construction, then the feepayer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance except that the County shall retain five percent (5%) of the fee to offset a portion of the costs of collection and refund. The feepayer must submit an application for such a refund within 30 days of the expiration of the permit.

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B. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the road impact fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of six percent (6%) per annum, provided that the landowner submits an application to the Clerk of the Court of Glades County for a refund within 180 days of the expiration of the six year period.

11Section Thirteen: Exemptions From Payment of Impact Fees

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13 The following shall be exempted from payment of the impact fee:

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A. Alterations or expansion of an existing building where no additional units are created, where the use is not changed, and where no additional vehicular trips will be produced by or attracted to the altered or expended building over and above those produced by or attracted to the existing use.

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B. The construction of accessory buildings or structures which will not produce additional vehicular trips over and above those produced by or attracted to the principal building or use of the land.

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C. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use provided that no additional trips will be produced or attracted over and above those produced or attracted by the original use of the land. In the event that a destroyed or partially destroyed building or structure is replaced with a larger building or structure or additional trips will be produced or attracted above those produced or attracted by the original structure, the amount of the impact fee due is the positive difference between the impact fee for the new use as compared to the previous use.

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D. The installation of a replacement mobile home or recreational vehicle on a lot or other such site when a road impact fee for such mobile home or recreational vehicle site has previously been paid pursuant to this ordinance or where a mobile home or recreational vehicle legally existed on such site on or prior to the effective date of this ordinance.

39Any claim of exemption must be made no later than the time of application for a building permit.
40Any claim not so made shall be deemed waived.

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1 **Section Fourteen: Credits Against Payment of Impact Fees**

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- A. No credit shall be given for site-related improvements or site-related right-of-way dedications.

- B. All mandatory or required right-of-way dedications and/or roadway improvements made by a feepayer or the predecessor in interest to the feepayer, subsequent to the effective date of this ordinance, except for site-related improvements, shall be credited on a pro rata basis against road impact fees otherwise due or to become due for the development that prompted the County or the municipality within Glades County to require such dedications or roadway improvements. Such credits shall be determined and provided as set forth in this Section.

- C. A feepayer may obtain credit against all or a portion of road impact fees otherwise due or to become due by offering to dedicate non-site-related right-of-way and/or construct non-Site related roadway improvements. This offer must specifically request or provide for a road impact fee credit. Such construction must be in accordance with City, County or State design standards, which ever is applicable. If the Impact Fee Administrator accepts such an offer, whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner:
 - (1) Credit for the dedication of non-site-Related right-of-way shall be valued at (i) 115% of the most recent assessed value by the Property Appraiser, or (ii) by such other appropriate method as the Board of County Commissioners may have accepted prior to the effective date of this ordinance for particular right-of-way dedications and/or roadway improvements, or (iii) at the option of the feepayer, by fair market value established by private appraisers acceptable to the County. Credit for the dedication of right-of-way shall be provided when the property has been conveyed at no charge to, and accepted by, the County in a manner satisfactory to the Board of County Commissioners or by another appropriate entity.

 - (2) Applicants for credit for construction of non-site-related road improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the Impact Fee Administrator. The Impact Fee Administrator shall determine credit for roadway construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the Impact Fee Administrator determines that such estimates submitted by the

1 applicant are either unreliable or inaccurate. The Impact Fee
2 Administrator shall provide the applicant with a letter or certificate setting
3 forth the dollar amount of the credit, the reason for the credit, and the legal
4 description or other adequate description of the project or development to
5 which the credit may be applied. The applicant must sign and date a
6 duplicate copy of such letter or certificate indicating his/her agreement to
7 the terms of the letter or certificate and return such signed document to the
8 Impact Fee Administrator before credit will be given. The failure of the
9 applicant to sign, date, and return such document within 60 days shall
10 nullify the credit.

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12 (3) Except as provided in subparagraph (4), Credit against impact fees
13 otherwise due will not be provided until:

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15 (a) the construction is completed and accepted by the County , a
16 municipality within Glades County or the State, whichever is
17 applicable;
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19 (b) a suitable maintenance and warranty bond is received and
20 approved by Glades County, when applicable; and
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22 (c) all design, construction, inspection, testing, bonding and
23 acceptance procedures are in strict compliance with the then
24 current city or County Paving and Drainage ordinance, when
25 applicable.

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27 (4) Credit may be provided before completion of specified roadway
28 improvements if adequate assurances are given by the applicant that the
29 standards set out in Subparagraph (c) will be met and if the feepayer posts
30 security as provided below for the costs of such construction. Security in
31 the form of a performance bond, irrevocable letter of credit or escrow
32 agreement shall be posted with and approved by Glades County in an
33 amount determined by the Impact Fee Administrator consistent with the
34 then current city or County Paving and Drainage Ordinance. If the road
35 construction project will not be constructed within one (1) year of the
36 acceptance of the offer by the Impact Fee Administrator, the amount of the
37 security shall be increased by ten percent (10%) compounded, for each
38 year of the life of the security. The security shall be reviewed and
39 approved by the Board of County Commissioners prior to acceptance of
40 the security. If the road construction project is not to be completed within
41 5 years of the date of the feepayer's offer, the Board of County
42 Commissioners must approve the road construction project and its

1 scheduled completion date prior to the acceptance of the offer by the
2 Impact Fee Administrator.

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4 (5) No credit will be provided for any capital improvement within a
5 municipality without first obtaining the recommendation of that
6 municipality.

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8 (6) A successor in interest may claim credit for dedication if that successor
9 can show adequate documentation that such credit is appropriately due to
10 the feepayer making the application for credit against impact fees
11 otherwise due.

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13 D. Any claim for credit must be made no later than the time of application for a
14 building permit. Any claim not so made shall be deemed waived.

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16 E. Credits shall not be transferable from one project or development to another
17 without the approval of the Board of County Commissioners and may only be
18 transferred to a development in a different impact fee district upon a finding by
19 the Board of County Commissioners that the dedication of right of way or road
20 construction for which the credit was given benefits such different impact fee
21 district.

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23 F. Determinations made by the Impact Fee Administrator pursuant to the credit
24 provisions of this section may be appealed to the Board of County Commissioners
25 by filing a written request with the County Manager with ten (10) days of the
26 Impact Fee Administrator's determination.

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29 **Section Fifteen: Automatic Update of Fee Schedule**

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A. The impact fee schedules shown in Section Seven A above shall be adjusted by the County Manager in April of each calendar year. Unless otherwise directed by the Board of County Commissioners, any adjustments to the impact fee schedules, made pursuant to this section, shall be effective the first Monday in October of each calendar year. All adjustments to the impact fees shall be based on the methodology described in paragraph B of this section.

B. The base for computing any adjustment is the January Consumer Price Index - All Urban Consumers for the United States, published by the United States Department of Labor, Bureau of Labor Statistics. For the purpose of this Section the initial index to be referenced is January of the last year when the impact fees were updated with cost or demographic data.

C. If the index is changed so that the base year is different, the index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the index had not been discontinued or revised.

Section Sixteen: Review

The fees specified in Section Seven (A) shall be reviewed by the Board of County Commissioners at least once each fiscal biennium.

Section Seventeen: Penalty Provision

A violation of this ordinance shall be a misdemeanor punishable according to law; however, in addition to or in lieu of any criminal prosecution, Glades County, or any roads impact feepayer, shall have the power to sue for relief in civil court to enforce the provisions of this ordinance. Knowingly furnishing false information to the Impact Fee Administrator, his/her designee, the Building Official or any municipal official who is charged with the administration of this ordinance on any matter relating to the administration of this ordinance shall constitute a violation thereof.

Section Eighteen: Severability

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid

1 or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
2 separate, distinct and independent provision, and such holding shall not affect the validity of the
3 remaining portions thereof.

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5 Section Nineteen: Effective Date

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8 This ordinance shall become effective on _____, 2006.

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12 PASSED AND DULY ADOPTED THIS _____ DAY OF _____, 2006, BY THE
13 BOARD OF COUNTY COMMISSIONERS OF GLADES COUNTY, FLORIDA.

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BOARD OF COUNTY COMMISSIONERS
OF GLADES COUNTY, FLORIDA

BY: _____
K.S. (BUTCH) JONES, CHAIRMAN

23 ATTEST: _____

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JOE FLINT, CLERK

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