
FLAGLER COUNTY, FLORIDA

COMPREHENSIVE IMPACT FEE ORDINANCE

ADOPTED DECEMBER 6, 2021

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ORDINANCE NO. 2021- 09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, REGARDING IMPACT FEES; AMENDING AND RESTATING CHAPTER 17 OF THE FLAGLER COUNTY CODE OF ORDINANCES, RELATING TO IMPACT FEES; REPEALING ARTICLE II, CHAPTER 17 OF THE FLAGLER COUNTY CODE OF ORDINANCES, RELATING TO SOLID WASTE FACILITIES IMPACT FEE; PROVIDING GENERAL DEFINITIONS; PROVIDING RULES OF CONSTRUCTION AND GENERAL LEGISLATIVE FINDINGS; PROVIDING ADMINISTRATIVE PROVISIONS RELATED TO THE IMPOSITION, COLLECTION, AND USE OF IMPACT FEES; PROVIDING FOR EXEMPTIONS, ALTERNATIVE IMPACT FEES, AND DEVELOPER CONTRIBUTION CREDITS; PROVIDING FOR IMPACT FEE REVIEW HEARINGS AND NOTICE REQUIREMENTS GOVERNING THE ADOPTION OF IMPACT FEES OR INCREASE OF IMPACT FEE RATES; PROVIDING FOR THE REVIEW OF IMPACT FEES AND FOR ADMINISTRATIVE COSTS; AMENDING AND RESTATING ARTICLES I THROUGH VIII, CHAPTER 17 OF THE FLAGLER COUNTY CODE OF ORDINANCES; PROVIDING DEFINITIONS AND LEGISLATIVE FINDINGS RELATED TO TRANSPORTATION IMPACT FEES; PROVIDING FOR THE IMPOSITION, COLLECTION, AND USE OF TRANSPORTATION IMPACT FEES; PROVIDING DEFINITIONS AND LEGISLATIVE FINDINGS RELATED TO PARKS AND RECREATIONAL FACILITIES IMPACT FEES; PROVIDING FOR THE IMPOSITION, COLLECTION, AND USE OF PARKS AND RECREATIONAL FACILITIES IMPACT FEES; PROVIDING DEFINITIONS AND LEGISLATIVE FINDINGS APPLICABLE TO LAW ENFORCEMENT IMPACT FEES; PROVIDING FOR THE IMPOSITION, COLLECTION, AND USE OF LAW ENFORCEMENT IMPACT FEES; PROVIDING DEFINITIONS AND LEGISLATIVE FINDINGS RELATED TO FIRE RESCUE IMPACT FEES; PROVIDING FOR THE IMPOSITION, COLLECTION, AND USE OF FIRE RESCUE IMPACT FEES; PROVIDING DEFINITIONS AND LEGISLATIVE FINDINGS RELATED TO EMERGENCY MEDICAL SERVICES IMPACT FEES; PROVIDING FOR THE IMPOSITION, COLLECTION, AND USE OF EMERGENCY MEDICAL SERVICES IMPACT FEES; PROVIDING DEFINITIONS AND LEGISLATIVE FINDINGS RELATED TO LIBRARY IMPACT FEES; PROVIDING FOR

**THE IMPOSITION, COLLECTION, AND USE OF LIBRARY
IMPACT FEES; PROVIDING FOR NOTICE OF IMPACT FEE
RATES; PROVIDING FOR SEVERABILITY,
CODIFICATION, LIBERAL CONSTRUCTION, AND
PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF FLAGLER COUNTY, FLORIDA:**

**SECTION 1. REPEAL OF ARTICLE II, CHAPTER 17 OF THE FLAGLER
COUNTY CODE OF ORDINANCES.** Article II, Chapter 17 of the Flagler County Code of
Ordinances, relating to Solid Waste Facilities Impact Fees, is hereby repealed in its
entirety.

**SECTION 2. RENUMBERING OF ARTICLE V, CHAPTER 17 OF THE FLAGLER
COUNTY CODE OF ORDINANCES.** Article V, Chapter 17 of the Flagler County Code
of Ordinances, relating to Educational Facilities Impact Fees, is hereby recodified as
Article IX, Chapter 17 of the Flagler County Code of Ordinances. It is not the intent of
this Ordinance to make any amendments to the existing Educational Facilities Impact Fee
provisions at this time, but sections of the existing Article V, Chapter 17 of the Flagler
County Code of Ordinances shall be renumbered or relettered to accomplish such
intentions.

**SECTION 3. CREATION OF AMENDED AND RESTATED CHAPTER 17 OF
THE FLAGLER COUNTY CODE OF ORDINANCES.** An amended and restated Chapter
17 of the Flagler County Code of Ordinances, Articles I through VIII, to be entitled "Impact
Fees," is hereby created to read as follows:

CHAPTER 17 – IMPACT FEES

ARTICLE I. GENERAL

Section 17-1. Title. This Chapter shall be known as the "Flagler County Comprehensive Impact Fee Ordinance."

Section 17-2. General Definitions. When used in this Chapter, the following terms shall have the following meaning, unless the context clearly requires otherwise:

"Accessory Building or Structure" shall mean a detached, subordinate building, meeting all property development regulations, the use of which is clearly indicated and related to the use of the principal building or incidental to the previous use to which the vacant land is devoted, and which is located on the same lot as the principal building or use.

"Administrative Costs" shall mean the actual costs associated with the collection and administration of Impact Fees imposed pursuant to this Chapter.

"Affordable Housing" shall mean a Dwelling Unit which is affordable as defined in Section 420.0004, Florida Statutes, or its statutory successor in function.

"Alternative Impact Fee" shall mean any alternative Impact Fee calculated by an Applicant and approved by the County Administrator pursuant to Section 17-21 hereof.

"Alternative Impact Fee Study" shall mean a study prepared by an Applicant and submitted to the County Administrator pursuant to Section 17-21 hereof.

"Apartment" shall mean a rental Dwelling Unit located within the same building as other Dwelling Units.

"Applicant" shall mean a Person who applies for a Building Permit.

"Board" shall mean the Flagler County Board of County Commissioners.

“Building” shall mean any structure, either temporary or permanent, designed or built for the support, enclosure shelter or protection of persons, chattels or property of any kind. This term shall include manufactured homes, trailers, Mobile Homes or any other vehicles serving in any way the function of a building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a construction.

“Building Permit” shall mean an official document or certificate issued by the County, under the authority of ordinance or law, authorizing the construction or siting of any Building. “Building Permit” shall also include move-on permits or other development approvals for those structures or buildings, such as a Mobile Home, that do not require a Building Permit in order to be constructed or occupied.

“Capital Facilities” shall mean those facilities identified in this Chapter for which Impact Fees are imposed.

“Capital Facilities Impact Construction” shall mean land development which changes the use of land in a manner which increases the impact upon the Capital Facilities for which Impact Fees are imposed under this Chapter.

“Certificate of Occupancy” shall mean the official document or certificate issued by the County under the authority of ordinance or law, authorizing the occupancy of any building or parts thereof.

“Comprehensive Plan” shall mean the comprehensive plan of the County adopted and amended pursuant to the local Government Comprehensive Planning and Land Development Regulation Act as contained in chapter 163, Florida Statutes, or its statutory successor in function.

“Condominium” shall mean a single-family or time-sharing ownership unit that has at least one (1) other similar unit within the same Building structure. The term “condominium” includes all fee simple or titled multi-unit structures, including townhouses and duplexes.

“County” shall mean Flagler County, Florida, a political subdivision of the State of Florida.

“County Administrator” shall mean the chief administrative officer of the County or such person's designee.

“Dwelling Unit” shall mean a Building, or a portion thereof, which is designed for residential occupancy, consisting of one (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. The terms shall not include hotels, motels, time-shares, tourist or trailer camps allowing a rental of less than three (3) months.

“Encumbered” shall mean monies committed by contract or purchase order in a manner that obligates the County to expend the encumbered amount upon delivery or completion of goods, services or real property provided by a vendor, supplier, contractor or Owner. The execution of an agreement with the Florida Department of Transportation by the County for the construction of improvements or additions to a designated state Transportation facility or corridor, with or without reimbursement, shall be considered to have Encumbered Transportation Impact Fees collected for that improvement or addition.

“Equivalent Use” shall mean a subject use that is similar to the historic use of a parcel of property.

“Government Property” shall mean property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any

agency or political subdivision thereof, a city, a special district, a school district, or a municipal corporation.

“Impact Fee” shall mean collectively and individually, the Impact Fees imposed pursuant to this Chapter.

“Impact Fee Land Use Category” shall mean those categories of land use incorporated in the Impact Fee rate schedules for each Impact Fee.

“Impact Fee Study” shall mean the impact fee study or studies adopted pursuant to Section 17-5 hereof.

“ITE LUC” shall mean the Impact Fee Land Use Category based on the publication Trip Generation Manual, 11th Edition, 2021, as supplemented, published by the Institute of Transportation Engineers, or the most recent edition thereof.

“M.A.I. Appraiser” shall mean a member of the American Institute of Real Estate Appraisers.

“Mixed Use Construction” shall mean construction in which more than one Impact Fee Land Use Category is contemplated, with each category consisting of a separate and identifiable enterprise not subordinate to or dependent on other enterprises within the construction. Any use equal to a minimum of twenty-five (25) per cent of the total space in a Building shall be assessed a fee based on that use.

“Mobile Home” shall mean the Impact Fee Land Use Category defined as all “manufactured buildings” and “Mobile Homes” as defined in chapter 553, Florida Statutes, or its statutory successor in function.

“Multi-Family” shall mean the Impact Fee Land Use Category defined as a Building or a portion thereof, regardless of Ownership, containing more than one Dwelling

Unit designed for occupancy by a single family, which units are not customarily offered for rent for one day, including without limitation, duplexes, apartments, Residential Condominiums, townhouses, and timeshares.

“Owner” shall mean the person holding legal title to the real property upon which Capital Facilities Impact Construction is to occur.

“Person” shall mean any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, property owners' association, two (2) or more persons having a joint or common interest, governmental agency, or other legal entity.

“Residential Construction” shall mean land development designed or intended to permit more Dwelling Units than the existing use or non-use of land contains.

“Single-Family Detached” shall mean the Impact Fee Land Use Category defined as a single Dwelling Unit located on an individual lot and not attached to any other Dwelling Unit, including, without limitation, duplexes and detached houses on lots less than fifty (50) feet wide, such as zero lot line homes.

“Square Footage” shall mean the gross area measured in square feet from the exterior faces of exterior walls or other exterior boundaries of a Building, excluding areas within the interior of the Building which are utilized for parking.

Section 17-3. Rules of Construction. For the purposes of the administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply:

A. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.

B. The word "shall" is always mandatory and not discretionary and the word "may" is permissive.

C. Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary; use of the masculine gender shall include the feminine gender.

D. The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."

E. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected terms, conditions, provisions or events shall apply.

2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

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

F. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

G. All time periods contained within this Chapter shall be calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of the Board's decision in the event of an appeal. In the event the due date falls on a Saturday, Sunday or legal holiday, the due date shall be extended to the next business day.

Section 17-4. General Legislative Findings. It is hereby ascertained, determined and declared that:

A. Pursuant to Article VIII, Section 1, Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, the Flagler County Board of County Commissioners has all powers of local self-government to perform County functions and render County services and facilities except when prohibited by law, including the authority to impose and collect Impact Fees through a County ordinance.

B. Section 163.3202(3), Florida Statutes, encourages the use of innovative land development regulations, including the use of Impact Fees, to implement the goals, objectives and policies of a County's comprehensive plan.

C. Future growth represented by Capital Facilities Impact Construction will require improvements and additions to Capital Facilities to accommodate and maintain the levels of service adopted by the County, and accordingly, should contribute its fair share to the cost of improvements and additions to the Capital Facilities that are required to accommodate the use of such facilities by growth.

D. The required improvements and additions to the Capital Facilities needed to accommodate existing development at the adopted level of service shall be financed by revenue sources other than Impact Fees.

E. Implementation of an Impact Fee structure to require future Capital Facilities Impact Construction to contribute its fair share of the cost of improvements and additions to Capital Facilities is an integral and vital element of the management of growth.

F. The Administrative Costs imposed herein are limited to the actual costs of administration and collection of the Impact Fees imposed herein, in accordance with Section 163.31801, Florida Statutes, or its statutory successor in function.

G. The data set forth in the Impact Fee Studies that was employed in the calculation of the Impact Fee rates to be imposed in conformance with this Chapter is the most recent and localized data available for the applicable Capital Facilities as of the date of each Impact Fee Study.

H. Capital Facilities planning is an evolving process and the level of service adopted by the County for such Capital Facilities constitutes a balancing of anticipated need and the corresponding cost to implement such standard, based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns, the needs of the community, and the dynamics of Capital Facilities planning, it is the intent of the Board that the level of service and the cost of the various Capital Facilities be reviewed and adjusted periodically, pursuant to Section 17-27 hereof, to ensure that the Impact Fees imposed pursuant to this Ordinance are equitable and lawful based on the impact of growth upon these Capital Facilities.

I. This Chapter shall not be construed to permit the collection of Impact Fees from Capital Facilities Impact Construction in excess of the amount reasonably anticipated to offset the need for and demand on those Capital Facilities generated by such Capital Facilities Impact Construction.

J. Some of the Impact Fees collected by the County pursuant to this Chapter may be used to pay existing debt related to the construction of Capital Facilities or for previously approved projects. The Board legislatively finds and determines that

each of these Capital Facilities or previously approved projects that are funded by Impact Fees is proportional and has a rational nexus to the impacts generated by new development that contributes Impact Fees towards the funding of these facilities and that there is available capacity to serve those properties from the debt funded facilities or previously approved projects.

Section 17-5. Adoption of Impact Fee Study. The Board hereby adopts and incorporates by reference the Impact Fee Study entitled, "Flagler County Impact Fee Update Study," prepared for the County by Tindale Oliver and dated June, 2021, including the assumptions, conclusions, and findings therein as to the determination of the anticipated costs of capital improvements and additions to Capital Facilities required to accommodate growth, which Impact Fee Study is on file with the office of the County Administrator and available for public inspection.

Section 17-6. Municipal Participation. The provisions of this Chapter shall not be enforced within a municipality unless the county and the municipality enter into an interlocal agreement setting forth the terms and conditions under which the provisions of this Chapter shall be implemented within the municipality.

Section 17-7. Procedural Irregularities. Any informality or irregularity in the proceedings in connection with the levy of any Impact Fee imposed under the provisions of this Chapter shall not affect the validity of the same after the approval thereof, and any Impact Fee as finally approved shall be competent and sufficient evidence that such Impact Fees were duly levied, that the Impact Fees were duly made and adopted, and that all other proceedings adequate to such Impact Fees were duly had, taken, and performed as required by this Chapter; and no variance from the

directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

Section 17-8. Use of Existing Impact Fee Proceeds. All proceeds and interest from (i) the County's Solid Waste Facilities Impact Fee previously imposed in accordance with former Article II, Chapter 17 of the Flagler County Code of Ordinances, (ii) the County's Transportation Facilities Impact Fee imposed in accordance with the former Article III, Chapter 17 of the Flagler County Code of Ordinances, and (iii) the County's Parks and Recreation Impact Fee imposed in accordance with the former Article IV, Chapter 17 of the Flagler County Code of Ordinances, which were hereby or previously repealed or replaced, shall be held in their applicable trust funds and expended solely for the purpose of providing growth-necessitated capital improvements to the applicable public facilities until such funds are extinguished.

ARTICLE II. ADMINISTRATIVE PROVISIONS

Section 17-20. Payment of Impact Fees.

A. At the issuance of a Building Permit for any Capital Facilities Impact Construction, an Applicant shall pay the appropriate Impact Fees as established by this Chapter.

B. The Impact Fees shall be calculated according to the rate in effect at the time of payment, unless otherwise specifically provided herein.

C. Upon receipt of a complete application for a Building Permit, the County shall calculate the applicable Impact Fee, incorporating any applicable credits granted by the County, which will be documented in a credit certificate. If a person has received a credit pursuant to this Chapter, a prior ordinance of the County, or development agreement, and such credit has not been utilized, that credit shall be subtracted from the otherwise applicable Impact Fee, if such credit applies.

D. A person may request at any time a nonbinding estimate of the Impact Fees due for a particular development; however, such estimate is subject to change when a complete application for a Building Permit is made.

E. In the event an Impact Fee is not paid at or prior to the issuance of a Building Permit for the affected Capital Facilities Impact Construction, the Impact Fee shall be collected prior to the issuance of Certificate of Occupancy or by any other method which is authorized by law, unless, otherwise exempted pursuant to this chapter.

F. In the event that the Impact Fee is paid at or prior to the issuance of a Building Permit for a Capital Facilities Impact Construction and said Building Permit expires prior to completion of the Capital Facilities Impact Construction for which it was

issued, the Applicant may, within ninety (90) days of the expiration of the Building Permit, apply for a refund of the Impact Fee. Failure to timely apply for a refund of the Impact Fee shall waive any right to a refund.

1. The application for refund shall be filed with the County Administrator and contain the following:

- a. The name and address of the applicant;
- b. The location of the property which was the subject of the Building Permit;
- c. The date the Impact Fee was paid;
- d. A copy of the receipt of payment for the Impact Fee; and
- e. The date the Building Permit was issued and the date of expiration.

2. After verifying that the Building Permit has expired and that the Capital Facilities Impact Construction has not been completed, the County Administrator shall refund the Impact Fee paid for such Capital Facilities Impact Construction.

3. A Building Permit that is subsequently issued for a Capital Facilities Impact Construction on the same property that was the subject of a refund shall pay the Impact Fee as required by this Chapter.

G. The payment of the Impact Fees shall be in addition to all other fees, charges or assessments due for the issuance of a Certificate of Occupancy or Building Permit.

H. The obligation for payment of the Impact Fees shall run with the land.

Section 17-21. Alternative Impact Fees.

A. In the event an Applicant believes that the impact to the Capital Facilities caused by the Capital Facilities Impact Construction is less than the impact established in an Impact Fee Study and the Impact Fees imposed herein, such Applicant may, prior to issuance of a Building Permit for such Capital Facilities Impact Construction, file an Alternative Impact Fee Study with the County Administrator, along with an administrative review fee of \$125.00 to cover the County's costs incurred in reviewing and processing such Alternative Impact Fee Study. The County Administrator shall review the alternative calculations and make a determination within thirty (30) days of submittal as to whether such calculations comply with the requirements of this section.

B. For purposes of any alternative Impact Fee calculation, the Capital Facilities Impact Construction shall be presumed to have the maximum impact on the Capital Facilities.

C. The alternative Impact Fee calculation shall be based on data, information, and assumptions contained in this Chapter and the applicable Impact Fee Study as described in this Chapter. Alternatively, the alternative Impact Fee calculation may be based on independent sources, provided that:

1. The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the applicable Impact Fee Study; or

2. The independent source is a professional study that utilizes the most recent localized data and is supported by a database adequate for the conclusions

contained therein, and such study is performed pursuant to a generally accepted methodology of planning and cost impact analysis that is consistent with the applicable Impact Fee Study.

D. There shall be a rebuttable presumption that an Alternative Impact Fee Study conducted more than two (2) years prior to the date of its submittal does not comply with the requirements of this Section.

E. If the County Administrator determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and that the calculation of the alternative Impact Fee was by a generally accepted methodology that is consistent with the applicable Impact Fee Study, then the alternative Impact Fee shall be paid in lieu of the applicable fees adopted herein.

F. If the County Administrator determines that the data, information and assumptions utilized by the Applicant to compute an alternative Impact Fee do not comply with the requirements of this Section, then the County Administrator shall provide to the Applicant by certified mail, return receipt requested, written notification of the rejection and the reasons therefore.

Section 17-22. Exemptions. Subject to the change in size and use provisions in Section 17-23 hereof, the following shall be exempted from the payment of Impact Fees imposed pursuant to this Chapter:

A. Alteration or expansion of an existing Dwelling Unit which does not result in any additional Dwelling Units or increase the number of families for which such Dwelling Unit is arranged, designed, or intended to accommodate for the purpose of providing living quarters.

B. The replacement or construction of accessory buildings or structures which will not create an additional impact on the Capital Facilities for which Impact Fees are imposed under this chapter.

C. The replacement of a Building or Dwelling Unit where no additional square footage or Dwelling Units are created and where the existing and replacement Building or Dwelling Units are located on the same lot. To be eligible for this exemption, official evidence including, but not limited to, aerial photos, property appraiser data, or Building Permit data, must be provided that confirms a Building of Equivalent Use existed within the parcel boundaries in which the replacement structure is to be located.

D. The issuance of a tie-down permit for a Mobile Home on which the applicable Impact Fee has previously been paid for the lot upon which the Mobile Home is to be situated. To be eligible for this exemption, official evidence including, but not limited to, aerial photos, property appraiser data, or Building Permit data, must be provided that confirms a Building of Equivalent Use existed within the parcel boundaries in which the replacement structure is to be located.

E. The construction of any Building on Government Property. However, any impact fee exemption issued for Government Property shall expire if the property ceases to meet the definition of Government Property contained in Section 17-2.

F. Any Residential Construction that qualifies as Affordable Housing and meets the requirements of Section 16-79 of the Flagler County Code of Ordinances.

Section 17-23. Changes in Size and Use. An Impact Fee shall be imposed and calculated for the alteration, expansion, or replacement of a Building or the construction of an Accessory Building or Structure if the alteration, expansion, or

replacement of the building or the construction of an Accessory Building or Structure results in a land use determined to generate greater impact to Capital Facilities than the present use under the applicable Impact Fee rate schedules adopted herein. The Impact Fee imposed shall be calculated as follows:

A. If the Impact Fee is calculated on a per Dwelling Unit basis or similar basis (e.g., per space, per room, etc.) and not on the basis of square footage, the Impact Fee imposed shall be the amount due under the applicable Impact Fee rate schedule for the Impact Fee Land Use Category resulting from the alteration, expansion or replacement, less the Impact Fee that would have been imposed under the applicable Impact Fee rate for the Impact Fee Land Use Category prior to the alteration, expansion or replacement.

B. If the Impact Fee is calculated on the basis of square footage, in the event the square footage of a building is increased, the Impact Fee due for the increased square footage represented by the Capital Facilities Impact Construction shall be calculated by determining the Impact Fee due according to the square footage resulting from the alteration, expansion or replacement, less the Impact Fee that would have been imposed for the original square footage prior to the alteration, expansion or replacement.

C. If the Impact Fee is calculated on the basis of land use and not square footage, the Impact Fee imposed shall be the Impact Fee due under the applicable Impact Fee Land Use Category resulting from the alteration, expansion or replacement, less the Impact Fee that would be imposed under the applicable Impact Fee Land Use Category prior to the alteration, expansion or replacement.

D. If an Impact Fee is imposed for an Accessory Building or Structure because such Accessory Building or Structure is determined to generate a greater impact than the

present use, the fee shall be that applicable to the Impact Fee Land Use Category for the primary Building.

Section 17-24. Accounting and Reporting of Impact Fee.

A. The County shall submit with its annual financial report required under Section 218.32, Florida Statutes, or its financial audit report required under Section 218.39, Florida Statutes, a separate affidavit signed by its chief financial officer attesting, to the best of his or her knowledge, that all Impact Fees were collected and expended by the County in full compliance with the spending period provision provided in this Chapter and that funds expended from each Impact Fee trust fund were used only to acquire, construct, or improve specific infrastructure needs.

B. The revenues realized from Impact Fees imposed pursuant to this Chapter shall be identified in the County's budget as a separate account as required by state law. The County shall maintain adequate records to justify all expenditures from any Impact Fee trust fund and any accounts established within such trust fund and shall provide for reporting of Impact Fee rates, collections, expenditures, and Affordable Housing exemptions in accordance with state law.

Section 17-25. Developer contribution credits.

A. Subject to the terms and conditions of this Section, a credit shall be granted against an Impact Fee imposed by this Chapter for the donation of land or equipment, or the construction of Capital Facilities required pursuant to a Building Permit or other development permit or made voluntarily in connection with Capital Facilities Impact Construction. Such donations or construction shall be subject to the approval and acceptance of the County. No credit shall be given for the donation of land or construction

unless such property is conveyed in fee simple to the County without remuneration. No credit shall be given for the contribution, donation, or dedication of land or infrastructure that is internal to or located on-site of a proposed development and is required in accordance with the County's land development regulations (i.e., internal subdivision roads, etc.).

B. Prior to issuance of a Building Permit, the Applicant shall submit a proposed plan for donations or contributions of the contemplated Capital Facilities to the County Administrator. The proposed plan shall include:

1. A designation of the Capital Facilities Impact Construction for which the plan is being submitted;
2. A legal description of any land proposed to be donated and a written appraisal prepared in conformity with paragraph E. of this Section;
3. A list of the contemplated Capital Facilities improvements, apparatus, or equipment or apparatus sought to be donated;
4. An estimate of proposed construction costs certified by a professional architect or engineer;
5. A written statement of the actual cost for any equipment or apparatus sought to be donated; and
6. A proposed time schedule for completion of the proposed plan.

C. The County Administrator shall tentatively approve or deny the proposed plan in accordance with paragraph D. of this Section and, if approved, establish the amount of credit in accordance with paragraph E. of this Section. The County

Administrator shall issue a preliminary decision within sixty (60) days after the filing of the proposed plan.

D. In reviewing the proposed plan, the County Administrator shall determine:

1. If such proposed plan is in conformity with contemplated improvements and additions to the Capital Facilities;

2. If the proposed donation and/or construction contributions by the Applicant is consistent with the public interest. The final acceptance of any proposed donation of land or other contributions is at the sole discretion of the Board; and

3. If the proposed time schedule is consistent with the County's capital improvement program for the Capital Facilities.

E. The amount of developer contribution credit shall be determined as follows:

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

2. The actual cost of donations of equipment or apparatus shall be determined by written receipts for the actual cost for any equipment or apparatus donated. The actual cost of construction to the Capital Facilities shall be based upon cost estimates certified by a professional architect or engineer. However, in no event shall any credit be granted in excess of the estimated construction costs approved by the Board unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost or one hundred twenty (120) percent of the bid amounts, whichever is less; and

3. The donations and construction contributions shall only provide improvements or additions to the Capital Facilities that are required to accommodate growth.

F. If a proposed plan is approved for credit by the County Administrator, the Applicant or Owner and the Board shall enter into a credit agreement which shall provide for the parties obligations and responsibilities, including, but not limited to:

1. The timing of actions to be taken by the Applicant and the obligations and responsibilities of the applicant, including, but not limited to, the applicable construction standards and requirements;

2. The obligations and responsibilities of the Board including, but not limited to, inspection of the project;

3. The amount of the credit as determined in accordance with paragraph E. of this Section; and

4. Performance surety in the form of a performance bond or letter of credit in an amount equal to one hundred twenty (120%) of the subject Capital Facilities Impact Construction's total Impact Fees covered by the credit agreement.

G. A credit for the donation of land or equipment or apparatus, or a credit for the construction of an improvement or addition to the Capital Facilities shall be granted at such time as the credit agreement is approved and executed by both the Board and the Applicant or Owner; provided, however, that in the event the Applicant or Owner fails to convey the property which is the subject of the donation to the County or such property is not ultimately accepted by the County in accordance with the terms of the credit agreement, then the credit for donation shall be revoked and all Impact Fees shall immediately become due and payable. The County shall be entitled to draw down the full amount of the posted surety. The administration of said contribution credits shall be the responsibility of the County Administrator.

H. Any Applicant or Owner who submits a proposed plan pursuant to this Section and desires the immediate issuance of a Building Permit prior to approval of the proposed plan shall pay the Impact Fees prior to the issuance of the Building Permit. Any difference between the amount paid and the amount due, should the County Administrator approve and accept the proposed plan, shall be refunded to the Applicant or owner.

I. The holder of any Impact Fee credits granted by the County shall be entitled to redeem such credits for the full benefit of the density or intensity represented by such credits as of the date of issuance, notwithstanding any subsequent increase in Impact

Fee rates. The transferability of any Impact Fee credits granted by the County shall be in accordance with state law.

J. Impact Fee credits granted for one type of facility shall not be transferable as a credit against an Impact Fee levied for any other purpose. No credit shall exceed the amount due for the applicable Impact Fee.

Section 17-26. Review Hearings.

A. An Applicant or owner who is required to pay an Impact Fee pursuant to this Chapter shall have the right to request a review hearing before the Board. Such hearing shall be limited to the review of the following:

1. The application and calculation of the appropriate Impact Fee pursuant to this Chapter.
2. Denial of an exemption pursuant to Section 17-22.
3. Any dispute regarding the application for credits pursuant to Section 17-25.
4. Rejection of an Alternative Impact Fee pursuant to Section 17-21.

B. Except as otherwise provided in this Chapter, such review hearing shall be requested by the applicant or owner within 90 days of written notice of the event sought to be reviewed. Failure to request a review hearing within the time provided shall be deemed a waiver of such right.

C. A request for review hearing shall be filed with the County Administrator and shall contain the following information:

1. The name and address of the Applicant or owner;
2. The legal description of the property in question;

3. If issued, the date the Building Permit was issued;
4. A brief description of the nature of the construction being undertaken pursuant to the Building Permit;
5. If paid, the date the Impact Fee was paid; and
6. A statement of the reasons why the Applicant or owner is requesting the appeal.

D. Upon receipt of such request, a hearing shall be scheduled before the Board at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the Applicant and owner written notice of the time and place of the hearing. Such hearing shall be held within 60 days of the date the request for hearing was filed, unless there are no regularly scheduled Board meetings within 60 days of such date, in which event the hearing shall be held at the Board's next regularly scheduled meeting.

E. The hearing shall be before the Board and shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence. A determination shall be made in writing and issued within thirty (30) days of the hearing to the Applicant or owner.

F. Any Applicant or owner who requests a hearing pursuant to this Section and desires the immediate issuance of a Building Permit, or if a Building Permit has been issued without the payment of the Impact Fee, shall pay the applicable Impact Fee prior

to or at the time the request for hearing is filed. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights.

G. An Applicant or owner may request a hearing under this Section without paying the applicable Impact Fee, but no Building Permit shall be issued until such Impact Fee is paid in the amount initially calculated or the amount approved upon completion of the review provided in this Section.

Section 17-27. Review Requirement. This Chapter and the Impact Fee Studies described herein shall be reviewed by the Board at least every four (4) years. The initial review and each review thereafter shall consider new estimates of population and other socioeconomic data, changes in construction, land acquisition and related costs, and adjustments to the assumptions, conclusions or findings set forth in such Impact Fee Studies. The purpose of this review is to evaluate and revise, if necessary, the Impact Fees to ensure that they do not exceed the reasonably anticipated costs associated with the Capital Facilities necessary to offset the demand generated by the new construction. In the event the review of this Chapter and the Impact Fee Studies required by this Section alters or changes the assumptions, conclusions and findings of the Impact Fee Studies adopted herein or alters or changes the amount or classification of the Impact Fees, such studies shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews.

Section 17-28. Declaration of Exclusion from Administrative Procedures Act. Nothing contained in this Chapter shall be construed or interpreted to include the County in the definition of agency contained in Section 120.52, Florida Statutes, or to otherwise subject the County to the application of the Administrative Procedures Act,

chapter 120, Florida Statutes. This declaration of intent and exclusion shall apply to all proceedings taken as a result of or pursuant to this chapter.

Section 17-29. Notice of Impact Fee Rates. Prior to the adoption of this Ordinance or any subsequent action by the County having the effect of increasing the rate of any Impact Fee provided for in this Chapter, imposing an Impact Fee for the first time, or revising the methodology for the calculation of an Impact Fee, the County Administrator shall provide for notice to be published once in a newspaper of general circulation within the County providing: (A) a brief and general description of the affected Impact Fee, (B) a description of the geographic area in which the Impact Fee will be collected; (C) the Impact Fee rates to be imposed for each Impact Fee Land Use Category for the applicable Impact Fee; and (D) the date of implementation of the Impact Fee rates set forth in the notice, which date shall not be less than ninety (90) days after the date of publication of the notice.

Section 17-30. Refunds of Impact Fees.

A. The Impact Fees collected pursuant to this Chapter shall be returned to the then-current owner of the property on behalf of which such fee was paid, if such fees have not been expended or encumbered prior to the end of the fiscal year immediately following the tenth (10th) anniversary of the date upon which such fees were paid. Refunds shall be made only in accordance with the following procedure:

1. The then-current owner shall petition the County for the refund within ninety (90) days following the end of the calendar quarter immediately following the tenth anniversary of the date of payment of the Impact Fee.

2. The petition for refund shall be submitted to the County Administrator and shall contain:

- a. A notarized sworn statement that the petitioner is the present owner of the property on behalf of which the Impact Fee was paid;
- b. A copy of the dated receipt issued for payment of the Impact Fee or such other record as would evidence payment; and
- c. A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.

3. Within ninety (90) days from the date of receipt of a petition for refund, the County Administrator will advise the petitioner and the Board of the status of the Impact Fee requested for refund, and if such Impact Fee has not been expended or encumbered within the applicable time period, then it shall be returned to the petitioner. For the purposes of this Section, fees collected shall be deemed to be spent or encumbered on the basis of the first fee in shall be the first fee out.

B. In the event that a legal challenge is filed in connection with the payment of any Impact Fee, the ten-year period referenced in this Section shall not begin to run until completion of the associated litigation and appeals.

Section 17-31. Administrative Costs. The County may retain up to three (3) percent of all Impact Fees collected pursuant to this Chapter or the actual costs of administration and collection, whichever is less, as an administrative fee to defray the costs of collecting and administering the Impact Fees.

Section 17-32. Administrative Determinations.

A. In the event the Capital Facilities Impact Construction does not fall within an established Impact Fee Land Use Category set forth herein, the County Administrator shall administratively determine the impact to be generated by the proposed Capital Facilities Impact Construction and shall calculate the appropriate Impact Fees utilizing the methodology contained in the applicable Impact Fee studies. The County Administrator shall utilize as a standard in this determination the impact assumed in the most similar Impact Fee Land Use Category or any other generally accepted standard source of planning and cost impact analysis.

B. In the event a Capital Facilities Impact Construction involves a Mixed Use Construction, the County Administrator shall calculate the Impact Fees based upon the impact to be generated by each separate Impact Fee Land Use Category included in the proposed Mixed Use Construction.

C. Any Applicant aggrieved by the decision of the County Administrator rendered pursuant to this Section may seek review pursuant to Section 17-26.

ARTICLE III. TRANSPORTATION IMPACT FEES

Section 17-40. Definitions applicable to Transportation Impact Fees. In addition to the general definitions contained in Section 17-2 hereof, the following terms shall have the following meanings as used in this Article:

“Access Improvements” shall mean improvements designed and constructed to provide safe and adequate ingress and egress from a Transportation Impact Construction, which include, but are not limited to, rights-of-way, easements, paving of adjacent or connecting roadways, turn lanes, deceleration and acceleration lanes, traffic control devices, signage and markings, and drainage and utilities.

“Arterial Road” shall mean a road classified by the Florida Department of Transportation utilizing the definition established in Section 334.03(1), Florida Statutes, or its statutory successor in function. For the purposes of this Article an “Arterial Road” shall include those portions of an intersection with a Local Road that are a necessary and integral element of the design of the traffic flow on the Arterial Road.

“City Street System” shall mean the road system of any City within Flagler County, Florida, as defined in Section 334.03(3), Florida Statutes, or its statutory successor in function.

“Collector Road” shall mean a road classified by the Florida Department of Transportation utilizing the definition established in Section 334.03(4), Florida Statutes, or its statutory successor in function. For the purposes of this Article, a “Collector Road” shall only refer to major Collector Roads and shall also include those portions of an intersection with a Local Road that are a necessary and integral element of the design of the traffic flow on the Collector Road.

“Expenditure District” shall mean those areas established in Section 17-42(E) for purposes of collection and expenditure of the Transportation Impact Fees.

“External Trip” shall mean any vehicular trip which either has its origins from or its destination to the Transportation Impact Construction and which impacts the Major Transportation System.

“Local Road” shall mean a road classified by the Florida Department of Transportation utilizing the definition established in Section 334.03(14), Florida Statutes, or its statutory successor in function.

“Major Transportation System” shall mean all Arterial Roads and major Collector Roads located within the County and shall exclude all minor Collector Roads, Local Roads, roads that are a part of a City Street System, the State Highway System, and the federal interstate system.

“Off-Site Improvements” shall mean road improvements located outside of the boundaries of a Transportation Impact Construction which are required by the County in order to serve External Trips, but not including Access Improvements.

“On-Site Improvements” shall mean road improvements located within the boundaries of a Transportation Impact Construction which are required by the County in order to serve External Trips, but not including Access Improvements.

“State Highway System” shall mean the road system of the State of Florida as defined in Section 334.03(24), Florida Statutes, or its statutory successor in function.

“Transportation Impact Construction” shall mean land development designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings,

or floor space than the existing use of land, or to otherwise change the use of the land in a manner that increases the generation of vehicular traffic or the number of External Trips. In the administration of this Article, the term "Transportation Impact Construction" shall be included within the definition of the term "Capital Facilities Impact Construction."

"Transportation Impact Fee" shall mean the Impact Fee imposed pursuant to this Article to fund growth necessitated capital improvements to the Major Transportation System.

"Transportation Impact Fee Study" shall mean the portion of the Impact Fee Study adopted in Section 17-5 relating to the Transportation Impact Fee.

"Trip" shall mean a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end). The word "Trip" shall have the meaning which it has in commonly accepted traffic engineering practice.

"Trip Generation" or "Trip Generator Rate" shall mean the maximum average daily trip generation rates at peak hour for the applicable trip generation land use category, as adjusted by the transportation Impact Fee Study.

"Trip Generation Land Use Category" shall mean the trip generation land use categories established in Trip Generation Manual, 10th Edition, 2017, as supplemented, published by the Institute of Transportation Engineers, or the most current edition thereof.

Section 17-41. Legislative Findings Applicable to Transportation Impact Fees. In addition to the general legislative findings contained in Section 17-4, the Board hereby specifically ascertains, determines, and declares as follows:

A. Development necessitated by the growth contemplated in the Comprehensive Plan and the Transportation Impact Fee Study will require improvements

and additions to the Major Transportation System to accommodate the traffic generated by such growth and maintain the standards of service adopted by the County.

B. There is a rational nexus between future growth, as represented by Transportation Impact Construction, and the need to construct improvements and additions to the Major Transportation System to accommodate the traffic generated by such growth and maintain the standards of service currently provided by the Major Transportation System. The Transportation Impact Fees adopted herein for each Impact Fee Land Use Category are proportional to impact expected to be generated by the Transportation Impact Construction.

C. The Board has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements and additions to the Major Transportation System that are necessary to accommodate Transportation Impact Construction occurring within the County.

D. The County has a responsibility to provide and maintain certain roads within both unincorporated and incorporated areas of the County that comprise the Major Transportation System. The Major Transportation System benefits all Transportation Impact Construction occurring within the County, and, therefore, Transportation Impact Fees shall be imposed on Transportation Impact Construction occurring in all unincorporated areas of the County and within all cities that have consented to the imposition of the Transportation Impact Fee within their municipal boundaries.

E. The required improvements and additions to the Major Transportation System needed to accommodate existing traffic at the level of service adopted by the

County shall be financed by revenue sources of the County other than Transportation Impact Fees.

F. The Board expressly finds that improvements and additions to the Major Transportation System provide a benefit to all Transportation Impact Construction within the County in excess of the Transportation Impact Fee.

G. Implementation of the Transportation Impact Fee to require Transportation Impact Construction to contribute its fair share of the cost of required capital improvements and additions to the Major Transportation System is an integral and vital element of the regulatory plan of growth management incorporated in the Comprehensive Plan of the County.

H. The purpose of this Article is to require payment of Transportation Impact Fees by those who engage in Transportation Impact Construction and to provide for the funding of the cost of capital improvements and additions to the Major Transportation System that are required to accommodate such growth. This Article shall not be construed to permit the collection of Transportation Impact Fees in excess of the amount reasonably anticipated to offset the demand on the Major Transportation System generated by such Transportation Impact Construction.

I. This Article shall not be construed to permit the expending or encumbering of any monies collected through Transportation Impact Fees for the construction of improvements or additions to roads that are not contained within the Major Transportation System.

J. The imposition of a Transportation Impact Fee is to provide a source of revenue to fund the construction or improvement of the Major Transportation System

necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

Section 17-42. Imposition of Transportation Impact Fees.

A. Effective March 15, 2022, all Transportation Impact Construction occurring within the unincorporated area of the County and within the municipal boundaries of any City that has consented to the imposition of the Transportation Impact Fee by interlocal agreement pursuant to Section 17-6 hereof shall pay the following Transportation Impact Fee as a condition of issuance of a Building Permit for such Transportation Impact Construction:

ITE LUC	Land Use	Unit	Roads
RESIDENTIAL:			
210	Single Family (Detached)	du	\$1,502
221	Multi-Family	du	\$691
240	Mobile Home (Mobile Home Park for Roads)	du	\$554
TRANSIENT, ASSISTED, GROUP:			
253	Congregate Care Facility	du	\$148
310	Hotel	room	\$613
320	Motel	room	\$292
620	Nursing Home	bed	\$187
RECREATIONAL:			
411	Public Park	acre	\$98
416	RV Park	site	\$202
420	Marina	berth	\$376
430	Golf Course	hole	\$4,811
445	Movie Theater	screen	\$5,853
492	Health/Fitness Club	1,000 sf	\$4,438
INSTITUTIONAL:			
520	Elementary School (Private)	student	\$159
522	Middle/Junior High School (Private)	student	\$145
525	High School (Private)	student	\$152
540	University/Junior College (7,500 or fewer students) (Private)	student	\$314
550	University/Junior College (more than 7,500 students) (Private)	student	\$236
560	Church	1,000 sf	\$705
565	Day Care Center	1,000 sf	\$1,910
MEDICAL:			
610	Hospital	1,000 sf	\$1,484

OFFICE:			
710	General Office	1,000 sf	\$1,491
714	Corporate Headquarters Building	1,000 sf	\$1,096
720	Medical Office 10,000 sq ft or less	1,000 sf	\$3,421
720	Medical Office greater than 10,000 sq ft	1,000 sf	\$4,920
RETAIL:			
822	Retail/Shopping Center 40,000 sfgla or less	1,000 sfgla	\$993
821	Retail/Shopping Center 40,001 to 150,000 sfgla	1,000 sfgla	\$1,949
820	Retail/Shopping Center greater than 150,000 sfgla	1,000 sfgla	\$2,037
840/841	New/Used Auto Sales	1,000 sf	\$2,365
849	Tire Superstore	bay	\$2,106
850	Supermarket	1,000 sf	\$2,858
851	Convenience Market - 24 hrs	1,000 sf	\$11,910
862	Home Improvement Superstore	1,000 sf	\$1,203
880/881	Pharmacy/Drug Store with & without Drive-Thru	1,000 sf	\$1,797
890	Furniture Store	1,000 sf	\$545
SERVICES:			
911	Bank/Savings Walk-In	1,000 sf	\$1,714
912	Bank/Savings Drive-In	1,000 sf	\$3,070
931	Quality Restaurant	1,000 sf	\$5,483
932	High-Turn Over Restaurant	1,000 sf	\$6,140
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$14,833
941	Quick Lubrication Vehicle Shop	bay	\$2,746
942	Automobile Care Center	1,000 sf	\$1,943
944	Gas Station w/Convenience Store <2,000 sq ft	fuel pos.	\$1,954
945	Gas Station w/Convenience Store 2,000-5,499 sq ft	fuel pos.	\$3,016
960	Gas Station w/Convenience Store 5,500+ sq ft	fuel pos.	\$3,943
n/a	Gasoline/Convenience w/Fast Food	1,000 sf	\$21,886
INDUSTRIAL:			
110	General Light Industrial	1,000 sf	\$617
130	Industrial Park	1,000 sf	\$425
140	Manufacturing	1,000 sf	\$600
150	Warehousing	1,000 sf	\$211
151	Mini-Warehouse	1,000 sf	\$120

B. Effective March 15, 2023, all Transportation Impact Construction occurring within the unincorporated area of the County and within the municipal boundaries of any City that has consented to the imposition of the Transportation Impact Fee by interlocal agreement pursuant to Section 17-6 hereof shall pay the following Transportation Impact Fee as a condition of issuance of a Building Permit for such Transportation Impact Construction:

ITE LUC	Land Use	Unit	Roads
RESIDENTIAL:			
210	Single Family (Detached)	du	\$1,551
221	Multi-Family	du	\$713
240	Mobile Home (Mobile Home Park for Roads)	du	\$572
TRANSIENT, ASSISTED, GROUP:			
253	Congregate Care Facility	du	\$152
310	Hotel	room	\$633
320	Motel	room	\$301
620	Nursing Home	bed	\$193
RECREATIONAL:			
411	Public Park	acre	\$101
416	RV Park	site	\$209
420	Marina	berth	\$388
430	Golf Course	hole	\$4,966
445	Movie Theater	screen	\$6,042
492	Health/Fitness Club	1,000 sf	\$4,581
INSTITUTIONAL:			
520	Elementary School (Private)	student	\$164
522	Middle/Junior High School (Private)	student	\$150
525	High School (Private)	student	\$157
540	University/Junior College (7,500 or fewer students) (Private)	student	\$324
550	University/Junior College (more than 7,500 students) (Private)	student	\$243
560	Church	1,000 sf	\$728
565	Day Care Center	1,000 sf	\$1,972
MEDICAL:			
610	Hospital	1,000 sf	\$1,532
OFFICE:			
710	General Office	1,000 sf	\$1,539
714	Corporate Headquarters Building	1,000 sf	\$1,131
720	Medical Office 10,000 sq ft or less	1,000 sf	\$3,532
720	Medical Office greater than 10,000 sq ft	1,000 sf	\$5,079
RETAIL:			
822	Retail/Shopping Center 40,000 sfgla or less	1,000 sfgla	\$1,025
821	Retail/Shopping Center 40,001 to 150,000 sfgla	1,000 sfgla	\$2,012
820	Retail/Shopping Center greater than 150,000 sfgla	1,000 sfgla	\$2,103
840/841	New/Used Auto Sales	1,000 sf	\$2,441
849	Tire Superstore	bay	\$2,173
850	Supermarket	1,000 sf	\$2,950
851	Convenience Market - 24 hrs	1,000 sf	\$12,294
862	Home Improvement Superstore	1,000 sf	\$1,242
880/881	Pharmacy/Drug Store with & without Drive-Thru	1,000 sf	\$1,855
890	Furniture Store	1,000 sf	\$563
SERVICES:			
911	Bank/Savings Walk-In	1,000 sf	\$1,769

912	Bank/Savings Drive-In	1,000 sf	\$3,169
931	Quality Restaurant	1,000 sf	\$5,660
932	High-Turn Over Restaurant	1,000 sf	\$6,338
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$15,311
941	Quick Lubrication Vehicle Shop	bay	\$2,835
942	Automobile Care Center	1,000 sf	\$2,006
944	Gas Station w/Convenience Store <2,000 sq ft	fuel pos.	\$2,017
945	Gas Station w/Convenience Store 2,000-5,499 sq ft	fuel pos.	\$3,113
960	Gas Station w/Convenience Store 5,500+ sq ft	fuel pos.	\$4,070
n/a	Gasoline/Convenience w/Fast Food	1,000 sf	\$22,592

INDUSTRIAL:

110	General Light Industrial	1,000 sf	\$637
130	Industrial Park	1,000 sf	\$439
140	Manufacturing	1,000 sf	\$619
150	Warehousing	1,000 sf	\$218
151	Mini-Warehouse	1,000 sf	\$124

C. Effective March 15, 2024, all Transportation Impact Construction occurring within the unincorporated area of the County and within the municipal boundaries of any City that has consented to the imposition of the Transportation Impact Fee by interlocal agreement pursuant to Section 17-6 hereof shall pay the following Transportation Impact Fee as a condition of issuance of a Building Permit for such Transportation Impact Construction:

ITE LUC	Land Use	Unit	Roads
RESIDENTIAL:			
210	Single Family (Detached)	du	\$1,599
221	Multi-Family	du	\$735
240	Mobile Home (Mobile Home Park for Roads)	du	\$590
TRANSIENT, ASSISTED, GROUP:			
253	Congregate Care Facility	du	\$157
310	Hotel	room	\$653
320	Motel	room	\$311
620	Nursing Home	bed	\$199
RECREATIONAL:			
411	Public Park	acre	\$104
416	RV Park	site	\$215
420	Marina	berth	\$401
430	Golf Course	hole	\$5,122
445	Movie Theater	screen	\$6,231

492	Health/Fitness Club	1,000 sf	\$4,724
INSTITUTIONAL:			
520	Elementary School (Private)	student	\$169
522	Middle/Junior High School (Private)	student	\$154
525	High School (Private)	student	\$162
540	University/Junior College (7,500 or fewer students) (Private)	student	\$334
550	University/Junior College (more than 7,500 students) (Private)	student	\$251
560	Church	1,000 sf	\$750
565	Day Care Center	1,000 sf	\$2,033
MEDICAL:			
610	Hospital	1,000 sf	\$1,580
OFFICE:			
710	General Office	1,000 sf	\$1,587
714	Corporate Headquarters Building	1,000 sf	\$1,166
720	Medical Office 10,000 sq ft or less	1,000 sf	\$3,642
720	Medical Office greater than 10,000 sq ft	1,000 sf	\$5,238
RETAIL:			
822	Retail/Shopping Center 40,000 sfgla or less	1,000 sfgla	\$1,057
821	Retail/Shopping Center 40,001 to 150,000 sfgla	1,000 sfgla	\$2,074
820	Retail/Shopping Center greater than 150,000 sfgla	1,000 sfgla	\$2,169
840/841	New/Used Auto Sales	1,000 sf	\$2,517
849	Tire Superstore	bay	\$2,241
850	Supermarket	1,000 sf	\$3,043
851	Convenience Market - 24 hrs	1,000 sf	\$12,679
862	Home Improvement Superstore	1,000 sf	\$1,280
880/881	Pharmacy/Drug Store with & without Drive-Thru	1,000 sf	\$1,913
890	Furniture Store	1,000 sf	\$580
SERVICES:			
911	Bank/Savings Walk-In	1,000 sf	\$1,824
912	Bank/Savings Drive-In	1,000 sf	\$3,268
931	Quality Restaurant	1,000 sf	\$5,837
932	High-Turn Over Restaurant	1,000 sf	\$6,536
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$15,790
941	Quick Lubrication Vehicle Shop	bay	\$2,923
942	Automobile Care Center	1,000 sf	\$2,068
944	Gas Station w/Convenience Store <2,000 sq ft	fuel pos.	\$2,080
945	Gas Station w/Convenience Store 2,000-5,499 sq ft	fuel pos.	\$3,210
960	Gas Station w/Convenience Store 5,500+ sq ft	fuel pos.	\$4,198
n/a	Gasoline/Convenience w/Fast Food	1,000 sf	\$23,298
INDUSTRIAL:			
110	General Light Industrial	1,000 sf	\$657
130	Industrial Park	1,000 sf	\$453
140	Manufacturing	1,000 sf	\$638
150	Warehousing	1,000 sf	\$224
151	Mini-Warehouse	1,000 sf	\$127

D. Effective March 15, 2025, all Transportation Impact Construction occurring within the unincorporated area of the County and within the municipal boundaries of any City that has consented to the imposition of the Transportation Impact Fee by interlocal agreement pursuant to Section 17-6 hereof shall pay the following Transportation Impact Fee as a condition of issuance of a Building Permit for such Transportation Impact Construction:

ITE LUC	Land Use	Unit	Roads
RESIDENTIAL:			
210	Single Family (Detached)	du	\$1,648
221	Multi-Family	du	\$758
240	Mobile Home (Mobile Home Park for Roads)	du	\$608
TRANSIENT, ASSISTED, GROUP:			
253	Congregate Care Facility	du	\$162
310	Hotel	room	\$673
320	Motel	room	\$320
620	Nursing Home	bed	\$205
RECREATIONAL:			
411	Public Park	acre	\$107
416	RV Park	site	\$222
420	Marina	berth	\$413
430	Golf Course	hole	\$5,277
445	Movie Theater	screen	\$6,420
492	Health/Fitness Club	1,000 sf	\$4,867
INSTITUTIONAL:			
520	Elementary School (Private)	student	\$174
522	Middle/Junior High School (Private)	student	\$159
525	High School (Private)	student	\$167
540	University/Junior College (7,500 or fewer students) (Private)	student	\$344
550	University/Junior College (more than 7,500 students) (Private)	student	\$258
560	Church	1,000 sf	\$773
565	Day Care Center	1,000 sf	\$2,095
MEDICAL:			
610	Hospital	1,000 sf	\$1,628
OFFICE:			
710	General Office	1,000 sf	\$1,635
714	Corporate Headquarters Building	1,000 sf	\$1,202
720	Medical Office 10,000 sq ft or less	1,000 sf	\$3,752
720	Medical Office greater than 10,000 sq ft	1,000 sf	\$5,396

RETAIL:			
822	Retail/Shopping Center 40,000 sfgla of less	1,000 sfgla	\$1,089
821	Retail/Shopping Center 40,001 to 150,000 sfgla	1,000 sfgla	\$2,137
820	Retail/Shopping Center greater than 150,000 sfgla	1,000 sfgla	\$2,234
840/841	New/Used Auto Sales	1,000 sf	\$2,594
849	Tire Superstore	bay	\$2,309
850	Supermarket	1,000 sf	\$3,135
851	Convenience Market - 24 hrs	1,000 sf	\$13,063
862	Home Improvement Superstore	1,000 sf	\$1,319
880/881	Pharmacy/Drug Store with & without Drive-Thru	1,000 sf	\$1,971
890	Furniture Store	1,000 sf	\$598
SERVICES:			
911	Bank/Savings Walk-In	1,000 sf	\$1,880
912	Bank/Savings Drive-In	1,000 sf	\$3,367
931	Quality Restaurant	1,000 sf	\$6,014
932	High-Turn Over Restaurant	1,000 sf	\$6,734
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$16,268
941	Quick Lubrication Vehicle Shop	bay	\$3,012
942	Automobile Care Center	1,000 sf	\$2,131
944	Gas Station w/Convenience Store <2,000 sq ft	fuel pos.	\$2,143
945	Gas Station w/Convenience Store 2,000-5,499 sq ft	fuel pos.	\$3,308
960	Gas Station w/Convenience Store 5,500+ sq ft	fuel pos.	\$4,325
n/a	Gasoline/Convenience w/Fast Food	1,000 sf	\$24,004
INDUSTRIAL:			
110	General Light Industrial	1,000 sf	\$677
130	Industrial Park	1,000 sf	\$466
140	Manufacturing	1,000 sf	\$658
150	Warehousing	1,000 sf	\$231
151	Mini-Warehouse	1,000 sf	\$131

E. The following Transportation Impact Fee Expenditure Districts are hereby established for purposes of collection and expenditure of the Transportation Impact Fees:

1. Expenditure District No. 1 – all lands in the unincorporated area of the County lying east of the FEC Railroad rights-of-way, as set forth and depicted in the map below.

2. Expenditure District No. 2 – all lands in the unincorporated area of the County lying west of the FEC Railroad rights-of-way, as set forth and depicted in the map below.



F. The Transportation Impact Fee shall be paid in addition to all other Impact Fees and is intended to provide funds only for Off-Site Improvements. Access Improvements, including required right-of-way dedication, will be provided by the Applicant in accordance with the land development code.

G. No Transportation Impact Fee shall be assessed upon the issuance of a commercial retail shopping center Building Permit, foundation permit, or a nonretail multiuse Building Permit for an unfinished building; i.e., a Shell Permit. Instead, each individual use shall thereafter be assessed the applicable Transportation Impact Fee based on the calculations set forth below upon subsequent issuance of a Building Permit to finish each unit. All Transportation Impact Fees for these shell Buildings will be collected no later than the issuance of a Building Permit for the finishing of the Building.

Section 17-43. Use of Transportation Impact Fees.

A. The Board hereby establishes two (2) separate "Transportation Impact Fee Trust Accounts," to correspond with the two Expenditure Districts established in Section 17-42.

B. All Transportation Impact Fees shall be deposited into the appropriate trust account immediately upon receipt and such funds shall be maintained separate and apart from all other County accounts.

C. The monies deposited into the Transportation Impact Fee Trust Accounts shall be used solely for the purpose of providing growth-necessitated capital improvements to the Major Transportation System in the applicable Expenditure District; provided however, that Transportation Impact Fees collected from one Transportation Impact Fee Expenditure District may be expended on a growth-necessitated capital

improvement to an Arterial Road or a qualified growth-necessitated capital improvement in another Expenditure District so long as the County Administrator has determined that the project provides a benefit to Transportation Impact Construction in both Transportation Impact Fee Expenditure Districts and the need for the project is rationally related to the Transportation Impact Construction. Prior to expending or encumbering any funds for use in a different Expenditure District, the County Administrator shall make a written determination that (i) the identified capital improvement will substantially benefit the development in the Expenditure District from which the funds were collected; (ii) the identified capital improvement is of a nature such that it will add capacity to the Major Transportation System beyond the Expenditure District in which it is located; and (iii) the demand for the identified capital improvement is reasonably attributable to development in the Expenditure District from which the funds were collected.

D. The monies deposited into the Transportation Impact Fee Trust Accounts shall be used solely for the purpose of providing capacity-expanding capital improvements and facilities to the Major Transportation System. Such improvements and facilities may include, but are not limited to:

1. Design and construction plan preparation;
2. Any permitting or application fees necessary for the construction;
3. Right-of-way acquisition, including any costs of acquisition or condemnation;
4. Construction of new through lanes;
5. Construction of new turn lanes;
6. Construction of new bridges;

7. Design and construction of new drainage facilities in conjunction with new roadway construction;
8. Purchase and installation of traffic signalization;
9. Construction of new curbs, medians and shoulders;
10. Relocating utilities to accommodate new roadway construction;
11. Construction management and inspection;
12. Surveying, soils and materials testing;
13. Repayment of monies transferred or borrowed from any budgetary fund of the County, which were used to fund any of the growth-necessitated improvements and additions to the Major Transportation System;
14. Costs related to the administration, collection and implementation of the respective Transportation Impact Fees;
15. Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the County to fund growth-necessitated improvements and additions to the Major Transportation System;
16. Fees for professional services, including but not limited to engineering, surveying, soils and materials testing, legal, appraisals and construction management; and
17. Construction of new sidewalks, bikeways, trails and similar facilities along existing or new roads that are or will comprise a part of the Major Transportation System when part of a capital improvement project adding new capacity to the subject Transportation.

E. Funds on deposit in the Transportation Impact Fee Trust Accounts shall not be used for any expenditures that would be classified as maintenance or repair expenses.

F. Any funds on deposit that are not immediately necessary for expenditure shall be maintained in accordance with the County's investment policy. Any income derived from such investments shall be deposited in the applicable Transportation Impact Fee Trust Account and used as provided herein.

G. A report will be prepared annually by the County reflecting the collection and expenditures of the Transportation Impact Fees by the County during the previous year.

ARTICLE IV. PARKS AND RECREATIONAL FACILITIES IMPACT FEES

Section 17-50. Definitions Applicable to Parks and Recreational Facilities Impact Fees. In addition to the general definitions contained in Section 17-2, the following terms shall have the following meanings in the application of the Parks and Recreational Facilities Impact Fees:

“Community Park” shall mean a park, which is designed to serve the recreation needs of several communities in the unincorporated areas of the county, and they may include restrooms, onsite parking, large landscaped areas, community centers, lighted sports fields, and other specialized recreational facilities.

“County Park System” shall include all parks owned and operated by the County, including active parks, passive parks, water access sites, and associated recreational facilities and buildings, but does not include those parks and recreational facilities that are owned and operated by a private entity, a municipality, the federal government, or those parks and recreational facilities that are owned and operated by the State of Florida. For the purposes of this chapter, the term "County Park System" also does not include Neighborhood Parks.

“Countywide Park” shall mean a large, resource-based park intended to serve the Countywide population. These parks contain both active recreational facilities and passive recreation uses, such as water-based recreation, camping, fishing, trails and nature study.

“Expenditure District” shall mean those areas established in Section 17-52(E) for purposes of collection and expenditure of the Parks and Recreational Facilities Impact Fees.

“Neighborhood Park” shall mean a local park, which is designed to serve the residents of a single nearby neighborhood and may include landscaping and recreational improvements such as playground equipment, ball fields, benches, picnic areas, and shelters.

“Parks and Recreational Facilities Impact Fee” shall mean the Impact Fee imposed pursuant to this Article to fund growth-necessitated capital improvements to the County Park System.

“Parks and Recreation Impact Fee Study” shall mean the portion of the Impact Fee Study adopted in Section 17-5 relating to the Parks and Recreational Facilities Impact Fee.

Section 17-51. Legislative Findings Applicable to Parks and Recreational Facilities Impact Fees. In addition to the general legislative findings contained in Section 17-4, the Board hereby specifically ascertains, determines, and declares as follows:

A. Development necessitated by the growth contemplated in the Comprehensive Plan will require improvements and additions to the County Park System to accommodate the new development generated by such growth and maintain the standards of service provided by the County.

B. There is a rational nexus between future growth, as measured by new Residential Construction, and the need to expand the County Park System through the acquisition and construction of new parks and recreational facilities in order to maintain the standards of service currently provided by the County Park System. The Parks and Recreational Facilities Impact Fees adopted herein for each Impact Fee Land Use

Category are proportional to impact expected to be generated by the Residential Construction.

C. The Board has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements and additions to the County Park System that are necessary to accommodate new Residential Construction within the County.

D. The County has the responsibility to provide parks and recreational facilities within the County. Residential Construction occurring within both unincorporated and incorporated areas of the County impacts upon and benefits from the County Park System; therefore, the Parks and Recreation Impact Fee shall be imposed in all unincorporated areas of the County and within all cities that have consented to the imposition of the Parks and Recreation Impact Fee within their municipal boundaries.

E. Future growth, as represented by Residential Construction, should contribute its fair share to the cost of improvements and additions to the County Park System that are required to accommodate the impact generated by such growth.

F. The required improvements and additions to the County Park System needed to eliminate any deficiencies shall be financed by revenues other than Parks and Recreational Facilities Impact Fees.

G. Implementation of the Parks and Recreational Facilities Impact Fee to require Residential Construction to contribute its fair share of the cost of required capital improvements and additions to the County Park System is an integral and vital element of the regulatory plan of growth management of the County.

H. The Board expressly finds that the improvements and additions to the County Park System to be funded by the Parks and Recreational Facilities Impact Fee provide a benefit to all Residential Construction within the County in excess of the Parks and Recreational Facilities Impact Fee.

I. The purpose of this Article is to require payment of Parks and Recreational Facilities Impact Fees by those who engage in Residential Construction and to provide for the cost of capital improvements to the County Park System which are required to accommodate such growth. This Article shall not be construed to permit the collection of Parks and Recreational Facilities Impact Fees in excess of the amount reasonably anticipated to offset the demand on the County Park System generated by such Residential Construction.

J. The imposition of the Parks and Recreational Facilities Impact Fee promotes the general welfare of the citizens of the County, serves a public purpose, and is to provide a source of revenue to fund the construction or improvement of the County Park System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

Section 17-52. Imposition of Parks and Recreational Facilities Impact Fees.

A. Effective March 15, 2022, all Residential Construction occurring within the unincorporated area of the County and within the municipal boundaries of any City that has consented to the imposition of the Parks and Recreational Facilities Impact Fee by interlocal agreement pursuant to section 17-6 hereof shall pay the following Parks and

Recreational Facilities Impact Fee as a condition of issuance of a Building Permit for such Residential Construction.

ITE LUC	Land Use	Unit	Parks & Rec
RESIDENTIAL:			
210	Single Family (Detached)	du	\$304
221	Multi-Family	du	\$122
240	Mobile Home (Mobile Home Park for Roads)	du	\$284

B. Effective March 15, 2023, all Residential Construction occurring within the unincorporated area of the County and within the municipal boundaries of any City that has consented to the imposition of the Parks and Recreational Facilities Impact Fee by interlocal agreement pursuant to section 17-6 hereof shall pay the following Parks and Recreational Facilities Impact Fee as a condition of issuance of a Building Permit for such Residential Construction.

ITE LUC	Land Use	Unit	Parks & Rec
RESIDENTIAL:			
210	Single Family (Detached)	du	\$333
221	Multi-Family	du	\$133
240	Mobile Home (Mobile Home Park for Roads)	du	\$310

C. Effective March 15, 2024, all Residential Construction occurring within the unincorporated area of the County and within the municipal boundaries of any City that has consented to the imposition of the Parks and Recreational Facilities Impact Fee by interlocal agreement pursuant to section 17-6 hereof shall pay the following Parks and Recreational Facilities Impact Fee as a condition of issuance of a Building Permit for such Residential Construction.

ITE LUC	Land Use	Unit	Parks & Rec
RESIDENTIAL:			
210	Single Family (Detached)	du	\$371
221	Multi-Family	du	\$148
240	Mobile Home (Mobile Home Park for Roads)	du	\$346

D. Effective March 15, 2025, all Residential Construction occurring within the unincorporated area of the County and within the municipal boundaries of any City that has consented to the imposition of the Parks and Recreational Facilities Impact Fee by interlocal agreement pursuant to section 17-6 hereof shall pay the following Parks and Recreational Facilities Impact Fee as a condition of issuance of a Building Permit for such Residential Construction.

ITE LUC	Land Use	Unit	Parks & Rec
RESIDENTIAL:			
210	Single Family (Detached)	du	\$399
221	Multi-Family	du	\$160
240	Mobile Home (Mobile Home Park for Roads)	du	\$372

E. The following Parks and Recreational Facilities Impact Fee Expenditure Districts are hereby established for purposes of collection and expenditure of the Parks and Recreational Facilities Impact Fees:

1. Expenditure District No. 1 – generally includes the coastal portion of Flagler County along the Atlantic Ocean from St. Johns County down to Volusia County, as set forth and depicted in the map below.

2. Expenditure District No. 2 – generally includes the northeast portion of Flagler County, as set forth and depicted in the map below.

3. Expenditure District No. 3 – generally includes the area of Flagler County in and around the City of Bunnell, as set forth depicted in the map below.

4. Expenditure District No. 4 – generally includes the western portion of Flagler County, as set forth and depicted in the map below.

F. The Parks and Recreational Facilities Impact Fee shall be paid in addition to all other Impact Fees and is intended to provide funds only for capacity capital improvements to the County Park System.

Section 17-53. Use of Parks and Recreational Facilities Impact Fees.

A. The Board hereby establishes four (4) "Parks and Recreational Facilities Impact Fee Trust Accounts" corresponding to the four Parks and Recreational Facilities Impact Fee Expenditure Districts established in Section 17-52.

B. All Parks and Recreational Facilities Impact Fees shall be deposited into the appropriate trust account immediately upon receipt and such funds shall be maintained separate and apart from all other County accounts.

C. The monies deposited into the Parks and Recreational Facilities Impact Fee Trust Accounts shall be used solely for the purpose of providing growth-necessitated capital improvements to the County Park System in the applicable Expenditure District; provided however, that Parks and Recreational Facilities Impact Fees collected from one Parks and Recreational Facilities Impact Fee Expenditure District may be expended on a growth-necessitated capital improvement to a Countywide Park or a qualified growth-necessitated capital improvement in another Expenditure District so long as the County Administrator has determined that the project provides a benefit to Residential Construction in both Parks and Recreational Facilities Impact Fee Expenditure Districts and the need for the project is rationally related to the Residential Construction. Prior to expending or encumbering any funds for use in a different Expenditure District, the County Administrator shall make a written determination that (i) the identified capital improvement will substantially benefit the development in the Expenditure District from

which the funds were collected; (ii) the identified capital improvement is of a nature such that it will add capacity to the County Park System beyond the Expenditure District in which it is located; and (iii) the demand for the identified capital improvement is reasonably attributable to development in the Expenditure District from which the funds were collected.

D. The monies deposited into the Parks and Recreational Facilities Impact Fee Trust Accounts shall be used solely for the purpose of providing capacity-expanding capital improvements and facilities to the County Park System. Such improvements and facilities may include, but are not limited to:

1. Design and construction plan preparation;
2. Any permitting or application fees necessary for the construction;
3. Site development and on-site and off-site improvements incident to the construction thereto;
4. Land acquisition, including any cost of acquisition or condemnation;
5. Design and construction of parks and recreational facilities;
6. Design and construction of new drainage facilities required by the construction of parks and recreational facilities or improvements thereto;
7. Relocating utilities required by the construction of park and recreational facilities or improvements or additions thereto;
8. Landscaping;
9. Construction management and inspection;
10. Surveying, soils and materials testing;
11. Acquisition of capital equipment for the County Park System;

12. Repayment of monies borrowed from any budgetary fund of the County that were used to fund growth-necessitated capital improvements and additions to the County Park System;

13. Costs related to the administration, collection, and implementation of the Parks and Recreational Facilities Impact Fees;

14. Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the County to fund growth-necessitated improvements and additions to the County Park System; and

15. Fees for professional services, including, without limitation, architecture, engineering, surveying, landscaping, soils and materials testing, legal, appraisals, and construction management.

E. Funds on deposit in the Parks and Recreational Facilities Impact Fee Trust Accounts shall not be used for any expenditure that would be classified as a maintenance or repair expense.

F. Any funds on deposit which are not immediately necessary for expenditure shall be maintained in accordance with the County's investment policy. Any income derived from such investments shall be deposited in the Parks and Recreational Facilities Impact Fee Trust Account and used as provided herein.

G. A report will be prepared annually by the County reflecting the collection and expenditures of the Parks and Recreational Impact Fees by the County during the previous year.

ARTICLE V. LAW ENFORCEMENT IMPACT FEES

Section 17-60. Definitions Applicable to Law Enforcement Impact Fees.

In addition to the general definitions contained in Section 17-2, the following terms shall have the following meanings in the application of the Law Enforcement Impact Fees:

“Law Enforcement Impact Construction” shall mean land development designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or floor space than the existing use of land, or to otherwise change the use of the land in a manner that increases the impact upon the Law Enforcement System. In the administration of this Article, the term "Law Enforcement Impact Construction" shall be included within the definition of the term "Capital Facilities Impact Construction."

“Law Enforcement Impact Fee” shall mean the Impact Fee imposed to fund growth-necessitated capital improvements to the Law Enforcement System.

“Law Enforcement Impact Fee Study” shall mean the portion of the Impact Fee Study adopted in Section 17-5 relating to the Law Enforcement Impact Fee.

“Law Enforcement System” shall mean the Buildings, vehicles, apparatus, and capital equipment provided by the County that are used for calls for service for the apprehension of criminals or prevention of criminal violations and investigation of illegal actions within the County.

Section 17-61. Legislative Findings Applicable to Law Enforcement Impact Fees. In addition to the general legislative findings contained in Section 17-4, the Board hereby specifically ascertains, determines, and declares as follows:

A. Development necessitated by the growth contemplated in the Comprehensive Plan and the Law Enforcement Impact Fee Study will require

improvements and additions to the Law Enforcement System to accommodate the new development generated by such growth and maintain the standards of service provided by the Law Enforcement System.

B. There is a rational nexus between future growth, as measured by new Law Enforcement Impact Construction, and the need to expand the Law Enforcement System through the acquisition and construction of new Buildings, apparatus, and equipment in order to maintain the standards of service currently provided by the Law Enforcement System. The Law Enforcement Impact Fees adopted herein for each Impact Fee Land Use Category are proportional to impact expected to be generated by the Law Enforcement Impact Construction.

C. The Board has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements and additions to the Law Enforcement System that are necessary to accommodate Law Enforcement Impact Construction within the County.

D. The County, through funding to the Flagler County Sheriff, has a responsibility to provide law enforcement services within both the unincorporated and incorporated areas of the County. The Law Enforcement System benefits all Law Enforcement Impact Construction occurring within the County, and, therefore, the Law Enforcement Impact Fees shall be imposed in all unincorporated areas of the County and within all municipalities that consent to the imposition of the law enforcement impact fees within their municipal boundaries.

E. Future growth, as represented by Law Enforcement Impact Construction, should contribute its fair share to the cost of improvements and additions to the Law

Enforcement System that are required to accommodate the impact generated by such growth.

F. The required improvements and additions to the Law Enforcement System needed to eliminate any deficiencies shall be financed by revenues other than Law Enforcement Impact Fees.

G. The Board expressly finds that the improvements and additions to the Law Enforcement System to be funded by the Law Enforcement Impact Fee provide a benefit to all Law Enforcement Impact Construction within the County in excess of the Law Enforcement Impact Fees.

H. Implementation of the Law Enforcement Impact Fee to require Law Enforcement Impact Construction to contribute its fair share of the cost of required capital improvements is an integral and vital element of the regulatory plan of growth management of the County.

I. The purpose of this Article is to require payment of Law Enforcement Impact Fees by those who engage in Law Enforcement Impact Construction and to provide for the cost of capital improvements to the Law Enforcement System which are required to accommodate such growth. This Article shall not be construed to permit the collection of Law Enforcement Impact Fees in excess of the amount reasonably anticipated to offset the demand on the Law Enforcement System generated by such applicable Law Enforcement Impact Construction.

J. The imposition of a Law Enforcement Impact Fee is to provide a source of revenue to fund the construction or improvement of the Law Enforcement System

necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

Section 17-62. Imposition of Law Enforcement Impact Fees.

A. Effective March 15, 2022, all Law Enforcement Impact Construction occurring within the unincorporated area of the County and within the municipal boundaries of any City that has consented to the imposition of the Law Enforcement Impact Fee by interlocal agreement pursuant to section 17-6 hereof shall pay the following Law Enforcement Impact Fee as a condition of issuance of a Building Permit for such Law Enforcement Impact Construction.

ITE LUC	Land Use	Unit	Law
RESIDENTIAL:			
210	Single Family (Detached)	du	\$218
221	Multi-Family	du	\$111
240	Mobile Home (Mobile Home Park for Roads)	du	\$153
TRANSIENT, ASSISTED, GROUP:			
253	Congregate Care Facility	du	\$226
310	Hotel	room	\$142
320	Motel	room	\$119
620	Nursing Home	bed	\$160
RECREATIONAL:			
411	Public Park	acre	\$7
416	RV Park	site	\$68
420	Marina	berth	\$19
430	Golf Course	hole	\$122
445	Movie Theater	screen	\$753
492	Health/Fitness Club	1,000 sf	\$349
INSTITUTIONAL:			
520	Elementary School (Private)	student	\$15
522	Middle/Junior High School (Private)	student	\$13
525	High School (Private)	student	\$12
540	University/Junior College (7,500 or fewer students) (Private)	student	\$15
550	University/Junior College (more than 7,500 students) (Private)	student	\$12
560	Church	1,000 sf	\$59
565	Day Care Center	1,000 sf	\$117
MEDICAL:			
610	Hospital	1,000 sf	\$189

OFFICE:			
710	General Office	1,000 sf	\$142
714	Corporate Headquarters Building	1,000 sf	\$141
720	Medical Office 10,000 sq ft or less	1,000 sf	\$174
720	Medical Office greater than 10,000 sq ft	1,000 sf	\$249
RETAIL:			
822	Retail/Shopping Center 40,000 sfgla or less	1,000 sfgla	\$302
821	Retail/Shopping Center 40,001 to 150,000 sfgla	1,000 sfgla	\$374
820	Retail/Shopping Center greater than 150,000 sfgla	1,000 sfgla	\$204
840/841	New/Used Auto Sales	1,000 sf	\$228
849	Tire Superstore	bay	\$307
850	Supermarket	1,000 sf	\$355
851	Convenience Market - 24 hrs	1,000 sf	\$927
862	Home Improvement Superstore	1,000 sf	\$281
880/881	Pharmacy/Drug Store with & without Drive-Thru	1,000 sf	\$267
890	Furniture Store	1,000 sf	\$46
SERVICES:			
911	Bank/Savings Walk-In	1,000 sf	\$170
912	Bank/Savings Drive-In	1,000 sf	\$215
931	Quality Restaurant	1,000 sf	\$835
932	High-Turn Over Restaurant	1,000 sf	\$786
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$1,408
941	Quick Lubrication Vehicle Shop	bay	\$232
942	Automobile Care Center	1,000 sf	\$242
944	Gas Station w/Convenience Store <2,000 sq ft	fuel pos.	\$212
945	Gas Station w/Convenience Store 2,000-5,499 sq ft	fuel pos.	\$334
960	Gas Station w/Convenience Store 5,500+ sq ft	fuel pos.	\$435
n/a	Gasoline/Convenience w/Fast Food	1,000 sf	\$1,156
INDUSTRIAL:			
110	General Light Industrial	1,000 sf	\$70
130	Industrial Park	1,000 sf	\$51
140	Manufacturing	1,000 sf	\$80
150	Warehousing	1,000 sf	\$16
151	Mini-Warehouse	1,000 sf	\$6

B. The Law Enforcement Impact Fee shall be paid in addition to all other Impact Fees and is intended to provide funds only for capacity capital improvements to the Law Enforcement System.

Section 17-63. Use of Law Enforcement Impact Fees.

A. The Board hereby establishes the "Law Enforcement Impact Fee Trust Account," which shall be maintained separate and apart from all other County accounts. All Law Enforcement Impact Fees shall be deposited into the Law Enforcement Impact Fee Trust Account immediately upon receipt.

B. The monies deposited into the Law Enforcement Impact Fee Trust Account shall be used solely for the purpose of providing growth-necessitated capital improvements to the Law Enforcement System, including, but not limited to:

1. Design and construction plan preparation;
2. Any permitting or application fees necessary for the construction;
3. Site development and on-site and off-site improvements incidental to the construction thereto;
4. Land acquisition, including any costs of acquisition or condemnation;
5. Design and Construction of Law Enforcement System facilities;
6. Design and construction of new drainage facilities required by the construction of Law Enforcement System facilities or improvements thereto;
7. Relocating utilities required by the construction of Law Enforcement System facilities or improvements or additions thereto;
8. Landscaping;
9. Construction management and inspection;
10. Surveying, soils and materials testing;
11. Acquisition of capital equipment for the Law Enforcement System;

12. Repayment of monies transferred or borrowed from any budgetary fund of the County that were used to fund growth-necessitated capital improvements and additions to the Law Enforcement System;

13. Costs related to the administration, collection, and implementation of the Law Enforcement Impact Fees;

14. Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the County to fund growth-necessitated improvements and additions to the Law Enforcement System; and

15. Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and materials testing, legal, appraisals, and construction management.

C. Funds on deposit in the Law Enforcement Impact Fee Trust Account shall not be used for any expenditure that would be classified as a maintenance or repair expense.

D. Any funds on deposit which are not immediately necessary for expenditure shall be maintained in accordance with the County's investment policy. Any income derived from such investments shall be deposited in the Law Enforcement Impact Fee Trust Account and used as provided herein.

E. A report will be prepared annually by the County reflecting the collection and expenditures of the Law Enforcement Impact Fees by the County during the previous year.

ARTICLE VI. FIRE RESCUE IMPACT FEES

Section 17-70. Definitions Applicable to Fire Rescue Impact Fees. In addition to the general definitions contained in Section 17-2, the following terms shall have the following meanings in the application of the Fire Rescue Impact Fees:

"Fire Rescue Impact Construction" shall mean land development designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or floor space than the existing use of land, or to otherwise change the use of the land in a manner that increases the impact upon the Fire Rescue System. In the administration of this Article, the term "Fire Rescue Impact Construction" shall be included within the definition of the term "Capital Facilities Impact Construction."

"Fire Rescue Impact Fee" shall mean the Impact Fee imposed to fund growth-necessitated capital improvements to the Fire Rescue System.

"Fire Rescue Impact Fee Study" shall mean the portion of the Impact Fee Study adopted in Section 17-5 relating to the Fire Rescue Impact Fee.

"Fire Rescue System" shall mean the Buildings, vehicles, apparatus, and capital equipment provided by the County that are used for the suppression and prevention of fires or other disasters and the handling of incidents involving hazardous materials.

Section 17-71. Legislative Findings Applicable to Fire Rescue Impact Fees. In addition to the general legislative findings contained in Section 17-4, the Board hereby specifically ascertains, determines, and declares as follows:

A. Development necessitated by the growth contemplated in the Comprehensive Plan and the Fire Rescue Impact Fee Study will require improvements and additions to the Fire Rescue System to accommodate the new development

generated by such growth and maintain the standards of service provided by the Fire Rescue System.

B. There is a rational nexus between future growth, as measured by new Fire Rescue Impact Construction, and the need to expand the Fire Rescue System through the acquisition and construction of new Buildings, apparatus, and equipment in order to maintain the standards of service currently provided by the Fire Rescue System. The Fire Rescue Impact Fees adopted herein for each Impact Fee Land Use Category are proportional to impact expected to be generated by the Fire Rescue Impact Construction.

C. The Board has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements and additions to the Fire Rescue System that are necessary to accommodate Fire Rescue Impact Construction within the County.

D. The County has a responsibility to provide fire rescue services within the unincorporated areas of the County and the incorporated areas of the cities of Bunnell, Beverly Beach, and Marineland. The Fire Rescue System benefits all Fire Rescue Impact Construction occurring within the unincorporated County and within the cities where the County provides such services, and, therefore, the Fire Rescue Impact Fees shall be imposed in all unincorporated areas of the County and within the cities of Bunnell, Beverly Beach, and Marineland, which have consented to the imposition of the Fire Rescue Impact Fees within their municipal boundaries.

E. Future growth, as represented by Fire Rescue Impact Construction, should contribute its fair share to the cost of improvements and additions to the Fire Rescue System that are required to accommodate the impact generated by such growth.

F. The required improvements and additions to the Fire Rescue System needed to eliminate any deficiencies shall be financed by revenues other than Fire Rescue Impact Fees.

G. The Board expressly finds that the improvements and additions to the Fire Rescue System to be funded by the Fire Rescue Impact Fee provide a benefit to all Fire Rescue Impact Construction within the County in excess of the Fire Rescue Impact Fees.

H. Implementation of the Fire Rescue Impact Fee to require Fire Rescue Impact Construction to contribute its fair share of the cost of required capital improvements is an integral and vital element of the regulatory plan of growth management of the County.

I. The purpose of this Article is to require payment of Fire Rescue Impact Fees by those who engage in Fire Rescue Impact Construction and to provide for the cost of capital improvements to the Fire Rescue System which are required to accommodate such growth. This Article shall not be construed to permit the collection of Fire Rescue Impact Fees in excess of the amount reasonably anticipated to offset the demand on the Fire Rescue System generated by such applicable Fire Rescue Impact Construction.

J. The imposition of a Fire Rescue Impact Fee is to provide a source of revenue to fund the construction or improvement of the Fire Rescue System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

Section 17-72. Imposition of Fire Rescue Impact Fees.

A. Effective March 15, 2022, all Fire Rescue Impact Construction occurring within the unincorporated area of the County and within the municipal boundaries of the City of Bunnell, the Town of Beverly Beach, and the Town of Marineland, which have

consented to the imposition of the Fire Rescue Impact Fee by interlocal agreement pursuant to section 17-6 hereof shall pay the following Fire Rescue Impact Fee as a condition of issuance of a Building Permit for such Fire Rescue Impact Construction.

ITE LUC	Land Use	Unit	Fire Rescue
RESIDENTIAL:			
210	Single Family (Detached)	du	\$738
221	Multi-Family	du	\$262
240	Mobile Home (Mobile Home Park for Roads)	du	\$638
TRANSIENT, ASSISTED, GROUP:			
253	Congregate Care Facility	du	\$614
310	Hotel	room	\$467
320	Motel	room	\$390
620	Nursing Home	bed	\$524
RECREATIONAL:			
411	Public Park	acre	\$24
416	RV Park	site	\$224
420	Marina	berth	\$62
430	Golf Course	hole	\$400
445	Movie Theater	screen	\$2,471
492	Health/Fitness Club	1,000 sf	\$1,147
INSTITUTIONAL:			
520	Elementary School (Private)	student	\$48
522	Middle/Junior High School (Private)	student	\$43
525	High School (Private)	student	\$38
540	University/Junior College (7,500 or fewer students) (Private)	student	\$48
550	University/Junior College (more than 7,500 students) (Private)	student	\$38
560	Church	1,000 sf	\$195
565	Day Care Center	1,000 sf	\$386
MEDICAL:			
610	Hospital	1,000 sf	\$619
OFFICE:			
710	General Office	1,000 sf	\$467
714	Corporate Headquarters Building	1,000 sf	\$462
720	Medical Office 10,000 sq ft or less	1,000 sf	\$571
720	Medical Office greater than 10,000 sq ft	1,000 sf	\$819
RETAIL:			
822	Retail/Shopping Center 40,000 sfgla or less	1,000 sfgla	\$990
821	Retail/Shopping Center 40,001 to 150,000 sfgla	1,000 sfgla	\$1,228
820	Retail/Shopping Center greater than 150,000 sfgla	1,000 sfgla	\$671
840/841	New/Used Auto Sales	1,000 sf	\$748
849	Tire Superstore	bay	\$1,009
850	Supermarket	1,000 sf	\$1,166

851	Convenience Market - 24 hrs	1,000 sf	\$3,042
862	Home Improvement Superstore	1,000 sf	\$924
880/881	Pharmacy/Drug Store with & without Drive-Thru	1,000 sf	\$876
890	Furniture Store	1,000 sf	\$152
SERVICES:			
911	Bank/Savings Walk-In	1,000 sf	\$557
912	Bank/Savings Drive-In	1,000 sf	\$705
931	Quality Restaurant	1,000 sf	\$2,742
932	High-Turn Over Restaurant	1,000 sf	\$2,581
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$4,623
941	Quick Lubrication Vehicle Shop	bay	\$762
942	Automobile Care Center	1,000 sf	\$795
944	Gas Station w/Convenience Store <2,000 sq ft	fuel pos.	\$695
945	Gas Station w/Convenience Store 2,000-5,499 sq ft	fuel pos.	\$1,095
960	Gas Station w/Convenience Store 5,500+ sq ft	fuel pos.	\$1,428
n/a	Gasoline/Convenience w/Fast Food	1,000 sf	\$3,795
INDUSTRIAL:			
110	General Light Industrial	1,000 sf	\$229
130	Industrial Park	1,000 sf	\$167
140	Manufacturing	1,000 sf	\$262
150	Warehousing	1,000 sf	\$52
151	Mini-Warehouse	1,000 sf	\$19

B. The Fire Rescue Impact Fee shall be paid in addition to all other Impact Fees and is intended to provide funds only for capacity capital improvements to the Fire Rescue System.

Section 17-73. Use of Fire Rescue Impact Fees.

A. The Board hereby establishes the "Fire Rescue Impact Fee Trust Account," which shall be maintained separate and apart from all other County accounts. All Fire Rescue Impact Fees shall be deposited into the Fire Rescue Impact Fee Trust Account immediately upon receipt.

B. The monies deposited into Fire Rescue Impact Fee Trust Account shall be used solely for the purpose of providing growth-necessitated capital improvements to the Fire Rescue System, including, but not limited to:

1. Design and construction plan preparation;

2. Any permitting or application fees necessary for the construction;
3. Site development and on-site and off-site improvements incidental to the construction thereto;
4. Land acquisition, including any costs of acquisition or condemnation;
5. Design and Construction of Fire Rescue System facilities;
6. Design and construction of new drainage facilities required by the construction of Fire Rescue System facilities or improvements thereto;
7. Relocating utilities required by the construction of Fire Rescue System facilities or improvements or additions thereto;
8. Landscaping;
9. Construction management and inspection;
10. Surveying, soils and materials testing;
11. Acquisition of capital equipment for the Fire Rescue System;
12. Repayment of monies transferred or borrowed from any budgetary fund of the County that were used to fund growth-necessitated capital improvements and additions to the Fire Rescue System;
13. Costs related to the administration, collection, and implementation of the Fire Rescue Impact Fees;
14. Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the County to fund growth-necessitated improvements and additions to the Fire Rescue System; and

15. Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and materials testing, legal, appraisals, and construction management.

C. Funds on deposit in the Fire Rescue Impact Fee Trust Account shall not be used for any expenditure that would be classified as a maintenance or repair expense.

D. Any funds on deposit which are not immediately necessary for expenditure shall be maintained in accordance with the County's investment policy. Any income derived from such investments shall be deposited in the Fire Rescue Impact Fee Trust Account and used as provided herein.

E. A report will be prepared annually by the County reflecting the collection and expenditures of the Fire Rescue Impact Fees by the County during the previous year.

ARTICLE VII. EMERGENCY MEDICAL SERVICES IMPACT FEES

Section 17-80. Definitions Applicable to Emergency Medical Services

Impact Fees. In addition to the general definitions contained in Section 17-2, the following terms shall have the following meanings in the application of the Emergency Medical Services Impact Fees:

“Emergency Medical Services Impact Construction” shall mean land development designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or floor space than the existing use of land, or to otherwise change the use of the land in a manner that increases the impact upon the Emergency Medical Services System. In the administration of this Article, the term "Emergency Medical Services Impact Construction" shall be included within the definition of the term "Capital Facilities Impact Construction."

“Emergency Medical Services Impact Fee” shall mean the Impact Fee imposed to fund growth-necessitated capital improvements to the Emergency Medical Services System.

“Emergency Medical Services Impact Fee Study” shall mean the portion of the Impact Fee Study adopted in Section 17-5 relating to the Emergency Medical Services Impact Fee.

“Emergency Medical Services System” shall mean the Buildings, vehicles, apparatus, and capital equipment provided by the County that are used for the provision of emergency medical care and transport of the sick, injured, or incapacitated within the County.

Section 17-81. Legislative Findings Applicable to Emergency Medical Services Impact Fees. In addition to the general legislative findings contained in Section 17-4, the Board hereby specifically ascertains, determines, and declares as follows:

A. Development necessitated by the growth contemplated in the Comprehensive Plan and the Emergency Medical Services Impact Fee Study will require improvements and additions to the Emergency Medical Services System to accommodate the new development generated by such growth and maintain the standards of service provided by the Emergency Medical Services System.

B. There is a rational nexus between future growth, as measured by new Emergency Medical Services Impact Construction, and the need to expand the Emergency Medical Services System through the acquisition and construction of new Buildings, apparatus, and equipment in order to maintain the standards of service currently provided by the Emergency Medical Services System. The Emergency Medical Services Impact Fees adopted herein for each Impact Fee Land Use Category are proportional to impact expected to be generated by the Emergency Medical Services Impact Construction.

C. The Board has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements and additions to the Emergency Medical Services System that are necessary to accommodate Emergency Medical Services Impact Construction within the County.

D. The County has a responsibility to provide Emergency Medical Services within the unincorporated and all incorporated areas of the County. The Emergency Medical Services System benefits all Emergency Medical Services Impact Construction

occurring within the unincorporated and all incorporated areas of County, and, therefore, the Emergency Medical Services Impact Fees shall be imposed in all unincorporated areas of the County and within all municipalities that consent to the imposition of the Emergency Medical Services Impact Fees within their municipal boundaries.

E. Future growth, as represented by Emergency Medical Services Impact Construction, should contribute its fair share to the cost of improvements and additions to the Emergency Medical Services System that are required to accommodate the impact generated by such growth.

F. The required improvements and additions to the Emergency Medical Services System needed to eliminate any deficiencies shall be financed by revenues other than Emergency Medical Services Impact Fees.

G. The Board expressly finds that the improvements and additions to the Emergency Medical Services System to be funded by the Emergency Medical Services Impact Fee provide a benefit to all Emergency Medical Services Impact Construction within the County in excess of the Emergency Medical Services Impact Fees.

H. Implementation of the Emergency Medical Services Impact Fee to require Emergency Medical Services Impact Construction to contribute its fair share of the cost of required capital improvements is an integral and vital element of the regulatory plan of growth management of the County.

I. The purpose of this Article is to require payment of Emergency Medical Services Impact Fees by those who engage in Emergency Medical Services Impact Construction and to provide for the cost of capital improvements to the Emergency Medical Services System which are required to accommodate such growth. This Article

shall not be construed to permit the collection of Emergency Medical Services Impact Fees in excess of the amount reasonably anticipated to offset the demand on the Emergency Medical Services System generated by such applicable Emergency Medical Services Impact Construction.

J. The imposition of an Emergency Medical Services Impact Fee is to provide a source of revenue to fund the construction or improvement of the Emergency Medical Services System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

Section 17-82. Imposition of Emergency Medical Services Impact Fees.

A. Effective March 15, 2022, all Emergency Medical Services Impact Construction occurring within the unincorporated area of the County and within the municipal boundaries of any City that has consented to the imposition of the Emergency Medical Services Impact Fee by interlocal agreement pursuant to section 17-6 hereof shall pay the following Emergency Medical Services Impact Fee as a condition of issuance of a Building Permit for such Emergency Medical Services Impact Construction.

ITE LUC	Land Use	Unit	EMS
RESIDENTIAL:			
210	Single Family (Detached)	du	\$62
221	Multi-Family	du	\$32
240	Mobile Home (Mobile Home Park for Roads)	du	\$45
TRANSIENT, ASSISTED, GROUP:			
253	Congregate Care Facility	du	\$57
310	Hotel	room	\$37
320	Motel	room	\$31
620	Nursing Home	bed	\$41
RECREATIONAL:			
411	Public Park	acre	\$2
416	RV Park	site	\$18
420	Marina	berth	\$5
430	Golf Course	hole	\$31
445	Movie Theater	screen	\$194

492	Health/Fitness Club	1,000 sf	\$90
INSTITUTIONAL:			
520	Elementary School (Private)	student	\$4
522	Middle/Junior High School (Private)	student	\$3
525	High School (Private)	student	\$3
540	University/Junior College (7,500 or fewer students) (Private)	student	\$4
550	University/Junior College (more than 7,500 students) (Private)	student	\$3
560	Church	1,000 sf	\$15
565	Day Care Center	1,000 sf	\$30
MEDICAL:			
610	Hospital	1,000 sf	\$49
OFFICE:			
710	General Office	1,000 sf	\$37
714	Corporate Headquarters Building	1,000 sf	\$36
720	Medical Office 10,000 sq ft or less	1,000 sf	\$45
720	Medical Office greater than 10,000 sq ft	1,000 sf	\$64
RETAIL:			
822	Retail/Shopping Center 40,000 sfgla or less	1,000 sfgla	\$78
821	Retail/Shopping Center 40,001 to 150,000 sfgla	1,000 sfgla	\$97
820	Retail/Shopping Center greater than 150,000 sfgla	1,000 sfgla	\$53
840/841	New/Used Auto Sales	1,000 sf	\$59
849	Tire Superstore	bay	\$79
850	Supermarket	1,000 sf	\$92
851	Convenience Market - 24 hrs	1,000 sf	\$239
862	Home Improvement Superstore	1,000 sf	\$73
880/881	Pharmacy/Drug Store with & without Drive-Thru	1,000 sf	\$69
890	Furniture Store	1,000 sf	\$12
SERVICES:			
911	Bank/Savings Walk-In	1,000 sf	\$44
912	Bank/Savings Drive-In	1,000 sf	\$55
931	Quality Restaurant	1,000 sf	\$215
932	High-Turn Over Restaurant	1,000 sf	\$203
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$363
941	Quick Lubrication Vehicle Shop	bay	\$60
942	Automobile Care Center	1,000 sf	\$62
944	Gas Station w/Convenience Store <2,000 sq ft	fuel pos.	\$55
945	Gas Station w/Convenience Store 2,000-5,499 sq ft	fuel pos.	\$86
960	Gas Station w/Convenience Store 5,500+ sq ft	fuel pos.	\$112
n/a	Gasoline/Convenience w/Fast Food	1,000 sf	\$298
INDUSTRIAL:			
110	General Light Industrial	1,000 sf	\$18
130	Industrial Park	1,000 sf	\$13
140	Manufacturing	1,000 sf	\$21
150	Warehousing	1,000 sf	\$4
151	Mini-Warehouse	1,000 sf	\$1

B. The Emergency Medical Services Impact Fee shall be paid in addition to all other Impact Fees and is intended to provide funds only for capacity capital improvements to the Emergency Medical Services System.

Section 17-83. Use of Emergency Medical Services Impact Fees.

A. The Board hereby establishes the "Emergency Medical Services Impact Fee Trust Account," which shall be maintained separate and apart from all other County accounts. All Emergency Medical Services Impact Fees shall be deposited into the Emergency Medical Services Impact Fee Trust Account immediately upon receipt.

B. The monies deposited into Emergency Medical Services Impact Fee Trust Account shall be used solely for the purpose of providing growth-necessitated capital improvements to the Emergency Medical Services System, including, but not limited to:

1. Design and construction plan preparation;
2. Any permitting or application fees necessary for the construction;
3. Site development and on-site and off-site improvements incidental to the construction thereto;
4. Land acquisition, including any costs of acquisition or condemnation;
5. Design and Construction of Emergency Medical Services System facilities;
6. Design and construction of new drainage facilities required by the construction of Emergency Medical Services System facilities or improvements thereto;
7. Relocating utilities required by the construction of Emergency Medical Services System facilities or improvements or additions thereto;
8. Landscaping;

9. Construction management and inspection;
10. Surveying, soils and materials testing;
11. Acquisition of capital equipment for the Emergency Medical Services System;
12. Repayment of monies transferred or borrowed from any budgetary fund of the County that were used to fund growth-necessitated capital improvements and additions to the Emergency Medical Services System;
13. Costs related to the administration, collection, and implementation of the Emergency Medical Services Impact Fees;
14. Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the County to fund growth-necessitated improvements and additions to the Emergency Medical Services System; and
15. Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and materials testing, legal, appraisals, and construction management.

C. Funds on deposit in the Emergency Medical Services Impact Fee Trust Account shall not be used for any expenditure that would be classified as a maintenance or repair expense.

D. Any funds on deposit which are not immediately necessary for expenditure shall be maintained in accordance with the County's investment policy. Any income derived from such investments shall be deposited in the Emergency Medical Services Impact Fee Trust Account and used as provided herein.

E. A report will be prepared annually by the County reflecting the collection and expenditures of the Emergency Medical Services Impact Fees by the County during the previous year.

ARTICLE VIII. LIBRARY IMPACT FEES

Section 17-90. Definitions Applicable to Library Impact Fees. In addition to the general definitions contained in Section 17-2, the following terms shall have the following meanings in the application of the Library Impact Fees:

“Library Impact Fee” shall mean the Impact Fee imposed to fund growth-necessitated capital improvements to the Library System.

“Library Impact Fee Study” shall mean the portion of the Impact Fee Study adopted in Section 17-5 relating to the Library Impact Fee.

“Library System” shall mean the Buildings, books, periodicals, audio and video resources and equipment, computer equipment and facilities and other collection items provided by the County.

Section 17-91. Legislative Findings Applicable to Library Impact Fees. In addition to the general legislative findings contained in Section 17-4, the Board hereby specifically ascertains, determines, and declares as follows:

A. Development necessitated by the growth contemplated in the Comprehensive Plan and the Library Impact Fee Study will require improvements and additions to the Library System to accommodate the new development generated by such growth and maintain the standards of service provided by the Library System.

B. There is a rational nexus between future growth, as measured by new Residential Construction, and the need to expand the Library System through the acquisition and construction of new Buildings, collection items, and equipment in order to maintain the standards of service currently provided by the Library System. The Library Impact Fees adopted herein for each Impact Fee Land Use Category are proportional to impact expected to be generated by the Residential Construction.

C. The Board has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements and additions to the Library System that are necessary to accommodate Residential Construction within the County.

D. The County has a responsibility to provide Libraries within the County. Residential Construction occurring within the unincorporated and incorporated areas of the County impacts upon and benefits from the Library System; therefore, the Library Impact Fees shall be imposed in all unincorporated areas of the County and within all cities that consent to the imposition of the Library Impact Fees within their municipal boundaries.

E. Future growth, as represented by Residential Construction, should contribute its fair share to the cost of improvements and additions to the Library System that are required to accommodate the impact generated by such growth.

F. The required improvements and additions to the Library System needed to eliminate any deficiencies shall be financed by revenues other than Library Impact Fees.

G. The Board expressly finds that the improvements and additions to the Library System to be funded by the Library Impact Fee provide a benefit to all Residential Construction within the County in excess of the Library Impact Fees.

H. Implementation of the Library Impact Fee to require Residential Construction to contribute its fair share of the cost of required capital improvements is an integral and vital element of the regulatory plan of growth management of the County.

I. The purpose of this Article is to require payment of Library Impact Fees by those who engage in Residential Construction and to provide for the cost of capital improvements to the Library System which are required to accommodate such growth.

This Article shall not be construed to permit the collection of Library Impact Fees in excess of the amount reasonably anticipated to offset the demand on the Library System generated by such applicable Residential Construction.

J. The imposition of a Library Impact Fee is to provide a source of revenue to fund the construction or improvement of the Library System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

Section 17-92. Imposition of Library Impact Fees.

A. Effective March 15, 2022, all Residential Construction occurring within the unincorporated area of the County and within the municipal boundaries of any City that has consented to the imposition of the Library Impact Fee by interlocal agreement pursuant to section 17-6 hereof shall pay the following Library Impact Fee as a condition of issuance of a Building Permit for such Residential Construction.

ITE LUC	Land Use	Unit	Libraries
RESIDENTIAL:			
210	Single Family (Detached)	du	\$268
221	Multi-Family	du	\$139
240	Mobile Home (Mobile Home Park for Roads)	du	\$191

B. The Library Impact Fee shall be paid in addition to all other Impact Fees and is intended to provide funds only for capacity capital improvements to the Library System.

Section 17-93. Use of Library Impact Fees.

A. The Board hereby establishes the "Library Impact Fee Trust Account," which shall be maintained separate and apart from all other County accounts. All Library Impact Fees shall be deposited into the Library Impact Fee Trust Account immediately upon receipt.

B. The monies deposited into Library Impact Fee Trust Account shall be used solely for the purpose of providing growth-necessitated capital improvements to the Library System, including, but not limited to:

1. Design and construction plan preparation;
2. Any permitting or application fees necessary for the construction;
3. Site development and on-site and off-site improvements incidental to the construction thereto;
4. Land acquisition, including any costs of acquisition or condemnation;
5. Design and Construction of Library System facilities;
6. Design and construction of new drainage facilities required by the construction of Library System facilities or improvements thereto;
7. Relocating utilities required by the construction of Library System facilities or improvements or additions thereto;
8. Landscaping;
9. Construction management and inspection;
10. Surveying, soils and materials testing;
11. Acquisition of collection items, public access computers, or other capital equipment for the Library System;
12. Repayment of monies transferred or borrowed from any budgetary fund of the County that were used to fund growth-necessitated capital improvements and additions to the Library System;
13. Costs related to the administration, collection, and implementation of the Library Impact Fees;

14. Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the County to fund growth-necessitated improvements and additions to the Library System; and

15. Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and materials testing, legal, appraisals, and construction management.

C. Funds on deposit in the Library Impact Fee Trust Account shall not be used for any expenditure that would be classified as a maintenance or repair expense.

D. Any funds on deposit which are not immediately necessary for expenditure shall be maintained in accordance with the County's investment policy. Any income derived from such investments shall be deposited in the Library Impact Fee Trust Account and used as provided herein.

E. A report will be prepared annually by the County reflecting the collection and expenditures of the Library Impact Fees by the County during the previous year.

SECTION 4. NOTICE OF IMPACT FEES.

A. No later than December 15, 2021, the County Administrator is hereby directed to publish a notice once in a newspaper of general circulation within the County which notice shall include: (A) a brief and general description of the Impact Fees, (B) a description of the geographic area in which the Impact Fees will be collected; (C) the Impact Fee rates to be imposed for each Impact Fee Land Use Category; and (D) the date of implementation of the Impact Fee rates set forth in the notice, which date shall not be earlier than ninety (90) days after the date of publication of the notice. In the event, this notice is not published by December 15, 2021, then the initial March 15, 2022

implementation dates for the Impact Fees shall be adjusted to ensure that the increased Mobility Fee rates are not implemented earlier than ninety (90) days after the date of publication of the notice, and for the Transportation Impact Fee and Parks and Recreational Facilities Impact Fee, the implementation dates for the phased-in Impact Fee rates in 2023, 2024, and 2025 shall be similarly adjusted to occur in one-year increments after the initial implementation date for such Impact Fees.

B. The obligations herein for the payment of the Impact Fees shall apply to all Capital Facilities Impact Construction that applies for a Building Permit on or after the applicable implementation date.

SECTION 5. MISCELLANEOUS.

A. If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said chapter shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

B. It is the intention of the Board, and it is hereby ordained that the relevant provisions of this Ordinance shall become and be made a part of the Flagler County Code of Ordinances; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

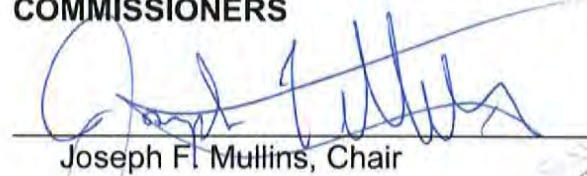
C. The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

D. A certified copy of this Ordinance shall be filed with the Department of State within 10 days after its enactment by the Board and shall take effect as provided by law;

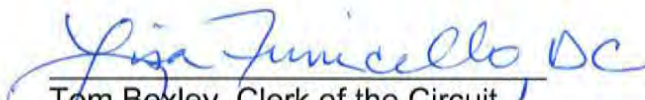
provided the revisions to the Impact Fee rates shall become effective as provided in Section 4 hereof.

DULY ADOPTED this 6TH day of December, 2021.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS


Joseph F. Mullins, Chair

Attest:


Tom Bexley, Clerk of the Circuit Court & Comptroller



APPROVED AS TO FORM:


Al Hadeed, County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 7, 2021

Honorable Tom Bexley
Clerk of the Circuit Court
Flagler County
1769 East Moody Boulevard, Building 1
Bunnell, Florida 32110

Attention: Lisa Funicello

Dear Mr. Bexley:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Flagler County Ordinance No. 2021-09, which was filed in this office on December 7, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb