

ORDINANCE NO. 2003- 070

1  
2  
3 AN ORDINANCE OF THE BOARD OF COUNTY  
4 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,  
5 REPEALING ARTICLE 10 OF THE UNIFIED LAND  
6 DEVELOPMENT CODE OF PALM BEACH COUNTY AS  
7 ADOPTED BY ORDINANCE 92-20 AS AMENDED, AND  
8 ADOPTING IN ITS PLACE A NEW ARTICLE 13, IMPACT  
9 FEES; ARTICLE 13 – IMPACT FEES; CHAPTER A –  
10 GENERAL; CHAPTER B – COUNTY DISTRICT, REGIONAL,  
11 AND BEACH PARKS IMPACT FEE; CHAPTER C – FIRE-  
12 RESCUE IMPACT FEE; CHAPTER D – LIBRARY IMPACT  
13 FEE; CHAPTER E – LAW ENFORCEMENT IMPACT FEE;  
14 CHAPTER F – PUBLIC BUILDINGS IMPACT FEE; CHAPTER  
15 G – SCHOOL IMPACT FEE; CHAPTER H – ROAD IMPACT  
16 FEES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT;  
17 PROVIDING FOR SEVERABILITY; PROVIDING FOR  
18 INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE;  
19 PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING  
20 FOR AN EFFECTIVE DATE.  
21

22  
23 WHEREAS, Palm Beach County Ordinance 92-20 provided for adoption of  
24 the Unified Land Development Code (ULDC) pursuant to chapter 163, Florida Statutes;  
25 and

26 WHEREAS, ULDC, Article 10 set forth a series of impact fees to generate a  
27 portion of the funds required to defray the costs of providing adequate public facilities  
28 necessitated by new development; and

29 WHEREAS, by separate Ordinance, the Board of County Commissioners of  
30 Palm Beach County began the process of repealing the original Unified Land Development  
31 Code, as adopted in Ordinance 92-20 and amended from time to time, and replacing it with  
32 a new Unified Land Development Code which amends, consolidates, reorders and  
33 recodifies provisions of the original Unified Land Development Code; and

34 WHEREAS, in this Ordinance, the Board of County Commissioners of Palm  
35 Beach County, Florida, desires to repeal Article 10 of the original Unified Land  
36 Development Code and adopt in its place a new Article 13, Impact Fees; and

37 WHEREAS, the Board of County Commissioners has determined that in  
38 order to promote the public health, safety and welfare, Palm Beach County must amend  
39 certain impact fee amounts in order to continue to fund adequate public facilities  
40 necessitated by new development; and

1                   **WHEREAS**, the Board of County Commissioners has determined that the  
2 fees established by this Ordinance are derived from, based upon, but do not exceed the  
3 costs of providing adequate public facilities necessitated by the new land developments for  
4 which the fees are levied; and

5                   **WHEREAS**, the Board of County Commissioners has determined that the  
6 report entitled *2003 Update of Impact Fees, Prepared for Palm Beach County*, sets forth a  
7 reasonable methodology and analysis for the determination of the impact of new  
8 development on the costs for adequate public facilities in Palm Beach County; and

9                   **WHEREAS**, the Land Development Regulation Commission has found this  
10 proposed Ordinance to be consistent with the adopted Comprehensive Plan.

11                   **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
12 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

13                   **PART I. Adoption of Article 13 to the Unified Land Development Code**

14                   Article 10 of the original Unified Land Development Code, Ordinance 92-20,  
15 as amended from time to time, is hereby repealed and replaced in its entirety with Article  
16 13 of the Unified Land Development Code set forth in Exhibit 1, attached hereto and made  
17 a part hereof.

18                   **PART II. Repeal of Laws in Conflict**

19                   All local laws and ordinances applying to Palm Beach County in conflict with  
20 any provision of this ordinance are hereby repealed to the extent of any such conflict.

21                   **PART III. Severability**

22                   If any section, paragraph, sentence, clause, phrase, or word of this ordinance  
23 is for any reason held by the Court to be unconstitutional, inoperative or void, such holding  
24 shall not affect the remainder of this ordinance.

25                   **PART IV. Inclusion in the Unified Land Development Code**

26                   The provision of this ordinance shall become and be made a part of the  
27 Unified Land Development Code of Palm Beach County, Florida. The Sections of the  
28 ordinance may be renumbered or relettered to accomplish such, and the word "ordinance"  
29 may be changed to "section," "article," or any other appropriate word.

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**PART V. Providing for a Savings Clause**

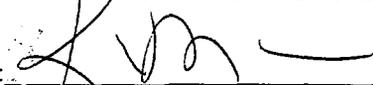
All impact fees obligations incurred, all impact fee credits granted, all escrow agreements and restrictive covenants executed, and all other actions taken by the Impact Fee Coordinator or County Engineer pursuant to the procedures established by prior Palm Beach County Impact Fee regulations shall remain in full force and effect.

**PART VI. Effective Date**

The provisions of this ordinance shall become effective upon filing with the Department of State.

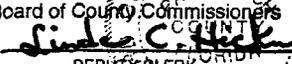
**APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach County, on the 16 day of December, 2003.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By:   
Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:   
COUNTY ATTORNEY

DOROTHY H. WILKINSON, CLERK  
Board of County Commissioners  
By:   
DEPUTY CLERK



EFFECTIVE DATE: Filed with the Department of State on the 22 day of December, 2003.

# EXHIBIT 1

## ARTICLE 13 IMPACT FEES

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**ARTICLE 13**  
**IMPACT FEES**

**CHAPTER A GENERAL**

**Section 1 Intent, Authority and Findings**

**A. Intent**

This article is intended to implement and be consistent with the Plan and to regulate the use and development of land. It is the intent of PBC that new development shall bear a proportionate share of the cost of capital expenditures necessary to provide park, fire-rescue, library, law enforcement, public building, schools and road capital facilities in PBC as is contemplated in the Plan. Impact fees shall not be used to collect more than is necessary to fund such capital facilities. The impact fees in this article are based on the Impact Fee Report, as amended, which establish a fair and equitable allocation of costs and recognize past and future payments from new development, as well as credits for in-kind contributions, and municipal provision of like facilities under certain circumstances. Funds collected from impact fees shall not be used to replace existing capital facilities or to fund existing deficiencies, but only to provide for new capital facilities which are necessitated by new development.

**B. Authority**

The provisions of this article are authorized by Art. 8, Signage, Sec. 1(g), Fla. Const., F.S. §§ 125.01 et seq., 163.3161 et seq., F.S. §236.24(1), and F.S. §380.06, F.S. § 1.3(2), the PBC Charter, and the Capital Improvements Element of the Plan. In addition, the provisions of this article are necessary for the implementation of the Plan. The inclusion of certain capital facilities in these impact fees shall not be construed as a limitation on the authority of PBC to impose impact fees for additional capital facilities consistent with Florida law.

**C. Findings**

PBC finds that the provisions of this article are land development regulations which are necessary for the implementation of the Plan; needed to ensure that developments of regional impact are assessed impact fees under F. S. § 380.06; innovative land development regulations authorized by F. S. § 163.3202(3); necessary to ensure the coordination of new development and the provision of capital facilities, especially sites for new schools; a mandatory responsibility of PBC under the Local Government Comprehensive Planning and LDR Act, § 163.3161 et seq.; and necessarily and reasonably related to the public health, safety and welfare.

**D. Definitions**

1. In addition to the definitions set forth under Art. 18, the following definitions shall apply to this Article:

**Benefit Zones** - the geographic area as set forth in individual chapters of this Article within which impact fees are collected and spent.

**Capacity** - the maximum number of vehicles for a given time period which a road can safely and efficiently carry, usually expressed in terms of vehicles per day.

**Capital Facilities Capital Improvements** - land, infrastructure, structures, and fixtures having a cost or value of at least \$1,000; personal property and equipment having an aggregate cost or value of at least \$1,000; hard-bound books and materials having a cost or value of at least \$25,

1 which must be of a non-consumable nature and be expected to be in service for at least one  
2 year.  
3  
4 **Capital Facility Costs** - all costs directly associated with the acquisition, design, engineering,  
5 site preparation, construction and placement of a capital facility. It excludes operation and  
6 maintenance costs, and the repair, replacement, or renovation of existing capital facilities where  
7 the capital facility improvement does not add capacity.  
8  
9 **Capital Fire-Rescue Facilities** - the planning of, engineering for, acquisition of land for, or the  
10 construction of fire-rescue facilities and the purchase of equipment necessary to meet the LOS  
11 for Capital Fire-Rescue Facilities.  
12  
13 **Capital Improvement Element** - the Capital Improvement Element in the Plan.  
14  
15 **Capital Road Facilities** - Art. 18, Definitions.  
16  
17 **Credit** - a reduction in the particular impact fee based on: (1) previous payments for which no  
18 benefit was received and future payments of the development toward the capital facilities for  
19 which the impact fee is assessed; (2) a reduction of impact due to: redevelopment of existing  
20 square footage; other assessments for the same capital facilities; in-kind contributions; or, in the  
21 case of park impact fees, alternative municipal provision of like capital facilities, or proximity to  
22 the beach.  
23  
24 **Development** - as the context indicates, either the carrying on of construction or any physical  
25 alteration of a building or structure; the result of such activity; a legally divisible parcel of land  
26 developed under a common plan; or the change in any use of a structure or land that increases  
27 the impact on capital facilities for which the particular impact fee is assessed. It includes the  
28 placement of a mobile home for dwelling purposes.  
29  
30 **Feepayer** - the person paying the impact fee associated with a building permit or change in use,  
31 or the feepayer's agent.  
32  
33 **Impact Fee Coordinator** - Art. 18, Definitions.  
34  
35 **Independent Calculation/Independent Analysis** - the data, analysis and report prepared by a  
36 feepayer for the purpose of establishing a different impact fee amount than the one set forth in  
37 the Impact Fee Schedule.  
38  
39 **In-kind Contribution** - the conveyance, dedication, construction, placement, delivery or  
40 remittance of land, buildings, improvements, fixtures, personal property or money to PBC or the  
41 PBC School Board for capital facilities for which impact fees are levied in Art. 13, Impact Fees.  
42  
43 **Major Road Network System** - Art. 18, Definitions.  
44  
45 **Mixed Use** - a group of different uses of land within a tract of land or a building for which  
46 applications for development permits are sought.  
47  
48 **New Capital Facilities** - newly constructed, expanded or added capital facilities which provide  
49 additional capacity. New capital facilities shall not include that portion of reconstruction or  
50 remodeling of existing facilities that does not create additional capacity.  
51  
52 **New Construction** - structures for which the start of construction commenced on or after the  
53 effective date of this Code.  
54 **Office** - a building used primarily for conducting the affairs of or the administration of a business,  
55 organization profession, service, industry or similar activity.  
56

1 **Park, Beach/Park, District/Park, Regional** - Refer to Art. 5.D, Parks and Recreation Standards.  
2  
3 **Residential Development** - a building, or many buildings or dwelling units, or portion of a building  
4 or land used primarily for human habitation.  
5  
6 **School Board** - Art. 18, Definitions.  
7  
8 **Site-related Improvements** - Art. 18, Definitions.  
9  
10 **Special Allocation** - the assignment by the BCC of impact fee credits for in-kind contributions to a  
11 feepayer, or a portion of a development. It may involve the pro rating of impact fee credits for in-  
12 kind contributions.  
13  
14 **Square footage** - refer to Building Square Footage in Art. 18, Definitions.  
15  
16 **Trip** - Art. 18, Definitions.  
17  
18 **Trip Generation** - Art. 18, Definitions.  
19  
20 **Unincorporated Area** - all of the area within the boundaries of PBC not within the boundaries of  
21 any municipality. For the purposes of park impact fees it excludes the Boca Taxing District.  
22  
23 **Unincorporated Area (law enforcement)** - the unincorporated area of PBC and the municipalities  
24 of Cloud Lake, Haverhill, Glen Ridge and Village of Golf.  
25  
26 **Valid** - for the purposes of Art. 13, Impact Fees, a development order or other authorization  
27 which was legally issued, and that has not expired, lapsed, or been abandoned, revoked, or  
28 canceled; or is not subject to such by the passage of time or the conduct of the owner or  
29 developer, and on which or for which all conditions of approval are satisfied that must be satisfied  
30 by the terms or conditions of approval.  
31  
32 **Value** - in the case of land, the appraised value as determined by an appraiser from a list of  
33 approved appraisers of Palm Beach County. In the case of improvements to real property or  
34 chattel, it means the actual cost to the feepayer or developer of such improvements or chattel. In  
35 all cases, the values shall be established in or as if in an arm's length, bona fide transaction in a  
36 competitive market between a willing seller and a willing buyer, neither of whom are under any  
37 special circumstances, as approved by the Impact Fee Coordinator based upon the standards in  
38 Art. 13, Impact Fees. If the Impact Fee Coordinator rejects an appraised value, the Impact Fee  
39 Coordinator may obtain another appraisal using an appraiser from the approved list, in which  
40 case that appraisal shall prevail.

41  
42 **Section 2 Applicability**

43 This article shall apply to the unincorporated area of PBC and to the municipalities in PBC to the extent  
44 permitted by the PBC Charter and Art.VIII, § 1(g), Fla. Const., unless otherwise expressly stated in this  
45 article.  
46

47 **Section 3 Exemptions**

48 The following development shall be exempt from payment of respective impact fees, as applicable:

- 49  
50 A. Any development that results in no new impact on a capital facility for which the impact fee is  
51 assessed.  
52  
53 B. The construction of accessory buildings or structures which will not produce new additional  
54 impact on a capital facility over and above that produced by the principal building or use of the  
55 land.

1 C. The construction of adult only residences that meet the Fair Housing Act exemption codified at 42  
2 U.S.C. 3607, as may be amended; provided, however, that the feepayer files a Declaration of  
3 Restrictive Covenants prepared and signed by the Impact Fee Coordinator which prohibits  
4 persons nineteen years of age or younger from residing in the residence for more than sixty days  
5 per calendar year. The School Impact Fee Declaration of Restrictive Covenants must be filed  
6 with the Clerk of the 15th Judicial Circuit Court.  
7

8 D. The construction of publicly owned and operated governmental buildings or facilities.  
9

10 All applications for exemption must be approved by the Impact Fee Coordinator. A final decision  
11 of the Impact Fee Coordinator may be appealed pursuant to Art. 13.A.6.G, Appeal. All  
12 applications for exemption must be made in writing to the Impact Fee Coordinator prior to  
13 building permit issuance. In the event that the fee payer wishes to obtain building permits prior to  
14 the Impact Fee Coordinator's final approval, the fee payer may apply for the exemption and  
15 deposit the required impact fee assessment into an escrow account, pursuant to an escrow  
16 agreement in a form provided for by the Impact Fee Coordinator. PBC may assess a reasonable  
17 fee not to exceed its actual cost in processing the escrow agreement to be paid by the fee payer.  
18

19 **Section 4 Imposition of Fee**

20 **A. New Land Use**

21 Any new land development creating an impact on any public facility as defined in this Code shall  
22 be required to pay impact fees in the amount and manner set forth in this article to help regulate  
23 the new land development's effect on those public facilities. No building permit for any land  
24 development requiring payment of an impact fee pursuant to this article shall be issued until the  
25 impact fee has been paid by the feepayer. No building permit for any land development requiring  
26 payment of an impact fee pursuant to this article shall be renewed or extended until the impact  
27 fee in effect at the time of the renewal or extension has been paid by the fee payer; provided,  
28 however, that additional impact fees will not be required where the development has completed  
29 and passed all applicable rough inspections for the proposed building permit. For those land uses  
30 that do not require a building permit, the impact fee shall be paid prior to receipt of a development  
31 order that initiates impact on public facilities. Payment of the impact fee shall not relieve the fee  
32 payer from the obligation to comply with Art. 2.F, Concurrency, or any other portion of this Code.  
33

34 **B. Expansion, Replacement or Change of Use of Existing Land Uses**

35 Any existing land use that is expanded, replaced, or changed shall be required to pay impact fees  
36 based on the new or additional impact as a result of the expansion, replacement or change of  
37 use. The feepayer may be eligible for credit for the existing land use pursuant to Art. 13.A.11.A.1,  
38 Submission of Application.  
39

40 **Section 5 Computation of Impact Fee**

41 **A. General**

42 At the option of the feepayer, the amount of the impact fee may be determined either by the  
43 Impact Fee schedules for each impact fee component pursuant to Art. 13.A.5.B, Impact Fee  
44 Schedule, Art. 13.H.3, Land Uses not Specified in Impact Fee Schedule, and Art. 13.H, Road  
45 Impact Fees, or by an independent calculation pursuant to Art. 13.A.6, Independent Fee  
46 Calculation. If the amount of the impact fee for the land use is not determined in the Impact Fee  
47 schedule and the feepayer opts not to conduct an independent calculation, the impact fee shall  
48 be determined by the Impact Fee Coordinator as described in Art. 13.A.5.C, Land Uses not  
49 Specified in Impact Fee Schedule, and Art. 13.A.5.B, Impact Fee Schedule, Art. 13.H.3.  
50

51 **B. Impact Fee Schedule**

52 The impact fees in the Impact Fee schedules have been calculated using the data and  
53 methodologies described in the Impact Fee Report, as amended. Impact fees are applicable to  
54 new development in unincorporated PBC and the municipalities within PBC, and the impact fee  
55

1 schedules establish impact fees based on the proportional impacts of, and benefits to, new  
2 development on and from capital facilities provided by PBC and the School Board.  
3

4 **C. Land Uses not Specified in Impact Fee Schedule**

5 Except for road impact fees, if the type of land development for which a building permit or other  
6 appropriate permit is applied, is not specified on the impact fee schedule, the Impact Fee  
7 Coordinator shall use the impact fee applicable to the most nearly comparable type of land use  
8 on the Impact Fee schedule. For road impact fees, the Impact Fee Coordinator shall select the  
9 most comparable type of land use from the most current edition of Trip Generation, a publication  
10 of the Institute of Transportation Engineers (ITE). The Impact Fee Coordinator shall follow the  
11 procedure pursuant to Art. 13.A.6, Independent Fee Calculation Study, and Art. 13.H.3, Land  
12 Uses Not Specified in Fee Schedule.  
13

14 **D. Mixed Use**

15 For mixed use development where there is a development order expressly identifying the type  
16 and proportion of uses within the development, the impact fee shall be determined by applying  
17 the fee schedule to the uses and proportions of use specified in the development order. For  
18 mixed use development where there is no development order specifically limiting the type and  
19 proportion of uses within the development, the impact fee shall be determined using the fee  
20 schedule for the most intense use.  
21

22 **E. Errors and Omissions**

23 Errors and omissions identified by the Internal Auditor or other County reviewing personnel within  
24 four years of building permit issuance shall be corrected by the affected parties, including the  
25 feepayer. Impact fee in effect at the time of permitting shall be collected when identified.  
26 Computational or clerical errors do not excuse the affected parties, including the feepayer, from  
27 paying all impact fees due.  
28

29 **F. Biennial Review**

30 Biennially beginning in January 1994, the Impact Fee Coordinator shall recommend to the BCC  
31 whether any changes should be made to the fee schedules to reflect changes in the factors that  
32 affect the fee schedules. This recommendation shall be as a result of a review of the data from  
33 which the fee schedules are calculated. The purpose of this review is to evaluate the level of  
34 service for each impact fee component to determine whether it should be adjusted based on  
35 changed conditions, to analyze the effects of inflation and other cost factors on the actual costs of  
36 capital facilities, to assess any changes in credits and generation rates and to ensure that the  
37 impact fee charged new land use activity impacting capital facilities will not exceed its pro rata  
38 share for the reasonably anticipated costs of capital facilities necessitated by the new land  
39 development.  
40

41 **Section 6 Independent Fee Calculation Study**

42 **A. General**

43 If a feepayer opts not to have the impact fee determined according to the fee schedule, then the  
44 feepayer shall, at the feepayer's expense, prepare and submit to the Impact Fee Coordinator an  
45 independent fee calculation study for the proposed land use. An independent fee calculation  
46 study for road impact fees shall be submitted simultaneously to the Impact Fee Coordinator and  
47 the County Engineer. The independent fee calculation study shall follow the methodologies used  
48 in the Impact Fee Report. The independent fee calculation study shall be conducted by a  
49 professional in impact analysis. An independent fee calculation study for road impact fees shall  
50 be conducted by a professional in road impact fee analysis or by a registered engineer. The  
51 burden shall be on the feepayer to provide the Impact Fee Coordinator all relevant data, analysis  
52 and reports which would assist the Impact Fee Coordinator in determining whether the impact fee  
53 should be adjusted.  
54

1 **B. Submission of Application**

2 The application for an independent calculation study shall be submitted to the Impact Fee  
3 Coordinator, except that an independent calculation study for road impact fees shall be submitted  
4 simultaneously to the Impact Fee Coordinator and the County Engineer. In the event that the  
5 feepayer wishes to obtain building permits prior to the Impact Fee Coordinator's final approval,  
6 the feepayer may submit an application and deposit impact fees as set forth in the impact fee  
7 schedule into an escrow account, pursuant to an escrow agreement in a form provided for by the  
8 Impact Fee Coordinator. A feepayer failing to submit an independent fee calculation study, or, if  
9 necessary, an executed escrow agreement to the Impact Fee Coordinator prior to permit  
10 issuance is deemed to have waived the right to an impact fee adjustment based on the  
11 independent fee calculation study.  
12

13 **C. Contents of Application**

14 The application shall be in a form established by the Impact Fee Coordinator and made available  
15 to the public. The independent fee calculation study shall follow the methodologies used in the  
16 Impact Fee Report. A feepayer wishing to perform an independent fee calculation study for road  
17 impact fees shall prepare a traffic impact analysis, which shall include, as appropriate,  
18 documentation of:  
19

- 20 1. Trip generation rates appropriate for the proposed land use;
- 21
- 22 2. Trip distribution and traffic assignments;
- 23
- 24 3. Trip length data appropriate for the proposed land use;
- 25
- 26 4. Any other trip data employed in the independent fee calculation that is appropriate for the  
27 proposed land development; and
- 28
- 29 5. Economic documentation included, but not limited to:
  - 30
  - 31 a. Costs for roadway construction, including the cost of right-of-way, design, and  
32 engineering appropriate for the necessary road improvements.
  - 33
  - 34 b. Credits attributable to the proposed land use for roadway improvements which can be  
35 expected to be available to replace the portion of the service volume used by the traffic  
36 generated by the proposed land development.
  - 37
  - 38 c. The shortfall when the credits attributable to the proposed land use are considered.
  - 39

40 **D. Determination of Sufficiency**

41 The Impact Fee Coordinator shall determine if the application is sufficient within five working days  
42 of its receipt. If the Impact Fee Coordinator determines the application is not sufficient, a written  
43 notice shall be mailed to the applicant specifying the deficiencies. No further action shall be taken  
44 on the application until the deficiencies are remedied.  
45

46 **E. Action by Impact Fee Coordinator**

47 **1. Impact Fees Other Than Roads**

48 For other than road impact fees, within ten working days after the application is determined to  
49 be sufficient, the Impact Fee Coordinator shall review the application, and if the application  
50 clearly demonstrates by the methodology described in the Impact Fee Report that the  
51 proposed land will use capital facilities less than that projected in the impact fee component,  
52 the Impact Fee Coordinator shall appropriately adjust the impact fee.  
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**2. Road Impact Fees**

For road impact fees, within 15 working days after the application is determined to be sufficient, the County Engineer shall review the application and, if the application clearly demonstrates (using the formulae described in this Section) that the proposed land use will create fewer trips than projected in the road impact fee component. The County Engineer shall make a written recommendation to the Impact Fee Coordinator on adjusting the road impact fee. If the Impact Fee Coordinator concurs, the Impact Fee Coordinator shall appropriately adjust the impact fee within five working days of receipt of the County Engineer's recommendation.

**3. Responsibility of Feepayer**

The burden shall be on the feepayer to provide all relevant data, analysis and reports which would assist the Impact Fee Coordinator and, in the case of roads, the County Engineer in making a determination of the appropriate impact fee. The analysis and report must be based on generally accepted methods and the formulas for the specific impact fee component in the Impact Fee Report, or in the case of roads, the methods and formulas described in this Section and below in Art. 13.H, Road Impact Fees. A feepayer wishing to provide additional information after submitting the initial independent fee calculation study must do so no later than 30 days after the date of the Impact Fee Coordinator's determination of sufficiency. The Impact Fee Coordinator will not accept additional information relevant to an independent fee calculation study after this deadline. If the impact fee is adjusted the feepayer shall provide a copy of the Impact Fee Modification Certificate at the time of permit issuance. Failure to provide a copy of the certificate at the time of permit issuance shall constitute a waiver of any adjusted impact fee.

**4. Decision in Writing**

The decision of the Impact Fee Coordinator to adjust or to refuse to adjust the impact fee shall be in writing and shall be transmitted to the applicant by certified mail within five days of the decision. An approved adjustment shall be issued in the form of an "Impact Fee Modification Certificate" which shall include information regarding:

- a. Project location and name if available;
- b. square footage of project;
- c. adjusted trip generation; and
- d. property control numbers.

**F. Covenant Running with the Land**

The Impact Fee Coordinator shall require that a covenant running with the land be executed and recorded in the official records of the Clerk of the Circuit Court on the development's land before the building permit is issued in cases where:

- 1. The independent fee calculation is based on a use of land having a lesser impact than set forth in the impact fee schedule; or
- 2. The development could be put to a use having a greater impact than that proposed in the independent fee calculation study without being required to secure a permit or approval for the use; or
- 3. For such other reasons that make a covenant necessary to ensure compliance with this article.

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2  
3 **G. Appeal**  
4

- 5 1. Any applicant may appeal the decision of the Impact Fee Coordinator by filing an appeal with  
6 the Impact Fee Appeals Board (IFAB) within 15 working days of a decision by the Impact Fee  
7 Coordinator. The appeal must state with specificity the reasons for the appeal and shall  
8 contain such data and documentation upon which the applicant seeks to rely.  
9  
10 2. The Impact Fee Coordinator shall schedule an appeal before the Impact Fee Appeals Board  
11 no later than 90 working days after an appeal has been filed. The Impact Fee Appeals Board  
12 shall notify the applicant within 15 working days of the hearing and invite the applicant or the  
13 applicant's representative to attend the hearing. Any of the time limitations set forth in this  
14 paragraph may be waived upon mutual agreement of the Impact Fee Coordinator and the  
15 party filing the appeal.  
16  
17 3. At the hearing, the IFAB shall provide the applicant and the Impact Fee Coordinator an  
18 opportunity to present testimony and evidence, provided such information was part of the  
19 review before the Impact Fee Coordinator. The IFAB shall reverse the decision of the Impact  
20 Fee Coordinator only if there is substantial competent evidence in the record that the Impact  
21 Fee Coordinator erred from the standards in this Section.  
22  
23 4. Any aggrieved party, including PBC, may appeal an order of the Impact Fee Appeals Board  
24 to the Fifteenth Judicial Circuit Court of PBC. Such appeal shall not be a hearing de novo,  
25 but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review  
26 of the record created before the Board. PBC may assess a reasonable impact fee for the  
27 preparation of the record to be paid by the Petitioner in accordance with F.S. § 119.07, as  
28 amended from time to time.  
29

30 **Section 7 Collection and Administrative Fees**

31 **A. Timing and Collection of Payment**  
32

33 **1. Collected at Building Permit or Other Development Order**

34 The person applying for issuance of a building permit shall pay the impact fee to the PZB  
35 Department, or to the person designated by a municipality to collect the impact fee (if the  
36 municipality is collecting the impact fee), prior to the issuance of a building permit, or if a  
37 building permit is not required, prior to issuance of the development order that authorizes  
38 development which places impact on capital facilities for which impact fees are charged.  
39

40 **2. Municipality May Require Direct Payment to County**

41 A municipality that is reviewing its own applications for development permits may opt to have  
42 PBC collect the impact fees, pursuant to interlocal agreement. If PBC is the permitting  
43 authority for the municipality by interlocal agreement, no additional interlocal agreement is  
44 necessary for PBC to collect impact fees for permits issued for that municipality. If PBC  
45 collects the impact fees, the municipality shall not be entitled to the administrative impact fee.  
46 PBC shall not charge the municipality for collecting the impact fee. The municipality shall be  
47 responsible for ensuring that all impact fees are paid before issuing any building permit or  
48 other permit.  
49

50 **3. Municipalities are Collecting Agents**

51 Municipalities collecting impact fees under this Section are acting only as collecting agents  
52 for PBC. Such municipalities shall be responsible to PBC for the proper collection and  
53 remittance of impact fees, but shall not be liable for the inadvertent miscalculation of impact  
54 fee amounts.  
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**B. Administrative Fees**

The local government collecting the impact fee shall be entitled to retain two percent of the funds collected to cover the costs associated with the collection of the impact fees, and in the case of the County, the administration, investment, accounting, expenditure, and auditing of the funds.

**C. Fees Transferred to Trust Funds**

**1. Fees Collected by County**

All impact fees collected by the County, less the two percent administrative fee, shall be properly identified by benefit zones for each impact fee component and transferred daily for deposit in the appropriate impact fee trust funds to be held in separate accounts for each impact fee component and each benefit zones.

**2. Fees Collected by Municipalities**

**a. On Time Remittance**

All impact fees collected by the municipalities, less the two percent administrative fee, shall be remitted to the County Finance Department within 15 calendar days following the month in which the impact fees are collected. One draft may be used to remit the funds to PBC. Funds received from the municipalities shall be deposited promptly in the appropriate impact fee trust funds.

**b. Late Remittance**

If the impact fees are not remitted within 15 calendar days following the month in which the impact fees are collected, the municipality shall forfeit its two percent administrative fee. In the event the impact fees are not remitted by the 25th calendar day of the month following the end of the month in which the impact fees are collected, the municipality shall forfeit its two percent administrative fee and shall pay simple interest at the statutory rate on the entire amount accrued to PBC. Interest shall accrue beginning the first day of the month following the end of the month in which the impact fees are collected by the municipality. For the purposes of this Section, funds shall be considered to have been remitted to PBC on the date postmarked, if transmitted by certified mail with the proper postage.

**c. Transfer of Receipts**

If receipts are transferred in accordance with Art. 13.A.7.C, Fees Transferred to Trust Funds, the municipalities may retain any interest earned on impact fees collected prior to the transfer of the funds to PBC in addition to the two percent to offset the costs of collecting, remitting and accounting for the funds.

**D. Record Keeping**

Records shall be maintained by all local governments to ensure proper accounting controls. PBC shall have the authority to audit the records of any municipality to ensure the procedures and standards of this Section are being met by the municipality. Public reports on impact fees shall be provided by the Impact Fee Coordinator on at least an annual basis and distributed to each municipality. Such reports will account for receipts of impact fees for each impact fee, by benefit zones and municipality, and encumbrances and expenditures of the funds by benefit zone.

**E. Impact Fee Coordinator to Furnish Information and Advice to the Municipalities**

The Impact Fee Coordinator shall furnish such information and advice to the municipalities necessary to ensure proper collection, remittance, accounting, controls and auditability.

1 **Section 8 Benefit Zones and Trust Funds**

2 **A. Establishment of Benefit Zones**

3 One or more impact fee benefit zones are hereby established for each impact fee component.  
4 The benefit zones are identified in Art. 13.B, County, District, Regional, and Beach Parks Impact  
5 Fee – Art. 13.H, Fair Share Road Impact Fees, for each impact fee component.  
6

7 **B. Establishment of Trust Funds**

8 Separate impact fee trust funds for each impact fee benefit zones for each impact fee component  
9 are hereby established for the purpose of earmarking all impact fees so that all expenditures of  
10 impact fees sufficiently benefit new development in the benefit zones from which the impact fees  
11 were collected.  
12

13 **Section 9 Use of Impact Fees**

14 **A. Investment in Interest Bearing Accounts**

15 All impact fees on deposit in the trust funds shall be invested in interest bearing sources, and the  
16 income derived shall be applied to the applicable trust funds.  
17

18 **B. Limitation Within Benefit Zones**

19 Impact fees collected shall be used exclusively for new capital facilities for the impact fee  
20 component within the impact fee benefit zones from which the impact fees were collected, except  
21 that if an impact or traffic analysis made by a professional experienced in impact analysis and  
22 approved by the Impact Fee Coordinator demonstrates that a planned development substantially  
23 impacts the need to expand the capacity of specific public capital facilities in another benefit  
24 zones, then impact fees paid by that planned development may be expended on those specific  
25 capital facilities in another benefit zones.  
26

27 **C. Expenditures Shall Benefit New Development**

28 Impact fees shall be used only for capital facility costs for which the impact fees are levied and  
29 which add capacity needed to serve new development.  
30

31 **D. Non Lapsing**

32 The respective trust funds shall be non-lapsing.  
33

34 **E. Annual Capital Facility Programs**

35 Annually, the County Administrator shall present to the BCC a proposed capital improvement  
36 program for each public facility for which an impact fee is charged, assigning funds, including any  
37 accrued interest, from the several impact fee trust funds to specific improvement projects and  
38 related expenses. Monies, including any accrued interest not assigned in any fiscal period shall  
39 be retained in the same impact fee trust funds until the next fiscal period, except as provided by  
40 the refund provisions of this Article.  
41

42 **Section 10 Refunds**

43 **A. General**

44 **1. Non-Commencement of Construction**

45 If a building permit or other permit requiring payment of an impact fee expires or is canceled  
46 or revoked, the structure has not been completed, and no certificate of occupancy has been  
47 issued, or if the permit is modified prior to completion of construction so as to change the  
48 land use or structure to one of lower impact than that on which the permit was originally  
49 issued, and the impact fee paid for approval of the permit has not been encumbered or spent  
50 by PBC, then the feepayer or a successor in interest to the real property shall be entitled to a  
51 refund if an application for refund is submitted within one year of the permit's expiration,  
52 cancellation, revocation or modification, or of the event giving rise to the refund and within  
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three years of the payment of the impact fee, except that PBC shall retain an additional two percent of the impact fee to offset the costs of administering the refund.

**2. Untimely Encumbrance**

**a. Untimely encumbrance**

Notwithstanding Article 13A.10.A.1, Non-Commencement of Construction, above, if PBC fails to encumber the impact fees paid by the feepayer by the end of the calendar quarter immediately following six years from the date the impact fees are paid, and fails to spend the impact fee within nine years of the end of the calendar quarter in which the impact fees are paid, the feepayer or a successor in interest shall be entitled to a refund except that PBC shall retain an additional two percent of the impact fee to offset the costs of refund. The feepayer or successor in interest shall submit an application for refund to the Impact Fee Coordinator, within one year following the end of the calendar quarter in which the right to a refund occurs. In determining whether the impact fee paid by the feepayer has been encumbered or spent, monies in the trust funds shall be considered to be expended on a first in, first out basis; that is, the first impact fees paid shall be considered the first monies withdrawn.

**b. Notification of Potential Refund**

If more than five percent of the impact fees collected in any fiscal year within any trust funds are unencumbered after the end of the sixth fiscal year following the fiscal year in which the impact fees were collected, PBC shall notify the present owners of lands for which the unencumbered impact fees were paid of the possibility of a refund. Any claim for a refund of impact fees shall be deemed waived if application for a refund is not received within six months of the mailing or delivery of such notice.

**B. Procedure to Obtain Refund**

**1. Submission of Application**

An application for refund shall be submitted to the Impact Fee Coordinator on a form provided by the Impact Fee Coordinator.

**2. Contents of Application**

The application shall be in a form established by the Impact Fee Coordinator and made available to the public, and shall contain the following:

**a. Receipt**

A copy of the dated receipt issued for payment of the impact fee;

**b. Permit**

If the refund is requested due to non-commencement of construction, and the permit was issued by PBC, the building permit or other permit for which the impact fees were paid;

**c. Evidence**

If the refund is requested due to non-commencement of construction, evidence that the applicant is the feepayer or a successor in interest to the feepayer;

**d. Documents**

If the refund is requested due to the County's failure to encumber or spend funds, a notarized sworn statement that the applicant is the current owner of the land for which the impact fee was paid, a certified copy of the current deed, and a copy of the most recent ad valorem tax bill;

- 1                   **e. Cancellation of Permit**  
2                   If relevant, proof from the municipality that the permit has been canceled, and a copy of  
3                   the permit issued by the municipality; and  
4
- 5                   **f. Date Fund Forwarded**  
6                   If relevant, the date on which the municipality forwarded the funds to PBC.  
7
- 8                   **3. Determination of Sufficiency**  
9                   The Impact Fee Coordinator shall determine if the application is sufficient within five working  
10                  days.  
11
- 12                  **a. Sufficiency**  
13                  If the Impact Fee Coordinator determines the application is not sufficient, a written notice  
14                  shall be mailed to the applicant specifying the deficiencies. No further action shall be  
15                  taken on the application until the deficiencies are remedied.  
16
- 17                  **b. Notification**  
18                  If the application is determined sufficient, the Impact Fee Coordinator shall notify the  
19                  applicant, in writing, of the application's sufficiency and that the application is ready for  
20                  review pursuant to the procedures and standards of this Article.  
21
- 22                  **4. Action by Impact Fee Coordinator**  
23                  Within 45 working days after the application is determined sufficient, the Impact Fee  
24                  Coordinator shall review and approve or deny the application based upon the standards in  
25                  Art. 13.A.10, Refunds.  
26
- 27                  **a. Appeal**
- 28                          **1) Regulation**  
29                          The decision of the Impact Fee Coordinator may be appealed pursuant to Art.  
30                          13.A.6.G, Appeal.  
31  
32
- 33                  **Section 11 Credits**
- 34                  **A. General**  
35                  Credit against impact fees shall be given to the feepayer or a successor in interest to the property  
36                  for the following, as limited or permitted by specific provisions of this Section.  
37
- 38                  **1. Submission of Application**  
39                  All applications for credit must be approved by the Impact Fee Coordinator. An application for  
40                  credit shall be on a form provided by the Impact Fee Coordinator. In the event that the  
41                  feepayer wishes to obtain building permits prior to the Impact Fee Coordinator's final  
42                  approval, the feepayer may submit an application and deposit impact fees as set forth in the  
43                  impact fee schedule into an escrow account, pursuant to an escrow agreement in a form  
44                  provided for by the County. A final decision of the Impact Fee Coordinator may be appealed  
45                  pursuant to Art. 13.A.6.G, Appeal.  
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- 47                  **2. Redevelopment of Existing Building/Change in Land Use**  
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- 49                          **a. Determination**  
50                          Where alteration, expansion or replacement of a building or unit, or a change in land use  
51                          which involves any increase in the number of units or square footage, or a change in use  
52                          resulting in new impacts on a capital facility for which the impact fee is assessed, existing  
53                          use credit shall be given for the number of existing units or square footage based upon  
54                          the previous land use and applied against impact fees otherwise due. The burden of

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verifying the previous land use and units or square footage as applicable shall be on the feepayer.

**b. Certification**

The feepayer shall provide to the local government issuing the building permit a certification of an architect, engineer, surveyor, contractor, or the building official having jurisdiction, setting forth the square footage of the existing building. In the case of an addition to an existing residential building, the feepayer, at the feepayer's sole option, may pay the impact fee for the addition as if it alone were a new building rather than provide the certification setting forth the square footage of an existing building.

**c. Abandoned Use**

A use of a structure or land which has been abandoned shall be considered existing for the purposes of calculating existing use credit pursuant to this Section. The burden of verifying the previous land use and units or square footage as applicable shall be on the feepayer.

**3. Special District Assessments**

Where, upon prior approval by PBC, the same new capital facility is provided by a special district rather than PBC and the feepayer is assessed for the new capital facility, the County shall by interlocal agreement with the special district, apply the impact fees collected from the benefited property to retire debt issued by the district to finance the capital facility.

**4. In-Kind Contributions**

In-kind contributions made by a development to PBC shall be credited against the development's impact fees, but only to the impact fee component for which the in-kind contribution is made. For example, credits received for a park contribution may be applied only against park impact fees and not against fire-rescue impact fees. No credit shall be given for in-kind contributions that are not new capital facilities or which were not made for capital facilities costs.

**a. Time for Giving of Credit**

Credit shall be given for land at such time as marketable title in impact fee simple absolute is conveyed to the County, free of encumbrances with such documentation and requirements set by the BCC or the County Administrator or the acceptance of real property. Credit shall be given for personal property at such time as a bill of sale absolute and, where applicable, title for such property is delivered to PBC. Credit shall be given at such time as the funds are delivered to PBC. In the case of in kind road facility contribution, credit will be given when the construction is completed and accepted by PBC. Credit against road impact fees may be given before completion of the specified roadway construction if the fee payer posts security in form and amount acceptable to the County Engineer. In no event shall the amount of credit given exceed the actual cost of the construction determined by the County Engineer and the Impact Fee Coordinator to be eligible for road impact fee credit.

**b. In-Kind Contributions Made Prior to October 1, 1989, for Facilities Other Than Roads**

In the case of in-kind contributions other than road facilities made to PBC prior to October 1, 1989, and except as specifically provided in the development order or Development Agreement, the value of the in-kind contribution at the time of its conveyance, dedication, construction, placement, delivery or remittance shall be apportioned between building permits for which a complete application was made prior to October 1, 1989 and building permits in the development which remain to be issued and for which no complete application was made as of October 1, 1989. The portion of the value allocated to building permits made on or after October 1, 1989, shall be adjusted to its present value as of October 1, 1989, using a compound interest rate of six percent per

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year, compounded quarterly. Only that portion of the contribution allocated to building permits for which a complete application was filed on or after October 1, 1989, shall be credited against impact fees. For the purpose of apportioning the contribution between uses and square footage or dwelling units, the number of permits shall be determined using the most recently approved master plan or site plan, the size and use of the buildings proposed for the remainder of the development, the effect of other land development regulations on the fee-payer's ability to complete the development as proposed, and other information deemed relevant by the Impact Fee Coordinator. If the conveyance, dedication, construction, placement, delivery or remittance was required to be made prior to October 1, 1989, pursuant to a condition in a development order, a Development Agreement, or otherwise required by a local government, the value of the conveyance shall be established as of the required date of contribution. The present value of the contribution as of October 1, 1989 shall be established at six percent per year from the required date of the contribution. The apportionment of the value of the contribution to building permits shall be based on the date on which the contribution was to have been made. At the option of the fee-payer, any remaining credit may be adjusted by the percentage change in the cost of the capital facility when PBC reviews capital facilities costs in the review and update process.

**c. In-Kind Contributions for Road Facilities  
Prior to March 1, 1989**

In-kind contributions for road facilities from developments in municipalities not previously subject to road impact fees shall be apportioned according to the provisions in Art. 13A-11A.4b, In-Kind Contributions Made Prior to October 1, 1989, for Facilities Other Than Roads, except that the effective date for apportionment of the credit shall be March 1, 1989.

**d. In-Kind Contributions Made after October 1, 1989,  
Except Road Facility Contributions**

The standards of this Section shall apply to the valuation of any in-kind contribution made after October 1, 1989, except as provided elsewhere in this article.

**e. Valuation of In Kind Road Facility Contribution**

If the value of the in-kind contribution increase (as evidenced by an increase in Road Impact Fee rates) between the time of the in-kind contribution and the time of the issuance of a building permit, the developer may apply for additional credit by submitting an independent calculation to the Impact Fee Coordinator, for review by the PBC Engineering Department. Such application must be made within six months of the effective date of a road impact fee increase, or this right shall be waived. The independent calculation must be prepared by a state registered engineer or a professional in impact analysis and must demonstrate that the current cost of reproducing the road construction has increased and therefore the value of the in-kind contribution has correspondingly increased. Any additional credit shall not exceed the percentage of increase of the road impact fee.

**5. Credits for Contributions to Local Governments Other Than PBC**

Contributions of or for new capital facilities to a local government other than PBC or by a special district may be given only upon an application to the Impact Fee Coordinator. Approval of the Impact Fee Coordinator must be obtained prior to the contribution. The Impact Fee Coordinator, after consultation with the agency charged with supervising the provision of the new capital facility, shall determine whether the contribution shall receive a credit based on the following standards.

**a. Consistency**

Consistency with the Plan as to the cost, location, and size of the facility and its timing.

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- b. Amount**  
The amount that would be spent by PBC if it were to construct the same new capital facility.
  - c. Extent**  
The extent to which the new capital facility provides the same or similar functions as the new capital facility for which the credit is sought.
  - d. Continuity**  
The extent of control that PBC has in ensuring that the new capital facility will continue to provide the same or similar functions.
  - e. Availability**  
Whether the new capital facility is open or available to all persons regardless of residency.
  - f. Plans**  
The short and intermediate-range plans of the agency which would receive the impact fee funds regarding the timing, location, cost and size of the new capital facility.
  - g. Impact**  
The impact of encouraging new development in the area that would be served by the new capital facility or the ability of local government or the special district to provide other needed infrastructure and services.
  - h. Pattern**  
The pattern of development and its relationship to other development, infrastructure, and resources that could result from encouraging new development.
  - i. Budget**  
The budget of PBC and other local governments, and the allocation of revenues within those local governments.
- 6. Special Provisions for Park Credits**  
No credit shall be given for park contributions or dedications required by Art. 5.F, Concurrency, regarding Community and Neighborhood Park Recreation Standards. No such contribution or dedication shall be used for County District, Regional or Beach Parks. Contributions for County Parks resulting from Art. 2.F, Concurrency, shall be credited as provided above. In-kind contributions of capital facilities which are not County District, Regional, or Beach Parks, if accepted by the County, shall be provided partial credit as follows:
- a. Forty to Sixty Acres**  
75 percent of the value at the time of conveyance, dedication, construction, placement, delivery or remittance shall be credited in accordance with the other provisions of this Section for contributions for or of County parks less than 60 acres but equal to or more than 40 acres;
  - b. Twenty to Forty Acres**  
50 percent of the value at the time of conveyance, dedication, construction, placement, delivery or remittance shall be credited in accordance with the other provisions of this Section for contributions for or of County parks less than 40 acres but equal to or more than 20 acres;
  - c. Twenty Acres or Less**

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25 percent of the value at the time of conveyance, dedication, construction, placement, delivery or remittance shall be credited in accordance with the other provisions of this Section for contributions for or of County parks less than 20 acres.

**7. Special Provisions for School Credits**

**a. General**

Dedications of land for use as school may, if accepted by the School Board, be credited against school impact fees. The School Board or the Superintendent shall have responsibility for evaluating, according to the standards contained herein, a proposed dedication under this subsection. An application for a dedication credit shall be in a form prescribed by PBC, and shall contain such information as to guide the School Board and Superintendent in reviewing the application for consistency with these standards. If any credit against any school impact fees is given, the dedication shall be credited in an amount equal to its full fair market value at the time of dedication, and shall not exceed the full dedication cost. The proposed dedication shall comply with, and be reviewed considering, the following standards.

**1) Location**

The proposed dedication shall be located so as to provide the greatest access to students. If a single development will not generate sufficient students to fill a school, it should be located so as to be easily accessible to students from neighboring areas.

**2) Distance**

The proposed dedication shall create an appropriate distance between existing or planned schools: one mile for elementary schools, two miles for middle schools, and three miles for high schools.

**3) Hazards**

The proposed dedication and surrounding areas shall be free from health or safety hazards and shall be protected against noise, air pollution and/or odors.

**4) Access**

The proposed dedication shall be accessible from two different streets, with one street preferably a collector street. This standard shall be waived for elementary or middle schools if access is available on one street from two directions. Dedications should not be located on arterial roads; however, if such dedications are proposed, they may be considered if provision is made for the construction of overpasses or pedestrian lights. The construction of median cuts, left turn lanes and storage lanes shall be practicable to facilitate access to the proposed dedication by buses and automobiles.

**5) Safe Transit**

The proposed dedication shall be located so as to facilitate safe transit to neighboring areas by sidewalks, walkways and/or bike paths.

**6) Services**

The proposed dedication shall be evaluated for the availability of central water and sewer, electricity and phone services and for its proximity to fire hydrants.

**7) Entrances**

All proposed dedications shall allow at least two separate entrances for school buses and staff; high school dedications shall also provide separate entrances for students and parent drop off. All dedications shall allow for adequate parking for buses; elementary and middle school dedications shall allow for parking for one hundred

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twenty staff automobiles, high schools dedications shall allow for two hundred twenty five staff and four hundred twenty five student parking spaces.

**8) Minimum Size/Dimensions**

In addition to providing sufficient area to accommodate on site retention of stormwater, proposed school dedications shall be of the following minimum sizes and shall have the following minimum dimensions: elementary schools shall have a minimum site size of 15 acres, with a minimum 780 feet of frontage and 840 feet of depth; middle schools shall have a minimum site size of 25 acres, with a minimum frontage of 800 feet and a depth of 1360 feet; high schools shall have a minimum site size of fifty 50 acres, with a minimum frontage of 1200 feet and a depth of 1800 feet.

**9) Bus Stops**

When the school dedication is located within a residential development, provision of a circulation system or turnaround area with a 90-foot diameter shall be available so that buses need not back up to leave the development. Bus stop locations, preferably located adjacent to a public area such as a park, shall be provided so that buses do not have to enter the development.

**10) Consistency**

The dedication shall be examined for consistency of the proposed use with applicable comprehensive plans, land development regulations, and concurrency provisions.

**b. Consideration and Acceptance by School Board**

All applications for a school credit shall be reviewed and a response issued by the Superintendent or the School Board within 60 working days of the submission of the application. If the request is approved, the Superintendent shall notify the Impact Fee Coordinator, and if other than PBC, the local government issuing the development permits. The Impact Fee Coordinator shall determine the value or the credit. No credit shall be given until the dedication is conveyed to the School Board in accordance with this Section.

**c. Conveyance to the School Board**

To convey dedications to the School Board, the feepayer shall provide, at no cost to the School Board and in a form approved by the School Board's attorney, the following documents.

**1) Abstract of Title**

A complete and current abstract of title together with a title insurance commitment to insure the property in a sum agreed to by the School Board, such to be delivered to the School Board;

**2) Warranty Deed**

A warranty deed, along with sufficient funds to record the deed, to be delivered to the School Board or the title insurance agent.

**3) Taxes**

Evidence that taxes for the current year have been placed in escrow pursuant to F.S. §. 196.296, as amended, or that the taxes have been paid.

**4) Insurance**

A completed title insurance policy issued subsequent to the recording of the deed and the escrow of taxes.

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**d. Return of School Dedication**

In the event that a dedication accepted by the School Board is not utilized within ten years of its conveyance, the grantor may request that the dedication be reconveyed by the School Board to the grantor, in which case the School Board shall reconvey the dedication.

**8. Special Provisions for Road Credits**

**a. General**

The feepayer may elect to propose construction of a portion of the major road network system in addition to any required site related improvements. The feepayer shall submit the proposed construction along with a certified engineer's cost estimate to the Impact Fee Coordinator, with a copy to the County Engineer. The County Engineer shall determine if the proposed construction is eligible for road impact fee credit, based on the following criteria:

- 1) The proposed road construction must be on the major road network;
- 2) The proposed road construction must not be site-related improvements;
- 3) The proposed road construction must be required to meet the requirements of TPS for the development as defined in Art. 12, Traffic Performance Standards.

Exceptions to criterion number three above may only be made upon approval of the BCC. No exceptions shall be made to criteria one and two. If the proposed road construction meets the criteria for credit, the County Engineer shall determine the amount of credit to be given, and the timetable for completion of the proposed construction, and shall recommend the approval and the amount of credit to the Impact Fee Coordinator.

**b. Credits for Construction within Site**

Where a proposed major road network runs through a development and where the feepayer is required to construct two lanes of the road, the feepayer may elect, upon submission of a certified cost estimate to the Impact Fee Coordinator and upon the recommendation of the County Engineer and the approval of the Impact Fee Coordinator, to construct more than two lanes and receive credit for the additional cost of the additional lanes constructed. In addition to all other site-related improvements, the primary two lanes within the site's boundaries shall be considered site-related.

**c. Other Costs Credited**

**1) Off-Site Right-Of-Way Acquisition**

The cost of major road network rights-of-way acquired at the cost of the feepayer shall be credited where the right-of-way is outside of the site, and not site related. The costs shall be approved by the County Engineer and the Impact Fee Coordinator based upon the appraised value of the land acquired. The credit shall not exceed the appraiser's approved value, except in the event that a settlement in lieu of, condemnation results in payment in excess of the appraiser's value, in which case credit shall not exceed the amount paid. Costs incurred by PBC in acquiring such off-site right-of-way which are paid for by the feepayer shall be credited to the feepayer.

**2) Plan Preparation**

Costs of plan preparation for major road network construction shall be credited if approved by the County Engineer and the Impact Fee Coordinator based upon reasonable costs associated with the preparation of such plans.

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**3) Costs Creditable**

Credit shall be given only for the cost of plans preparation, off-site R-O-W acquisition, and/or construction.

**9. Application of Credits**

The credit shall be applied to the respective full impact fee associated with the first building permits issued for the development for which complete application was made on or after October 1, 1989, or if the credit is for roads, the date upon which the road impact fee was effective within the development, until the credit is exhausted. After such exhaustion the remainder of the impact fee for which a credit was obtained shall be paid in full. The credit shall be calculated and applied in dollar amounts and not in number of permits.

**10. Special Allocation of Credits**

Provided that the conditions of this Subsection are satisfied, the fee payer making an in-kind contribution, or its heirs, assigns or successors in interest, may have all or some portion of the resulting credit allocated to specific parcels within the benefited development.

**a. Past Administrative Practices to Continue**

Notwithstanding any other provisions of this subsection, if fair share contributions have been prorated or assigned to a portion of a development through past practices, no application for a special allocation need be made, provided that a covenant is executed in accordance with Art. 13.A.10.e, Covenant, below.

**b. Application for Special Allocation**

Unless expressly prohibited by a development order, any feepayer who makes an in-kind contribution may petition the BCC, for a special allocation of the respective impact fee credit by filing an application with the Impact Fee Coordinator. For in-kind contributions made after October 1, 1989, the application shall be made concurrently with the contribution. Only one special allocation shall be made for each in-kind contribution made by the feepayer.

**1) Parcels Identified**

The application shall state the purpose for which the special allocation is desired and shall clearly identify by legal description the specific parcel or parcels of land within the development to which the credit is allocated; and

**2) Notice Requirements**

**a) Mailing**

Prior to scheduling the application for a Special Allocation for consideration by the BCC, the Applicant shall, at its own cost, provide appropriate courtesy notice to all owners of record of any undeveloped land within the affected development. The courtesy notice shall be by certified mail, return receipt requested, to the person whose name appears in the last approved ad valorem tax records of the PBC Property Appraiser's Office. The notice shall briefly state the nature of the Special Allocation application and request the recipient to submit, to the Impact Fee Coordinator within no more than 15 days of receipt, any relevant information the recipient may have bearing on the Applicant's right to a Special Allocation.

**b) Advertisement**

In addition, the Applicant at its own cost shall place a notice of the proposed Special Allocation in a newspaper of general circulation within PBC. Such notice shall appear no later than ten days prior to a final decision by the BCC to grant or deny the application. The costs of advertisement shall be borne by the Applicant

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**c. The Approval Process**

The BCC shall approve the application for a special allocation provided that:

**1) No Bona Fide Claim Presented**

No substantial, competent evidence is presented by a third party that would constitute prima facie evidence of a bona fide claim to any portion of the impact fee credit assigned to the affected development.

**d. Application Fee Provided**

The BCC may establish a reasonable fee for processing of applications for special allocations. Any such fee duly established by the BCC shall be paid at the time the application for special allocation is submitted.

**e. Covenant**

The applicant shall execute a covenant supported by separate consideration from PBC. This covenant shall provide that the applicant, its heirs assigns and successors in interest shall indemnify hold harmless, and defend PBC against any and all claims for credits not received by other owners or developers of undeveloped land within the planned development. A joinder and consent of the mortgagee of the land benefited by the special allocation, if any, supported by separate consideration shall also be executed in recordable form acceptable to the County Attorney. The Impact Fee Coordinator shall, at the sole expense of the applicant, record the instruments in the official records of the Clerk of the Circuit Court in and for PBC

**B. Appeal**

The decision of the Impact Fee Coordinator, may be appealed pursuant to Art. 13.A.6.G, Appeal.

**C. Time to Claim Credit – Responsibility of Feepayer**

Any claim for credit as established in Art: 13.A.11, Credits, must be made by submitting application for credit, or, if necessary, executing an escrow agreement with the County no later than at the time of building permit issuance. Any claim not so made shall be deemed waived.

**Section 12 Covenants**

Where necessary to ensure compliance with the provisions of this article, the Impact Fee Coordinator shall require that a covenant be executed by the feepayer holding the fee simple interest in the land, and mortgagee as appropriate. The covenant shall recite this article and the facts and reasons underlying its execution. It shall set forth restrictions on the land and the terms and conditions under which it may be released.

**Section 13 Vesting**

Only the existence of a building permit that has not been rendered invalid and voidable shall vest a feepayer against any changes in the amount of impact fees exacted. No vesting against changes in the amount of impact fees shall result from the issuance of any development order, other than as set forth in this subsection.

**Section 14 Action if Impact Fees are Unpaid**

**A. Negotiable Instrument is Invalid**

In the event impact fee funds which were paid by check, draft or other negotiable instrument do not clear, the building permit or development order authorizing the development for which impact fees were paid shall be suspended. The local government which issued the building permits or development order shall send by certified mail notice to the applicant using a form provided by the County. If the impact fees, together with any charges for the checks not clearing, are not paid within 10 working days following mailing of the notice, the building permit or development order

1 shall be of no further force and effect for purposes of this Code and a stop work order shall be  
2 issued and not lifted until such time as the fair share fees are paid.

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4 **B. Lien**  
5 If through error, omission, or intent, impact fees are not paid in full, the amount unpaid, together  
6 with statutory interest accruing from 30 calendar days following the date written notice by certified  
7 mail, return receipt requested, is sent to the developer, permittee, or the then present property  
8 owner, shall be a lien against the land containing the development for which the impact fees are  
9 due. Notice of the lien shall be recorded in the official records of the Clerk of the Circuit Court for  
10 PBC. The lien shall have priority over all liens, mortgages and encumbrances, except taxes. No  
11 lien shall be recorded later than three years following the date on which the building permit is  
12 issued for the development against which impact fees are due, although the debt shall remain. If  
13 the lien remains unpaid for more than 30 calendar days following the recording of the notice, it  
14 may be foreclosed in the manner provided by state law for the foreclosure of mortgages on real  
15 property.

16  
17 **C. Withholding Development Orders**  
18 In the event that any impact fee is unpaid, no further development order shall be issued for the  
19 land for which the impact fees remain unpaid, and no development order shall be issued until any  
20 previously owed impact fees, together with day interest owing, along with any current impact  
21 fees, are paid.

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23 **D. Notification Construction Industry Licensing Board**  
24 In the event that any building permittee who is a contractor certified by the PBC Construction  
25 Licensing Board fails to pay an impact fee for which the permittee is responsible, the County  
26 Attorney shall file a verified written complaint with the PBC Construction Licensing Board  
27 recommending disciplinary action as is provided by the laws of Florida, Chapter 489, as  
28 amended. The verified complaint shall contain a summary of the fees owed and the efforts made  
29 by PBC to collect the impact fees.

30  
31 **CHAPTER B COUNTY DISTRICT, REGIONAL, AND BEACH PARKS IMPACT FEE**

32  
33 **Section 1 Imposition of Fee**

34 Impact fees are imposed upon all land uses creating an impact on County District, Regional, and Beach  
35 parks in accordance with Art. 13.A.4, Imposition of Fee, and this Section.

36  
37 **Section 2 Schedule of Lower Fees for Municipalities**

38 Special provisions establishing a schedule of lower fees for municipalities providing like capital facilities  
39 are set forth in this Section pursuant to § 1.3(2) of the County Charter. For purposes of this Section, "like  
40 capital facilities" is broadly construed so as to include partial "credits" for municipal parks which are not  
41 district, regional or beach parks but which perform a similar function. Municipal schedules are based upon  
42 a sliding scale depending on the size and function of the municipal park facilities and the extent of access  
43 to beaches based upon the shoreline management plan standards.

44  
45 **Section 3 Fee Schedule**

46 The fee schedule for County District, Regional and Beach parks is established beginning in Table  
47 13.B.3.-2, Parks and Recreation Fee Schedule for Unincorporated PBC. To ensure that the impact fee  
48 does not exceed the cost to provide capital facilities to accommodate new development, the impact fees  
49 in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

50  
51 The schedules are as follows:  
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**Table 13.B.3-1 - Municipal Park Credit Schedule**

	District	Beach	Regional
Unincorporated	100 percent	100 percent	100 percent
Schedule A	100 percent	100 percent	100 percent
Schedule B	75 percent	100 percent	100 percent
Schedule C	50 percent	100 percent	100 percent
Schedule D	25 percent	100 percent	100 percent
Schedule E	0 percent	100 percent	100 percent
Schedule F	100 percent	75 percent	100 percent
Schedule G	75 percent	75 percent	100 percent
Schedule H	50 percent	75 percent	100 percent
Schedule I	25 percent	75 percent	100 percent
Schedule J	0 percent	75 percent	100 percent
Schedule K	100 percent	50 percent	100 percent
Schedule L	75 percent	50 percent	100 percent
Schedule M	50 percent	50 percent	100 percent
Schedule N	25 percent	50 percent	100 percent
Schedule O	0 percent	50 percent	100 percent
Schedule P	100 percent	25 percent	100 percent
Schedule Q	75 percent	25 percent	100 percent
Schedule R	50 percent	25 percent	100 percent
Schedule S	25 percent	25 percent	100 percent
Schedule T	0 percent	25 percent	100 percent
Schedule U	100 percent	0 percent	100 percent
Schedule V	75 percent	0 percent	100 percent
Schedule W	50 percent	0 percent	100 percent
Schedule X	25 percent	0 percent	100 percent
Schedule Y	0 percent	0 percent	100 percent

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Where the percentage shown in each column represents the percentage of the total net cost of the park impact fee which must be paid for district, beach and regional parks.

**Table 13.B.3-2 - Parks and Recreation Fee Schedule for Unincorporated PBC  
Effective 03/01/2004**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$1,220.38	\$269.13	\$951.25	\$47.56	\$903.69
Dwelling unit, 801 – 1,399 sq. ft.	2.308	1,434.39	316.33	1,118.06	55.90	1,062.18
Dwelling unit, 1,400 – 1,999 sq. ft.	2.712	1,685.98	371.81	1,314.17	65.71	1,248.46
Dwelling unit, 2,000 – 3,599 sq. ft.	3.153	1,959.86	432.21	1,527.65	76.38	1,451.27
Dwelling unit, 3,600 sq. ft. and over	3.494	2,171.97	478.98	1,692.99	84.65	1,608.34
Hotel/Motel Per Room	0.875	543.90	119.95	423.95	21.19	402.75

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**Table 13.B.3-3 - Parks and Recreation Impact Fee Schedule for Schedule "A" Municipalities\*  
Effective 03/01/2004**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling Unit, 800 sq. ft. and under	1.963	\$1,220.38	\$269.13	\$951.25	\$47.56	\$903.69
Dwelling Unit, 801 – 1,399 sq. ft.	2.308	1,434.39	316.33	1,118.06	55.90	1,062.18
Dwelling Unit, 1,400 – 1,999 sq. ft.	2.712	1,685.98	371.81	1,314.17	65.71	1,248.46
Dwelling Unit, 2,000 – 3,599 sq. ft.	3.153	1,959.86	432.21	1,527.65	76.38	1,451.27
Dwelling Unit, 3,600 sq. ft. and over	3.494	2,171.97	478.98	1,692.99	84.65	1,608.34
Hotel/Motel Per Room	0.875	543.90	119.95	423.95	21.19	402.75

\*Schedule "A" municipalities consist of Atlantis, Cloud Lake, Glen Ridge, Village of Golf, Haverhill, Hypoluxo, Lake Clark Shores, and Mangonia Park.

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**Table 13.B.3-4 - Parks and Recreation Impact Fee Schedule for Schedule "B" Municipalities\***  
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1,963	\$1,137.86	\$260.80	\$877.06	\$43.85	\$833.21
Dwelling unit, 801 – 1,399 sq. ft.	2,308	1,337.40	305.53	1030.87	51.54	979.33
Dwelling unit, 1,400 – 1,999 sq. ft.	2,712	1,571.98	360.30	1,211.68	60.58	1,151.10
Dwelling unit, 2,000 – 3,599 sq. ft.	3,153	1,827.35	418.83	1,408.52	70.43	1,338.09
Dwelling unit 3,6000 sq. ft. and over	3,494	2,025.11	464.15	1,560.96	78.04	1,482.91
Hotel/Motel Per Room	0.875	507.12	116.23	390.89	19.54	390.89

\*Schedule "B" municipalities consist of Greenacres, Lake Park, and Palm Springs.

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**Table 13.B.3-5 - Parks and Recreation Impact Fee Schedule for Schedule "E" Municipalities\***  
Effective Date 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1,963	\$890.33	\$235.80	\$654.53	\$32.73	\$621.80
Dwelling unit, 801 – 1,399 sq. ft.	2,308	1,046.46	277.15	769.31	38.47	730.84
Dwelling unit, 1,400 – 1,999 sq. ft.	2,712	1,230.01	325.76	904.25	45.21	859.03
Dwelling unit, 2,000 – 3,599 sq. ft.	3,153	1,429.82	378.67	1,051.15	52.55	998.59
Dwelling unit 3,6000 sq. ft. and over	3,494	1,584.56	419.66	1,164.90	58.25	1,106.66
Hotel/Motel Per Room	0.875	396.80	105.09	291.71	14.59	291.71

\*Schedule "E" municipalities consist of Wellington

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**Table 13.B.3-6 - Parks and Recreation Impact Fee for Schedule "F" Municipalities\***  
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1,963	\$1,138.25	\$260.84	\$ 877.41	\$40.65	\$833.54
Dwelling unit, 801 – 1,399 sq. ft.	2,308	1,337.86	306.58	1,031.28	47.78	979.72
Dwelling unit, 1,400 – 1,999 sq. ft.	2,712	1,572.52	360.35	1,212.17	56.16	1,151.56
Dwelling unit, 2,000 – 3,599 sq. ft.	3,153	1,827.98	418.89	1,409.09	65.28	1,338.64
Dwelling unit 3,6000 sq. ft. and over	3,494	2,025.80	464.22	1,561.58	72.35	1,483.50
Hotel/Motel Per Room	0.875	507.30	116.25	391.05	18.56	371.50

\*Schedule "F" municipalities consist of Gulfstream, Highland Beach, Manalapan, and South Palm Beach.

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**Table 13.B.3-7 - Parks and Recreation Impact Fee Schedule for Schedule "I" Municipality\***  
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1,963	\$890.72	\$235.83	\$654.89	\$32.74	\$622.15
Dwelling unit, 801 – 1,399 sq. ft.	2,308	1,046.92	277.19	769.73	38.49	731.24
Dwelling unit, 1,400 – 1,999 sq. ft.	2,712	1,230.55	325.81	904.74	45.24	859.50
Dwelling unit, 2,000 – 3,599 sq. ft.	3,153	1,430.45	378.74	1,051.71	52.59	999.12
Dwelling unit 3,6000 sq. ft. and over	3,494	1,585.26	419.73	1,165.53	58.28	1,107.25
Hotel/Motel Per Room	0.875	396.98	105.11	291.87	14.58	277.28

\*Schedule "I" municipality consists of Tequesta

4

**Table 13.B.3-8 - Parks and Recreation Impact Fee Schedule for Schedule "J" Municipality\***  
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$808.21	\$227.50	\$580.71	\$29.04	\$551.67
Dwelling unit, 801 - 1,399 sq. ft.	2.308	949.94	267.40	682.54	34.13	648.41
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	1,116.55	314.20	802.25	40.11	762.13
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	1,297.94	355.35	932.59	46.63	885.96
Dwelling unit 3,6000 sq. ft. and over	3.494	1,438.40	404.89	1,033.51	51.68	981.83
Hotel/Motel Per Room	0.875	360.20	101.39	258.81	12.94	245.87

\*Schedule "J" municipality consists of North Palm Beach.

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**Table 13.B.3-9 - Parks and Recreation Impact Fee Schedule for Schedule "K" Municipality\***  
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$1,056.13	\$252.54	\$803.59	\$40.18	\$763.41
Dwelling unit, 801 - 1,399 sq. ft.	2.308	1,241.34	296.83	944.51	47.23	897.28
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	1,459.07	348.89	1,110.18	55.51	1,054.67
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	1,696.09	405.57	1,290.52	64.53	1,225.99
Dwelling unit 3,6000 sq. ft. and over	3.494	1,879.64	449.46	1,430.18	67.93	1,358.67
Hotel/Motel Per Room	0.875	470.70	112.55	358.15	17.90	340.24

\*Schedule "K" municipality consists of Ocean Ridge.

2

**Table 13.B.3-10 - Parks and Recreation Impact Fee Schedule for Schedule "P" Municipalities\***  
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$973.98	\$244.24	\$729.74	\$36.49	\$693.25
Dwelling unit, 801 - 1,399 sq. ft.	2.308	1,144.79	287.08	857.71	42.89	814.82
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	1,345.58	337.43	1,008.15	50.41	957.74
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	1,564.17	392.24	1,171.93	58.60	1,113.33
Dwelling unit 3,6000 sq. ft. and over	3.494	1,733.45	434.69	1,298.76	64.94	1,233.82
Hotel/Motel Per Room	0.875	434.09	108.86	325.23	16.26	308.96

\*Schedule "P" municipalities consist of Briny Breezes, Juno Beach, Jupiter Inlet Colony, and Palm Beach Shores.

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**Table 13.B.3-11 - Parks and Recreation Impact Fee Schedule for Schedule "U" Municipality\***  
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$891.86	235.95	\$655.91	\$32.80	\$623.11
Dwelling unit, 801 - 1,399 sq. ft.	2.308	1,048.26	277.33	770.93	38.55	732.38
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	1,232.13	325.97	906.16	43.04	860.85
Dwelling unit 2,000 - 3,599 sq. ft.	3.153	1,432.28	378.92	1,053.36	52.67	1,000.69
Dwelling unit, 3,600 sq. ft. and over	3.494	1,587.29	419.93	1,167.36	58.37	1,108.99
Hotel/Motel Per Room	0.875	397.49	105.16	292.33	14.62	277.71

\*Schedule "U" municipality is Lantana.

4

**Table 13.B.3-12 - Parks and Recreation Impact Fee Schedule for Schedule "X" Municipality\***  
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$644.33	\$210.95	\$433.38	\$21.67	\$411.71
Dwelling unit, 801 - 1,399 sq. ft.	2.308	757.32	247.94	509.38	25.47	483.91
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	890.16	291.43	598.73	29.94	568.79
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	1,034.76	338.77	695.99	34.80	661.19
Dwelling unit, 3,600 sq. ft. and over	3.494	1,146.75	375.44	771.31	38.57	732.74
Hotel/Motel Per Room	0.875	287.17	94.02	193.15	9.65	183.49

\*Schedule "X" municipality is Palm Beach.

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**Table 13.B.3-13 - Parks and Recreation Impact Fee Schedule for Schedule "Y" Municipalities\***  
**Effective 03/01/2004**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credit	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$561.81	\$202.61	\$359.20	\$17.96	\$341.24
Dwelling unit, 801 - 1,399 sq. ft.	2.308	660.34	238.15	422.19	21.11	401.08
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	776.16	279.92	496.24	24.81	471.43
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	902.24	325.39	576.85	28.84	548.00
Dwelling unit, 3,600 sq. ft. and over	3.494	999.89	360.60	639.25	31.96	607.32
Hotel/Motel Per Room	0.875	250.39	90.30	160.09	8.00	152.09

\*Schedule "Y" municipalities consist of Riviera Beach, Boca Raton, Boynton Beach, Delray Beach Lake Worth, and Jupiter.

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**A. Benefit Zones**

**1. Establishment of Benefit Zones**

Four park impact fee benefit zones are hereby established as follows:

**a. Benefit Zone 1 (North)**

Beginning at the water's edge of the Atlantic Ocean and the northern boundary of PBC as described in F.S. § 7.50, "County Boundary"; thence

- 1) Westerly along said north boundary to the west line of Range 39 East; thence
- 2) Southerly along said west line to the SFWM District Levee 8 Canal; thence
- 3) Southeasterly along said Levee 8 Canal to the south line of Township 42 South; thence
- 4) Easterly along said south line to the west line of Range 42 East; thence
- 5) Northerly along said west line to SR-710 (Beeline Highway); thence
- 6) Southeasterly along said SR-710 to Port Road (8th Street); thence
- 7) Easterly along said Port Road and its easterly extension to the Intracoastal Waterway; thence
- 8) Northerly along the Intracoastal Waterway to the Lake Worth inlet and east to the Atlantic Ocean; thence
- 9) Northerly along the water's edge of the Atlantic Ocean to the point of beginning.

**b. Benefit Zone 2 (Central)**

Beginning at the water's edge of the Atlantic Ocean and SR-804 (Boynton Beach Blvd.) extended; thence

- 1) Westerly along SR-804 and its extension to the SFWM Levee 7 Canal; thence
- 2) Northerly along said Levee 7 Canal to the centerline of Old State Road 80; thence
- 3) Westerly along said centerline of State Road 80 to the intersection of the centerline of U.S. Highway 98; thence
- 4) Northwesterly along said centerline of U.S. Highway 98 to the west line of Range 40 East; thence
- 5) North along the west line of Range 40 East to the south line of Township 42 South; thence
- 6) Easterly along said south line to the west line of Range 42 East; thence
- 7) Northerly along said west line to SR-710 (Beeline Highway); thence
- 8) Southeasterly along said SR-710 (Beeline Highway) to Port Road (8th Street); thence
- 9) Easterly along said Port Road and its easterly extension to the Intracoastal Waterway; thence
- 10) Northerly along the Intracoastal Waterway to the Lake Worth Inlet and east to the Atlantic Ocean; thence
- 11) Southerly along the water's edge of the Atlantic Ocean to the point of beginning.

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**c. Benefit Zone 3 (South)**

Beginning at the waters edge of the Atlantic Ocean and SR-804 (Boynton Beach Boulevard) extended; thence

- 1) Westerly along SR-804 and its extension to the SFWM District Levee 7 Canal; thence
- 2) Southerly and southeasterly along said Levee 7 Canal, Levee 39 Canal and Levee 36 Canal to the south boundary line of PBC as described in Fla. Stat. Sec. 7.50, "County Boundary;" thence
- 3) Easterly along said boundary line to the water's edge of the Atlantic Ocean; thence
- 4) Northerly along said water's edge to the point of beginning.

**d. Benefit Zone 4 (Glades)**

Zone 4 is bounded on the north by the Martin County line; on the East by the Western boundaries of Zones 1, 2, and 3; on the South by the Broward County line; and on the West by the Hendry County line.

**2. Identification of Benefit Zones**

The park benefit zones are shown in Figure 13.B.3.C-1, Park Benefit Zones. No park impact fee is exacted in Benefit Zones 4 because (1) development in that benefit zones is overwhelmingly isolated from eastern PBC; (2) no new capital facilities for parks are required during the planning horizon upon which the park impact fee in Benefit Zone 4 is based, except for district park capital facilities; and (3) credits to development in Benefit Zone 4 for other assessments funding park capital facilities equal or exceed the impact fee associated with district parks in Benefit Zone 4.

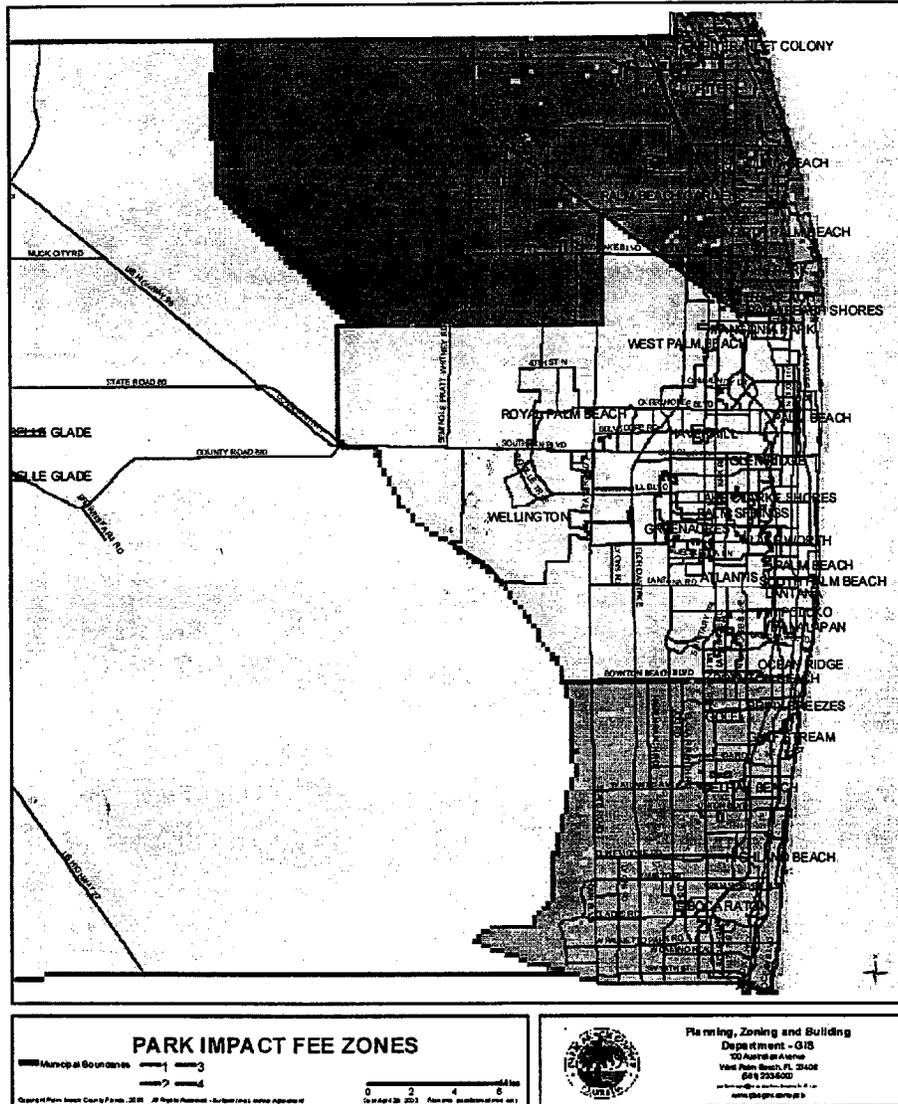
**B. Establishment of Trust Funds**

There are hereby established separate park impact fee trust funds, one for each park impact fee benefit zones.

**C. Use of Park Impact Fees**

Impact fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.A.9, Use of Impact Fees.

Figure 13.B.1.C-1 - Park Benefit Zones



1 **CHAPTER C FIRE-RESCUE IMPACT FEE**

2  
3 **Section 1 Imposition of Impact Fee**

4 Impact fees are imposed upon all land uses creating an impact on fire-rescue services in accordance with  
5 Art. 13.A.4, Imposition of Impact Fee, and this Section.

6  
7 **Section 2 Fee Schedule**

8 The impact fee schedule for fire-rescue services is established in Table 13.C.2-14, Impact Fee Schedule.  
9 Land uses in the fee schedule shall be defined in F.S. § 195.073, and Rule 12D-8 F.A.C. To ensure that  
10 the impact fee does not exceed the cost to provide capital facilities to accommodate new development,  
11 the impact fees in the fee schedule are established at no more than 95 percent of the cost to  
12 accommodate the impact.  
13

**Table 13.C.2-14 - Impact Fee Schedule**  
**Effective Date 03/01/2004**

Land Use Type (Unit)	Calls For Service	Cost Per Unit	Credits	Fire-Rescue Impact Fee	Adjustment	Net Fire-Rescue Impact Fee
<b>Residential Units, by Type</b>						
Single Family Detached	0.3870	\$508.95	\$0.00	\$508.95	\$25.44	\$483.51
Single Family Attached	0.3870	508.95	0.00	508.95	25.44	483.51
Multi-Family	0.1918	252.18	0.00	252.18	12.61	239.57
Mobile Home	0.1918	252.18	0.00	252.18	12.61	239.57
Hotel/Motel Per Room	0.6449	848.01	0.00	848.01	42.40	805.61
<b>Non-Residential</b>						
Office 100,000 sq. ft. & Under	0.1482	\$194.83	\$0.00	\$194.83	\$9.74	\$185.09
100,001 - 125,000 sq. ft.	0.1482	194.83	0.00	194.83	9.74	185.09
125,001 - 150,000	0.1482	194.83	0.00	194.83	9.74	185.09
150,001 - 175,000	0.1482	194.83	0.00	194.83	9.74	185.09
175,001 - 199,999	0.1482	194.83	0.00	194.83	9.74	185.09
Medical Office	0.1482	194.83	0.00	194.83	9.74	185.09
Warehouse Per 1,000 sq. ft	0.0367	48.23	0.00	48.23	2.41	45.82
Gen. Industrial Per 1,000 Ft	0.111	145.96	0.00	145.96	7.30	138.66
<b>Retail Per 1,000 Sq. Ft.</b>						
Retail Per 1,000 Sq. Ft.	0.1802	\$236.98	\$0.00	\$236.98	\$11.85	\$225.13
80,000 sq. ft. & Under	0.1802	236.98	0.00	236.98	11.85	225.13
80,001 - 99,999	0.1802	236.98	0.00	236.98	11.85	225.13
100,000 - 199,999	0.1802	236.98	0.00	236.98	11.85	225.13
200,000 - 499,999	0.1802	236.98	0.00	236.98	11.85	225.13
500,000 - 999,999	0.1802	236.98	0.00	236.98	11.85	225.13
1,000,000 & Over	0.1802	236.98	0.00	236.98	11.85	225.13

14  
15 **Section 3 Benefit Zones**

16 **A. Establishment of Benefit Zones**

17 There are hereby established two fire rescue impact fee benefit zones identified in Figure 13.C.5-  
18 2, Fire Rescue Benefit Zones, and set forth as follows:

19  
20 **1. Benefit Zone 1**

21 The boundaries of Benefit Zone 1 correspond to the PBC Fire-Rescue Municipal service  
22 Taxing Unit, and those municipalities contracting with PBC for the provision of the fire-rescue  
23 services (municipalities include: Cloud Lake, Glen Ridge, Golfview, Haverhill, Juno Beach,  
24 Jupiter, and Lake Clarke Shores and excluding those portions of the County in Benefit Zone  
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**2. Benefit Zone 2**

The boundaries of Benefit Zone 2 shall be PBCs northern, western and southern borders on the North, West, and South, respectively; and the western border of Range 40 E and the SFWM District Levee 40 on the East. No fire rescue impact fees shall be collected at this time in Benefit Zone 2 because there is no identified need for additional fire rescue capital facilities due to new development during the planning horizon on which this impact fee is based.

**Section 4 Establishment of Trust funds**

There is hereby established a separate impact fee trust funds for the impact fee benefit zones described in Art. 13.C.3.A, Establishment of Benefit Zones.

**Section 5 Use of Fire-Rescue Impact Fees**

Impact fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.A.9, Use of Impact Fees.

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1 **CHAPTER D LIBRARY IMPACT FEE**

2  
3 **Section 1 Imposition of Fee**

4 Impact fees are imposed upon all land uses creating an impact on library services in accordance with Art.  
5 13.A.4, Imposition of Fee, and this Section.

6  
7 **Section 2 Fee Schedule**

8 The fee schedule for library services is established in Table 13.D.2-15, Library Fee Schedule. To ensure  
9 that the impact fee does not exceed the cost to provide capital facilities to accommodate new  
10 development, the impact fees in the fee schedule are established at no more than 95 percent of the cost  
11 to accommodate the impact.  
12

**Table 13.D.2-15 - Library Fee Schedule**  
**Effective 03/01/2004**

Land Use Type (Unit) Residential Units by sq. ft	Functional Population	Cost Per Unit	Credits	Library Impact Fee	Discount	Net Library Impact Fee
Dwelling units:						
800 sq. ft. and Under	1,963	\$ 173.71	\$ 10.04	\$ 163.67	\$ 8.18	\$ 155.49
801 - 1,399	2,308	204.17	11.80	192.37	9.62	182.75
1,400 - 1,999	2,712	239.99	13.87	226.12	11.31	214.81
2,000 - 3,599	3,153	278.97	16.12	262.85	13.14	249.71
3,600 and Over	3,494	309.16	17.87	291.29	14.56	276.73

13  
14 **Section 3 Benefit Zones**

15 **A. Establishment of Benefit Zones**

16 There are hereby established two library impact fee benefit zones identified in Figure 13.D.5-3,  
17 Library Benefit Zones, and set forth as follows:

18  
19 **1. Benefit Zone 1**

20 The boundaries of Benefit Zone 1 consists of unincorporated PBC and those municipalities  
21 that are part of the Library Taxing District (municipalities include: Atlantis, Briny Breezes,  
22 Cloud Lake, Glen Ridge, Golfview, Greenacres City, Haverhill, Hypoluxo, Juno Beach,  
23 Jupiter, Jupiter Inlet Colony, Lake Clarke Shores, Mangonia Park, Ocean Ridge, Palm Beach  
24 Gardens, Palm Beach Shores, Royal Palm Beach, South Palm Beach, Tequesta and Village  
25 (of Golf) excluding that porting of the County in Benefit Zone 2.

26  
27 **2. Benefit Zone 2**

28 The boundaries of Benefit Zone 2 shall be Paces northern, western and southern borders on  
29 the North, West, and South, respectively; and the western border of Range 40 E and SFWM  
30 District Levee 40 on the East. No library impact fees shall be collected at this time in Benefit  
31 Zone 2 because there is no identified need for additional library capital facilities due to new  
32 development during the planning horizon on which this impact fee is based.  
33

34 **Section 4 Establishment of Trust Funds**

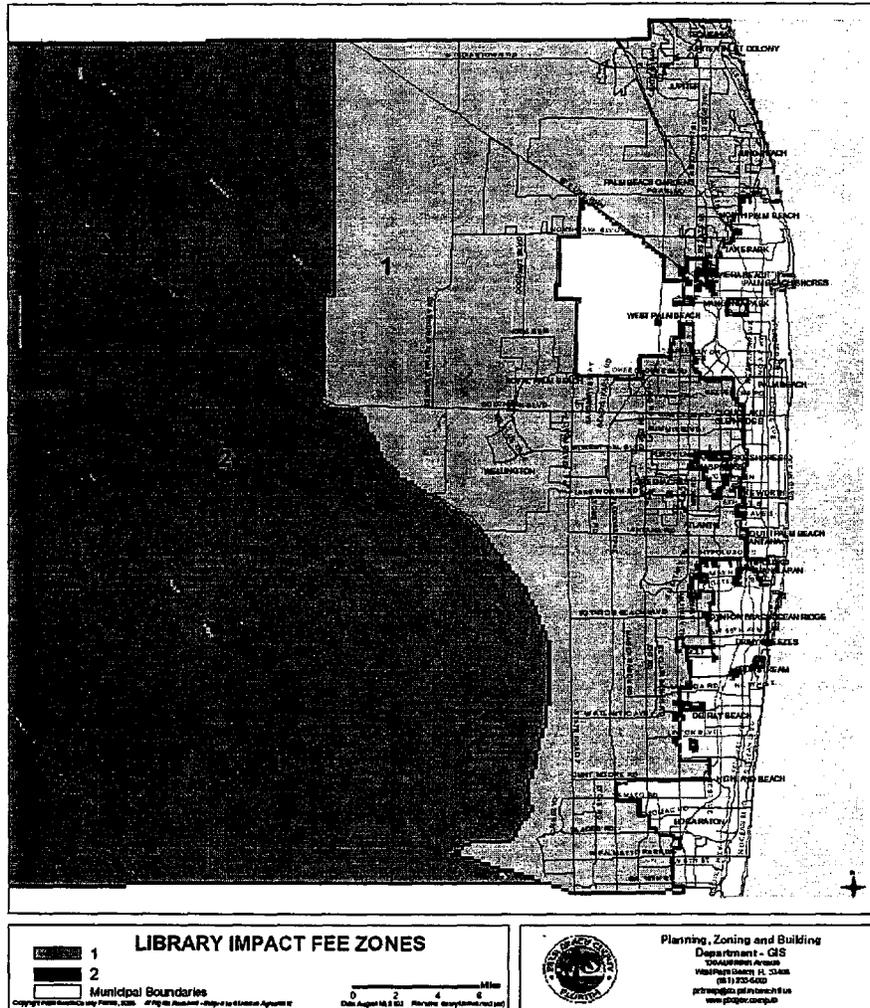
35 There is hereby established a library impact fee trust funds for the benefit zones described in Art. 13.D.3,  
36 Benefit Zones.

37  
38 **Section 5 Use of Library Impact Fees**

39 Impact fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art.  
40 13.A.9, Use of Impact Fees.

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Figure 13.D.5-3 - Library Benefit Zones



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**CHAPTER E LAW ENFORCEMENT IMPACT FEE**

**Section 1 Imposition of Fee**

Impact fees are imposed upon all land uses creating an impact on law enforcement services in accordance with Art. 13.A.4, Imposition of Fee, and this Section.

**Section 2 Fee Schedule**

The fee schedules for law enforcement services are established in Tables 13.E.2-16, Law Enforcement Fee Schedule for Countywide Services Benefit Zone 1, and Art. 13.E.2-17, Law Enforcement Patrol Fee Schedule for Unincorporated PBC Benefit Zone 2. Land uses in the fee schedule shall be as defined in F.S. § 195.073, and Rule 12D-8, F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

**Table 13.E.2-16 – Law Enforcement Fee Schedule for Countywide Services Benefit Zone 1  
Effective 10/01/1997**

Land Use Type (Unit) Residential units by sq. ft.	Service Calls	Cost Per Unit	Credits	Enforcement Impact Fee	Discount	Enforcement Impact Fee
Dwelling units, 800 sq. ft. and Under	0.9580	\$2.09	\$5.12	\$0.00	\$0.00	\$0.00
Dwelling unit, 801 - 1,399 sq. ft.	1.1260	2.46	6.02	0.00	0.00	0.00
Dwelling unit, 1,400 – 1,999 sq. ft.	1.3240	2.89	7.08	0.00	0.00	0.00
Dwelling unit, 2,000 – 3,599 sq. ft.	1.5390	3.36	8.23	0.00	0.00	0.00
Dwelling unit, 3,600 sq. ft. and Over	1.7050	3.73	9.12	0.00	0.00	0.00
Hotel/Motel	0.3500	0.76	1.87	0.00	0.00	0.00
<b>Non-Residential per 1,000 sq. ft.</b>						
<b>Office:</b>						
100,000 sq. ft. & Under	1.1690	\$2.55	\$6.25	\$0.00	\$0.00	\$0.00
100,001 - 125,000	1.1020	2.41	5.90	0.00	0.00	0.00
125,001 - 150,000	0.9230	2.02	4.94	0.00	0.00	0.00
150,001 - 175,000	0.9040	1.98	4.84	0.00	0.00	0.00
175,001 - 199,999	0.9040	1.98	4.84	0.00	0.00	0.00
200,000 & Over	0.8770	1.92	4.69	0.00	0.00	0.00
Medical Office	1.6520	3.61	8.84	0.00	0.00	0.00
Warehouse Per 1,000 Ft	0.2610	0.57	1.40	0.00	0.00	0.00
Gen. Industrial Per 1,000 Ft.	0.5020	1.10	2.69	0.00	0.00	0.00
<b>Retail Per 1,000 sq. ft.</b>						
80,000 sq. ft. & Under	1.9750	\$4.31	\$10.57	\$0.00	\$0.00	\$0.00
80,001 - 99,999	2.1070	4.60	11.27	0.00	0.00	0.00
100,000 - 199,999	2.1900	4.78	11.72	0.00	0.00	0.00
200,000 - 499,999	2.1890	4.78	11.71	0.00	0.00	0.00
500,000 - 999,999	2.2460	4.91	12.01	0.00	0.00	0.00
1,000,000 & Over	2.3000	5.07	12.30	0.00	0.00	0.00

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**Table 13.E.2-17 – Law Enforcement Patrol Fee Schedule for Unincorporated  
PBC Benefit Zone 2  
Effective 03/01/2004**

Land Use Type (Unit) Residential units by sq. ft.	Service Calls	Cost Per Unit	Credits	Law Enforcement Impact Fee	Discount	Net Law Enforcement Impact Fee
Single Family, Detached	2.216	\$144.67	\$5.93	\$138.74	\$6.94	\$131.80
Single Family, Attached	2.216	144.67	5.93	138.74	6.94	131.80
Multi-Family	0.748	48.79	2.00	46.79	2.34	44.45
Mobile Home	0.748	48.79	2.00	46.79	2.34	44.45
Hotel/Motel	0.901	58.78	2.41	56.37	2.82	53.55
<b>Non-Residential per 1,000 sq. ft.</b>						
<b>Office:</b>						
100,000 & Under	0.832	\$54.28	\$2.23	\$52.05	\$2.60	\$49.45
100,001 - 125,000	0.832	54.28	2.23	52.05	2.60	49.45
125,001 - 150,000	0.832	54.28	2.23	52.05	2.60	49.45
150,001 - 175,000	0.832	54.28	2.23	52.05	2.60	49.45
175,001 - 199,999	0.832	54.28	2.23	52.05	2.60	49.45
200,000 & Over	0.832	54.28	2.23	52.05	2.60	49.45
Medical Office	0.832	54.28	2.23	52.05	2.60	49.45
Warehouse Per 1,000 Ft.	0.157	10.25	0.42	9.83	0.49	9.34
Gen. Industrial Per 1,000 Ft.	0.076	4.94	0.20	4.74	0.24	4.50
<b>Retail Per 1,000 Ft.</b>						
80,000 & Under	0.951	\$62.05	\$2.54	\$59.51	\$2.98	\$56.53
80,001 - 99,999	0.951	62.05	2.54	59.51	2.98	56.53
100,000 - 199,999	0.951	62.05	2.54	59.51	2.98	56.53
200,000 - 499,999	0.951	62.05	2.54	59.51	2.98	56.53
500,000 - 999,999	0.951	62.05	2.54	59.51	2.98	56.53
1,000,000 & Over	0.951	62.05	2.54	59.51	2.98	56.53

Includes Cloud Lake, Haverhill, Glen Ridge, and Village of Golf.

2

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**Section 3 Benefit Zones**

4

**A. Establishment of Benefit Zones**

5

There are hereby established three Law Enforcement Impact Fee benefit zones identified in Figure 13.E.5-4, Law Enforcement Benefit Zones, and set forth as follows.

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**1. Area and Services in Benefit Zone 1**

9

Benefit Zone 1 shall consist of the entire PBC, including both the unincorporated area and all municipalities. Countywide functions for which impact fees are charged in this benefit zone include the crime laboratory, warrants divisions, marine enforcement, K-9 unit, and organized crime bureau. No credits for municipal law enforcement activities are applied for these services.

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**2. Area and Services in Benefit Zone 2**

16

Benefit Zone 2 shall include the unincorporated portions of PBC and those municipalities which do not provide road patrol services, including Cloud Lake, Golfview, Haverhill, Glen Ridge, and Village of Golf and excluding those portions of the County in Benefit Zone 3. Impact fees paid in these areas support law enforcement functions otherwise met by municipal law enforcement services, though all law enforcement functions of the Sheriff are Countywide. The use of this district allows credit for municipal law enforcement services.

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**3. Area and Services in Benefit Zone 3**

Benefit Zone 3 shall include PBCs northern, western, and southern borders on the North, West, and South respectively; and the western border of Range 40 E and the SFWM District Levee 40 on the East. No law enforcement impact fees shall be collected at this time in Benefit Zone 3 because there is no identified need for additional law enforcement capital facilities due to new development during the planning horizon on which this impact fee is based.

**Section 4 Establishment of Trust Funds**

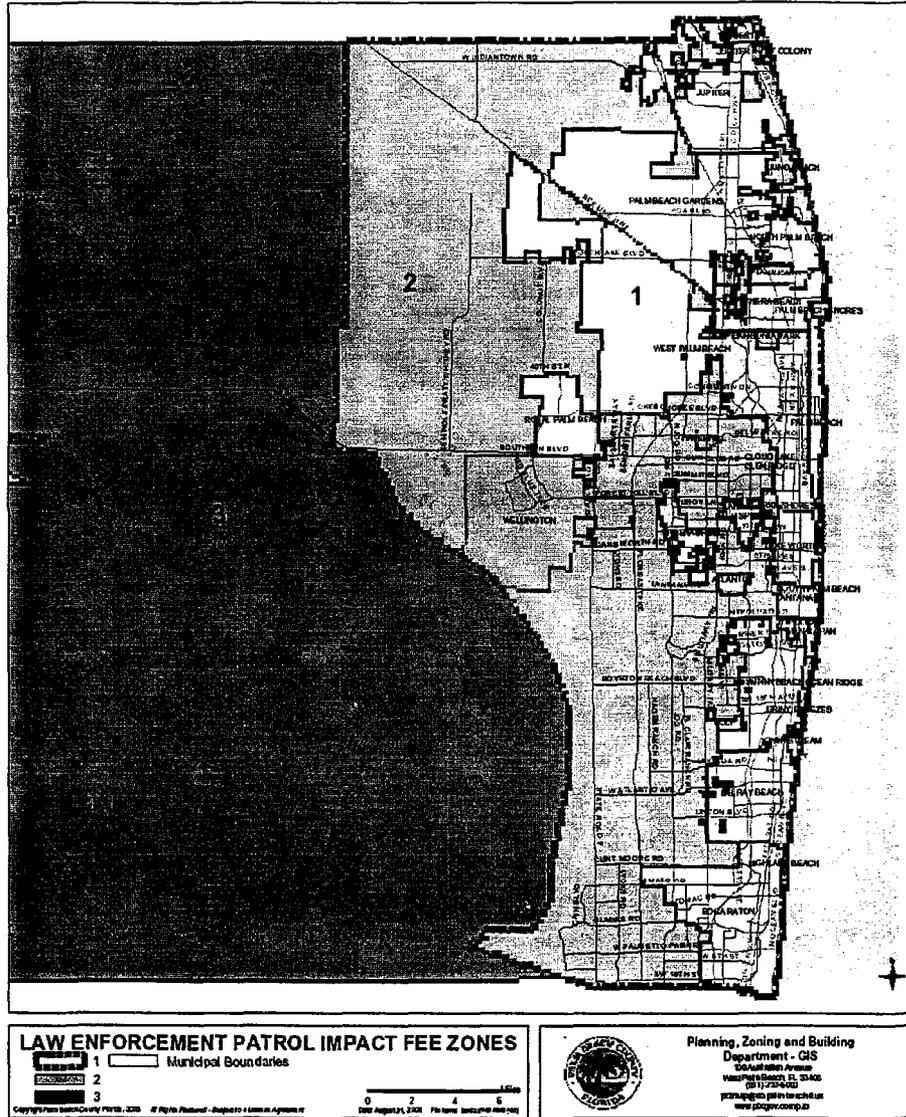
There are hereby established separate impact fee trust funds for each impact fee benefit zones described in Art. 13.E.3, Benefit Zones.

**Section 5 Use of Law Enforcement Impact Fees**

The Sheriff shall identify in the Sheriff's budget those new capital facilities for which law enforcement impact fees shall be spent. The funds shall remain restricted to their respective trust funds and the requirements of this article, and the Sheriff shall ensure that the funds are expended and accounted for in accordance with this article. The Sheriff shall maintain such records and documentation necessary to allow the effective audit of the use of the law enforcement impact fees. PBCs internal auditor shall have authority to require accounting controls and documentation, and shall have the authority to audit the use of law enforcement impact fees. PBC may require special impact fee reports by the auditor performing an audit of the Sheriff's accounts.

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Figure 13.E.5-4 - Law Enforcement Benefit Zones



1 **CHAPTER F PUBLIC BUILDINGS IMPACT FEE**

2  
3 **Section 1 Imposition of Fee**

4 Impact fees are imposed upon all land uses creating an impact on public buildings in accordance with Art.  
5 13.A.4, Imposition of Fee, and this Section.

6  
7 **Section 2 Fee Schedule**

8 The fee schedule for public buildings is established in Table 13.F.2-18, Public Buildings Fee Schedule.  
9 Land uses in the fee schedule shall be as defined in F.S. § 195.073, and Rule 12D-8, F.A.C. To ensure  
10 that the impact fee does not exceed the cost to provide capital facilities to accommodate new  
11 development, the impact fees in the fee schedule are established at no more than 95 percent of the cost  
12 to accommodate the impact.  
13

**Table 13.F.2-18 – Public Buildings Fee Schedule  
Effective 03/01/2004**

Land Use Type (Unit) Residential units by Sq. Ft.	Functional Population	Cost Per Unit	Credits	Public Buildings Impact Fee	5 percent Discount	Net Public Buildings Impact Fee
Dwelling unit, 800 sq. ft. and Under	0.9820	\$531.08	\$440.00	\$91.08	\$4.55	\$86.53
Dwelling unit, 801 - 1,399 sq. ft.	1.1540	624.02	517.00	107.02	5.35	101.67
Dwelling unit, 1,400 - 1,999 sq. ft.	1.3560	732.76	607.00	125.76	6.29	119.47
Dwelling unit, 2,000 - 3,599 sq. ft.	1.5760	851.16	705.00	146.16	7.31	138.85
Dwelling unit, 3,600 sq. ft. & Over	1.7470	944.03	782.00	162.03	8.10	153.93
Hotel/Motel Per Room	0.3500	189.46	157.00	32.46	1.62	30.84
<b>Non-Residential per 1,000 Sq. Ft.</b>						
<b>Office</b>						
50,000 & Under	0.801	\$433.29	\$359.00	\$74.29	\$3.71	\$70.58
50,001 - 99,999	0.878	474.42	393.00	81.42	4.07	77.35
100,000 - 149,999	1.095	591.56	490.00	101.56	5.08	96.48
150,000 - 199,999	1.067	576.96	478.00	98.96	4.95	94.01
200,000 - 399,999	1.053	568.66	471.00	97.66	4.88	92.78
400,000 - 499,999	1.044	563.83	467.00	96.83	4.84	91.99
Medical Office	1.702	919.85	762.00	157.85	7.89	149.96
Warehouse Per 1,000 sq. ft.	0.218	118.22	98.00	20.22	1.01	19.21
Gen. Industrial Per 1,000 sq. ft.	0.450	242.74	201.00	41.74	2.09	39.65
<b>Retail Per 1,000 Sq. Ft.</b>						
50,000 Ft. & Under	2.055	\$1,110.59	\$920.00	\$190.59	\$9.53	\$ 181.06
50,001 - 99,999	2.003	1,082.77	897.00	185.77	9.29	176.48
100,000 - 199,999	1.983	1,071.91	888.00	183.91	9.20	174.71
200,000 - 299,999	2.177	1,175.91	974.00	201.91	10.10	191.81
300,000 - 399,999	2.196	1,186.66	983.00	203.66	10.18	193.48
400,000 - 499,999	2.218	1,198.71	993	205.71	10.29	195.42

14  
15 **Section 3 Benefit Zones**

16 **A. Establishment of Benefit Zones**

17 There is hereby established two public building impact fee benefit zones identified in Figure  
18 13.F.5-5, Public Building Benefit Zones, and set forth as follows:

- 19  
20 1. The boundary of Benefit Zone 1 consist of the entire PBC, including both the incorporated  
21 and unincorporated areas of the County and excluding the areas of the County in Benefit  
22 Zone 2.  
23

1           2. The boundary of Benefit Zone 2 shall include PBCs northern, western and southern  
2 borders on the North, West and South respectively; and the western border of Range 40 E  
3 and the SFWM District Levee 40 on the East. No public building impact fees shall be  
4 collected at this time in Benefit Zone 2 because there is no identified need for additional  
5 public building capital facilities due to new development during the planning horizon on which  
6 this impact fee is based.  
7

8           **Section 4       Establishment of Trust Funds**

9           There is hereby established a separate impact fee trust funds for the impact fee benefit zones described  
10 in Art. 13.E.3, Benefit Zones.  
11

12           **Section 5       Use of Public Buildings Impact Fees**

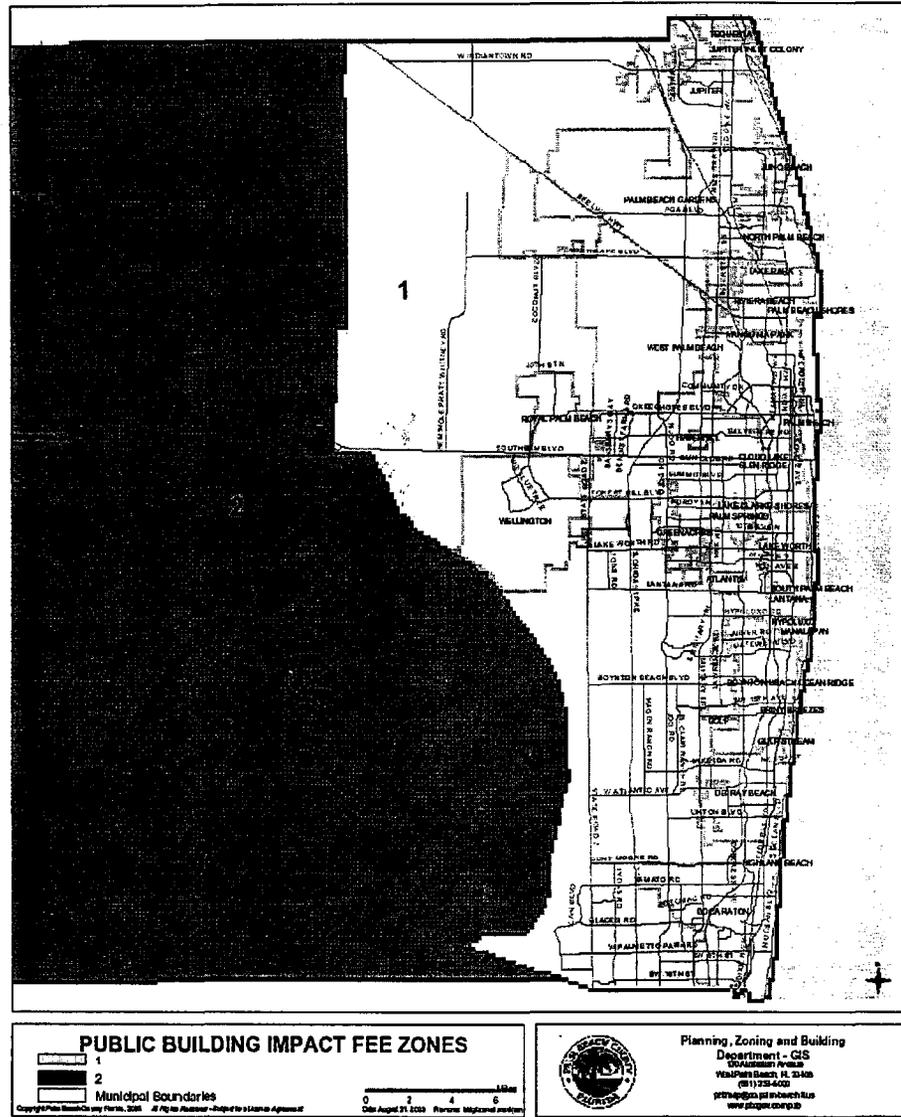
13           Fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.A.9,  
14 use of Impact Fees.  
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Figure 13.F.5-5 - Public Buildings Benefit Zones



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**CHAPTER G SCHOOL IMPACT FEE**

**Section 1 Imposition of Fee**

Impact fees are imposed upon all development creating an impact on schools in accordance with Art. 13. D.4, Establishment of Trust Funds, and this Section.

**Section 2 Fee Schedule**

The fee schedules for school impact fees are established in Table 13.G.2.-19, School Fee Schedule. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

**Table 13.G.2-19 – School Fee Schedule  
Effective Date 03/01/2004**

Residential units By Square Footage	Average Total Occ.	Occupancy Ages 5-17	School Impact	School Impact Fee	Discount	Net School Impact Fee
Dwelling unit, 800 sq. ft and under	1.963	0.144	0.123	\$938.04	\$459.63	\$478.41
Dwelling unit, 801 - 1,399 sq. ft	2.308	0.296	0.252	1,922.65	942.06	980.59
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	0.474	0.403	3,080.22	1,509.25	1,570.97
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	0.669	0.569	4,344.26	2,128.61	2,215.65
Dwelling unit, 3,600 sq. ft. and over	3.494	0.820	0.697	5,322.21	3,147.78	2,714.43

**Table 13.G.2-19-A – School Fee Schedule  
Effective Date 01/01/2005**

Residential units By Square Footage	Average Total Occ.	Occupancy Ages 5-17	School Impact	School Impact Fee	Discount	Net School Impact Fee
Dwelling unit, 800 sq. ft and under	1.963	0.144	0.123	\$938.04	\$253.27	\$684.77
Dwelling unit, 801 - 1,399 sq. ft	2.308	0.296	0.252	1,922.65	519.09	1,403.56
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	0.474	0.403	3,080.22	831.63	2,248.59
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	0.669	0.569	4,344.26	1,172.91	3,171.35
Dwelling unit, 3,600 sq. ft. and over	3.494	0.820	0.697	5,322.21	1,436.94	3,885.27

**Table 13.G.2-19-B – School Fee Schedule  
Effective Date 01/01/2006**

Residential units By Square Footage	Average Total Occ.	Occupancy Ages 5-17	School Impact	School Impact Fee	Discount	Net School Impact Fee
Dwelling unit, 800 sq. ft and under	1.963	0.144	0.123	\$938.04	\$46.90	\$891.14
Dwelling unit, 801 - 1,399 sq. ft	2.308	0.296	0.252	1,922.65	96.13	1,826.52
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	0.474	0.403	3,080.22	154.01	2,926.21
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	0.669	0.569	4,344.26	217.21	4,127.05
Dwelling unit, 3,600 sq. ft. and over	3.494	0.820	0.697	5,322.21	266.11	5,056.10

**Section 3 Benefit Zones**

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**A. Establishment of Benefit Zones**

There are hereby established five school impact fee benefit zones set forth as follows.

**1. Benefit Zone 1**

The boundaries of Benefit Zone 1 shall be PBCs northern boundary on the north, the Beeline Highway/Port Road/8th Street East to Lake Worth, North along the Intracoastal Waterway to the Lake Worth Inlet and East to Atlantic Ocean on the West and South; and the Atlantic Ocean on the East.

**2. Benefit Zone 2**

The boundaries of Benefit Zone 2 shall be Beeline Highway/Port Road/8th Street East to Lake Worth, North along the Intracoastal Waterway to the Lake Worth Inlet and East to the Atlantic Ocean on the North; State Road 7 and its extension on the West; SR-804 (Boynton Beach Boulevard) and its extension on the South; and the Atlantic Ocean on the East.

**3. Benefit Zone 3**

The boundaries of Benefit Zone 3 shall be SR-804 (Boynton Beach Boulevard) and its extension on the North; SFWM District Levee 40 on the West; PBCs southern boundary on the South; and the Atlantic Ocean on the East.

**4. Benefit Zone 4**

The boundaries of Benefit Zone 4 shall be PBCs northern border and Beeline Highway on the North; the western border of range 40 E on the West; SFWM District Levee 40 and Northwest 2nd Avenue (Boynton Beach) and its extension on the South; and State Road 7 and its extension on the East.

**5. Benefit Zone 5**

The boundaries of Benefit Zone 5 shall be PBCs northern, western and southern borders on the North, West, and South, respectively; and the western border of Range 40 E and the SFWM District Levee 40 on the East.

**B. Identification of Benefit Zones**

The school impact fee benefit zones are identified in Figure 13.G.5-6, School Benefit Zones. No school impact fees shall be collected at this time in Benefit Zone 5 because there is no identified need for additional schools due to new development during the planning horizon on which this impact fee is based.

**Section 4 Establishment of Trust Funds**

There are hereby established separate impact fee trust funds for each impact fee benefit zones.

**Section 5 Use of School Impact Fees**

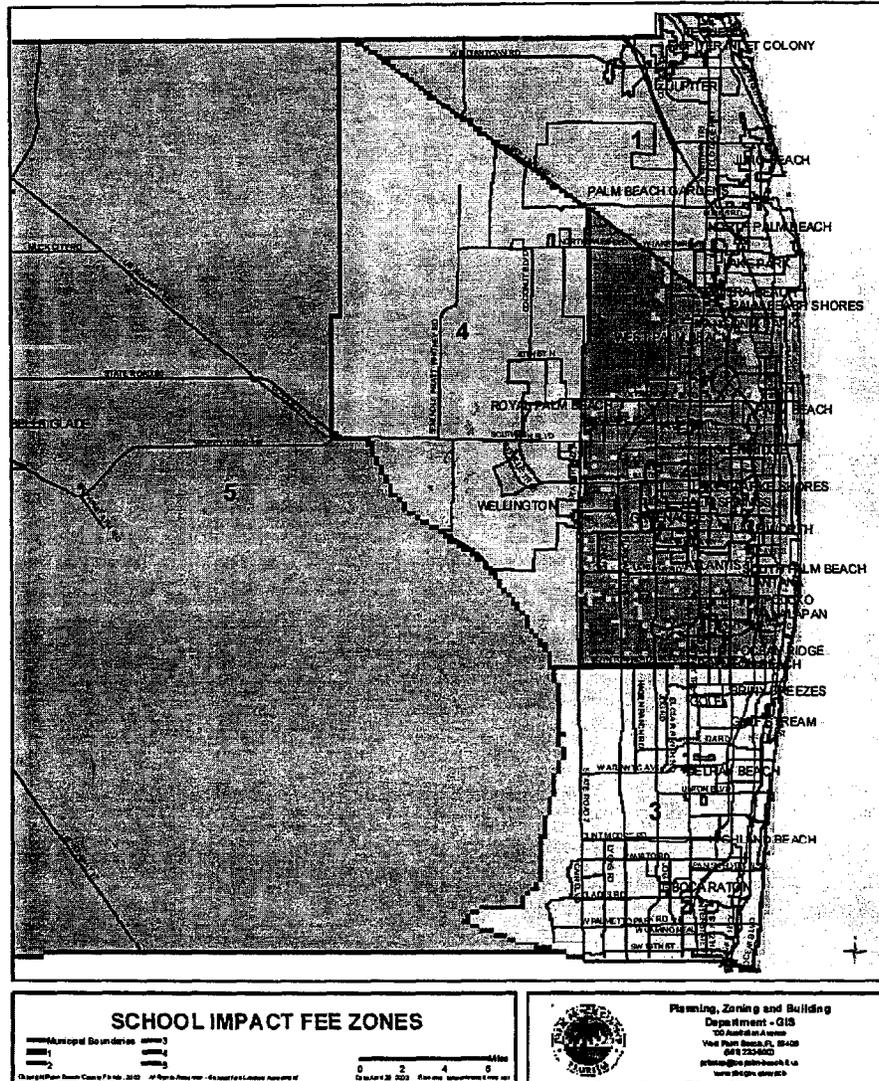
School impact fees shall be appropriated by the BCC and remitted to the School Board following the Clerk's pre-audit of such funds. The funds shall remain restricted to their respective School Board trust funds and the requirements of this article, and the School Board shall ensure that the funds are expended and accounted for in accordance with the provisions of this article. The County's internal auditor shall have the authority to require certain internal accounting controls and documentation, and shall have the authority to audit the expenditure of the funds.

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Figure 13.G.5-6 - School Benefit Zones



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1 **CHAPTER H ROAD IMPACT FEES**

2 **Section 1 Imposition of Fee**

3 Impact fees are imposed upon all land uses creating an impact on road facilities in accordance with Art.  
4 13.D.4, Imposition of Fee, and this Section.

5  
6 **Section 2 Fee Schedule**

7 At the option of the feepayer, the amount of the impact fee may be determined by the fee schedule,  
8 established in Table 13.H.4-20, Fair Share Road Impact Fee Schedule, or by the independent calculation  
9 provided by the feepayer and approved by the Impact Fee Coordinator and the County Engineer. The  
10 impact fees in the schedule have been calculated using accepted trip generation, trip length,  
11 capture/diversion, and capital road facility costs standards, and applying the appropriate credits. Land  
12 uses not listed in the fee schedule shall be as defined in the most current edition of the Institute of  
13 Transportation Engineers Trip Generation Manual. To ensure that the impact fee does not exceed the  
14 cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule  
15 are established at no more than 95 percent of the cost to accommodate the impact.

16  
17 **Section 3 Land Uses Not Specified in Fee Schedule**

18 If the type of land use for which a building permit is applied is not specified on the impact fee schedule,  
19 the Impact Fee Coordinator shall select the most comparable type of land use from the most current  
20 edition of Trip Generation, a publication of The Institute of Transportation Engineers (ITE). If the Impact  
21 Fee Coordinator determines that there is no comparable type of land use in the most current edition of  
22 Trip Generation, then the Impact Fee Coordinator shall request a determination of the impact fee from the  
23 County Engineer, who shall use the best available traffic generation data, other trip characteristics data,  
24 costs per lane mile data, and credit data. The feepayer may challenge the County Engineer's  
25 determination through the completion of an independent fee calculation study pursuant to Art. 13.A.6,  
26 Independent Fee Calculation Study.

27  
28 **Section 4 Use of Road Impact Fee Funds**

29 Fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.A.9,  
30 Use of Impact Fees. Road impact fees collected in accordance with this article shall be used solely for the  
31 purpose of construction or improving roads, streets, highways and bridges on the major road network  
32 system, including but not limited to:

- 33  
34 A. Design and construction plan preparation;  
35  
36 B. right-of-way acquisition;  
37  
38 C. construction of new through lanes;  
39  
40 D. construction of new turn lanes;  
41  
42 E. construction of new bridges;  
43  
44 F. construction of new drainage facilities in conjunction with new roadway construction;  
45  
46 G. purchase and installation of traffic signalization;  
47  
48 H. construction of new curbs, medians and shoulders;  
49  
50 I. relocating utilities to accommodate new roadway construction  
51

**Table 13.H.4-20 – Fair Share Road Impact Fee Schedule  
Effective 03/01/2004**

Type of Land Development Activity	Official Daily Trip Generation Per Rate Dwelling Unit or Area	Pass-By Trip Rate (percentage)	Gross Impact Fee	Discount	Net Road Impact Fee Per Unit
<b>Residential:</b>					
Single family detached (per unit)	10	0 percent	\$4,288.40	\$214.42	\$4,073.98
Single family Attached (per unit)	7	0 percent	3,001.88	150.09	2,851.78
Congregate Living Facility (per unit)	2.15	0 percent	922.01	46.10	875.90
Mobile Home (in mobile home park)	5	0 percent	2,144.20	107.20	2,037.00
Over 55 Restricted SFD-Detached	8	0 percent	3,430.72	171.52	3,259.20
Over 55 Restricted Attached Home	6	0 percent	2,573.04	128.64	2,444.40
<b>Nonresidential per 1000 sq. ft.:</b>					
Drive-in Bank	265.21	46 percent	\$20,471.86	\$1,023.59	\$19,448.27
Mini-Warehouse	2.50	5 percent	339.50	16.97	322.52
Hotel per room	8.92	5 percent	1,211.33	60.57	1,150.76
Movie Theater per seat	1.76	0 percent	251.59	12.58	239.01
Racquet Club per court	40.50	0 percent	5,789.33	289.47	5,499.87
Church/Synagogue	9.11	0 percent	1,302.24	65.11	1,237.13
Day Care Center	79.26	30 percent	7,930.96	396.55	7,534.41
Quality Restaurant	89.95	15 percent	10,929.33	546.47	10,382.87
High Turnover Sit-Down Restaurant	130.34	15 percent	15,836.90	791.85	15,045.06
New Car Sales	37.50	5 percent	5,092.47	254.62	4,837.85
Office Building-Medical	36.13	5 percent	4,906.43	245.32	4,661.10
Hospital	16.78	5 percent	2,278.71	113.94	2,164.78
Nursing Home	3.72	5 percent	505.17	25.26	479.91
Warehouse (per 1,000 sq. ft.)	4.96	5 percent	673.56	33.68	639.89
General Industrial (Light)	6.97	5 percent	946.52	47.33	899.19
<b>General Office:</b>					
10,000 sq. ft.	22.60	5 percent	\$3,069.06	\$153.45	\$2,915.61
50,000 sq. ft.	15.59	5 percent	2,117.11	105.86	2,011.25
100,000 sq. ft.	13.27	5 percent	1,802.06	90.10	1,711.95
150,000 sq. ft.	12.08	5 percent	1,640.45	82.02	1,558.43
200,000 sq. ft.	11.30	5 percent	1,534.53	76.73	1,457.80
400,000 sq. ft.	9.62	5 percent	1,306.39	65.32	1,241.07
500,000 sq. ft.	9.14	5 percent	1,241.20	62.06	1,179.14
600,000 sq. ft.	8.76	5 percent	1,189.60	59.48	1,130.12
700,000 sq. ft.	8.45	5 percent	1,147.50	57.38	1,090.13
800,000 sq. ft.	8.19	5 percent	1,112.20	55.61	1,056.59

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**Table 13.H.4-20 – Fair Share Road Impact Fee Schedule – Continued**  
**Effective 03/01/2004**

Type of Land Development Activity	Official Daily Trip Generation Per Rate Dwelling Unit or Area	Pass-By Trip Rate (percentage)	Gross Impact Fee	Discount	Net Road Impact Fee Per Unit
<b>General Commercial Retail:</b>					
10,000 sq. ft. & Under	155.09	45 percent	\$12,215.44	\$610.77	\$11,604.67
50,000 sq. ft.	87.31	44 percent	6,989.17	349.46	6,639.71
75,000 sq. ft.	75.54	43 percent	6,111.77	305.59	5,806.18
100,000 sq. ft.	68.17	43 percent	5,564.20	278.21	5,285.99
200,000 sq. ft.	53.22	41 percent	4,518.92	225.95	4,292.98
300,000 sq. ft.	46.05	38 percent	4,054.94	202.75	3,852.19
400,000 sq. ft.	41.56	36 percent	3,796.21	189.81	3,606.40
500,000 sq. ft.	38.37	34 percent	3,625.49	181.27	3,444.22
600,000 sq. ft.	35.96	32 percent	3,516.00	175.80	3,340.20
800,000 sq. ft.	32.45	27 percent	3,381.55	169.08	3,212.47
1,000,000 sq. ft.	29.96	23 percent	3,314.79	165.74	3,149.05
1,200,000 sq. ft.	28.07	18 percent	3,286.25	164.31	3,121.93
<b>Non-Residential Short Trips:</b>					
Fast Food Restaurant	496.12	45 percent	\$19,502.62	\$975.13	\$18,527.49
Service Station per fueling position	168.56	60 percent	4,819.01	240.95	4,578.06
Convenience Store	737.99	60 percent	21,098.62	1,054.93	20,043.69
Pharmacy with Drive Thru	97.20	40 percent	3,975.34	198.77	3,776.58
<b>The cost per vehicular trip is:</b>					
Residential:	6 mile trip length		\$428.84	\$407.40	
Non-Residential:	2 mile trip length		142.95	135.80	
Non-Residential, short trip:	1 mile trip length		71.47	67.90	

1   \*\*Interpolation between impact fee amounts presented in the examples is acceptable in lieu of the  
2   calculation for that development whose square footage is in the range between example square footages.  
3   The formulae are as follows:

- 4
- 5       1. Office  
6             Total Daily Trips =  $\ln(T) = 0.768 \ln(X) + 3.654$   
7             T= Total Daily Trips, X = Area in 1,000 sq. ft., Ln = Natural Logarithm
  - 8
  - 9       2. General Commercial  
10            Total Daily Trips =  $\ln(T) = 0.643 \ln(X) + 5.866$   
11            T= Total Daily Trips, X = Area in 1,000 sq. ft., Ln = Natural Logarithm
  - 12
  - 13       3. Pass-by percent Formula (for general commercial).  
14            Pass-by percent =  $45.1 - .0225(A)$   
15            A = Area in 1,000 sq. ft. of leasable area

16  
17   **Section 5       Benefit Zones**

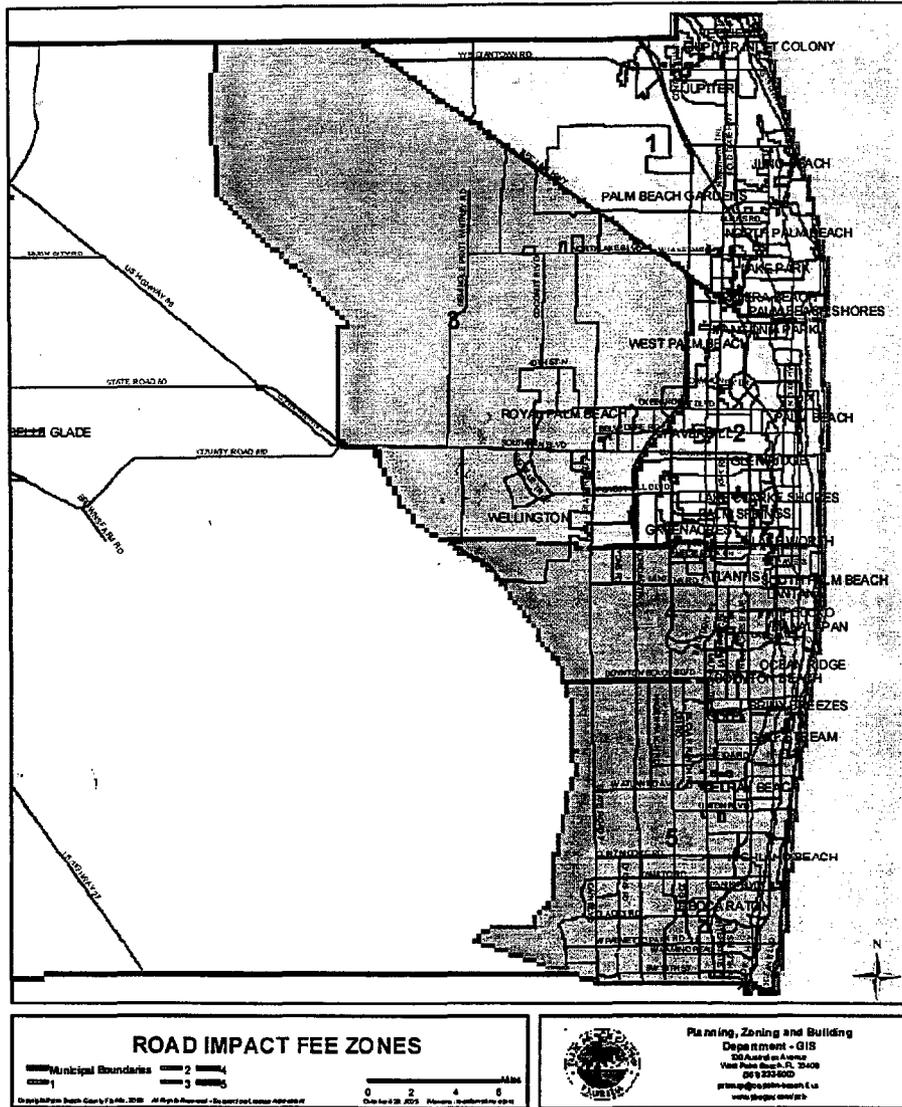
18   Road impact fee benefit zones are hereby established as shown in Figure 13.H.6-7, Road Benefit Zones,  
19   and incorporated herein by reference.

20  
21   **Section 6       Establishment of Trust Funds**

22   There are hereby established separate road impact fee trust funds, one for each road impact fee benefit  
23   zones as shown in Figure 13.H.6-7, Road Benefit Zones.

24  
25  
26

Figure 13.H.6-7 - Road Benefit Zones



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DECEMBER 2003 ADOPTION

STATE OF FLORIDA, COUNTY OF PALM BEACH  
 I, DOROTHY H. WILKEN, ex-officio Clerk of the  
 Board of County Commissioners certify this to be a  
 true and correct copy of the original filed in my office  
 on December 16, 2003.  
 DATED at West Palm Beach, FL on 11/5/04.  
 DOROTHY H. WILKEN, Clerk  
 By: Diane Brown D.C.