

ORDINANCE 2019-50

AN ORDINANCE OF THE CITY OF GROVELAND, COUNTY OF LAKE, STATE OF FLORIDA, ADOPTING THE CITY OF GROVELAND, FLORIDA, MUNICIPAL AND UTILITY SERVICES IMPACT FEE STUDY; AMENDING VARIOUS PROVISIONS IN CHAPTER 125 OF THE GROVELAND CODE OF ORDINANCES; ADJUSTING IMPACT FEES FOR WATER, WASTEWATER, FIRE PREVENTION, LAW ENFORCEMENT, AND PARKS AND RECREATION; PROVIDING FOR CONFLICTS, CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Groveland provides public water and wastewater utility services to residential, commercial and industrial users within the City of Groveland's utility district established pursuant to §180, *Florida Statutes*;

WHEREAS, the City of Groveland imposes impact fees for law enforcement, fire prevention, parks and recreation, water, wastewater and administrative services; and

WHEREAS, the City of Groveland commissioned an impact fee to be performed by Public Resources Management Group, Inc.; and

WHEREAS, the City Council approved the study and desires to formally adopt and implement the impact fees set forth in the study; and

WHEREAS, City Council finds that impact fees should cover the capital cost of construction and related costs thereto (engineering, legal, financing [to include principal, interest and other costs of bonds], administrative and such other related costs) for increases in or expansions of capacity or capital requirements due solely as a result of new development, and that said impact fees do not unfairly burden new development;

WHEREAS, the City collects impact fees and maintains impact fees in a financial fund separate from its general fund operations and separate from other impact fees; and

WHEREAS, the report entitled City of Groveland Municipal and Utility Services Impact Fee Study dated October 17, 2017, prepared by Public Resources Management Group, Inc. sets forth a reasonable methodology and analysis for determining the impact of new development on the necessity for and costs of capital improvements in the City of Groveland;

WHEREAS, City Council is authorized by Ch. 166, Florida Statutes, to enact legislation and implement impact fee charges.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVELAND, LAKE COUNTY, FLORIDA, as follows:

SECTION 1. The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this ordinance.

SECTION 2. Article I in Chapter 125 of the Code of Ordinances, City of Groveland, Florida, is hereby amended to read as follows:

ARTICLE I. - IN GENERAL

Sec. 125-1. - Periodic adjustment of impact fees.

On ~~January 1, 2006, and~~ October 1, 2020 and on October 1 of each year thereafter ~~the adoption of the ordinance from which this section is derived,~~ the schedule of impact fee rates for fire prevention, law enforcement, parks and recreation, water and wastewater, and administrative facilities shall be adjusted upward based on the Municipal Cost Index (MCI) as published by the American City and County Magazine. The adjustment shall be based on the most recent 12-month increase in the MCI. At no time shall the schedule of impact fees be adjusted downward without a comprehensive review of such fees. All changes or adjustments in the established impact fee rates shall be made by ordinance after advertising and public hearings and shall apply to construction for which building permits are issued after the effective date of such ordinance.

Sec. 125-2. - Payment of impact fees.

Impact fees for commercial, industrial and residential land uses shall be paid at the time of issuance of a building permit, or if no building permit is required, at the time of approval of the final development order, or for water and wastewater prior to connection to the city utility system(s). City imposed impact fees for residential land uses only may be deferred until the issuance of the certificate of occupancy, or until twelve (12) months of the date of issuance of the building permit, whichever occurs first, if requested by the licensed contractor or owner-builder who has obtained the permit for the improvements. For projects requiring a certificate of occupancy, if impact fees for which payment has been deferred have not been paid as required herein, then the City shall not issue a certificate of occupancy. Nothing herein shall prohibit the city council from entering into impact fee deferral agreements so long as appropriate security for the payment of the impact fees is provided. Appropriate security may include, but not limited to a first-priority lien on the property or an irrevocable letter of credit.

Sec. 125-3. – Adoption of impact fee study.

As it relates to Articles II, III, IV, and V of this chapter, the city council hereby adopts by reference the study entitled “City of Groveland, Florida, Municipal and Utility Services Impact Fee Study” dated October 17, 2017, as prepared by Public Resources Management Group, Inc. (the “Study”). The impact fees provided for in the Study have been determined to be sufficient to fund the projected capital requirements associated with providing service to new growth and development.

Sec. 125-4. – Adoption of administrative impact fee study.

As it relates to Article VI of this chapter, the city council hereby adopts by reference the study entitled “City of Groveland, Florida, Municipal Services Impact Fee Study” dated July, 2009, as prepared by Public Resources Management Group, Inc. (the “Study”). The impact fee provided for in the Study has been determined to be sufficient to fund the projected capital requirements associated with providing service to new growth and development.

Secs. 125-4—125-20. - Reserved.

SECTION 3. Article II in Chapter 125 of the Code of Ordinances, City of Groveland, Florida, is hereby amended to read as follows:

ARTICLE II. - WATER AND WASTEWATER SERVICES

Sec. 125-21. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

POTW means publicly owned treatment works.

Sec. 125-22. - Intent and purpose.

This article is intended to implement and be consistent with the comprehensive plan of the city. The further intent and purpose of this article is to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide water and wastewater system expansion contemplated by the city's comprehensive plan.

~~Sec. 125-23. - Adoption of impact fee study.~~

~~The city council hereby adopts by reference the study entitled "City of Groveland, Florida, Water and Wastewater Impact Fee Study," dated September 2009, as prepared by Public Resources Management Group, Inc. It relates to the computation and allocation of the capital costs to new improvements to be borne by the users of such improvements.~~

Sec. 125-23. - Imposition of impact charges.

- (a) Any person who seeks to develop land by applying for a building permit or development permit to make an improvement to real property that will require expansion of water and/or wastewater services shall be required to pay a water and/or wastewater impact fee in the manner and amount established and computed pursuant to this article.
- (b) Water and wastewater impact fees shall apply to all new construction within the corporate limits of the city and all new construction outside the corporate limits of the city that are connected with the city's water and/or wastewater system.
- (c) Impact charges shall be: ~~as provided in this article by resolution.~~

Water Impact Fee:	
Residential:	
· Single Family	\$1,949.00
· Multi-Family (1 or 2 bedrooms)	\$1,299.00
· Multi-Family (3 or more bedrooms)	\$1,949.00
· Mobile home (1 or 2 bedrooms)	\$1,299.00
Non-Residential (per ERU)*	\$1,949.00
*Number of ERU's as calculated by the Building Official 9,600 gallons =	

1 ERU	
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Wastewater Impact Fee:	
Residential:	
· Single Family	\$3,735.00
· Multi-Family (1 or 2 bedrooms)	\$2,491.00
· Multi-Family (3 or more bedrooms)	\$3,735.00
· Mobile home (1 or 2 bedrooms)	\$2,491.00
Non-Residential (per ERU)*	\$3,735.00
*Number of ERU's as calculated by the Building Official 8,000 gallons = 1 ERU	

Sec. 125-24. - Impact charges for increase and/or change in use of residential flows.

Customers connected to the municipal water system or POTW prior to the initial adoption of wastewater impact charges are not subject to those fees for water and wastewater flows generated at that time. Each customer's water and wastewater flow for that time will be considered the base line flow for that customer, and increases in flow over the base line amount shall be subject to wastewater impact charges under the following circumstances: when the customer's land use is changed to a new use such as residential to commercial and when the water and/or wastewater flow is increased through a change in internal or external fixtures through the permitting process required by this subpart. Prior to the levy of an impact charge under these circumstances, the increased water and/or wastewater flow must meet or exceed one equivalent residential unit. In determining such equivalent, 8,000 gallons of wastewater contributed to the POTW per month or a potable water demand of 9,600 gallons per month shall be equal to an equivalent residential unit.

Sec. 125-25. - Nontransferable impact charges.

Water and wastewater impact fees shall remain with the property on which they were paid and are not transferable with the structure, should the structure be moved from the property to a new location.

Sec. 125-26. - Impact charges for increase and/or change in use of nonresidential flows.

Nonresidential customers connected to the municipal water system or POTW prior to the initial adoption of impact charges are not subject to those fees for water and wastewater flows generated at that time. Each nonresidential customer's water and wastewater flow for that time will be considered the base line flow for that customer, and increases in flow over the base line amount shall be subject to wastewater and water impact charges under the following circumstances: when the customer's land use is changed to a new use and when the water and/or wastewater flow is increased through a change in internal or external fixtures through the permitting process required by this subpart. Prior to the levy of an impact charge under these circumstances, the increased water and/or wastewater flow must meet or exceed one equivalent residential unit. In determining such equivalent, 8,000 gallons of wastewater contributed to the

POTW per month or a potable water demand of 9,600 gallons per month shall be equal to an equivalent residential unit.

~~Sec. 125-29. — Annual adjustment.~~

~~Beginning October 1, 1996, the water and wastewater impact charges shall be adjusted annually on October 1 to reflect any change in the cost of living over the prior year. The amount of change shall be determined by comparing the Cost of Living Index (Consumer Price Index), all items, as published by the U.S. Department of Labor, as of July 1, each year, with the same index for the same date in the previous year. The annual adjustment will be subject to approval by a majority vote of the city council.~~

Sec. 125-27. - Impact fee agreements.

In lieu of payment of fees as calculated in this article ~~by resolution~~, an applicant may propose to enter into an impact agreement with the city designed to establish just and equitable fees or their equivalent and standards of service appropriate to the circumstances of the particular development proposed. Such an agreement may include but shall not be limited to provisions that:

- (1) Provide an impact fee that may differ from that set forth ~~by resolution~~ in this article, by specifying the nature of the proposed development for purposes of computing actual impact, provided that any such agreement shall establish legally enforceable means for ensuring that the impact will not exceed the impact generated by the agreed-upon development.
- (2) Permit a schedule and method of payment of the fees in a manner appropriate to the particular circumstances of the proposed development in lieu of the requirements for payment of the fees as set forth ~~by resolution~~ in this article, provided that security is posted insuring payment of the fees, in a form acceptable to the council.
- (3) Any agreement proposed by an applicant by this section shall be presented to and approved by the council prior to the issuance of a building permit. Any such agreement may provide for execution by the mortgagees, lienholders or contract purchasers in addition to the landowner, and shall permit any party to record such agreement in the public records of the county.

Sec. 125-28. - Use of impact fees.

The proceeds accumulated by reason of the establishment of an impact fee shall be used only for extension of the primary water system, wastewater system, water treatment plant and wastewater treatment plant. The revenues generated by impact fees shall be kept in an account segregated from all other city accounts and will be part of the annual independent audit.

~~Secs. 125-30—125-50. - Reserved.~~

SECTION 4. Article III in Chapter 125 of the Code of Ordinances, City of Groveland, Florida, is hereby amended to read as follows:

ARTICLE III. - FIRE PREVENTION

Sec. 125-51. - Levy and purpose.

For the purpose of helping to defray the costs of new or expanded fire prevention and suppression capital facilities and equipment attributable to new construction within the city limits, impact fees are hereby levied on new construction within the city limits in accordance with the provisions of this article and the schedule of impact fees.

Sec. 125-52. - Applicability.

This article shall apply to all new construction within the city limits except the following:

- (1) Remodeling or rebuilding of any structure without increasing square footage under roof, or making additions to a single-family residence;
- (2) Construction of any public-purpose structure by the city or any agency, subdivision or instrumentality thereof and construction of any other public-purpose structure by federal, state, or other local government with legislative exemption from such impact fee; and
- (3) Construction under any building permit originally issued during the year preceding August 16, 1999, prior to January 1, 2020.

~~Sec. 125-53. - Review of fee amounts.~~

~~Fire prevention impact fees shall be determined and reviewed at least every other year in accordance with a detailed analysis of project construction within the city limits, the cost of any expanded or new capital facilities and equipment for fire prevention and suppression services generated by such construction, and the money otherwise available to meet such costs. The city council may annually adjust the established impact fee rates to reflect changes in the costs of relevant capital facilities and equipment.~~

Sec. 125-53. - Rates.

The fire prevention impact fees as required herein are as established by resolution.

Fire Prevention Impact Fee	
Residential:	\$484.00
Non-Residential	\$0.63 per square foot
Industrial/warehouse/manufacturing	\$0.27 per square foot

Sec. 125-54. - Use of impact fees.

The proceeds accumulated by reason of the establishment of an impact fee shall be used only for expansion or acquisition of capital facilities or equipment or for principal payments (including sinking fund payments) on bonds to expand or acquire such facilities or equipment. The revenues generated by impact fees shall be kept in an account segregated from all other city accounts and will be part of the annual independent audit.

Secs. 125-57—125-85. - Reserved.

SECTION 5. Article IV in Chapter 125 of the Code of Ordinances, City of Groveland, Florida, is hereby amended to read as follows:

ARTICLE IV. - LAW ENFORCEMENT

Sec. 125-86. - Levy and purpose.

For the purpose of helping to defray the costs of new or expanded law enforcement capital facilities and equipment attributable to new construction within the city limits, impact fees are hereby levied on new construction within the city limits in accordance with the provisions of this article and the schedule of impact fees ~~established by resolution~~ set forth in this article.

Sec. 125-87. - Applicability.

This article shall apply to all new construction within the city limits except the following:

- (1) Remodeling or rebuilding of any structure without increasing square footage under roof, or making additions to a single-family residence;
- (2) Construction of any public-purpose structure by the city or any agency, subdivision or instrumentality thereof and construction of any other public-purpose structure by federal, state, or other local government with legislative exemption from such impact fee; and
- (3) Construction under any building permit ~~originally issued during the year preceding August 16, 1999.~~ prior to January 1, 2020.

~~Sec. 125-88. - Review of fee amounts.~~

~~Law enforcement impact fees shall be determined and reviewed at least every other year in accordance with a detailed analysis of project construction within the city limits, the cost of any expanded or new capital facilities and equipment for law enforcement services generated by such construction, and the money otherwise available to meet such costs. The city council may annually adjust the established impact fee rates to reflect changes in the costs of relevant capital facilities and equipment. All changes or adjustments in the established impact fee rates shall be made by ordinance or resolution after advertising and public hearings and shall apply to construction for which building permits are issued after the effective date of such ordinance.~~

Sec. 125-89. - Rates.

The law enforcement impact fees as required herein are: ~~established by resolution.~~

Law Enforcement Impact Fee	
Residential:	\$551.00
Non-Residential	\$0.23 per square foot
Industrial/warehouse/manufacturing	\$0.10 per square foot

Sec. 125-90. - Use of impact fees.

The proceeds accumulated by reason of the establishment of an impact fee shall be used only for expansion or acquisition of capital facilities or equipment or for principal payments (including sinking fund payments) on bonds to expand or acquire such facilities or equipment. The revenues generated by impact fees shall be kept in an account segregated from all other city accounts and will be part of the annual independent audit.

Secs. 125-91—125-110. - Reserved.

SECTION 6. Article V in Chapter 125 of the Code of Ordinances, City of Groveland, Florida, is hereby amended to read as follows:

ARTICLE V. - PARKS AND RECREATION

Sec. 125-111. - Levy and purpose.

For the purpose of helping to defray the costs of new or expand public parks and recreation facilities and equipment attributable to new residential construction within the city limits, impact fees are hereby levied on new residential construction within the city limits in accordance with the provisions of this article and the schedule of impact fees ~~established by resolution~~ set forth in this article.

Sec. 125-112. - Applicability.

This article shall apply to all new residential construction within the city limits except the following:

- (1) Remodeling, rebuilding or making additions to a residential structure that does not add additional bedrooms;
- (2) Construction of any public-purpose structure by the city or any agency, subdivision or instrumentality thereof and construction of any other public-purpose structure by federal, state, or other local government with legislative exemption from such impact fee;
- (3) Construction under any building permit ~~originally issued during the year August 16, 1999~~ prior to January 1, 2020; and
- (4) Construction of accessory buildings not containing bedrooms.

~~Sec. 125-113. - Review of fee amounts.~~

~~Parks and recreation impact fees shall be determined and reviewed at least every other year in accordance with a detailed analysis of construction within the city limits, the cost of any expanded or new capital facilities and equipment for public parks and recreation facilities generated by such construction, and the money otherwise available to meet such costs. The city council may annually adjust the established impact fee rates to reflect changes in the costs of relevant capital facilities and equipment. All changes or adjustments in the established impact fee rates shall be made by ordinance or resolution after advertising and public hearings and shall~~

~~apply only to residential construction for which building permits are issued after the effective date of such ordinance.~~

Sec. 125-114. - Rates.

The park and recreation impact fees as required herein are: ~~as established by resolution.~~

Parks & Recreation Impact Fee	\$1,476.00
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Sec. 125-115. - Use of impact fees.

The proceeds accumulated by reason of the establishment of an impact fee shall be used only for expansion or acquisition of capital facilities or equipment or for principal payments (including sinking fund payments) on bonds to expand or acquire such facilities or equipment. The revenues generated by impact fees shall be kept in an account segregated from all other city accounts and will be part of the annual independent audit.

Secs. 125-116—125-145. - Reserved.

SECTION 6. Article VI in Chapter 125 of the Code of Ordinances, City of Groveland, Florida, is hereby amended to read as follows:

ARTICLE VI. - ADMINISTRATIVE FACILITIES

Sec. 125-146. - Levy and purpose.

For the purpose of helping to defray the costs of new or expanded administrative capital facilities and equipment attributable to new construction within the city limits, impact fees are hereby levied on new construction within the city limits in accordance with the schedule of impact fees and other provisions of this article.

Sec. 125-147. - Applicability.

This article shall apply to all new construction within the city limits except the following:

- (1) Remodeling or rebuilding of any structure without increasing square footage under roof, or making additions to a single family residence;
- (2) Construction of any public-purpose structure by the city or any agency, subdivision or instrumentality thereof and construction of any other public-purpose structure by federal, state, or other local government with legislative exemption from such impact fee; and
- (3) Construction under any building permit originally issued during the year preceding October 5, 2009.

~~Sec. 125-148. - Review of fee amounts.~~

~~Administrative facilities impact fees shall be determined and reviewed at least once per year in accordance with the schedule of impact fees and other provisions of this article.~~

Sec. 125-148. - Rates.

The administrative facilities impact fees shall be: ~~as established by resolution.~~

Administrative Impact Fee:	
Per equivalent impact fee unit, residential dwelling unit	\$114.00
Per square foot of non-residential development	\$0.10 per square foot

- (1) *Mixed uses.* If a building permit is requested for mixed uses, then the administrative facilities impact fee shall be determined by apportioning the space committed according to the building permit to uses specified on the fee schedule.
- (2) *Unspecified use.* It is the intent that all development requiring a building permit shall pay an appropriate administrative facilities impact fee. If the type of development activity requiring a building permit is not specified on the fee schedule, the city manager, or his designate, shall assign the fee applicable to the most nearly comparable use or uses on the fee schedule.
- (3) *Change of use or density.* In the case of a change of use or density which requires a building permit, the administrative facilities impact fee shall be based on the net increase in the fee, if any, for the new use as compared with the previous use.

Sec. 125-149. - Use of impact fees.

The proceeds accumulated by reason of the establishment of an impact fee shall be used only for expansion or acquisition of capital facilities or equipment or for principal and interest payments (including sinking fund payments) on bonds to expand or acquire such facilities or equipment. The revenues generated by impact fees shall be kept in an account segregated from all other city accounts and will be part of the annual independent audit.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.


SECTION 9. It is the intent of the City Council of the City of Groveland that the provisions of this chapter shall become and made a part of the City of Groveland Code of Ordinances; and grants authority to the codifier to renumber or re-letter sections, and change the words in this ordinance to section, article, chapter or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 10. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Groveland that any such

unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.


SECTION 11. The provisions within this ordinance shall take effect immediately upon adoption.

PASSED AND ORDAINED in regular session of the City Council of the City of Groveland, Lake County, Florida, this 16th day of September, 2019.



Evelyn Wilson, Mayor
City of Groveland, Florida

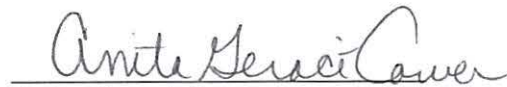
ATTEST:



Virginia Wright
City Clerk



Approved as to Form:



Anita Geraci-Carver
City Attorney

Passed First Reading 9-3-2019
Passed Second Reading 9-16-2019

Vicemayor Radzilk
Council Member Radzilk moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member Sweatt and upon roll call on the motion the vote was as follows:

	YEA	NAY
Mike Radzik	✓	
Jeff Shoobridge	✓	
Mike Smith	✓	
Dina Sweatt	✓	
Evelyn Wilson	✓	