

RESOLUTION NO. R-21-040

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; ADOPTING A MANATEE COUNTY IMPACT FEE ADMINISTRATIVE PROCEDURES MANUAL UPDATE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, Florida, pursuant to Part II, Chapter 163, Florida Statutes, has adopted the Manatee County Comprehensive Plan, pursuant to Ordinance 89-01 (as amended, the "Comprehensive Plan") to guide growth and development in Manatee County; and

WHEREAS, the County has implemented the Manatee County Comprehensive Plan through the adoption of land development regulations, pursuant to Ordinance 90-01, codified as the Manatee County Land Development Code (as amended, the "Code"); and

WHEREAS, pursuant to Ordinance No. 21-19, codified as Chapter 11 of the Land Development Code (the "Impact Fee Ordinance"), and in accordance with Section 163.31801, Florida Statutes, the County has established a system of impact fees to fund capital facilities needed to accommodate new development, based upon an impact fee study and other testimony and evidence entered into the record at the public hearings held for the adoption of the Impact Fee Ordinance; and

WHEREAS, the Code authorizes the adoption of regulations and manuals to establish the technical standards for development in accordance with the Code; and

WHEREAS, in order to fully implement the requirements of the Comprehensive Plan and Code, it is in the interest of the public health, safety and welfare to adopt a Manatee County Impact Fee Administrative Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, as follows:

SECTION 1. ADOPTION OF MANATEE COUNTY IMPACT FEE

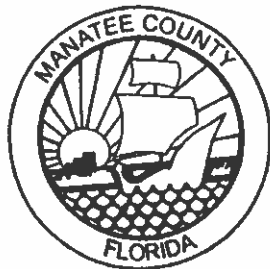
ADMINISTRATIVE PROCEDURES MANUAL. The Board of County Commissioners hereby adopts the Manatee County Impact Fee Administrative Procedures Manual attached hereto as Exhibit "A" dated December 14, 2021, which shall supersede and replace the prior administrative procedures.

SECTION 2. APPLICABILITY. The standards and procedures set forth in the Impact Fee Administrative Procedures Manual shall be applied in accordance with the requirements of the Code and Comprehensive Plan, to all applications, decisions, or development approvals as defined by applicable law pending before the County upon the effective date hereof or filed or initiated thereafter. In the event of any conflict between a provision of the Impact Fee Administrative Procedures Manual and a provision of the Code or Comprehensive Plan, the provisions of the Code or Comprehensive Plan shall supersede the conflicting provisions of the Manual.

SECTION 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Resolution or any exhibit incorporated herein shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Resolution or any exhibit incorporated herein.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED with a quorum present and voting this 14th day of December, 2021.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____

Chairperson Vanessa Baugh

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

By: _____

Deputy Clerk

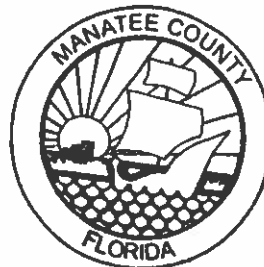


EXHIBIT A

MANATEE COUNTY IMPACT FEE ADMINISTRATIVE PROCEDURES MANUAL

Manatee County, Florida

Impact Fee Administrative Procedures Manual

Multimodal Transportation, Law Enforcement,
Parks & Natural Resource, Library, and
Public Safety Capital Facilities

Adopted December, 14 2021



TABLE OF CONTENTS

Chronicle Record of Governing Documents	4
Introduction	7
Legislative Findings, Reliance on Impact Fee Study, and Intent.....	7
Impact Fee Determination	8
Impact Fee Obligation.....	8
Residential Dwelling Units	8
Nonresidential and Mixed Use Developments	8
Unlisted Use	8
Change of Use.....	9
Building Additions and Expansion of Existing Use	9
Exemptions	9
Previously Existing Structure	10
Accessory Use/Structure	10
Impact Fee Calculations	10
Fee Schedule	10
Shell Building Permit	11
Mixed Use	11
Open-air Space under a Permanent Roof.....	11
Church/Place of Worship (with Educational Operations)	12
Recreational Vehicle Parks (RV Parks)	12
Independent Impact Analysis	12
Pre-Application Meeting.....	12
Qualifications of Preparer	12
Optional Independent Impact Analysis	12
Mandatory Independent Impact Analysis	13

Requirements for Independent Impact Analysis	13
Sufficiency of Analysis	13
Decision by the County Impact Fee Administrator	13
Use of Impact Fee Funds	14
Benefit Districts	14
Credits for System Improvements	15
Eligible Improvements	15
Credit Application and Completeness Review	19
Valuation of System Improvements.....	21
Credit Recommendation and Final Authorization	21
Standards for Evaluation of Credit.....	22
Use of Credits.....	22
Miscellaneous Provisions.....	22
Impact Fee Refund	22
Annual Review	22
Administrative Interpretation.....	23
Appeal of Administrative Decision.....	24
Forms Related to the Administration of Impact Fees	24

CHRONICLED RECORD OF GOVERNING DOCUMENTS

The following tables provide a complete account of the historical evolution regarding the Impact Fee Ordinance, as well as the Impact Fee Administrative Procedures Manual.

The **Adoption History Table** below summarizes revisions, amendments, and updates to the Impact Fee Ordinance, including those made to Chapter 2 of the Land Development Code.

IMPACT FEE ORDINANCE		
Document No.:	Date Adopted	Purpose/Summary of Changes
Ord 86-09	06/27/1986	Establishment of Impact Fees for Roads, Parks, Solid Waste, and EMS for all incorporated and unincorporated parts of Manatee County.
Res 86-152	06/27/1986	Adopted administrative fees.
Ord 87-38	11/18/1987	Updated fee schedule based on inflation and providing changes in the formula used to calculate transportation component fees.
Ord 89-14	08/16/1989	Adjustment to the RV Park and Hotel/Motel category for the parks and recreation component of the Impact Fee schedule.
Res 90-71	09/27/1990	Amended Impact Fee Schedule, added Law Enforcement component, and increased Administrative Surcharge.
Res 01-184	08/14/2001	Eliminated Solid Waste impact fees. Law enf., fees increased 33% and Parks, EMS, and Road impact fees increased 40%.
Ord 02-33	05/07/2002	Adopted Countywide Impact Fee's for Education Facilities.
Ord 04-19	02/24/2004	Added Countywide Parks and Local City Parks into Impact Fee Schedule.
Ord 04-40	02/24/2004	Adopted increase of Countywide Impact Fees for Education Facilities based on inflation.

Res 04-67	02/24/2004	Established Impact Fee program for Affordable Housing.
Ord 05-62	08/23/2005	Adopted increase of Countywide Impact Fees for Education Facilities.
Ord 05-52	10/06/2005	*5-year Update Study – Adopted at 100%
Ord 06-75	11/07/2006	Amend Impact Fee Schedule. Consolidated local parks and countywide parks category and transportation impact fee into Roads impact fee.
Ord 09-07	02/03/2009	Eliminated medical-dental office category.
Ord 09-36	05/19/2009	Suspended charging and collection of Educational Facilities impact fees for a period of 2-years.
Ord 09-37	05/19/2009	Reduced Road impact fees by 50% for a period of 2 years.
Ord 11-20	06/21/2011	*5-year Update Study – Adopted at 100%. Extended the reduction of Road impact fees by 50% through September 30, 2011.
Ord 11-22	06/21/2011	Extended the suspension of charging and collection of Educational Facilities impact fees through July 27, 2013.
Ord 15-43	12/03/2015	*5-year Update Study – Adopted at 80%, with incremental increases to 90% after one year and to 100% after the Adopted impact fees for Library Facilities.
Ord 16-03	01/07/2016	Adopted new Impact Fee Schedule for Education Facilities at 50% percent. Increase to 75% percent after 1 year and 100% percent after 2-years.
Ord 17-46	08/03/2017	Adopted Educational Facilities Impact Fees at 100% percent.
Ord 18-07	03/20/2018	Adopted to cap Impact Fees at 90% percent.
Ord 21-19	10/21/2021	Updated to address changes in business processes, as well as consistency with Florida Statute and Land Development Code.

The **Adoption History Table** below summarizes changes or updates to the Impact Fee Administrative Procedures Manual.

IMPACT FEE ADMINISTRATIVE PROCEDURES MANUAL		
Document No.:	Date Adopted	Purpose/Summary of Changes
R-86-154	07/10/1986	Adopting Interim Procedures for Impact Fee Administration.
R-87-351	12/22/1987	Amending Section 10.7 and reject Independent Impact Analysis.
R-90-93	09/27/1990	Rescind Resolution No.: R-86-154 and adopt new Impact Fee Administrative Procedures Manual.
R-92-128	10/06/1992	Updates to the Manatee County Impact Fee Administrative Procedures Manual Section C – Definitions, Section D – Payment of Impact Fees, Section E – Independent Impact Analysis, Section G – Credits/Determination of Value
R-97-22	01/29/1997	Amending Section G.3.b., Specific Standards, and remove form 806-04 - Parks-credits for golf courses.
R-04-147	05/25/2004	Amending R-97-22, Delete and Replace Section F, 2. – Spending impact fees outside the construction district (aka Benefit District) from which fees were collected.
R-04-170	06/22/2004	Updated for consistency purposes with the Land Development Code.
R-17-107	12/07/2017	Adopting (new) Manatee County Impact Fee Administrative Procedures Manual. (Replaced R-04-170 in entirety)
R-19-152	11/19/2019	Updated for consistency with the Land Development Code.
R-21-040	12/14/2021	Updated to address changes in business processes, as well as consistency with Florida Statute and Land Development Code. (Replaced R-17-107 in entirety)

INTRODUCTION

The Impact Fee Administrative Procedures Manual (or “Manual”) contains supplemental details regarding the process for administering Manatee County’s Land Development Code (LDC) as it relates to multimodal transportation, parks and natural resource, law enforcement, libraries, and public safety impact fees - referred to collectively as “County capital facilities.” Each type of infrastructure funded by impact fee is defined in Chapter 2 of the LDC.

The Manual is organized within approximate accordance to the section headings contained in Chapter 11 of the LDC; however, is not intended to replace or act as a governing document. Fee payers and staff shall reference the current version of the LDC, in addition to the Manual and Impact Fee Update Study as a supporting documents.

Terms unique to the administration of impact fees are listed in Chapter 2 – DEFINITIONS, of the LDC under a subsection heading “Impact Fees.” In addition, several general definitions listed alphabetically throughout Chapter 2 are also relevant to a complete understanding of how impact fees are administered. For any land use included in the fee schedule, that is not defined in Chapter 2 – DEFINITIONS, of the LDC, definitions from the Institute of Transportation Engineers Trip Generation Report, (latest Edition) shall be used.

The County Impact Fee Administrator (Impact Fee Administrator), or designee, is responsible for implementation of impact fees. Responsibilities of administering impact fees include:

1. Management of the impact fee program,
2. Calculation of impact fees for new, or expanded, development, based on the adopted fee schedule or by an Independent Impact Analysis,
3. Determination of credits for System Improvements, as specified in a local development agreement, or other similar agreements, and
4. Coordination of impact fee expenditures for System Improvements.

LEGISLATIVE FINDINGS, RELIANCE ON IMPACT FEE STUDY, AND INTENT

The Board of County Commissioners approved the Manual, by Resolution No. 21-040, on December 14, 2021. In Manatee County, impact fees are codified in Chapter 11 of the LDC, with definitions of impact fee terms in Chapter 2 of the LDC.

It is the intent of Manatee County to have administrative decisions governed by specific criteria and impact fee methods documented in the Impact Fee Study and the legislative findings and intent articulated by the Board of County Commissioners in the LDC. The Commissioner’s findings and the legislative intent, guide the implementation and administration of impact fees.

IMPACT FEE DETERMINATION

Section 1102, LDC, describes the manner in which impact fees are imposed and calculated, land uses exempt from the impact fee obligation, the means by which an Independent Impact Analysis may be performed to verify the impact of a proposed use on County capital facilities, and the award and use of credits against impact fees. This section of the Manual clarifies the manner in which those sections of the LDC are to be implemented to maintain consistency with Florida law and generally-accepted impact fee practices in the state.

Impact Fee Obligation

Unless expressly exempt by subsection 1102.2, LDC, all new development that creates additional impacts on County capital facilities will be subject to the impact fee obligations of section 1102.1. This requirement may include new developments, additions to existing developments, change of use, and may involve both indoor and outdoor land uses. The amount of impact fees owed is determined when a building permit application is submitted or as otherwise provided in section 1102, LDC.

Impact fees previously paid on prior structures, remain with the land. At the time of future expansion or redevelopment of buildings that previously paid an impact fee, an impact fee adjustment based on the previously use will be applied to the expansion or redevelopment. (See “Change of Use” section elsewhere within the Manual)

Residential Dwelling Units

For all types of residential land use categories, impact fees shall be imposed on a per dwelling unit basis according to the size thresholds established in the fee schedule. Unit size is based on square feet of climate-controlled floor area (excluding garages, porches, and patios), which is consistent with the methodology and data in the Impact Fee Study.

Nonresidential and Mixed Use Developments

Impact fees for mixed use and nonresidential developments are determined by the Impact Fee Administrator based on the administration of definitions and regulations within the LDC, in addition to the provisions of this Manual. Mixed uses and some nonresidential uses can be complex, so additional guidelines are provided in the subsection below titled “Impact Fee Calculations”.

Unlisted Use

For a use not specifically listed on the fee schedule or defined per the Impact Fee definitions in Chapter 2 of the LDC, the Impact Fee Administrator shall determine the fee category into which the proposed land use most accurately fits. The determination shall be based on the assumptions and methodology in the Impact Fee Study and other relevant and professionally-accepted indicators of demand. Should the Impact Fee Administrator determine that a proposed use does not fit any listed category in the schedule, the Impact Fee Administrator may conduct an Independent Impact Analysis, in accordance with section 1102.3, LDC, to determine the appropriate fee.

In these instances, the Impact Fee Administrator shall maintain a list of determinations made as to proposed *unlisted* land uses; first, to ensure the LDC is applied consistently

with subsequent applications; and second, to inform stakeholders during subsequent impact fee studies, LDC revisions, and updates to the Manual. In addition, an applicant may choose to prepare an Independent Impact Analysis consistent with Section 1102.3, LDC, and as described elsewhere in this Manual. (See both “Miscellaneous Provisions” and “Independent Impact Analysis” sections elsewhere within the Manual).

Change of Use

In the case of a change in use or redevelopment of an existing building and/or site, the impact fee will be assessed based on the net increase for the new use compared to the previous use for each individual type of infrastructure. The previous building should be in existence at the initial implementation date of the corresponding impact fee system. The applicant is responsible for providing the necessary documentation related to the prior structure (See “Previously Existing Structures” section elsewhere within the Manual).

The Impact Fee Administrator shall determine whether the new use amounts to a change in use or is deemed an accessory use/structure that would not require additional impact fees. For example, if a professional office were converted to retail space, the new retail space would generate additional demand for all impact fees, with the exception of those that are collected only from residential land uses (education facilities, libraries and parks and recreation). In the event that intensity is reduced during redevelopment or reoccupancy, any excess credit for previously paid impact fees remains with the property.

Building Additions and Expansion of Existing Use

When an existing structure or land use is expanded, an additional impact fee may be required in instances where the expansion increases the number of “development units”, as defined in the LDC.

For each category of County capital facilities for which impact fees are assessed, fees will be based on the net increase in fees owed under the current impact schedule as applied to the existing building/use compared to fees owed for the proposed new building/use. The previous building should be in existence at the effective date of the corresponding impact fee system. The applicant is responsible for providing the necessary documentation related to the prior structure. (See “Previously Existing Structures” section elsewhere within the Manual).

Exemptions

Section 1102.2, LDC, exempts certain land uses from the collection of impacts fees. These exemptions include land uses that do not create a permanent and significant impact on County capital facilities (*e.g.* temporary use/structure and replacement of a destroyed building), as well as exemptions required by state law or allowed as a matter of policy of the Board of County Commissioners (*e.g.*, public schools, government uses, and port authority developments). (Additional reference to section 1108.6, LDC - Affordable Housing)

Previously Existing Structure

Under subsections 1102.2(A) and (B) of the LDC, impact fees shall not to be collected for expansion of residential structures that do not increase the number of dwelling units or replacement of nonresidential structures. The applicant is responsible for providing the necessary documentation related to the details of the prior structure. Examples of acceptable documentation include:

1. Signed and sealed survey or architectural drawing;
2. Records of a Building Official;
3. Property Appraiser records providing the details of the property;
4. Aerial photography with clearly documented date;
5. Other documentation approved by the Impact Fee Administrator.

Accessory Use/Structure

Some developments may include an accessory use or structure that are associated with, but incidental and subordinate to, the primary land use. These uses and/or structures do not generate impacts on capital facilities separate from the primary use. For example, residential communities may include amenities such as a clubhouse or fitness center for use of the tenants. These private amenities are “accessory” and will not be assessed an impact fee because the impact fee methodology attributes service units (*i.e.* residents and vehicle miles of travel) to the residential dwellings. Chapter 2 of the LDC further defines what constitutes both accessory uses and structures.

Impact Fee Calculation

Fee Schedule

The current impact fees were adopted March 20, 2018, and are 90% of the recommended fees demonstrated in the Manatee County 2015–Impact Fee Update prepared by TischlerBise, and dated December 3, 2015. The Impact Fee Administrator determines the appropriate land use category, based on the nature of the use, the intent of the LDC, and the methodology and assumptions in the Impact Fee Study.

Implementation of impact fees and any necessary administrative interpretations are based on the impact a proposed use has on County capital facilities – whether measured by additional vehicle miles of travel, population, student generation rate, or other service units upon which the Impact Fee Study was based.

On occasion it may be necessary for the Impact Fee Administrator to assess fees on a development that does not align with developments specifically listed in the fee schedule. The objective is to narrow the number of situations that require interpretation. Instances where an interpretation is unavoidable, the Impact Fee Administrator shall provide specific direction to staff and the development community, to achieve consistent application of the LDC, based on the Impact Fee Study and documentable indicators of County

capital facility demand. (See “Miscellaneous Provisions” section elsewhere within the Manual)

The following types of structures/land uses are frequently proposed. As such, the manner in which the County applies Chapter 11 of the LDC, is set forth below.

Shell Building Permit

Often a builder constructs the “shell” of a nonresidential building, for which a particular use is unknown at the time of building permit application. Building use(s) cannot be confirmed until the review of one or more permit applications to build-out the building’s interior. Since shell building permit applications involve nonresidential or mixed use projects, the fee will be determined by the Impact Fee Administrator. The most common shell building permit applications are for “Commercial/Shopping Center” and “Light Industrial”. (See Chapter 2 of the LDC) In these cases, impact fees will be assessed at the time a building permit is obtained for the shell building, and the fee amount will be based on the applicant’s intended use of the entire shell structure. (Additional consideration given to zoning, land use plan designation, and surrounding uses.)

Subsequent permits for interior finish do not require additional impact fees unless deemed to be a change in use. Impact fees assessed on the shell permit must be paid prior to approval of any permits associated with an interior finish. If a building is converted from a multiple-tenant to single tenant building, then impact fees may be assessed if it is determined that additional impacts will be incurred on the capital facilities.

Mixed Use

Buildings that include a vertical mix of uses, impact fees will be assessed for each type of development and the results aggregated. An Independent Impact Analysis may be performed for a proposed mixed use development to determine the overall impacts on County capital facilities and the appropriate impact fee.

Buildings that do not contain a vertical mix of use, the unit of analysis is the entire building. Consistent with methods described by the Institute of Transportation Engineers (ITE), a particular structure may include minor secondary uses associated with the primary land use. For example, in addition to the production of goods, a manufacturing building may include some office and warehouse space. The impact fee will be assessed based on the total floor area of the entire building, using the rate for the primary land use.

Open-air Space under a Permanent Roof

Non-residential developments that include an outdoor use area covered by a permanent roof may be assessed additional impact fees for the area located under the open-air roof, above the assessment of impact fees for of any enclosed floor area within a building. Uses commonly located under an open-air permanent roof include, but are not limited to, outdoor storage of recreational vehicles, outdoor dining, gasoline fuel pumps, and manufacturing operations.

Commercial developments with fuel pumps, impact fees will be assessed based on the total square feet of any climate-controlled building, plus the outdoor area covered by a permanent roof structure above the fuel pumps.

Dining establishments that include outdoor seating under an open-air permanent roof, additional impact fees will not be imposed unless the outdoor seating area under a permanent roof exceeds 25% of the floor area of the principal use building.

Church/Place of Worship (with Educational Operations)

Church/Places of Worship and other religious institutions that operate a full-time/weekday Daycare and/or School will be assessed impact fees using the Daycare/School rate applied to the portion of the floor area dedicated to operation of the Daycare and/or School.

Those that do not operate weekday Daycare and/or School, impact fees will be assessed using the Office & Other Services rate applied to the total climate-controlled floor area of the office space dedicated to the primary use on an average weekday.

Recreational Vehicle Parks (RV Parks)

RV sites/pads will be assessed impact fees at the Lodging rate per the fee schedule, with each pad considered to be equivalent to a room for purposes of calculating impact fees.

INDEPENDENT IMPACT ANALYSIS

As described in section 1102.3, LDC, an applicant may submit an “Independent Impact Analysis” in order to demonstrate that a different level of impact should be the basis for the impact fee obligation and not the fee schedule in the LDC. In addition, the Impact Fee Administrator may perform an Independent Impact Analysis using County staff and current local data in order to verify the appropriate impact fee obligation for a proposed development, including uses not listed in the fee schedule, mixed uses, changes in use, and the extent to which a particular use or structure is accessory to a primary use.

The following procedures apply to Independent Impact Analyses:

Pre-Application Meeting

Before beginning the Independent Impact Analysis, the Feepayer and the qualified preparer will attend a pre-application meeting with the Impact Fee Administrator. The purpose of the meeting will be to discuss the procedures, requirements, methodology, and standards to be used in the Independent Impact Analysis.

Qualifications of Preparer

An Independent Impact Analysis will be prepared and certified by an expert approved by the Impact Fee Administrator, based on relevant training and experience (e.g., a registered professional engineer or member of the American Institute of Certified Planners). The preparer should be qualified in the fields of planning, engineering, or economics, or an impact fee consultant.

Optional Independent Impact Analysis

In lieu of determining impact fees based on the current schedule, a Feepayer may submit an application requesting that impact fees be determined by an Independent Impact Analysis. If the Independent Impact Analysis is being prepared for a land use included in the adopted rate table, the party requesting the Independent Impact Analysis shall demonstrate by competent substantial evidence that the data, assumptions, and service

units used in the Impact Fee Study are less accurate than the results of the Independent Impact Analysis. This can result in a requirement that all components of “linked” data be considered. For example, in transportation impact fee methodologies, travel demand is a function of trip rate and trip length; therefore, an independent analysis of one will typically be required to also consider the other.

Mandatory Independent Impact Analysis

The Impact Fee Administrator may require a Feepayer to perform an Independent Impact Analysis if the type of impact-generating land development is not comparable to a category listed in the impact fee schedule. If the Feepayer is required to perform an Independent Impact Analysis, the Feepayer will retain a qualified professional at the Feepayer’s expense. The expense of preparing the Independent Impact Analysis will be an impact fee credit applied to reduce the Administrative Surcharge.

Requirements for Independent Impact Analysis

An Independent Impact Analysis will use most recent and localized data for the demand component of the fees. It will be based on the same methodologies, infrastructure standards, and costs used in the Impact Fee Study. In the case of multimodal transportation impact fees, the Independent Impact Analysis will use the formulas in the Impact Fee Study to determine travel demand, but may also attempt to demonstrate that alternate trip generation rates, alternate capture rates, and alternate trip lengths more accurately reflect the transportation impacts of the proposed impact-generating land development. Supporting documentation will be provided through local data, and may include statistically valid surveys or a review of relevant professional literature.

In the case of impact fees for other types of infrastructure, the Independent Analysis will use the formulas in the Impact Fee Study for the appropriate fee; however, may also attempt to demonstrate that applicable service units per development unit vary from the rates used in the Study. Supporting documentation will include recent and local data, and may include statistically valid surveys or a review of relevant professional literature.

Sufficiency of Analysis

Within ten (10) business days of receipt of an application, the Impact Fee Administrator will review the request for Independent Impact Analysis and the Feepayer’s application for completeness and sufficiency. If additional material is required for effective review of the Independent Impact Analysis, the Impact Fee Administrator will notify the applicant of the need for such additional material. The applicant will provide the requested additional materials within thirty (30) calendar days of receipt of notice from the Impact Fee Administrator, or the application will be considered withdrawn.

Decision by the County Impact Fee Administrator

Within thirty (30) calendar days after a determination that the application and accompanying analysis are complete, the Impact Fee Administrator will render a written decision accepting, accepting with modifications, or rejecting the Independent Impact Analysis based on the review standards below. The Impact Fee Administrator will consult with other County staff and may seek the advice of impact fee consultants before rendering a decision. If an Independent Impact Analysis is accepted, or accepted with

modifications, then the impact fees will be determined by the Independent Impact Analysis.

The standards for acceptance, modifications, or rejection, will be based on whether the Independent Impact Analysis demonstrates, by competent substantial evidence, that an alternative impact fee amount more accurately reflects the demands for County capital facilities than the current impact fee schedule. Supporting documentation will include recent and localized data, and may include statistically valid surveys or a review of relevant professional literature.

USE OF IMPACT FEE FUNDS

Under Florida case law, impact fees must be spent in a manner that ensures a rational nexus, or “reasonable connection,” between fees paid and the benefit to the payer resulting from the public facilities constructed with impact fee revenues. This is accomplished by maintaining a Capital Improvements Program (or “CIP”) that includes improvements to County capital facilities within reasonable timeframes, which are set forth in the LDC. In addition, impact fees must be spent within the geographic area, or Benefit District established in the Impact Fee Study; except as authorized pursuant to section 1104.2.B, LDC. Therefore, the County will review its CIP each year to ensure improvements funded by impact fees are scheduled and completed, as described in the “Annual Review” section elsewhere within the Manual.

Furthermore, the Florida Impact Fee Act requires that revenues and expenditures of each type of impact fee be accounted for separately. This ensures that impact fee revenues are not spent for purposes other than providing infrastructure capacity that benefits Fee payers. Accordingly, the Manatee County Clerk of Courts maintains separate funds and subaccounts to earmark the collection and expenditure of impact fees as required by law. The specific requirements for accounting for impact fees are set forth in the LDC.

Benefit Districts

Impact fee collections and expenditures are maintained and accounted for according to the Benefit Districts described in the LDC. Impact fees collected prior to April 18, 2016, imposed pursuant to prior studies and assumptions, must also be spent to ensure a benefit accrues to those who paid the fees, as required by law. Therefore, prior to the expenditure of countywide impact fee funds collected before April 18, 2016, the Impact Fee Administrator will consult with other County staff to determine appropriate and lawful expenditures of such funds.

In the case of Multimodal Transportation Impact Fees, an improvement that is located in more than one benefit district will be eligible for funds from each district. In the case of improvements located in one district but benefit multiple districts, the County will conduct an analysis to determine benefit. Pursuant to Section 1104.2.B, LDC, if the Impact Fee Administrator determines a capital improvement is eligible for funding with impact fee proceeds from outside the benefit district where the capital improvement is located, staff will prepare a resolution with findings for Board consideration.

CREDITS FOR SYSTEM IMPROVEMENTS

System Improvements that are eligible for credits have the effect of providing capacity to County capital facilities, which will fully or partially address the demand from new development. Credits are necessary to ensure that a property owner or developer who provides infrastructure capacity is not subject to double payment for County capital facilities. Typically, credits will offset impact fees due on building permits issued within the development for which a credit for System Improvements was approved.

Consistent with Florida Statutes subsection 163.3180(5)(h), transportation impact fee credits will be provided for proportionate share payments made to satisfy transportation concurrency requirements. Such credits will be pursuant to the terms of a development agreement between the County and the applicant. Such agreement may include provisions addressing the identification of one or more mobility improvements to benefit a regionally significant transportation facility to be fully funded and completed by or on behalf of the applicant, the County, and/or another governmental or quasi-governmental entity. Such agreement may also include provisions for the timing of impact fee credits or refunds to reflect the need for particular System Improvements for which credits are awarded.

Eligible Improvements

Any person commencing an Impact-Generating Land Development may apply for a site-specific credit for contributions, construction of improvements, or dedications of land accepted and received by the County for System Improvements, as defined in Chapter 2, LDC. If a development site is adjacent to an arterial or collector street, as depicted in Map 5B (Future Traffic Circulation Functional Classification) of the Manatee County Comprehensive Plan, that is not yet constructed, the owner/developer will be required to provide adequate transportation access. Transportation access to residential subdivisions, multifamily housing, and all nonresidential development, must meet the minimum standards listed below (Option A or B). To obtain impact fee credits, see the application and authorization process described elsewhere within the Manual.

Option A - Two Lane Divided Urban

	Count	Feet	Total Feet
1. Median	1	19.34	19.34
2. Travel Lanes	2	12	24
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	8	16
7. Sidewalks	2	5	10
Total ROW Width			84

Source: Page T-81, Manatee County Public Works Standards Manual dated November 2016.

Option B - Complete Streets Collector

	Count	Feet	Total Feet
1. Median	1	14	14
2. Travel Lanes	2	11	22
3. Bike Lanes	2	5	10
4. Curbs	2	2	4
5. Landscape Buffers	2	9	18
6. Sidewalks	2	8	16
Total ROW Width			84
Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated November 2016.			

If a property owner or developer requests impact fee credits for constructing any of the street options specified below (See options C-J), the owner/developer shall have a pre-application meeting with the Impact Fee Administrator and Public Works staff to reach consensus on the general terms of a credit authorization. The Impact Fee Administrator will provide a written summary of the general terms to be incorporated into a draft Credit Authorization. The Credit Authorization must include the eleven information items required of all credit applications, as specified below. Credit Authorizations will be reviewed and approved or denied by the Impact Fee Administrator.

Options C and D below can accommodate either two or four travel lanes within 100 feet of ROW. Option C (two lanes) has forty-eight (48)-feet of asphalt with on-street parking. Option D (four lanes) has fifty-four (54)-feet of asphalt for moving automobiles and bikes, with no parking.

Option C – Principal Street with Two Lanes

	Count	Feet	Total Feet
1. Median	1	14	14
2. Travel Lanes	2	11	22
3. Bike Lanes	2	5	10
4. Parking	2	8	16
5. Curbs	2	8	4
6. Landscape Buffers	2	9	18
7. Sidewalks	2	8	16
Total ROW Width			100
Source: Page T-81, Manatee County Public Works Standards Manual dated November 2016.			

Option D – Principal Street with Four Lanes

	Count	Feet	Total Feet
1. Median	1	10	10
2. Travel Lanes	4	11	44
3. Bike Lanes	2	5	10
4. Curbs	2	2	4
5. Landscape Buffers	2	8	16
6. Sidewalks	2	8	16
Total ROW Width			100
Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated November 2016.			

The table below provides three options for a street with one hundred twenty (120)-feet of ROW. Option E is for two travel lanes in a suburban setting where stormwater swales are appropriate. Options F and G have four travel lanes but different design features. Option F has forty-eight (48)-feet of asphalt for vehicular travel and wide multiuse paths that are twelve (12)-feet wide. Option G has fifty-six (56)-feet of asphalt for automobiles and bikes, with sidewalks that are five feet wide.

Option E – Two Lane Divided Suburban

	Count	Feet	Total Feet
1. Median	1	16	16
2. Travel Lanes	2	12	24
3. Bike Lanes	2	4	8
4. Curbs	2	2	4
5. Stormwater Swales	2	29	58
6. Sidewalks	2	5	10
Total ROW Width			120
Source: Page T-82, Manatee County Public Works Standards Manual dated November 2016.			

Option F – Urban Parkway

	Count	Feet	Total Feet
1. Median	1	20	20
2. Travel Lanes	4	12	48
3. Curbs	4	2	8
4. Landscape Buffers	2	10	20
5. Multiuse Paths	2	12	24
Total ROW Width			120
Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated November 2016.			

Option G – Four Lane Divided

	Count	Feet	Total Feet
1. Median	1	19.34	19.34
2. Travel Lanes	4	12	48
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	14	28
7. Sidewalks	2	5	10
Total ROW Width			120
Source: Page T-80, Manatee County Public Works Standards Manual dated November 2016.			

Another four (4) lane street, that includes on-street parking, is Option H below. Although infrequent in the unincorporated area, Option I is for a six lane County arterial.

Option H - Boulevard

	Count	Feet	Total Feet
1. Median	1	18	18
2. Travel Lanes	4	11	44
3. Bike Lanes	2	4	8
4. Parking	2	7	14
5. Curbs	4	2	8
6. Landscape Buffers	2	8	16
7. Sidewalks	2	8	16
Total ROW Width			124
Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated Nov 2016.			

Option I – Six Lane Divided

	Count	Feet	Total Feet
1. Median	1	19.34	19.34
2. Travel Lanes	6	12	72
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	17	34
7. Sidewalks	2	5	10
Total ROW Width			150
Source: Page T-79, Manatee County Public Works Standards Manual dated November 2016.			

Outside Manatee County’s water and wastewater service area, a property owner or developer may elect to construct a Rural Parkway, according to the standards in the table below (See Option J). If a property owner or developer requests impact fee credits for a Rural Parkway, the owner/developer must have a pre-application meeting with Manatee County’s Impact Fee Administrator and Public Works staff to reach consensus on the general terms of a credit agreement. The Impact Fee Administrator will provide a written summary of the general terms to be incorporated into a draft Credit Agreement, which will be prepared by the owner/developer. Unless otherwise determined by the Impact Fee Administrator a Credit Agreement shall include the eleven (11) information items as specified below. Credit Agreements will be reviewed by the Impact Fee Administrator, and then scheduled for approval by the Board of County Commissioners as a consent agenda item.

Option J – Rural Parkway

	Count	Feet	Total Feet
1. Median	1	40	40
2. Travel Lanes	4	12	48
3. Curbs	2	6	12
4. Landscape Buffers	2	8	16
5. Multiuse Paths	2	12	24
Total ROW Width			140
Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated Nov 2016.			

Credit Application and Completeness Review

A written Application for Impact Fee Credit must be submitted to the Impact Fee Administrator. The amount of credit must be specified in the application. The general intent of Manatee County is to limit impact fee credits to the actual costs of System Improvements, up to but not to exceed, the infrastructure costs used in the Impact Fee Study. If requested credits routinely exceed cost assumptions used in the Impact Fee Study, the Impact Fee Administrator will request a study update to evaluate cost factors.

For multimodal transportation improvements, the application for Impact Fee Credit must include the following information:

1. Total Right-Of-Way (ROW) land value
2. Square feet of ROW dedicated (avg. ROW width multiplied by centerline length)
3. Land value per square foot (item 1 divided by item 2)
4. Actual construction cost of transportation improvements
5. Number of travel lanes
6. Centerline miles
7. Lane miles (item 5 multiplied by item 6)
8. Total project cost (item 1 plus item 4)
9. Total project cost per lane mile (item 8 divided by item 7)
10. Percent System Improvement (See paragraph and table below)
11. Requested credit (item 8 multiplied by item 10)

Manatee County will individually review and grant impact fee credits for System Improvements using the percentage shown below for specific types of streets. For example, if a developer constructs a Principal Street (Option C or D), with a recommended ROW width of one hundred (100)-feet, then 50% (i.e. 50 feet divided by 100 feet) of the cost for land and improvements is site-related and 50% is considered to be a System Improvement that is eligible for impact fee credits. If a developer constructs an Urban Parkway (Option F), with a recommended ROW width of one hundred twenty (120)-feet, then 42% (i.e. 50 feet divided by 120 feet) of the cost for land and improvements is site-related and 58% is considered to be a System Improvement that is eligible for impact fee credits.

Area	Street Type	Recommended ROW Width (feet)*	Percent Site-Related	Percent System Improvement
Urban	Urban and Suburban Local (base for credit in urban and suburban area)	50	100%	0%
Urban	Main	74	68%	32%
Urban	Avenue	80	63%	37%
Urban	Option A Two Lane Divided Urban	84	60%	40%
Urban	Option B Complete Streets Collector	84	60%	40%
Urban	Option C Principal with Two Lanes	100	50%	50%
Urban	Option D Principal with Four Lanes	100	50%	50%
Suburban	Option E Two Lane Divided Suburban	120	42%	58%
Urban	Option F Urban Parkway	120	42%	58%
Urban	Option G Four Lane Divided	120	42%	58%
Urban	Option H Boulevard	124	40%	60%
Urban	Option I Six Lane Divided	150	33%	67%
Rural	Rural Local (base for credit in rural area)	72	100%	0%
Rural	Option J Rural Parkway	140	51%	49%
Based on recommended standards: Pages T-20, T-79, T-80, T-81 and T-82, Manatee County Public Works Standards Manual dated November 2016.				

For all other types of infrastructure, the application for Impact Fee Credit must include the following information.

1. Capital cost requested for credit
2. Infrastructure quantity
3. Infrastructure units
4. Cost per infrastructure unit (item 1 divided by item 2)

Within thirty (30) calendar days of receiving an application for Impact Fee Credit, the Impact Fee Administrator will determine if it is complete. If the Application is found to be incomplete, the Administrator will notify the applicant with a detailed list of deficiencies in the application. In the event that the applicant does not submit the lacking information, or a request for an extension within thirty (30) calendar days, the application will be considered withdrawn.

Valuation of System Improvements

The value of any contribution, construction of improvements, or dedication of land, for which an impact fee credit is sought, must be calculated as of the earliest point in the development-approval process when the need for the System Improvement was identified. Documentation supporting the land valuation and actual cost of improvements must be provided with the application.

If a developer submits a real estate appraisal for land valuation, the developer must identify the date of valuation and name Manatee County as an “intended user” of the report. Manatee County may outsource a review of any land valuation with a professional real estate appraiser, who will work directly with the developer’s appraiser to recommend a reasonable land valuation for a particular site.

For transportation Rights-Of-Way (ROW), or any other land parcel for which impact fee credits are requested, Manatee County will provide an expedited approval of credits if land value is based on the most recent assessed valuation from the Manatee County Property Appraiser website, or derived from the land cost per acre documented by the most recent real estate sale for the site. All land valuation based on a real estate appraisal must be reviewed by Manatee County Property Management Department. For impact fee credits, the maximum land value should not significantly exceed the maximum cost factor assumed in the Impact Fee Study.

Impact Fee credits for System Improvement - Improvements other than land, shall be based on the actual cost of capital improvements accepted by the County, in accordance with credit or development agreements, and the Public Works Manual.

Credit Recommendation and Final Authorization

Within thirty (30) business days after an Application for Impact Fee Credit is deemed to be complete, it will be reviewed by the Impact Fee Administrator to determine whether it meets the standards outlined below, whether it should be accepted, and the amount of credit to be authorized. The Impact Fee Administrator may consult with other County staff and impact fee experts before rendering a decision to issue a Final Credit Authorization. No credit may be redeemed in satisfaction of the impact fee obligation

until credits are issued. Final Credit Authorization may not be issued until all land dedications and improvements have been completed and accepted by the County.

Standards for Evaluation of Credit

Unless a particular System Improvement was required as a condition of development approval or a credit is otherwise required by law, the Impact Fee Administrator shall decide whether to accept, accept with modifications, or reject a requested credit based on the extent to which granting the impact fee credit will result in a cost reduction to the County for the applicable category of County capital facilities. In addition, the Impact Fee Administrator will evaluate the impact of a requested credit on County infrastructure planning and capital improvements programming to ensure improvements eligible for credits occur concurrent with, not prior to, the need for additional infrastructure capacity.

Use of Credits

Authorized credits may be used to satisfy impact fee obligations for developments proposed within the same, or to the extent required by Florida Statute, “adjacent”, Benefit District, whether as part of the same property or a different property, regardless of property ownership. Developers or builders wishing to apply such offsets must submit the form “Request for Use of Impact Fee Credit” to the Impact Fee Administrator. If credits will be used by a person other than the person who received the credit, an Assignment of Impact Fee Credit must be signed by the assignor and assignee and the form notarized.

MISCELLANEOUS PROVISIONS

Impact Fee Refund

To initiate a request for a refund of impact fees, an applicant shall submit a Request for Impact Fee Refund form to the Impact Fee Administrator. The procedures and criteria for impact refunds are set out in the LDC. If a Successor-in-Interest to the original Feepayer claims a refund, written documentation must be submitted to verify that rights to a refund have been lawfully conveyed to the claimant.

Annual Review

To ensure ongoing consistency with the LDC, state law, and this Manual, the Impact Fee Administrator will annually review impact fee determinations with the Impact Fee Coordinator and Building Department staff. In coordination with County staff, at least once during each fiscal year, the Impact Fee Administrator will prepare and present an annual financial report to the Board of County Commissioners documenting impact fee collections and expenditures by type of infrastructure and Benefit District. The report will include end of fiscal year fund balances, showing cash available after deducting appropriations. Upon presentation of the annual fiscal report to the Board, the Impact Fee Administrator will display the reports on the County’s website. The annual financial report may include recommendations needed to ensure that the County’s impact fee program remains in compliance with the provisions of the LDC, the Florida Impact Fee

Act, F.S. § 163.31801, and applicable case law. Such recommendations may include, without limitation, revisions to the Land Development Code, changes to the Capital Improvements Program, changes to accounting procedures, changes to the administrative surcharge, amendments to this Manual and the possible need for an updated Impact Fee Study.

In addition, the director of the Financial Management Department, or designee, will conduct quarterly audits of impact fee determinations using a random sampling of building permits and development applications. The Florida Impact Fee Act requires any audits performed under F.S. § 218.39 and submitted to the Auditor General to include an affidavit signed by the County's Chief Financial Officer stating that the County has complied with the Florida Impact Fee Act.

Administrative Interpretation

The primary objective is to ensure that impact fees are assessed consistently over time and in a manner that is grounded in the Impact Fee Study assumptions and methodologies.

The intent of the Manual is to provide the criteria for making interpretations, as well as to provide for additional supporting documentation to the requirements of the LDC. The criteria shall *always be tied to a verified demand for capital facilities for which impact fees are assessed.*

In order to advance consistency in the County's administrative procedures over time, the Impact Fee Administrator will document any administrative interpretations of the LDC related to impact fees, along with the rationale for the decision. This will encourage consistent interpretations in the future, may inform the need for revisions to the impact fee program during the annual review, and may suggest the need for revisions during the next Impact Fee Study update.

Each entry should:

- a. Explain why an interpretation is needed (*i.e.* what is it about the proposed land use that creates a question under the language of the LDC);
- b. Identify any prior administrative interpretations that are relevant and provide guidance;
- c. Identify components of the current Impact Fee Study and methodology which bear on the administrative interpretation; and
- d. Describe why the interpretation is believed to most closely follow requirements of Florida case and statutory law.

Administrative interpretations should be guided by the findings and intent of the LDC and the methodology and rationale set out in the Impact Fee Study. An applicant may appeal a determination of the Impact Fee Administrator, as provided in § 1107 of the LDC, including administrative procedures related to impact fees. As needed, the Impact Fee Administrator should craft and propose amendments to the LDC to clarify impact fee policies and administrative procedures.

Appeal of Administrative Decision

A decision made by the Impact Fee Administrator on any matter governed by Chapter 11, LDC, may be appealed to the Board of County Commissioners. To initiate an appeal, the Feepayer shall submit an Application for Appeal and a Notice of Appeal (authorized by Chapter 11, LDC) with the Impact Fee Administrator within sixty (60) calendar days of the decision, according to the procedures set forth in section 1107, LDC.

FORMS RELATED TO THE ADMINISTRATION OF IMPACT FEES

The Administrative Procedures Manual contains the following supplemental forms used in the administration and implementation of impact fees. Fillable forms can also be downloaded at <https://www.mymanatee.org/impactfees>



APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION

Under the provisions of the Manatee County Land Development Code, a Feepayer may appeal any administrative decision of the County Impact Fee Administrator to the Board of County Commissioners as provided in section 1107, including but not limited to any of the following matters:

- Administrative Interpretation
- Independent Impact Analysis
- Impact Fee Refund
- Request for Impact Fee Credit

An appeal must be filed in writing to the County Impact Fee Administrator within sixty (60) days of the formal administrative decision.

APPELLANT INFORMATION:

Date Appeal Filed: _____ Date of Administrative Decision: _____

Type of Administrative Decision Being Appealed: _____

Appellant Name: _____

Address: _____

Telephone Number: _____

E-mail Address: _____

APPLICATIONS FOR APPEAL SHALL INCLUDE:

_____ Copy of the Administrative Decision

_____ Written notice stating in detail the grounds of the appeal

_____ Asserted basis for a reversal or modification

_____ Identify related sections of the Land Development Code

(Initial each line above, indicating acknowledgement of providing documents as part of application.)

APPELLANT SIGNATURE AND DATE:

Signature

Date

Printed Name

FOR STAFF USE

Request Received By _____

Date Received _____

Hearing Date _____



APPLICATION FOR IMPACT FEE CREDIT

FOR STAFF USE

Application Date: _____ Credit Authorization Number: _____

File Name: _____

Type of County Capital Facility:	<input type="checkbox"/> LAW ENFORCEMENT
	<input type="checkbox"/> LIBRARIES
	<input type="checkbox"/> PARKS
	<input type="checkbox"/> PUBLIC SAFETY
	<input type="checkbox"/> MULTIMODAL TRANSPORTATION
Type of improvement:	<input type="checkbox"/> LAND DEDICATION
	<input type="checkbox"/> CONSTRUCTION
	<input type="checkbox"/> OTHER (EXPLAIN BELOW)

APPLICANT INFORMATION:

I. OWNER OF PROPERTY

Name: _____

Mailing Address: _____

Telephone Number: _____

E-mail Address: _____

II. DEVELOPER (IF DIFFERENT THAN OWNER)

Name: _____

Mailing Address: _____

Telephone Number: _____

E-mail Address: _____

III. OTHER AGENT

Name:

Mailing Address:

Telephone Number:

E-mail Address:

IV. AUTHORIZED SIGNER

Print Name:

Signature:

DEVELOPMENT PROJECT/PROPERTY INFORMATION:

1. Manatee County Project Number: _____

2. Project Name: _____

3. Type of Development Project: _____

4. Address or Location of Property for Which Impact Fee Credit is Requested:

5. Parcel ID Number(s): _____

6. General Description of Property (e.g., existing and proposed uses, Benefit District):

7. Description of System Improvements to be constructed, paid for, or dedicated (if applicable):

MULTIMODAL TRANSPORTATION SYSTEM IMPROVEMENT INFORMATION:

1. Total Right-of-Way (ROW) land value _____
2. Square feet of ROW land dedicated (average ROW width x by centerline length) _____
3. Land value per square foot (item 1 divided by item 2) _____
4. Actual construction cost of transportation improvements _____
5. Number of travel lanes _____
6. Centerline miles _____
7. Lane miles (item 5 multiplied by item 6) _____
8. Total project cost (item 1 plus item 4) _____
9. Total project cost per lane mile (item 8 divided by item 7) _____
10. Percent system improvement (see Procedures Manual) _____
11. Requested credit (item 8 multiplied by item 10) _____

(Attach copies of project costs indicating materials and quantities, invoices with canceled checks, and other related project documentation.)

OTHER SYSTEM IMPROVEMENT INFORMATION:

1. Capital cost requested for credit _____
2. Infrastructure quantity _____
3. Infrastructure units _____
4. Cost per infrastructure unit (item 1 divided by item 2) _____

(Attach copies of project costs indicating materials and quantities, invoices with canceled checks, and other related project documentation.)

APPLICANT SIGNATURE AND DATE:

Signature

Date

Printed Name



ASSIGNMENT OF IMPACT FEE CREDITS

_____, (Credit Assignor) a _____ (LLC, Comp, Corp, etc), for good and valuable consideration received, does hereby assign and transfer to _____, (Credit Assignee) a _____ (LLC, Comp, Corp, etc.) Impact Fee Credits in the amount of _____ (write out dollar amount) (\$ _____) issued by Manatee County via Impact Fee Credit Authorization #CA-____-____ (____); and _____ (Credit Assignee) hereby accepts this assignment and transfer. All remaining Impact Fee Credits not transferred are reserved by _____ (Credit Assignor).

CREDIT ASSIGNOR

CREDIT ASSIGNEE

Signed By: _____

Signed By: _____

Name: _____

Name: _____

Title: _____

Title: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, the _____ (title) of _____ (CREDIT ASSIGNOR), on behalf of the _____ (LLC, Comp, Corp, Etc.). The person is personally known to me (____) or has produced _____ as identification.

NOTARY SEAL

Notary Public, State of _____
Print Name: _____
Commission No.: _____
My Commission Expires: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, the _____ (title) of _____ (CREDIT ASSIGNEE), on behalf of the _____ (LLC, Comp, Corp, Etc.). The person is personally known to me (____) or has produced _____ as identification.

NOTARY SEAL

Notary Public, State of _____
Print Name: _____
Commission No.: _____
My Commission Expires: _____



REQUEST FOR IMPACT FEE REFUND

Requests for refunds shall be in accordance with LDC 1105 and shall be accompanied by a receipt, cancelled check, or other evidence of fees paid. Approved refunds will be remitted to the payee of the impact fee payment, or to a successor-in-interest.

Date of Request: _____ Permit No: BLD- _____

Permit Issuance Date: _____ Amount Requested: \$ _____

Petitioner's Name: _____ Telephone Number: _____

Fee Payer (Person/Contractor/Company): _____

Successor-in-interest (if applicable): _____

Address for Refund Check: _____

REASON FOR REFUND REQUEST:

APPLICANT SIGNATURE AND DATE:

Signature Date

Printed Name

FOR STAFF USE

Account Number: _____ Amount: _____

Account Number: _____ Amount: _____

Account Number: _____ Amount: _____

Account Number: _____ Amount: _____

Account Number: _____ Amount: _____

Account Number: _____ Amount: _____

TOTAL REFUND: \$ _____

Permit Notes Updated: _____ Yes _____ No



REQUEST FOR INDEPENDENT IMPACT ANALYSIS

FOR STAFF USE

Application Date: _____ File Tracking Number: _____

File Name: _____

Date of Pre-Application Conference: _____

Staff Recommendation Due Date (30 days from complete Application): _____

Reason for Independent

PROPOSED USE NOT LISTED ON ADOPTED FEE SCHEDULE

Impact Fee Analysis:

IMPACT ANTICIPATED TO BE LESS THAN FEE SCHEDULE

APPLICANT INFORMATION:

Applicant Name: _____

Contact Name: _____

Mailing Address: _____

Telephone Number: _____

E-mail Address: _____

PROJECT INFORMATION:

Project Name: _____

Project Location: _____

Project Description: _____

Development Units (# of dwelling or lodging units or square feet of non-residential use): _____

Impact Fee based on Fee Schedule: _____

Permit # (If Applicable): _____

CONSULTANT INFORMATION:

Company Name: _____
Responsible Professional: _____
Registration/License Number: _____
State of Registration Number: _____

(Attach resume indicating relevant education and experience.)

PROPOSED INDEPENDENT IMPACT ANALYSIS:

Proposed Methodology
& Service Unit Impact:

(Attach detailed documentation describing type and scope of proposed analysis.)

APPLICANT SIGNATURE AND DATE:

Undersigned hereby requests an independent impact fee analysis and proposes that, by competent substantial evidence, an alternative impact fee amount more accurately reflects the demands for County Capital Facilities than the currently effective impact fee schedule, as supported by recent and local data, statistically valid surveys, and a review of relevant professional literature.

Signature

Date

Printed Name



REQUEST FOR USE OF IMPACT FEE CREDIT

Credit Authorization No.: CA-_____

Permit No.: BLD-_____

Company Requesting Use of Impact Credit: _____

Project Name: _____

Lot Number and Street Address: _____

Development Units (Square Feet, # Lodging Units, Etc.) _____

Pursuant to an Impact Fee Credit Authorization, please deduct \$ _____ from the _____ (Law Enforcement/Public Safety/Parks/Transportation/Library) impact fees due on the above building permit.

AUTHORIZED SIGNATURE AND DATE:

Signature

Date

Printed Name

Title



FOR STAFF USE

Credit Voucher #: _____ Benefit District: _____

Credit Given By: _____ Date: _____

Manatee County, Florida

Impact Fee Administrative Procedures Manual

Multimodal Transportation, Law Enforcement,
Parks & Natural Resource, Library, and
Public Safety Capital Facilities

Adopted _____, ____ 2021



TABLE OF CONTENTS

Chronicle Record of Governing Documents	4
Introduction	7
Legislative Findings, Reliance on Impact Fee Study, and Intent.....	7
Impact Fee Determination	8
Impact Fee Obligation.....	8
Residential Dwelling Units	8
Nonresidential and Mixed Use Developments	8
Unlisted Use	8
Change of Use.....	9
Building Additions and Expansion of Existing Use	9
Exemptions	9
Previously Existing Structure	10
Accessory Use/Structure	10
Impact Fee Calculations	10
Fee Schedule	10
Shell Building Permit	11
Mixed Use	11
Open-air Space under a Permanent Roof.....	11
Church/Place of Worship (with Educational Operations)	12
Recreational Vehicle Parks (RV Parks)	12
Independent Impact Analysis	12
Pre-Application Meeting.....	12
Qualifications of Preparer	12
Optional Independent Impact Analysis	13
Mandatory Independent Impact Analysis	13

Requirements for Independent Impact Analysis	13
Sufficiency of Analysis	13
Decision by the County Impact Fee Administrator	14
Use of Impact Fee Funds	14
Benefit Districts	14
Credits for System Improvements	15
Eligible Improvements	15
Credit Application and Completeness Review	20
Valuation of System Improvements.....	22
Credit Recommendation and Final Authorization	22
Standards for Evaluation of Credit.....	23
Use of Credits.....	23
Miscellaneous Provisions.....	23
Impact Fee Refund	23
Annual Review	23
Administrative Interpretation.....	24
Appeal of Administrative Decision.....	25
Forms Related to the Administration of Impact Fees	25

CHRONICLED RECORD OF GOVERNING DOCUMENTS

The following tables provide a complete account of the historical evolution regarding the Impact Fee Ordinance, as well as the Impact Fee Administrative Procedures Manual.

The **Adoption History Table** below summarizes revisions, amendments, and updates to the Impact Fee Ordinance, including those made to Chapter 2 of the Land Development Code.

IMPACT FEE ORDINANCE		
Document No.:	Date Adopted	Purpose/Summary of Changes
<u>Ord 86-09</u>	<u>06/27/1986</u>	<u>Establishment of Impact Fees for Roads, Parks, Solid Waste, and EMS for all incorporated and unincorporated parts of Manatee County.</u>
<u>Res 86-152</u>	<u>06/27/1986</u>	<u>Adopted administrative fees.</u>
<u>Ord 87-38</u>	<u>11/18/1987</u>	<u>Updated fee schedule based on inflation and providing changes in the formula used to calculate transportation component fees.</u>
<u>Ord 89-14</u>	<u>08/16/1989</u>	<u>Adjustment to the RV Park and Hotel/Motel category for the parks and recreation component of the Impact Fee schedule.</u>
<u>Res 90-71</u>	<u>09/27/1990</u>	<u>Amended Impact Fee Schedule, added Law Enforcement component, and increased Administrative Surcharge.</u>
<u>Res 01-184</u>	<u>08/14/2001</u>	<u>Eliminated Solid Waste impact fees. Law enf., fees increased 33% and Parks, EMS, and Road impact fees increased 40%.</u>
<u>Ord 02-33</u>	<u>05/07/2002</u>	<u>Adopted Countywide Impact Fee's for Education Facilities.</u>
<u>Ord 04-19</u>	<u>02/24/2004</u>	<u>Added Countywide Parks and Local City Parks into Impact Fee Schedule.</u>
<u>Ord 04-40</u>	<u>02/24/2004</u>	<u>Adopted increase of Countywide Impact Fees for Education Facilities based on inflation.</u>

<u>Res 04-67</u>	<u>02/24/2004</u>	<u>Established Impact Fee program for Affordable Housing.</u>
<u>Ord 05-62</u>	<u>08/23/2005</u>	<u>Adopted increase of Countywide Impact Fees for Education Facilities.</u>
<u>Ord 05-52</u>	<u>10/06/2005</u>	<u>*5-year Update Study – Adopted at 100%</u>
<u>Ord 06-75</u>	<u>11/07/2006</u>	<u>Amend Impact Fee Schedule. Consolidated local parks and countywide parks category and transportation impact fee into Roads impact fee.</u>
<u>Ord 09-07</u>	<u>02/03/2009</u>	<u>Eliminated medical-dental office category.</u>
<u>Ord 09-36</u>	<u>05/19/2009</u>	<u>Suspended charging and collection of Educational Facilities impact fees for a period of 2-years.</u>
<u>Ord 09-37</u>	<u>05/19/2009</u>	<u>Reduced Road impact fees by 50% for a period of 2 years.</u>
<u>Ord 11-20</u>	<u>06/21/2011</u>	<u>*5-year Update Study – Adopted at 100%. Extended the reduction of Road impact fees by 50% through September 30, 2011.</u>
<u>Ord 11-22</u>	<u>06/21/2011</u>	<u>Extended the suspension of charging and collection of Educational Facilities impact fees through July 27, 2013.</u>
<u>Ord 15-43</u>	<u>12/03/2015</u>	<u>*5-year Update Study – Adopted at 80%, with incremental increases to 90% after one year and to 100% after the Adopted impact fees for Library Facilities.</u>
<u>Ord 16-03</u>	<u>01/07/2016</u>	<u>Adopted new Impact Fee Schedule for Education Facilities at 50% percent. Increase to 75% percent after 1 year and 100% percent after 2-years.</u>
<u>Ord 17-46</u>	<u>08/03/2017</u>	<u>Adopted Educational Facilities Impact Fees at 100% percent.</u>
<u>Ord 18-07</u>	<u>03/20/2018</u>	<u>Adopted to cap Impact Fees at 90% percent.</u>
<u>Ord 21-19</u>	<u>10/21/2021</u>	<u>Updated to address changes in business processes, as well as consistency with Florida Statute and Land Development Code.</u>

The **Adoption History Table** below summarizes changes or updates to the Impact Fee Administrative Procedures Manual.

IMPACT FEE ADMINISTRATIVE PROCEDURES MANUAL		
Document No.:	Date Adopted	Purpose/Summary of Changes
<u>R-86-154</u>	<u>07/10/1986</u>	<u>Adopting Interim Procedures for Impact Fee Administration.</u>
<u>R-87-351</u>	<u>12/22/1987</u>	<u>Amending Section 10.7 and reject Independent Impact Analysis.</u>
<u>R-90-93</u>	<u>09/27/1990</u>	<u>Rescind Resolution No.: R-86-154 and adopt new Impact Fee Administrative Procedures Manual.</u>
<u>R-92-128</u>	<u>10/06/1992</u>	<u>Updates to the Manatee County Impact Fee Administrative Procedures Manual Section C – Definitions, Section D – Payment of Impact Fees, Section E – Independent Impact Analysis, Section G – Credits/Determination of Value</u>
<u>R-97-22</u>	<u>01/29/1997</u>	<u>Amending Section G.3.b., Specific Standards, and remove form 806-04 - Parks-credits for golf courses.</u>
<u>R-04-147</u>	<u>05/25/2004</u>	<u>Amending R-97-22, Delete and Replace Section F, 2. – Spending impact fees outside the construction district (aka Benefit District) from which fees were collected.</u>
<u>R-04-170</u>	<u>06/22/2004</u>	<u>Updated for consistency purposes with the Land Development Code.</u>
<u>R-17-107</u>	<u>12/07/2017</u>	<u>Adopting (new) Manatee County Impact Fee Administrative Procedures Manual. (Replaced R-04-170 in entirety)</u>
<u>R-19-152</u>	<u>11/19/2019</u>	<u>Updated for consistency with the Land Development Code.</u>
<u>R-21-040</u>	<u>12/14/2021</u>	<u>Updated to address changes in business processes, as well as consistency with Florida Statute and Land Development Code. (Replaced R-17-107 in entirety)</u>

INTRODUCTION

The Impact Fee Administrative Procedures Manual (or “Manual”) contains supplemental details regarding the process for administering Manatee County’s Land Development Code (LDC) as it relates to multimodal transportation, parks and natural resource, law enforcement, libraries, and public safety impact fees - referred to collectively as “County capital facilities.” Each type of infrastructure funded by impact fee is defined in Chapter 2 of the LDC.

The Manual is organized within approximate accordance to the section headings contained in Chapter 11 of the LDC; however, is not intended to replace or act as a governing document. Fee payers and staff shall reference the current version of the LDC, in addition to the Manual and Impact Fee Update Study as a supporting documents.

Terms unique to the administration of impact fees are listed in Chapter 2 – DEFINITIONS, of the LDC under a subsection heading “Impact Fees.” In addition, several general definitions listed alphabetically throughout Chapter 2 are also relevant to a complete understanding of how impact fees are administered. For any land use included in the fee schedule, that is not defined in Chapter 2 – DEFINITIONS, of the LDC, definitions from the Institute of Transportation Engineers Trip Generation Report, (latest Edition) shall be used.

The County Impact Fee Administrator (Impact Fee Administrator), or designee, is responsible for implementation of impact fees. Responsibilities of administering impact fees include:

1. Management of the impact fee program,
2. Calculation of impact fees for new, or expanded, development, based on the adopted fee schedule or by an Independent Impact Analysis,
3. Determination of credits for System Improvements, as specified in a local development agreement, or other similar agreements, and
4. Coordination of impact fee expenditures for System Improvements.

LEGISLATIVE FINDINGS, RELIANCE ON IMPACT FEE STUDY, AND INTENT

The Board of County Commissioners approved the Manual, by Resolution No. 21-040, on December 14, 2021. In Manatee County, impact fees are codified in Chapter 11 of the LDC, with definitions of impact fee terms in Chapter 2 of the LDC.

It is the intent of Manatee County to have administrative decisions governed by specific criteria and impact fee methods documented in the Impact Fee Study and the legislative findings and intent articulated by the Board of County Commissioners in the LDC. The Commissioner’s findings and the legislative intent, guide the implementation and administration of impact fees.

IMPACT FEE DETERMINATION

Section 1102, LDC, describes the manner in which impact fees are imposed and calculated, land uses exempt from the impact fee obligation, the means by which an Independent Impact Analysis may be performed to verify the impact of a proposed use on County capital facilities, and the award and use of credits against impact fees. This section of the Manual clarifies the manner in which those sections of the LDC are to be implemented to maintain consistency with Florida law and generally-accepted impact fee practices in the state.

Impact Fee Obligation

Unless expressly exempt by subsection 1102.2, LDC, all new development that creates additional impacts on County capital facilities will be subject to the impact fee obligations of section 1102.1. This requirement may include new developments, additions to existing developments, change of use, and may involve both indoor and outdoor land uses. The amount of impact fees owed is determined when a building permit application is submitted or as otherwise provided in section 1102, LDC.

Impact fees previously paid on prior structures, remain with the land. At the time of future expansion or redevelopment of buildings that previously paid an impact fee, an impact fee adjustment based on the previously use will be applied to the expansion or redevelopment. (See “Change of Use” section elsewhere within the Manual)

Residential Dwelling Units

For all types of residential land use categories, impact fees shall be imposed on a per dwelling unit basis according to the size thresholds established in the fee schedule. Unit size is based on square feet of climate-controlled floor area (excluding garages, porches, and patios), which is consistent with the methodology and data in the Impact Fee Study.

Nonresidential and Mixed Use Developments

Impact fees for mixed use and nonresidential developments are determined by the Impact Fee Administrator based on the administration of definitions and regulations within the LDC, in addition to the provisions of this Manual. Mixed uses and some nonresidential uses can be complex, so additional guidelines are provided in the subsection below titled “Impact Fee Calculations”.

Unlisted Use

For a use not specifically listed on the fee schedule or defined per the Impact Fee definitions in Chapter 2 of the LDC, the Impact Fee Administrator shall determine the fee category into which the proposed land use most accurately fits. The determination shall be based on the assumptions and methodology in the Impact Fee Study and other relevant and professionally-accepted indicators of demand. Should the Impact Fee Administrator determine that a proposed use does not fit any listed category in the schedule, the Impact Fee Administrator may conduct an Independent Impact Analysis, in accordance with section 1102.3, LDC, to determine the appropriate fee.

In these instances, the Impact Fee Administrator shall maintain a list of determinations made as to proposed *unlisted* land uses; first, to ensure the LDC is applied consistently

with subsequent applications; and second, to inform stakeholders during subsequent impact fee studies, LDC revisions, and updates to the Manual. In addition, an applicant may choose to prepare an Independent Impact Analysis consistent with Section 1102.3, LDC, and as described elsewhere in this Manual. (See both “Miscellaneous Provisions” and “Independent Impact Analysis” sections elsewhere within the Manual).

Change of Use

In the case of a change in use or redevelopment of an existing building and/or site, the impact fee will be assessed based on the net increase for the new use compared to the previous use for each individual type of infrastructure. The previous building should be in existence at the initial implementation date of the corresponding impact fee system. The applicant is responsible for providing the necessary documentation related to the prior structure (See “Previously Existing Structures” section elsewhere within the Manual).

The Impact Fee Administrator shall determine whether the new use amounts to a change in use or is deemed an accessory use/structure that would not require additional impact fees. For example, if a professional office were converted to retail space, the new retail space would generate additional demand for all impact fees, with the exception of those that are collected only from residential land uses (education facilities, libraries and parks and recreation). In the event that intensity is reduced during redevelopment or reoccupancy, any excess credit for previously paid impact fees remains with the property.

Building Additions and Expansion of Existing Use

When an existing structure or land use is expanded, an additional impact fee may be required in instances where the expansion increases the number of “development units”, as defined in the LDC.

For each category of County capital facilities for which impact fees are assessed, fees will be based on the net increase in fees owed under the current impact schedule as applied to the existing building/use compared to fees owed for the proposed new building/use. The previous building should be in existence at the effective date of the corresponding impact fee system. The applicant is responsible for providing the necessary documentation related to the prior structure. (See “Previously Existing Structures” section elsewhere within the Manual).

Exemptions

Section 1102.2, LDC, exempts certain land uses from the collection of impacts fees. These exemptions include land uses that do not create a permanent and significant impact on County capital facilities (e.g. temporary use/structure and replacement of a destroyed building), as well as exemptions required by state law or allowed as a matter of policy of the Board of County Commissioners (e.g., public schools, government uses, and port authority developments). (Additional reference to section 1108.6, LDC - Affordable Housing)

Previously Existing Structure

Under subsections 1102.2(A) and (B) of the LDC, impact fees shall not to be collected for expansion of residential structures that do not increase the number of dwelling units or replacement of nonresidential structures. The applicant is responsible for providing the necessary documentation related to the details of the prior structure. Examples of acceptable documentation include:

1. Signed and sealed survey or architectural drawing;
2. Records of a Building Official;
3. Property Appraiser records providing the details of the property;
4. Aerial photography with clearly documented date;
5. Other documentation approved by the Impact Fee Administrator.

Accessory Use/Structure

Some developments may include an accessory use or structure that are associated with, but incidental and subordinate to, the primary land use. These uses and/or structures do not generate impacts on capital facilities separate from the primary use. For example, residential communities may include amenities such as a clubhouse or fitness center for use of the tenants. These private amenities are “accessory” and will not be assessed an impact fee because the impact fee methodology attributes service units (*i.e.* residents and vehicle miles of travel) to the residential dwellings. Chapter 2 of the LDC further defines what constitutes both accessory uses and structures.

Impact Fee Calculation

Fee Schedule

~~Current impact fees were adopted in December 5, 2015 and became effective in April 18, 2016. The LDC contains a phased schedule, starting at 80% of the maximum fee. Commencing April 18, 2017, 90% of the maximum fee will be assessed. The current impact fees were adopted March 20, 2018, and are 90% of the recommended fees demonstrated in the Manatee County 2015-Impact Fee Update prepared by TischlerBise, and dated December 3, 2015.~~ The Impact Fee Administrator determines the appropriate

Implementation of impact fees and any necessary administrative interpretations are based on the impact a proposed use has on County capital facilities – whether measured by additional vehicle miles of travel, population, student generation rate, or other service units upon which the Impact Fee Study was based.

land use category, based on the nature of the use, the intent of the LDC, and the methodology and assumptions in the Impact Fee Study.

On occasion it may be necessary for the Impact Fee Administrator to assess fees on a development that does not align with developments specifically listed in the fee schedule. The objective is to narrow the number of situations that require interpretation. Instances where an interpretation is unavoidable, the Impact Fee Administrator shall

provide specific direction to staff and the development community, to achieve consistent application of the LDC, based on the Impact Fee Study and documentable indicators of County capital facility demand. (See “Miscellaneous Provisions” section elsewhere within the Manual)

The following types of structures and land uses are frequently proposed in Manatee County. As such, the manner in which the County applies Chapter 11 of the LDC, is set forth below.

Shell Building Permit

Often a builder constructs the “shell” of a nonresidential building, for which a particular use is unknown at the time of building permit application. Building use(s) cannot be confirmed until the review of one or more permit applications to build-out the building’s interior. Since shell building permit applications involve nonresidential or mixed use projects, the fee will be determined by the Impact Fee Administrator. The most common shell building permit applications are for “Commercial/Shopping Center” and “Light Industrial”. (See Chapter 2 of the LDC) In these cases, impact fees will be assessed at the time a building permit is obtained for the shell building, and the fee amount will be based on the applicant’s intended use of the entire shell structure. (Additional consideration given to zoning, land use plan designation, and surrounding uses.)

Subsequent permits for interior finish do not require additional impact fees unless deemed to be a change in use. Impact fees assessed on the shell permit must be paid prior to approval of any permits associated with an interior finish. If a building is converted from a multiple-tenant to single tenant building, then impact fees may be assessed if it is determined that additional impacts will be incurred on the capital facilities.

Mixed Use

Buildings that include a vertical mix of uses, impact fees will be assessed for each type of development and the results aggregated. An Independent Impact Analysis may be performed for a proposed mixed use development to determine the overall impacts on County capital facilities and the appropriate impact fee.

Buildings that do not contain a vertical mix of use, the unit of analysis is the entire building. Consistent with methods described by the Institute of Transportation Engineers (ITE), a particular structure may include minor secondary uses associated with the primary land use. For example, in addition to the production of goods, a manufacturing building may include some office and warehouse space. The impact fee will be assessed based on the total floor area of the entire building, using the rate for the primary land use.

Open-air Space under a Permanent Roof

Non-residential developments that include an outdoor use area covered by a permanent roof may be assessed additional impact fees for the area located under the open-air roof, above the assessment of impact fees for of any enclosed floor area within a building. Uses commonly located under an open-air permanent roof include, but are not limited to, outdoor storage of recreational vehicles, outdoor dining, gasoline fuel pumps, and manufacturing operations.

Commercial developments with fuel pumps, impact fees will be assessed based on the total square feet of any climate-controlled building, plus the outdoor area covered by a permanent roof structure above the fuel pumps.

Dining establishments that include outdoor seating under an open-air permanent roof, additional impact fees will not be imposed unless the outdoor seating area under a permanent roof exceeds 25% of the floor area of the principal use building.

Church/Place of Worship (with Educational Operations)

Church/Places of Worship and other religious institutions that operate a full-time/weekday Daycare and/or School will be assessed impact fees using the Daycare/School rate applied to the portion of the floor area dedicated to operation of the Daycare and/or School.

Those that do not operate weekday Daycare and/or School, impact fees will be assessed using the Office & Other Services rate applied to the total climate-controlled floor area of the office space dedicated to the primary use on an average weekday.

Recreational Vehicle Parks (RV Parks)

RV sites/pads will be assessed impact fees at the Lodging rate per the fee schedule, with each pad considered to be equivalent to a room for purposes of calculating impact fees.

Temporary Use/Building

~~Temporary structures (e.g. construction trailers) are exempt from impact fees. Temporary uses are defined in Chapter 2 of the LDC.~~

INDEPENDENT IMPACT ANALYSIS

As described in section 1102.3, LDC, an applicant may submit an “Independent Impact Analysis” in order to demonstrate that a different level of impact should be the basis for the impact fee obligation and not the fee schedule in the LDC. In addition, the Impact Fee Administrator may perform an Independent Impact Analysis using County staff and current local data in order to verify the appropriate impact fee obligation for a proposed development, including uses not listed in the fee schedule, mixed uses, changes in use, and the extent to which a particular use or structure is accessory to a primary use.

The following procedures apply to Independent Impact Analyses:

Pre-Application Meeting

Before beginning the Independent Impact Analysis, the Feepayer and the qualified preparer will attend a pre-application meeting with the Impact Fee Administrator. The purpose of the meeting will be to discuss the procedures, requirements, methodology, and standards to be used in the Independent Impact Analysis.

Qualifications of Preparer

An Independent Impact Analysis will be prepared and certified by an expert approved by the Impact Fee Administrator, based on relevant training and experience (e.g., a registered professional engineer or member of the American Institute of Certified Planners). The preparer should be qualified in the fields of planning, engineering, or economics, or an impact fee consultant.

Optional Independent Impact Analysis

In lieu of determining impact fees based on the current schedule, a Feepayer may submit an application requesting that impact fees be determined by an Independent Impact Analysis. If the Independent Impact Analysis is being prepared for a land use included in the adopted rate table, the burden will be on the Feepayer party requesting the Independent Impact Analysis shall to demonstrate by competent substantial evidence that the data, assumptions, and service units used in the Impact Fee Study are less accurate than the results of the Independent Impact Analysis. This can result in a requirement that all components of “linked” data be considered. For example, in transportation impact fee methodologies, travel demand is a function of trip rate and trip length; therefore, an independent analysis of one will typically be required to also consider the other.

Mandatory Independent Impact Analysis

The Impact Fee Administrator may require a Feepayer to perform an Independent Impact Analysis if the type of impact-generating land development is not comparable to a category listed in the impact fee schedule. If the Feepayer is required to perform an Independent Impact Analysis, the Feepayer will retain a qualified professional at the Feepayer’s expense. The expense of preparing the Independent Impact Analysis will be an impact fee credit applied to reduce the Administrative Surcharge.

Requirements for Independent Impact Analysis

An Independent Impact Analysis will use most recent and localized data for the demand component of the fees. It will be based on the same methodologies, infrastructure standards, and costs used in the Impact Fee Study. In the case of multimodal transportation impact fees, the Independent Impact Analysis will use the formulas in the Impact Fee Study to determine travel demand, but may also attempt to demonstrate that alternate trip generation rates, alternate capture rates, and alternate trip lengths more accurately reflect the transportation impacts of the proposed impact-generating land development. Supporting documentation will be provided through local data, and may include statistically valid surveys or a review of relevant professional literature.

In the case of impact fees for other types of infrastructure, the Independent Analysis will use the formulas in the Impact Fee Study for the appropriate fee; however, may also attempt to demonstrate that applicable service units per development unit vary from the rates used in the Study. Supporting documentation will include recent and local data, and may include statistically valid surveys or a review of relevant professional literature.

Sufficiency of Analysis

Within ten (10) business days of receipt of an application, the Impact Fee Administrator will review the request for Independent Impact Analysis and the Feepayer’s application for completeness and sufficiency. If additional material is required for effective review of the Independent Impact Analysis, the Impact Fee Administrator will notify the applicant of the need for such additional material. The applicant will provide the requested additional materials within thirty (30) calendar days of receipt of notice from the Impact Fee Administrator, or the application will be considered withdrawn.

Decision by the County Impact Fee Administrator

Within thirty (30) calendar days after a determination that the application and accompanying analysis are complete, the Impact Fee Administrator will render a written decision accepting, accepting with modifications, or rejecting the Independent Impact Analysis based on the review standards below. The Impact Fee Administrator will consult with other County staff and may seek the advice of impact fee consultants before rendering a decision. If an Independent Impact Analysis is accepted, or accepted with modifications, then the impact fees will be determined by the Independent Impact Analysis.

The standards for acceptance, modifications, or rejection, will be based on whether the Independent Impact Analysis demonstrates, by competent substantial evidence, that an alternative impact fee amount more accurately reflects the demands for County capital facilities than the current impact fee schedule. Supporting documentation will include recent and localized data, and may include statistically valid surveys or a review of relevant professional literature.

USE OF IMPACT FEE FUNDS

Under Florida case law, impact fees must be spent in a manner that ensures a rational nexus, or “reasonable connection,” between fees paid and the benefit to the payer resulting from the public facilities constructed with impact fee revenues. This is accomplished by maintaining a Capital Improvements Program (or “CIP”) that includes improvements to County capital facilities within reasonable timeframes, which are set forth in the LDC. In addition, impact fees must be spent within the geographic area, or Benefit District established in the Impact Fee Study; except as authorized pursuant to section 1104.2.B, LDC. Therefore, the County will review its CIP each year to ensure improvements funded by impact fees are scheduled and completed, as described in the “Annual Review” section elsewhere within the Manual.

Furthermore, the Florida Impact Fee Act requires that revenues and expenditures of each type of impact fee be accounted for separately. This ensures that impact fee revenues are not spent for purposes other than providing infrastructure capacity that benefits Feepayers. Accordingly, the Manatee County Clerk of Courts maintains separate funds and subaccounts to earmark the collection and expenditure of impact fees as required by law. The specific requirements for accounting for impact fees are set forth in the LDC.

Benefit Districts

Impact fee collections and expenditures are maintained and accounted for according to the Benefit Districts described in the LDC. Impact fees collected prior to April 18, 2016, imposed pursuant to prior studies and assumptions, must also be spent to ensure a benefit accrues to those who paid the fees, as required by law. Therefore, prior to the expenditure of countywide impact fee funds collected before April 18, 2016, the Impact Fee Administrator will consult with other County staff to determine appropriate and lawful expenditures of such funds.

In the case of Multimodal Transportation Impact Fees, an improvement that is located in more than one benefit district will be eligible for funds from each district. In the case of improvements located in one district but benefit multiple districts, the County will conduct an analysis to determine benefit. Pursuant to Section 1104.2.B, LDC, if the Impact Fee Administrator determines a capital improvement is eligible for funding with impact fee proceeds from outside the benefit district where the capital improvement is located, staff will prepare a resolution with findings for Board consideration. Based on the recommendations of staff, the Impact Fee Administrator will then provide input to the Board of County Commissioners on applicable legal requirements and recommend expenditures accordingly.

CREDITS FOR SYSTEM IMPROVEMENTS

System Improvements that are eligible for credits have the effect of providing capacity to County capital facilities, which will fully or partially address the demand from new development. Credits are necessary to ensure that a property owner or developer who provides infrastructure capacity is not subject to double payment for County capital facilities. Typically, credits will offset impact fees due on building permits issued within the development for which a credit for System Improvements was approved.

Consistent with Florida Statutes subsection 163.3180(5)(h), transportation impact fee credits will be provided for proportionate share payments made to satisfy transportation concurrency requirements. Such credits will be pursuant to the terms of a development agreement between the County and the applicant. Such agreement may include provisions addressing the identification of one or more mobility improvements to benefit a regionally significant transportation facility to be fully funded and completed by or on behalf of the applicant, the County, and/or another governmental or quasi-governmental entity. Such agreement may also include provisions for the timing of impact fee credits or refunds to reflect the need for particular System Improvements for which credits are awarded.

Eligible Improvements

Any person commencing an Impact-Generating Land Development may apply for a site-specific credit for contributions, construction of improvements, or dedications of land accepted and received by the County for System Improvements, as defined in Chapter 2, LDC. If a development site is adjacent to an arterial or collector street, as depicted in Map 5B (Future Traffic Circulation Functional Classification) of the Manatee County Comprehensive Plan, that is not yet constructed, the owner/developer will be required to provide adequate transportation access. Transportation access to residential subdivisions, multifamily housing, and all nonresidential development, must meet the minimum standards listed below (Option A or B). ~~A credit agreement between the owner/developer and Manatee County is not required to obtain impact fee credits for constructing a street type with eighty four (84) feet of Right Of Way (ROW) or less.~~ To obtain impact fee credits, see the application and authorization process described elsewhere within the Manual.

Option A - Two Lane Divided Urban

	Count	Feet	Total Feet
1. Median	1	19.34	19.34
2. Travel Lanes	2	12	24
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	8	16
7. Sidewalks	2	5	10
Total ROW Width			84
Source: Page T-81, Manatee County Public Works Standards Manual dated November 2016.			

Option B - Complete Streets Collector

	Count	Feet	Total Feet
1. Median	1	14	14
2. Travel Lanes	2	11	22
3. Bike Lanes	2	5	10
4. Curbs	2	2	4
5. Landscape Buffers	2	9	18
6. Sidewalks	2	8	16
Total ROW Width			84
Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated November 2016.			

If a property owner or developer requests impact fee credits for constructing any of the street options specified below (See options C-J), the owner/developer shall have a pre-application meeting with the Impact Fee Administrator and Public Works staff to reach consensus on the general terms of a credit authorization. The Impact Fee Administrator will provide a written summary of the general terms to be incorporated into a draft Credit Authorization. The Credit Authorization must include the eleven information items required of all credit applications, as specified below. Credit Authorizations will be reviewed and approved or denied by the Impact Fee Administrator.

Options C and D below can accommodate either two or four travel lanes within 100 feet of ROW. Option C (two lanes) has forty-eight (48)-feet of asphalt with on-street parking. Option D (four lanes) has fifty-four (54)-feet of asphalt for moving automobiles and bikes, with no parking.

Option C – Principal Street with Two Lanes*

	Count	Feet	Total Feet
1. Median	1	14	14
2. Travel Lanes	2	11	22
3. Bike Lanes	2	5	10
4. Parking	2	8	16
5. Curbs	2	8	4
6. Landscape Buffers	2	9	18
7. Sidewalks	2	8	16
Total ROW Width			100
Source: Page T-81, Manatee County Public Works Standards Manual dated November 2016.			

Option D – Principal Street with Four Lanes*

	Count	Feet	Total Feet
1. Median	1	10	10
2. Travel Lanes	4	11	44
3. Bike Lanes	2	5	10
4. Curbs	2	2	4
5. Landscape Buffers	2	8	16
6. Sidewalks	2	8	16
Total ROW Width			100
Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated November 2016.			

The table below provides three options for a street with one hundred twenty (120)-feet of ROW. Option E is for two travel lanes in a suburban setting where stormwater swales are appropriate. Options F and G have four travel lanes but different design features. Option F has forty-eight (48)-feet of asphalt for vehicular travel and wide multiuse paths that are twelve (12)-feet wide. Option G has fifty-six (56)-feet of asphalt for automobiles and bikes, with sidewalks that are five feet wide.

Option E – Two Lane Divided Suburban

	Count	Feet	Total Feet
1. Median	1	16	16
2. Travel Lanes	2	12	24
3. Bike Lanes	2	4	8
4. Curbs	2	2	4
5. Stormwater Swales	2	29	58
6. Sidewalks	2	5	10
Total ROW Width			120

Source: Page T-82, Manatee County Public Works Standards Manual dated November 2016.

Option F – Urban Parkway

	Count	Feet	Total Feet
1. Median	1	20	20
2. Travel Lanes	4	12	48
3. Curbs	4	2	8
4. Landscape Buffers	2	10	20
5. Multiuse Paths	2	12	24
Total ROW Width			120

Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated November 2016.

Option G – Four Lane Divided

	Count	Feet	Total Feet
1. Median	1	19.34	19.34
2. Travel Lanes	4	12	48
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	14	28
7. Sidewalks	2	5	10
Total ROW Width			120

Source: Page T-80, Manatee County Public Works Standards Manual dated November 2016.

Another four (4) lane street, that includes on-street parking, is Option H below. Although infrequent in the unincorporated area, Option I is for a six lane County arterial.

Option H - Boulevard

	Count	Feet	Total Feet
1. Median	1	18	18
2. Travel Lanes	4	11	44
3. Bike Lanes	2	4	8
4. Parking	2	7	14
5. Curbs	4	2	8
6. Landscape Buffers	2	8	16
7. Sidewalks	2	8	16
Total ROW Width			124
Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated November 2016.			

Option I - Six Lane Divided

	Count	Feet	Total Feet
1. Median	1	19.34	19.34
2. Travel Lanes	6	12	72
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	17	34
7. Sidewalks	2	5	10
Total ROW Width			150
Source: Page T-79, Manatee County Public Works Standards Manual dated November 2016.			

Outside Manatee County’s water and wastewater service area, a property owner or developer may elect to construct a Rural Parkway, according to the standards in the table below (See Option J). If a property owner or developer requests impact fee credits for a Rural Parkway, the owner/developer must have a pre-application meeting with Manatee County’s Impact Fee Administrator and Public Works staff to reach consensus on the general terms of a credit agreement. The Impact Fee Administrator will provide a written summary of the general terms to be incorporated into a draft Credit Agreement, which will be prepared by the owner/developer. Unless otherwise determined by the Impact Fee Administrator a Credit Agreement shall include the eleven (11) information items as specified below. Credit Agreements will be reviewed by the Impact Fee Administrator, and then scheduled for approval by the Board of County Commissioners as a consent agenda item.

Option J – Rural Parkway

	Count	Feet	Total Feet
1. Median	1	40	40
2. Travel Lanes	4	12	48
3. Curbs	2	6	12
4. Landscape Buffers	2	8	16
5. Multiuse Paths	2	12	24
Total ROW Width			140

Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated November 2016.

Credit Application and Completeness Review

A written Application for Impact Fee Credit must be submitted to the Impact Fee Administrator. The amount of credit must be specified in the application. The general intent of Manatee County is to limit impact fee credits to the actual costs of System Improvements, up to but not to exceed, the infrastructure costs used in the Impact Fee Study. If requested credits routinely exceed cost assumptions used in the Impact Fee Study, the Impact Fee Administrator will request a study update to evaluate cost factors.

For multimodal transportation improvements, the application for Impact Fee Credit must include the following information.

1. Total Right-Of-Way (ROW) land value
2. Square feet of ROW land dedicated (average ROW width multiplied by centerline length)
3. Land value per square foot (item 1 divided by item 2)
4. Actual construction cost of transportation improvements
5. Number of travel lanes
6. Centerline miles
7. Lane miles (item 5 multiplied by item 6)
8. Total project cost (item 1 plus item 4)
9. Total project cost per lane mile (item 8 divided by item 7)
10. Percent System Improvement (See paragraph and table below)
11. Requested credit (item 8 multiplied by item 10)

Manatee County will individually review and grant impact fee credits for System Improvements using the percentage shown below for specific types of streets. For example, if a developer constructs a Principal Street (Option C or D), with a recommended ROW width of one hundred (100)-feet, then 50% (i.e. 50 feet divided by 100 feet) of the cost for land and improvements is site-related and 50% is considered to be a System Improvement that is eligible for impact fee credits. If a developer constructs an Urban Parkway (Option F), with a recommended ROW width of one hundred twenty (120)-feet, then 42% (i.e. 50 feet divided by 120 feet) of the cost for land and improvements is site-related and 58% is considered to be a System Improvement that is eligible for impact fee credits.

Area	Street Type	Recommended ROW Width (feet)*	Percent Site-Related	Percent System Improvement
Urban	Urban and Suburban Local (base for credit in urban and suburban area)	50	100%	0%
Urban	Main	74	68%	32%
Urban	Avenue	80	63%	37%
Urban	Option A Two Lane Divided Urban	84	60%	40%
Urban	Option B Complete Streets Collector	84	60%	40%
Urban	Option C Principal with Two Lanes	100	50%	50%
Urban	Option D Principal with Four Lanes	100	50%	50%
Suburban	Option E Two Lane Divided Suburban	120	42%	58%
Urban	Option F Urban Parkway	120	42%	58%
Urban	Option G Four Lane Divided	120	42%	58%
Urban	Option H Boulevard	124	40%	60%
Urban	Option I Six Lane Divided	150	33%	67%
Rural	Rural Local (base for credit in rural area)	72	100%	0%
Rural	Option J Rural Parkway	140	51%	49%
Based on recommended standards: Pages T-20, T-79, T-80, T-81 and T-82, Manatee County Public Works Standards Manual dated November 2016.				

For all other types of infrastructure, the application for Impact Fee Credit must include the following information.

1. Capital cost requested for credit
2. Infrastructure quantity
3. Infrastructure units
4. Cost per infrastructure unit (item 1 divided by item 2)

Within thirty (30) calendar days of receiving an application for Impact Fee Credit, the Impact Fee Administrator will determine if it is complete. If the Application is found to be incomplete, the Administrator will notify the applicant with a detailed list of deficiencies in the application. In the event that the applicant does not submit the lacking information, or a request for an extension within thirty (30) calendar days, the application will be considered withdrawn.

Valuation of System Improvements

The value of any contribution, construction of improvements, or dedication of land, for which an impact fee credit is sought, must be calculated as of the earliest point in the development-approval process when the need for the System Improvement was identified. Documentation supporting the land valuation and actual cost of improvements must be provided with the application.

If a developer submits a real estate appraisal for land valuation, the developer must identify the date of valuation and name Manatee County as an “intended user” of the report. Manatee County may outsource a review of any land valuation with a professional real estate appraiser, who will work directly with the developer’s appraiser to recommend a reasonable land valuation for a particular site.

For transportation Rights-Of-Way (ROW), or any other land parcel for which impact fee credits are requested, Manatee County will provide an expedited approval of credits if land value is based on the most recent assessed valuation from the Manatee County Property Appraiser website, or derived from the land cost per acre documented by the most recent real estate sale for the site. ~~For land valuations determined by these methods, review by Manatee County Property Management Department is not necessary and impact fee credits for land will be approved within thirty (30) business days.~~ All land valuation based on a real estate appraisal must be reviewed by Manatee County Property Management Department. For impact fee credits, the maximum land value should not significantly exceed the maximum cost factor assumed in the Impact Fee Study.

Impact Fee credits for System Improvement - Improvements other than land, shall be based on the actual cost of capital improvements accepted by the County, in accordance with credit or development agreements, and the Public Works Manual.

Credit Recommendation and Final Authorization

Within thirty (30) business days after an Application for Impact Fee Credit is deemed to be complete, it will be reviewed by the Impact Fee Administrator to determine whether it meets the standards outlined below, whether it should be accepted, and the amount

of credit to be authorized. The Impact Fee Administrator may consult with other County staff and impact fee experts before rendering a decision to issue a Final Credit Authorization. No credit may be redeemed in satisfaction of the impact fee obligation until credits are issued. Final Credit Authorization may not be issued until all land dedications and improvements have been completed and accepted by the County.

Standards for Evaluation of Credit

Unless a particular System Improvement was required as a condition of development approval or a credit is otherwise required by law, the Impact Fee Administrator shall decide whether to accept, accept with modifications, or reject a requested credit based on the extent to which granting the impact fee credit will result in a cost reduction to the County for the applicable category of County capital facilities. In addition, the Impact Fee Administrator will evaluate the impact of a requested credit on County infrastructure planning and capital improvements programming to ensure improvements eligible for credits occur concurrent with, not prior to, the need for additional infrastructure capacity.

Use of Credits

Authorized credits may be used to satisfy impact fee obligations for developments proposed within the same, or to the extent required by Florida Statute, “adjacent”, Benefit District, whether as part of the same property or a different property, regardless of property ownership. Developers or builders wishing to apply such offsets must submit the form “Request for Use of Impact Fee Credit” to the Impact Fee Administrator. If credits will be used by a person other than the person who received the credit, an Assignment of Impact Fee Credit must be signed by the assignor and assignee and the form notarized.

MISCELLANEOUS PROVISIONS

Impact Fee Refund

To initiate a request for a refund of impact fees, an applicant shall submit a Request for Impact Fee Refund form to the Impact Fee Administrator. The procedures and criteria for impact refunds are set out in the LDC. If a Successor-in-Interest to the original Feepayer claims a refund, written documentation must be submitted to verify that rights to a refund have been lawfully conveyed to the claimant.

Annual Review

To ensure ongoing consistency with the LDC, state law, and this Manual, the Impact Fee Administrator will annually review impact fee determinations with the Impact Fee Coordinator and Building Department staff. In coordination with County staff, at least once during each fiscal year, the Impact Fee Administrator will prepare and present an annual financial report to the Board of County Commissioners documenting impact fee collections and expenditures by type of infrastructure and Benefit District. The report will include end of fiscal year fund balances, showing cash available after deducting appropriations. Upon presentation of the annual fiscal report to the Board, the Impact

Fee Administrator will display the reports on the County's website. The annual financial report may include recommendations needed to ensure that the County's impact fee program remains in compliance with the provisions of the LDC, the Florida Impact Fee Act, F.S. § 163.31801, and applicable case law. Such recommendations may include, without limitation, revisions to the Land Development Code, changes to the Capital Improvements Program, changes to accounting procedures, changes to the administrative surcharge, amendments to this Manual and the possible need for an updated Impact Fee Study.

In addition, the director of the Financial Management Department, or designee, will conduct quarterly audits of impact fee determinations using a random sampling of building permits and development applications. The Florida Impact Fee Act requires any audits performed under F.S. § 218.39 and submitted to the Auditor General to include an affidavit signed by the County's Chief Financial Officer stating that the County has complied with the Florida Impact Fee Act.

Administrative Interpretation

The primary objective is to ensure that impact fees are assessed consistently over time and in a manner that is grounded in the Impact Fee Study assumptions and methodologies.

The intent of the Manual is to provide the criteria for making interpretations, as well as to provide for additional supporting documentation to the requirements of the LDC. The criteria shall *always be tied to a verified demand for capital facilities for which impact fees are assessed.*

In order to advance consistency in the County's administrative procedures over time, the Impact Fee Administrator will document any administrative interpretations of the LDC related to impact fees, along with the rationale for the decision. This will encourage consistent interpretations in the future, may inform the need for revisions to the impact fee program during the annual review, and may suggest the need for revisions during the next Impact Fee Study update.

Each entry should:

- a. Explain why an interpretation is needed (*i.e.* what is it about the proposed land use that creates a question under the language of the LDC);
- b. Identify any prior administrative interpretations that are relevant and provide guidance;
- c. Identify components of the current Impact Fee Study and methodology which bear on the administrative interpretation; and
- d. Describe why the interpretation is believed to most closely follow requirements of Florida case and statutory law.

Administrative interpretations should be guided by the findings and intent of the LDC and the methodology and rationale set out in the Impact Fee Study. An applicant may appeal a determination of the Impact Fee Administrator, as provided in § 1107 of the LDC, including administrative procedures related to impact fees. As needed, the Impact Fee Administrator should craft and propose amendments to the LDC to clarify impact fee policies and administrative procedures.

Appeal of Administrative Decision

A decision made by the Impact Fee Administrator on any matter governed by Chapter 11, LDC, may be appealed to the Board of County Commissioners. To initiate an appeal, the Feepayer shall submit an Application for Appeal [and a Notice of Appeal \(authorized by Chapter 11, LDC\)](#) with the Impact Fee Administrator within sixty (60) calendar days of the decision, according to the procedures set forth in section 1107, LDC.

FORMS RELATED TO THE ADMINISTRATION OF IMPACT FEES

The Administrative Procedures Manual contains the following supplemental forms used in the administration and implementation of impact fees. Fillable forms can also be downloaded at <https://www.mymanatee.org/impactfees>

ORDINANCE 21-19

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING CHAPTER 2, SECTION 200, DEFINITIONS, TO PROVIDE NEW, REVISED, OR REPLACED DEFINITIONS OF TERMS RELATING TO IMPACT FEES; AMENDING PROVISIONS OF CHAPTER 11, IMPACT FEES, RELATING TO IMPACT FEE DETERMINATION, USE OF IMPACT FEES, BENEFIT DISTRICTS, IMPACT FEE REFUNDS, CREDITS FOR SYSTEM IMPROVEMENTS, APPEALS, AND MISCELLANEOUS PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 17-24, codified as Chapter 11 of the Land Development Code (the "Impact Fee Ordinance"), the County has established a system of impact fees to fund capital facilities needed to accommodate new development, based upon an impact fee study and other testimony and evidence entered into the record at the public hearings held for the adoption of the Impact Fee Ordinance; and

WHEREAS, Florida Statutes Section 163.3202(3) encourages the use of innovative land development regulations which include the use of impact fees to implement the goals, objectives and policies of the County's Comprehensive Plan; and

WHEREAS, Policy 10.1.3.1 of the County's Comprehensive Plan is to use impact fees as a means of meeting the demands for public facility capital improvements necessitated by new development; and

WHEREAS, Policy 10.1.4 and Policy 10.1.10.1 of the County's Comprehensive Plan call upon the County to consider changes to the adopted Impact Fee Ordinance pursuant to the annual reporting process and Growth Management public meeting process; and

WHEREAS, Section 163.3174(1), Florida Statutes, requires that the governing body of each local government in Florida shall designate and by ordinance establish a "local planning agency"; and

WHEREAS, the Manatee County Planning Commission has been duly designated in Section 301 of the Land Development Code as the Local Planning Agency of the County; and

WHEREAS, Section 163.3174(4)(c), Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan; and

WHEREAS, Section 301.1.D. of the Land Development Code authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendments to the text of the Land Development Code; and

WHEREAS, the Planning Commission acting in its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on September 9, 2021, in accordance with Section 341.2 of the Land Development Code and to review this Ordinance, and adopted a motion finding this proposed Ordinance consistent with the Comprehensive Plan and recommending its adoption to the Board of County Commissioners; and

WHEREAS, the Planning Commission found LDCT Amendment 21-01/Ordinance No. 21-19 to be consistent with the Manatee County Comprehensive Plan (“the Comprehensive Plan”), and recommended that the Board of County Commissioners adopt the LDCT Amendment 21-01/Ordinance No. 21-19 into the Land Development Code of the County; and

WHEREAS, the Board held an adoption public hearing on October 21, 2021, on this Ordinance to receive public comments and review and consider the Staff Report and the recommendation of the Planning Commission as to the proposed LDCT Amendment 21-01/Ordinance No. 21-19; and

WHEREAS, the Board has found and determined that the adoption of the proposed LDCT Amendment 21-01/Ordinance No. 21-19 will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the County and thus will serve a valid public purpose.

WHEREAS, the Board, after considering public comment, the recommendations of the Planning Commission and Planning staff, has found this Ordinance to be consistent with the Comprehensive Plan and in furtherance of the public health, safety and welfare, and has adopted this Ordinance as set forth herein

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida;

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163, *Florida Statutes*, and Chapter 125, *Florida Statutes*, as amended.

Section 2. Findings. The recitals set forth in the Whereas clauses above are true and correct and are hereby adopted as findings by the Board of County Commissioners for the adoption of this Ordinance.

Section 3. Adoption of the Land Development Code Text Amendment.

- A. Chapter 2, Section 200, of the Land Development Code is hereby amended as set forth in Exhibit "A" to this Ordinance.
- B. Chapter 11 of the Land Development Code is hereby amended as set forth in Exhibit "B" to this Ordinance.

Section 4. Applicability. The amendments set forth in Section 3 of this Ordinance shall apply to any Impact-Generating Land Development for which a building permit application is filed on or after November 1, 2021, and for which a certificate of occupancy is issued on or after November 1, 2021.

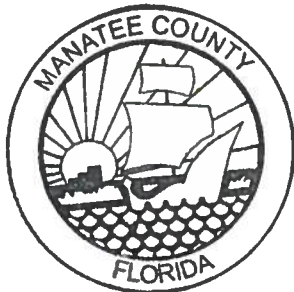
Section 5. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Land Development Code.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 8. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 21st day of October 2021.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**



BY: _____

Vanessa Baugh, Chairperson

ATTEST:

**ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

BY: _____

Deputy Clerk

ORDINANCE EXHIBIT “A”

AMENDMENTS TO DEFINED TERMS IN SECTION 200 – DEFINITIONS

The following provisions of Section 200 – Definitions, are amended as set forth below (underline language added, ~~strike through~~ language deleted) in the alphabetical order which they appear in Section 200.

SECTION 200 – DEFINITIONS:

[***]

~~Capital Transportation Facilities. (See "Impact Fees.")~~

[***]

Credit Authorization (Impact Fees). (See "Impact Fees")

[***]

~~Daycare/School (Impact Fees).~~ (See "Impact Fees.")

[***]

~~Generation of Traffic (Impact Fees).~~ (See "Impact Fees.")

[***]

Heavy Industrial (Impact Fees). (See "Impact Fees")

[***]

Hospital (Impact Fees). (See "Impact Fees")

[***]

Infrastructure (Impact Fees). (See “Impact Fees”) ~~shall mean road, water, sewer, stormwater or drainage facilities, public use area specifically designed to accommodate the impact generating land development activity.~~

[***]

Manufacturing (Impact Fees). (See “Impact Fees”)

[***]

Mini-Warehouse (Impact Fees). (See “Impact Fees”)

[***]

Nursing Homes (Impact Fees). (See “Impact Fees”)

[***]

Public Facilities (Impact Fees). (See “Impact Fees”)

[***]

Square Feet of Floor Area (Impact Fees). (See “Impact Fees”)

[***]

Impact Fees.

For technical terms not defined herein, refer to the Institute of Transportation Engineers Trip Generation Report, (Latest Edition)

Ancillary Use shall mean a structure providing a support function that is not Impact-Generating Land Development pursuant to Chapter 11, such as but not limited to a parking garage, ~~or~~ outdoor sports stadium at a school, or private amenities within a residential development (e.g., a clubhouse or fitness center).

[***]

Capital Multimodal Transportation Facilities shall mean system improvements for transportation planning, right-of-way, engineering, and the construction of multimodal improvements that expand the capacity of any arterial or collector shown in Map 5-B (the Future Traffic Circulation Functional Classification Map) of the Manatee County Comprehensive Plan. Capital Multimodal Transportation Facilities shall not include ~~(a) capacity improvements to State roads unless required by a development agreement or a proportionate share determination, or (b) County roads outside the utility service area.~~

Capital Parks and Natural Resource Facilities shall mean system improvements for land, buildings, improvements to land, public parks, recreation ~~buildings facilities, aquatic facilities,~~ and/or trails — and specifically including those park, open space, recreation and trails, consistent with the Impact Fee Study.

[***]

Capital Public Safety Facilities shall mean system improvements for lands, buildings, improvements to land, communications equipment, EMS stations, other related buildings, and vehicles, consistent with the Impact Fee Study.

[***]

County Impact Fee Administrator shall mean the Impact Fee Administrator, County Administrator, or a designee, who shall be responsible for the administration of Chapter 11: Impact Fees.

[***]

Credit Authorization shall mean the document approved by the Impact Fee Administrator, which grants impact fee credits to a person for the completion of non-site related improvements and which includes any conditions placed on the use of those credits.

Daycare/School shall mean private facilities for education and care of humans and pets, including but not limited to classrooms, offices for staff, eating areas, and indoor recreation buildings. For the purpose of impact fees, service units (e.g. employees and vehicle trips) are allocated to building floor area. ~~An outdoor sports stadium is considered an ancillary use to a school.~~

[***]

Heavy Industrial (See “Impact Fees” Manufacturing)

Hospital, per definition elsewhere in this chapter, and shall also include medical clinic, Free-Standing Emergency Room (FSER), Urgent Care Center and other similar facilities that provide limited diagnostic and outpatient care. This category shall not include medical-dental office buildings.

[***]

Infrastructure shall mean a fixed capital expenditure or fixed capital outlay, excluding the cost of repairs or maintenance, associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least 5 years; related land acquisition, land improvement, design, engineering, and permitting costs; and other related construction costs required to bring the public facility into service. The term also includes a fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, a school bus as defined in F.S. § 1006.25, and the equipment necessary to outfit the vehicle or bus for its official use as defined in F.S. § 163.31801. For independent special fire control districts, the term includes new facilities as defined in F.S. § 191.009(4).

[***]

Lodging shall mean establishments that provide sleeping accommodations such as, but not limited to, hotel, motel, and timeshare, which and often ~~a~~ include a restaurant and other on-premise amenities to be used by the guests. Impact fees for lodging are imposed per room or Recreational Vehicle (RV) pad.

Manufacturing shall mean establishments where the primary activity is the conversion of raw materials or parts into finished products. In addition to production of goods, manufacturing may have minor office, warehouse, and research space. Heavy industrial uses will be charged at manufacturing impact fee rate.

Mini-Warehouse, per definition elsewhere in this chapter, and shall include High-Cube Transload and Short-Term Storage Warehouse. This category shall not include High-Cube Fulfillment Center Warehouse, Parcel Hub Warehouse, or Cold Storage Warehouses.

Office and Other Services shall mean establishments providing management, administrative, professional, or business services, personal and health care services, vehicular repair services; entertainment uses, and buildings providing social assistance or religious services. By way of example, Office and Other Services includes banks and business offices, animal hospital/veterinarian clinics, movie theaters, ~~and~~ bowling alleys, and medical/dental offices, ~~and~~ veterinarian clinics.

Public Facilities shall have the same meaning as in F.S. § 163.3164 and includes emergency medical, fire, and law enforcement facilities as defined in F.S. § 163.31801.

Nursing Homes, per definition elsewhere in this chapter, and shall also include, Assisted Living Facilities (ALF), and Residential Treatment Facilities.

[***]

Square Feet of Floor Area ~~shall mean~~ for impact fee calculations shall mean, enclosed building space that ~~can~~ may be air conditioned, as well as and exterior retail non-residential land use space under a permanent roof, ~~such as commonly constructed above fuel pumps.~~

[***]

ORDINANCE EXHIBIT “B”

AMENDMENTS TO SPECIFIC PROVISIONS OF CHAPTER 11 – IMPACT FEES

The following provisions of Chapter 11 – Impact Fees, are amended as set forth below (underline language added, ~~strike-through~~ language deleted) in the numerical order in which they appear in Chapter 11.

Chapter 11 - IMPACT FEES

[***]

Section 1102. - Impact Fee Determination.

1102.1. - Fee Obligation.

- A. **Obligation.** Any Impact-Generating Land Development, unless exempted pursuant to Section 1102.2, shall be obligated to pay Impact Fees as required by this chapter. The person commencing the Impact-Generating Land Development, or such person's Successor-in-Interest, shall be obligated to pay the Impact Fees. The amount of the Fees shall be determined in accordance with Section 1102.3.
- B. **Fees Levied.** The Board hereby imposes Impact Fees at the rates established pursuant to Section 1102.3.A (Fee Schedule) for all Impact-Generating Land Development.
- C. **Time Fees Paid.** Impact Fees shall be paid to the County:
 - 1. At time of issuance of a Building Permit or Certificate of Completion (as the case may be) for additions/changes of use, should there be an increase in impacts on County Capital Facilities;
 - 2. Prior to Final Plan Approval or its functional equivalent where no Building Permit is required (e.g., "AP," "FSP," etc.);
 - 3. Prior to installation of the required improvements ~~release~~ or Certificate of Completion release (as the case may be) by the Building and Development Services Department for recreational vehicle parks;
 - 4. Prior to issuance of a Certificate of Occupancy or Certificate of Completion (as the case may be), for all other development.
- D. **Extension of Previous Permit.** If the Feepayer applies for an extension of a Building Permit and Impact Fees have not been paid prior to the time the extension is requested, the Impact Fees due for the development subject to the extension shall be the Impact Fees in effect at the time the extension is requested.
- E. **Change of Use.** For a building permit to allow a change of use of an existing building, the Impact Fees required to be paid shall be based on the net increase for the new use as compared to the previous use. An adjustment shall not be provided for demolition of any structure not in existence prior to the initial implementation date of a corresponding impact fee system or for the discontinuance of uses on other parcels.
- F. **Building Additions.** For a building permit to expand an existing building, the Impact Fees required to be paid shall be based on the net increase in development units. An adjustment shall not be provided for demolition of any structure not in existence prior to the initial implementation date of corresponding impact fee system.

1102.2. - Exemptions.

The following types of development shall be exempted from payment of Impact Fees.

- A. Reconstruction, expansion, or replacement of a previously existing residential structure that does not increase the number of Dwelling Units. The applicant is responsible for providing the necessary documentation to prove the existence of a prior structure at the effective date of the corresponding impact fee system or later;
- B. The replacement of a destroyed or partially destroyed non-residential building or structure with a new non-residential building or structure of the same use as the original structure, where there is no increase in development units. The applicant is responsible for providing the necessary documentation to prove the existence of a prior structure at the effective date of the corresponding impact fee system or later;
- C. Construction of ~~unoccupied~~ accessory structures related to residential development and ancillary structures related to non-residential development, which provide support functions that are not Impact-Generating Land Development;
- D. Impact-Generating Land Development undertaken by a Federal, State, County or Municipal government or a fire district;
- E. Impact-Generating Land Development undertaken by a public school board or community college; and
- F. Impact-Generating Land Development undertaken by the Manatee County Port Authority within PDPM (Planned Development Port Manatee) provided in Section 402.18 of the Manatee County Land Development Code where the structures are owned by the Manatee County Port Authority. This exemption shall not include Impact-Generating Land Development undertaken within PDPM (Planned Development Port Manatee) where structures are owned by a person other than the Manatee County Port Authority, in which event the structure itself and any land leased by the Manatee County Port Authority to that person shall be subject to the requirements of this chapter.

1102.3. - Calculation of Amount of Impact Fees.

The amount of Impact Fees due shall be determined pursuant to the provisions of this subsection by the County Impact Fee Administrator, as specified below:

- A. **Fee Schedule.** The Impact Fee Schedule is included in this chapter as Exhibit 11-1: Impact Fee Schedule, and incorporated herein by reference.
 1. During the time period commencing on April 18, 2016 and ending on April 17, 2017, the impact fee shall be eighty percent (80%) of the amount set forth in the above schedule.
 2. During the time period commencing on April 18, 2017 and continuing thereafter, the impact fee shall be ninety percent (90%) of the amount set forth in the above schedule.

The County Impact Fee Administrator shall make a determination as to the appropriate land use designation listed in the Impact Fee Schedule, based upon the nature and intent of a proposed development. Fees shall be reduced to account for existing structures and uses. The net impact fee determination may be appealed to the Board of County Commissioners.

- B. **Uses Not Listed.** If the Impact-Generating Land Development is of a type not listed in Exhibit 11-1: Impact Fee Schedule, then the County Impact Fee Administrator shall be responsible for determining a comparable use. If there is no comparable use, the Impact Fees shall be determined by an Independent Impact Analysis.
- C. **Mix of Uses.** In urban areas or suburban activity centers, impact fees assessed on buildings that include a vertical mix of uses may shall be determined by adding together the individual uses as if

each were a freestanding use or may be determined as prescribed in subsection D of this section as determined by the Impact Fee Administrator after consultation with all other appropriate providers of County Capital Facilities.

- D. **Independent Impact Analysis.** The County Impact Fee Administrator may allow or require Impact Fees to be determined by an Independent Impact Analysis for the proposed Impact-Generating Land Development. The Independent Impact Analysis must demonstrate by competent substantial evidence that the data, assumptions, and service units used in the Impact Fee Study and reflected in Exhibit 11-1 are less accurate than the results of the Independent Impact Analysis.

An Independent Impact Analysis shall be based on the most recent and localized data, shall be based on the same Capital Public Facility Standards and unit costs for Improvements for County Capital Facilities used in the Impact Fee Study, and shall document the relevant methodologies and assumptions used. In the case of the Multimodal Transportation Impact Fee, the Independent Impact Analysis shall use the formulas used in the Impact Fee Study to determine travel demand and the amount of Impact Fees, but may attempt to demonstrate that alternate trip generation rates, by development type, alternate ~~trip rate adjustment~~ capture rates, and/or alternate trip lengths ~~adjustment~~ that more accurately reflect the transportation impacts of the proposed Impact-Generating Land Development. In the case of each of the other Impact Fee Components, the Independent Impact Analysis shall use the formulas used in the Impact Fee Study for the appropriate component, but may attempt to demonstrate that the number of service units per development unit vary from the rates used in the Impact Fee Study. The County Impact Fee Administrator shall render a written decision accepting, accepting with modifications, or rejecting the Independent Impact Analysis.

Section 1103. - Use of Impact Fee Funds.

1103.1. - County Impact Fee Funds and Accounts.

- A. **Establishment of County Impact Fee Funds.** County Impact Fee Funds are hereby established for the purpose of ensuring the Impact Fees collected pursuant to this chapter are designated for the provision of infrastructure necessitated by new Impact-Generating Land Development that paid the Impact Fees. One (1) County Impact Fee Fund shall be established for each Impact Fee. These Funds shall be maintained as interest bearing accounts.
- B. **Establishment of Separate Accounts within Funds.** For those Impact Fees that have more than one Benefit District, separate Accounts, as determined by the Clerk of the Court, shall be established for each Benefit District. For those Impact Fees that have a single Benefit District, the County Impact Fee Fund established for each such Impact Fee shall be treated as a separate Account, as determined by the Clerk of the Court.
- C. **Deposit and Management of the County Impact Fee Accounts.** All Impact Fees collected by the County pursuant to this chapter shall be identified as Impact Fees and shall be promptly deposited into the appropriate Account in the County Impact Fee Funds.
- D. **Interest Earned on Fees.** Interest earned on Impact Fee proceeds in any Account in any of the County Impact Fee Funds shall be considered part of such Account, and shall be subject to the same restrictions on use applicable to the Impact Fees deposited in such Account.
- E. **Accounting and Reporting of Collections and Expenditures.** The County shall account for the collections and expenditures of all Impact Fees in accordance with applicable law (including, without limitation, Section 163.31801(43)(b), Florida Statutes, and generally accepted governmental accounting practices.

[***]

1104.2. - Multimodal Transportation Benefit Districts.

Four (4) Multimodal Transportation Benefit Districts are established: (1) the Northwest Multimodal Transportation Benefit District, (2) the Northeast Multimodal Transportation Benefit District, (3) the Southwest Multimodal Transportation Benefit District, and (4) the Southeast Multimodal Transportation Benefit District. The boundaries of all four (4) Multimodal Transportation Benefit Districts are shown on Exhibit 11-2: Multimodal Transportation Benefit Districts, which is incorporated herein by reference.

- A. **Within Benefit District.** Multimodal Transportation Impact Fees shall be expended within the Multimodal Transportation Benefit District from which the Fees have been collected, except as authorized pursuant to Section 1104.2.B.
- B. **Outside Benefit District.** Multimodal Transportation Impact Fees may be spent on improvements located outside the Benefit District in which the Impact-Generating Land Developments that paid the Impact Fees are located if the Board first makes a written determination that such expenditure will sufficiently benefit the Impact-Generating Land Developments located within the Multimodal Transportation Benefit District and that such expenditure will comply with the requirements of applicable law. These projects will be presented to the Board as part of the Capital Improvement Program discussed under Section 1108.3.

[***]

Section 1105. - Impact Fee Refunds.

1105.1. - Timeliness of Impact Fee Commitments and Expenditures.

- A. **Encumbrance of Expenditure within seven (7) Years.** Any Impact Fees collected that have not been spent or encumbered within seven (7) years after the Certificate of Occupancy was issued shall be eligible to be refunded to the Feepayer or the Feepayer's Successor-in-Interest, along with interest at the portfolio year-end rate per annum since the date of payment, except as otherwise noted in this section.
- B. **Extension of Time.** The Board may by resolution extend for up to three (3) years the date at which Impact Fees shall be refunded. Such an extension shall be made only upon a finding that within such three (3) year period, specific Improvements for County Capital Facilities are planned and will be constructed that will sufficiently benefit the Impact-Generating Land Development for which the Impact Fees were paid. In the case of such an extension, any Impact Fees collected that have not been spent or encumbered within such extension period shall be refunded to the Feepayer or the Feepayer's Successor-in-Interest, along with interest at the portfolio year-end rate per annum since the date of payment.
- C. **Refund.** In order to be eligible to receive a refund of Impact Fees, the Feepayer or the Feepayer's Successor-in-Interest shall be required to submit an application for such refund to the County Impact Fee Administrator. Refunds for proceeds not timely expended shall be made by the County Impact Fee Administrator within one (1) year following the seventh year from the date on which the Certificate of Occupancy was issued for the Impact-Generating Land Development or the expiration date of the extension, whichever is later. If the Feepayer or the Feepayer's Successor-in-Interest does not apply for a refund, the funds shall remain in the impact fee account until spent.
- D. **Successors-in-Interest.** If the Successor-in-Interest claims a refund of Impact Fees, the County Impact Fee Administrator may shall require written documentation that such rights have been conveyed to the claimant prior to issuing the requested refund.

- E. **Payment and Interest.** The County Impact Fee Administrator shall approve the refund application if it is determined that the Feepayer has paid Impact Fees the County has not spent within the period of time permitted under this section. The refund shall include the Impact Fees paid plus interest at the portfolio year-end rate per annum, less any applicable administrative fees adopted pursuant to Section 1108.5 (Administrative Fee).

1105.2. - Failure to Initiate Development and Mistakes.

If Impact Fees are calculated and paid based on a mistake or misrepresentation, they shall be recalculated. Any amounts overpaid by a Feepayer shall be refunded by the County within ninety (90) days. If a Feepayer has paid Impact Fees required by this chapter and has obtained a Building Permit, and the Building Permit for which the Fee was paid later expires without the possibility of further extension, then the Feepayer or the Feepayer's Successor-in-Interest shall be entitled to a refund of the Fees paid, without interest, and less any applicable administrative fees adopted pursuant to Section 1108.5 (Administrative Fee). In order to be eligible to receive a refund of Impact Fees, the Feepayer or the Feepayer's Successor-in-Interest shall be required to submit an application for such refund to the County Impact Fee Administrator within ninety (90) days after the expiration of the Building Permit for which the Fee was paid. If a Successor-in-Interest claims a refund of Impact Fees, the County Impact Fee Administrator ~~may~~ shall require written documentation that such rights have been conveyed to the claimant prior to issuing the requested refund.

[***]

Section 1106. - Credits for System Improvements.

1106.2. - General Standards.

All awards of Impact Fee credits shall be subject to the following requirements:

- A. **Credit.** Impact Fee credits shall be directly attributable to and approved for a contribution, payment, construction or land dedication that conforms to the requirements of this section.
- B. **Options for Use of Credits.** Impact Fee credits may be consistent with one (1) of the three (3) following options:
1. Impact Fee credits may be used to offset Impact Fees due and owing for an applicable Impact Fee of the development project for which contribution, construction, or dedication of land for County Capital Facilities is made and credit accepted pursuant to this section.
 2. Subject to the terms of an agreement with the County, credit may be used in the form of a refund of Impact Fee funds to the developer/owner from future Impact Fees to be paid for Building Permits issued for the development project for which the contribution, construction, or dedication of land is made. Refunds for credits pursuant to this subsection are not transferable. In no case shall the refund be greater than the amount of Impact Fees paid.
 3. Impact Fee credits may be assigned or transferred to any entity and used to offset Impact Fees due and owing for an applicable Impact Fee of any development project located in the same, or to the extent required by Florida Statute, "adjacent", Benefit District as the development project for which the contribution, construction of improvements, or dedication of land for County Capital Facilities was made and for which the credit was accepted pursuant to this Section 1106.

- C. Consistent with Subsection 163.3180(5)(h) F.S., transportation impact fee credits shall be provided for proportionate share payments made to satisfy transportation concurrency requirements. Such credits shall be provided pursuant to the terms of a binding development agreement between the County and the applicant.
- D. Increases in impact fee rates must ensure the holders of any impact fee credits created under this chapter, but in existence before a fee increase, receive the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established, including credits granted under Florida Statute § 163.3180 or § 380.06 after the original effective date of this article.

[***]

Section 1107. - Appeals.

1107.1. - General.

A Feepayer may appeal a decision of the County Impact Fee Administrator to the Board on a request for an Administrative Interpretation, Independent Impact Analysis, or a Refund, or an Application for Credit, or any other decision made pursuant to this Chapter, by filing an appeal, in writing, with the County Impact Fee Administrator, within sixty (60) calendar days of the decision. The appeal shall include a written notice stating in detail the grounds of the appeal. The County Impact Fee Administrator shall place the appeal on the Board's agenda for a regularly scheduled meeting, and forward the record of the matter that is on appeal to the Board.

1107.2. - Record.

The record considered by the Board shall be the record of the application for Administrative Interpretation, Independent Impact Analysis, the Application for Impact Fee Credit, or the request for impact fee refund (as the case may be).

1107.3. - Notice.

Within forty-five (45) days after receipt of a complete application and notice of appeal, the County Impact Fee Administrator shall schedule a public hearing. Published notice of the public hearing shall be given in accordance with the requirements of Section 312. Mailed and posted notices shall not be required. The County Impact Fee Administrator shall notify the applicant by mail or hand delivery at least fifteen (15) calendar days prior to the Board's hearing on the appeal.

[***]

1108.5. - Administrative Fee.

The Board may adopt a resolution providing for administrative fees to be retained by the County as payment for the expenses of collecting the fees and administering this chapter. Pursuant to Section 163.31801(4~~3~~)(c), Florida Statutes, in no case shall the administrative fees adopted by the Board exceed the actual costs to the County of paying such expenses.

1108.6. - Affordable Housing.

Manatee County may pay from legally available funds any Impact or Facilities Investment Fees charged against any Impact-Generating Land Development that has entered into a Land Use Restriction Agreement ensuring that the Impact-Generating Land Development meets those standards established by Manatee County for an affordable housing project.

The Board may, by resolution, provide for an exception or waiver for Impact Fees charged against any Impact-Generating Land Development that has entered into a Land Use Restriction Agreement (LURA) ensuring that the Impact-Generating Land Development meets those standards established by Manatee County for an affordable housing project. Pursuant to Florida Statute Section 163.31801(11), the County is not required to use any revenues to offset the impact for the development or construction of housing that is affordable, as defined in Section 420.9071, Florida Statute.

[*]**



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 22, 2021

Honorable Angelina Coloneso
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 21-19, which was filed in this office on October 22, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

From: [Ords Admin](#)
To: [Quantana Acevedo](#)
Subject: RE: Manatee County, FL Land Development Code - 2016(12202) OrdBank
Date: Sunday, October 24, 2021 1:53:07 PM
Attachments: [image001.png](#)

We have received your files.

Thank you and have a nice day.

Ords Administrator
ords@municode.com
1-800-262-2633
P.O. Box 2235
Tallahassee, FL 32316

When available, please send all documents in WORD format to Ords@municode.com. However, if WORD format is not available, we welcome any document format including PDF.

SJ

From: Quantana Acevedo <quantana.acevedo@ManateeClerk.com>
Sent: Friday, October 22, 2021 9:31 AM
To: Ords Admin <ords@municode.com>
Subject: Ordinance 21-19, Impact Fees

WARNING: This email originated from outside Municode. DO NOT CLICK on any attachments or links from unknown senders or unexpected emails. Always check the sender's display name and email address are correct before you communicate.

Hello. The attached ordinance was adopted by the Board of County Commissioners on October 21, 2021.

Thank you,

Quantana Acevedo, Deputy Clerk
Board Records Department
for Angelina "Angel" Colonnese
Manatee County Clerk of Circuit Court and Comptroller
quantana.acevedo@manateclerk.com
941-741-4018 ext. 4181
"Pride in Service with a Vision to the Future"



Approved in Open Session 12/14/21
Manatee County
Board of County Commissioners

**Board of County Commissioners
December 14, 2021 - Regular Meeting**

SUBJECT

ADOPTION OF RESOLUTION R-21-040 – MANATEE COUNTY IMPACT FEE ADMINISTRATIVE PROCEDURES MANUAL UPDATE

Category

CONSENT AGENDA

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Contact/Presenter:

Nicole Knapp, Impact Fee Administrator, County Administration
Ext. 7824, Nicole.knapp@mymanatee.org

Action Requested

Adoption of Resolution R-21-040 adopting a Manatee County Impact Fee Administrative Procedures Manual Update

Enabling/Regulating Authority

Manatee County Land Development Code, 1108.4. Administrative Procedures. The Board may adopt by resolution Administrative Procedures to implement this chapter.

Background Discussion

- The current Administrative Impact Fee Procedures Manual was adopted on November 19, 2019, by Resolution R-19-152.
- Staff is proposing to update the manual to be consistent with current language in the Manatee County Land Development Code, recently amended on October 21, 2021, via Land Development Code Text Amendment LDCT-21-01/Ordinance 21-19.
- The minor amendments are for purposes of consistency with Florida Statute, other sections within the Land Development Code, and internal business processes.
- None of the proposed amendments are related to an Impact Fee Study or Fee Schedule.

Attorney Review

Other (Requires explanation in field below)

Other (if applicable)

William Clague, County Attorney, reviewed and responded by email to CAO Matter No. 2021-0302 on August 6, 2021.

Reviewing Attorney

Clague

Instructions to Board Records

Return original signed copy to Nicole Knapp, Impact Fee Administrator, County Administration, via email at nicole.knapp@mymanatee.org. **Also to: CAO, L. Stephens 12/16/21, RT**

Cost and Funds Source Account Number and Name

110-006700

Amount and Frequency of Recurring Costs

\$0



MEMORANDUM

To: Dr. Scott Hopes, County Administrator

From: Diane Vollmer, Agenda Coordinator

Date: December 10, 2021

Subject: **Agenda Update for Meeting of December 14, 2021**

This memo and the changes indicated below are reflected in the electronic agenda.

Public Comments

Written comments submitted through the online Public Comment form were added to:

- Citizen Comments (Consideration for Future Agenda Items)
- Item 61 - Resolution R-21-189 Redistricting the County into Commissioner Districts of Contiguous Territory as Nearly Equal in Population as Practicable

Changes to Consent Agenda

CLERK OF CIRCUIT COURT

Item 3 – Investment Policy

This item has been deferred to a later date. No action is required.

ADMINISTRATOR

Item 4 - Resolution R-21-040 – Manatee County Impact Fee Administrative Procedures Manual Update

The final version (clean copy) of the manual, inadvertently omitted from the agenda item, was attached.

FINANCIAL MANAGEMENT

Item 12 - Budget Amendment Resolution B-22-031 and Budget Amendment Resolution for Infrastructure Sales Tax B-22-035

Resolution B-22-031 was updated to remove Item No. 15 relative to the CDBG Grant Fund and to renumber Item No. 22 (Supervisor of Elections/General Fund) to Item No. 15.

Item 23 - Interlocal Agreement regarding American Rescue Plan (ARP) Funding between Manatee County and the Manatee County Sheriff's Office

This item has been deferred to a later date. No action is required.

PARKS AND NATURAL RESOURCES

Item 29 - Authorization to Advertise a Notice of Public Hearing for Adoption of Ordinance 22-08 relating to the Acquisition, Protection, and Management of Environmental Lands on January 11, 2022

The proposed Ordinance and the Notice of Public Hearing were updated and replaced to reflect the new ordinance number, 22-08 (formerly 21-45), and to better capture the motion passed on October 27, 2021, specifically that the Board liaison to the Environmental Lands Management and Acquisition Committee (ELMAC) will serve as the ELMAC Chairman.

PUBLIC WORKS

Item 46 – Resolution R-21-185 to Approve the Alignment of 27th Street East Functional Improvement

This item has been deferred to a later date. No action is required.

Item 49 - Utility Reimbursement Agreement between Manatee County and Benderson Development Company, LLC for the Reroute of a Sanitary Sewer Main; Budget Resolution B-22-036

The budget resolution, inadvertently omitted from the agenda item, has been attached.

Changes to Regular Agenda

ADMINISTRATOR

Item 61 - Resolution R-21-189 Redistricting the County into Commissioner Districts of Contiguous Territory as Nearly Equal in Population as Practicable

The resolution and agenda item were updated to reflect the action taken at the December 7th special meeting to prepare Plan B2 for adoption by resolution at the December 14th regular meeting.

PUBLIC SAFETY

Item 64 - Bishop SPCA Asset Transfer and Easement Agreement

- The requested action was updated to include execution of the agreements; and
- A PowerPoint presentation was added.

Addition to Regular Agenda

FINANCIAL MANAGEMENT

Item 71 – Amendment No. 1 to Agreement No. 18-R068859AJ for Correctional Health Care Services

Request for: “Authorization for the Procurement Official, or designee, to execute Amendment No. 1 to Agreement No. 18-R062259AJ for Correctional Health Care Services with NaphCare, Inc. for a period of 180 days beginning January 1, 2022, and ending June 30, 2022.”

Manatee County, Florida

Impact Fee Administrative Procedures Manual

Multimodal Transportation, Law Enforcement,
Parks & Natural Resource, Library, and
Public Safety Capital Facilities

Adopted December, 14 2021



TABLE OF CONTENTS

Chronicle Record of Governing Documents	4
Introduction	7
Legislative Findings, Reliance on Impact Fee Study, and Intent.....	7
Impact Fee Determination	8
Impact Fee Obligation.....	8
Residential Dwelling Units	8
Nonresidential and Mixed Use Developments	8
Unlisted Use	8
Change of Use.....	9
Building Additions and Expansion of Existing Use	9
Exemptions	9
Previously Existing Structure	10
Accessory Use/Structure	10
Impact Fee Calculations	10
Fee Schedule	10
Shell Building Permit	11
Mixed Use	11
Open-air Space under a Permanent Roof.....	11
Church/Place of Worship (with Educational Operations)	12
Recreational Vehicle Parks (RV Parks)	12
Independent Impact Analysis	12
Pre-Application Meeting.....	12
Qualifications of Preparer	12
Optional Independent Impact Analysis	12
Mandatory Independent Impact Analysis	13

Requirements for Independent Impact Analysis	13
Sufficiency of Analysis	13
Decision by the County Impact Fee Administrator	13
Use of Impact Fee Funds	14
Benefit Districts	14
Credits for System Improvements	15
Eligible Improvements	15
Credit Application and Completeness Review	19
Valuation of System Improvements.....	21
Credit Recommendation and Final Authorization	21
Standards for Evaluation of Credit.....	22
Use of Credits.....	22
Miscellaneous Provisions.....	22
Impact Fee Refund	22
Annual Review	22
Administrative Interpretation.....	23
Appeal of Administrative Decision.....	24
Forms Related to the Administration of Impact Fees	24

CHRONICLED RECORD OF GOVERNING DOCUMENTS

The following tables provide a complete account of the historical evolution regarding the Impact Fee Ordinance, as well as the Impact Fee Administrative Procedures Manual.

The **Adoption History Table** below summarizes revisions, amendments, and updates to the Impact Fee Ordinance, including those made to Chapter 2 of the Land Development Code.

IMPACT FEE ORDINANCE		
Document No.:	Date Adopted	Purpose/Summary of Changes
Ord 86-09	06/27/1986	Establishment of Impact Fees for Roads, Parks, Solid Waste, and EMS for all incorporated and unincorporated parts of Manatee County.
Res 86-152	06/27/1986	Adopted administrative fees.
Ord 87-38	11/18/1987	Updated fee schedule based on inflation and providing changes in the formula used to calculate transportation component fees.
Ord 89-14	08/16/1989	Adjustment to the RV Park and Hotel/Motel category for the parks and recreation component of the Impact Fee schedule.
Res 90-71	09/27/1990	Amended Impact Fee Schedule, added Law Enforcement component, and increased Administrative Surcharge.
Res 01-184	08/14/2001	Eliminated Solid Waste impact fees. Law enf., fees increased 33% and Parks, EMS, and Road impact fees increased 40%.
Ord 02-33	05/07/2002	Adopted Countywide Impact Fee's for Education Facilities.
Ord 04-19	02/24/2004	Added Countywide Parks and Local City Parks into Impact Fee Schedule.
Ord 04-40	02/24/2004	Adopted increase of Countywide Impact Fees for Education Facilities based on inflation.

Res 04-67	02/24/2004	Established Impact Fee program for Affordable Housing.
Ord 05-62	08/23/2005	Adopted increase of Countywide Impact Fees for Education Facilities.
Ord 05-52	10/06/2005	*5-year Update Study – Adopted at 100%
Ord 06-75	11/07/2006	Amend Impact Fee Schedule. Consolidated local parks and countywide parks category and transportation impact fee into Roads impact fee.
Ord 09-07	02/03/2009	Eliminated medical-dental office category.
Ord 09-36	05/19/2009	Suspended charging and collection of Educational Facilities impact fees for a period of 2-years.
Ord 09-37	05/19/2009	Reduced Road impact fees by 50% for a period of 2 years.
Ord 11-20	06/21/2011	*5-year Update Study – Adopted at 100%. Extended the reduction of Road impact fees by 50% through September 30, 2011.
Ord 11-22	06/21/2011	Extended the suspension of charging and collection of Educational Facilities impact fees through July 27, 2013.
Ord 15-43	12/03/2015	*5-year Update Study – Adopted at 80%, with incremental increases to 90% after one year and to 100% after the Adopted impact fees for Library Facilities.
Ord 16-03	01/07/2016	Adopted new Impact Fee Schedule for Education Facilities at 50% percent. Increase to 75% percent after 1 year and 100% percent after 2-years.
Ord 17-46	08/03/2017	Adopted Educational Facilities Impact Fees at 100% percent.
Ord 18-07	03/20/2018	Adopted to cap Impact Fees at 90% percent.
Ord 21-19	10/21/2021	Updated to address changes in business processes, as well as consistency with Florida Statute and Land Development Code.

The **Adoption History Table** below summarizes changes or updates to the Impact Fee Administrative Procedures Manual.

IMPACT FEE ADMINISTRATIVE PROCEDURES MANUAL		
Document No.:	Date Adopted	Purpose/Summary of Changes
R-86-154	07/10/1986	Adopting Interim Procedures for Impact Fee Administration.
R-87-351	12/22/1987	Amending Section 10.7 and reject Independent Impact Analysis.
R-90-93	09/27/1990	Rescind Resolution No.: R-86-154 and adopt new Impact Fee Administrative Procedures Manual.
R-92-128	10/06/1992	Updates to the Manatee County Impact Fee Administrative Procedures Manual Section C – Definitions, Section D – Payment of Impact Fees, Section E – Independent Impact Analysis, Section G – Credits/Determination of Value
R-97-22	01/29/1997	Amending Section G.3.b., Specific Standards, and remove form 806-04 - Parks-credits for golf courses.
R-04-147	05/25/2004	Amending R-97-22, Delete and Replace Section F, 2. – Spending impact fees outside the construction district (aka Benefit District) from which fees were collected.
R-04-170	06/22/2004	Updated for consistency purposes with the Land Development Code.
R-17-107	12/07/2017	Adopting (new) Manatee County Impact Fee Administrative Procedures Manual. (Replaced R-04-170 in entirety)
R-19-152	11/19/2019	Updated for consistency with the Land Development Code.
R-21-040	12/14/2021	Updated to address changes in business processes, as well as consistency with Florida Statute and Land Development Code. (Replaced R-17-107 in entirety)

INTRODUCTION

The Impact Fee Administrative Procedures Manual (or “Manual”) contains supplemental details regarding the process for administering Manatee County’s Land Development Code (LDC) as it relates to multimodal transportation, parks and natural resource, law enforcement, libraries, and public safety impact fees - referred to collectively as “County capital facilities.” Each type of infrastructure funded by impact fee is defined in Chapter 2 of the LDC.

The Manual is organized within approximate accordance to the section headings contained in Chapter 11 of the LDC; however, is not intended to replace or act as a governing document. Fee payers and staff shall reference the current version of the LDC, in addition to the Manual and Impact Fee Update Study as a supporting documents.

Terms unique to the administration of impact fees are listed in Chapter 2 – DEFINITIONS, of the LDC under a subsection heading “Impact Fees.” In addition, several general definitions listed alphabetically throughout Chapter 2 are also relevant to a complete understanding of how impact fees are administered. For any land use included in the fee schedule, that is not defined in Chapter 2 – DEFINITIONS, of the LDC, definitions from the Institute of Transportation Engineers Trip Generation Report, (latest Edition) shall be used.

The County Impact Fee Administrator (Impact Fee Administrator), or designee, is responsible for implementation of impact fees. Responsibilities of administering impact fees include:

1. Management of the impact fee program,
2. Calculation of impact fees for new, or expanded, development, based on the adopted fee schedule or by an Independent Impact Analysis,
3. Determination of credits for System Improvements, as specified in a local development agreement, or other similar agreements, and
4. Coordination of impact fee expenditures for System Improvements.

LEGISLATIVE FINDINGS, RELIANCE ON IMPACT FEE STUDY, AND INTENT

The Board of County Commissioners approved the Manual, by Resolution No. 21-040, on December 14, 2021. In Manatee County, impact fees are codified in Chapter 11 of the LDC, with definitions of impact fee terms in Chapter 2 of the LDC.

It is the intent of Manatee County to have administrative decisions governed by specific criteria and impact fee methods documented in the Impact Fee Study and the legislative findings and intent articulated by the Board of County Commissioners in the LDC. The Commissioner’s findings and the legislative intent, guide the implementation and administration of impact fees.

IMPACT FEE DETERMINATION

Section 1102, LDC, describes the manner in which impact fees are imposed and calculated, land uses exempt from the impact fee obligation, the means by which an Independent Impact Analysis may be performed to verify the impact of a proposed use on County capital facilities, and the award and use of credits against impact fees. This section of the Manual clarifies the manner in which those sections of the LDC are to be implemented to maintain consistency with Florida law and generally-accepted impact fee practices in the state.

Impact Fee Obligation

Unless expressly exempt by subsection 1102.2, LDC, all new development that creates additional impacts on County capital facilities will be subject to the impact fee obligations of section 1102.1. This requirement may include new developments, additions to existing developments, change of use, and may involve both indoor and outdoor land uses. The amount of impact fees owed is determined when a building permit application is submitted or as otherwise provided in section 1102, LDC.

Impact fees previously paid on prior structures, remain with the land. At the time of future expansion or redevelopment of buildings that previously paid an impact fee, an impact fee adjustment based on the previously use will be applied to the expansion or redevelopment. (See “Change of Use” section elsewhere within the Manual)

Residential Dwelling Units

For all types of residential land use categories, impact fees shall be imposed on a per dwelling unit basis according to the size thresholds established in the fee schedule. Unit size is based on square feet of climate-controlled floor area (excluding garages, porches, and patios), which is consistent with the methodology and data in the Impact Fee Study.

Nonresidential and Mixed Use Developments

Impact fees for mixed use and nonresidential developments are determined by the Impact Fee Administrator based on the administration of definitions and regulations within the LDC, in addition to the provisions of this Manual. Mixed uses and some nonresidential uses can be complex, so additional guidelines are provided in the subsection below titled “Impact Fee Calculations”.

Unlisted Use

For a use not specifically listed on the fee schedule or defined per the Impact Fee definitions in Chapter 2 of the LDC, the Impact Fee Administrator shall determine the fee category into which the proposed land use most accurately fits. The determination shall be based on the assumptions and methodology in the Impact Fee Study and other relevant and professionally-accepted indicators of demand. Should the Impact Fee Administrator determine that a proposed use does not fit any listed category in the schedule, the Impact Fee Administrator may conduct an Independent Impact Analysis, in accordance with section 1102.3, LDC, to determine the appropriate fee.

In these instances, the Impact Fee Administrator shall maintain a list of determinations made as to proposed *unlisted* land uses; first, to ensure the LDC is applied consistently

with subsequent applications; and second, to inform stakeholders during subsequent impact fee studies, LDC revisions, and updates to the Manual. In addition, an applicant may choose to prepare an Independent Impact Analysis consistent with Section 1102.3, LDC, and as described elsewhere in this Manual. (See both “Miscellaneous Provisions” and “Independent Impact Analysis” sections elsewhere within the Manual).

Change of Use

In the case of a change in use or redevelopment of an existing building and/or site, the impact fee will be assessed based on the net increase for the new use compared to the previous use for each individual type of infrastructure. The previous building should be in existence at the initial implementation date of the corresponding impact fee system. The applicant is responsible for providing the necessary documentation related to the prior structure (See “Previously Existing Structures” section elsewhere within the Manual).

The Impact Fee Administrator shall determine whether the new use amounts to a change in use or is deemed an accessory use/structure that would not require additional impact fees. For example, if a professional office were converted to retail space, the new retail space would generate additional demand for all impact fees, with the exception of those that are collected only from residential land uses (education facilities, libraries and parks and recreation). In the event that intensity is reduced during redevelopment or reoccupancy, any excess credit for previously paid impact fees remains with the property.

Building Additions and Expansion of Existing Use

When an existing structure or land use is expanded, an additional impact fee may be required in instances where the expansion increases the number of “development units”, as defined in the LDC.

For each category of County capital facilities for which impact fees are assessed, fees will be based on the net increase in fees owed under the current impact schedule as applied to the existing building/use compared to fees owed for the proposed new building/use. The previous building should be in existence at the effective date of the corresponding impact fee system. The applicant is responsible for providing the necessary documentation related to the prior structure. (See “Previously Existing Structures” section elsewhere within the Manual).

Exemptions

Section 1102.2, LDC, exempts certain land uses from the collection of impacts fees. These exemptions include land uses that do not create a permanent and significant impact on County capital facilities (*e.g.* temporary use/structure and replacement of a destroyed building), as well as exemptions required by state law or allowed as a matter of policy of the Board of County Commissioners (*e.g.*, public schools, government uses, and port authority developments). (Additional reference to section 1108.6, LDC - Affordable Housing)

Previously Existing Structure

Under subsections 1102.2(A) and (B) of the LDC, impact fees shall not to be collected for expansion of residential structures that do not increase the number of dwelling units or replacement of nonresidential structures. The applicant is responsible for providing the necessary documentation related to the details of the prior structure. Examples of acceptable documentation include:

1. Signed and sealed survey or architectural drawing;
2. Records of a Building Official;
3. Property Appraiser records providing the details of the property;
4. Aerial photography with clearly documented date;
5. Other documentation approved by the Impact Fee Administrator.

Accessory Use/Structure

Some developments may include an accessory use or structure that are associated with, but incidental and subordinate to, the primary land use. These uses and/or structures do not generate impacts on capital facilities separate from the primary use. For example, residential communities may include amenities such as a clubhouse or fitness center for use of the tenants. These private amenities are “accessory” and will not be assessed an impact fee because the impact fee methodology attributes service units (*i.e.* residents and vehicle miles of travel) to the residential dwellings. Chapter 2 of the LDC further defines what constitutes both accessory uses and structures.

Impact Fee Calculation

Fee Schedule

The current impact fees were adopted March 20, 2018, and are 90% of the recommended fees demonstrated in the Manatee County 2015–Impact Fee Update prepared by TischlerBise, and dated December 3, 2015. The Impact Fee Administrator determines the appropriate land use category, based on the nature of the use, the intent of the LDC, and the methodology and assumptions in the Impact Fee Study.

Implementation of impact fees and any necessary administrative interpretations are based on the impact a proposed use has on County capital facilities – whether measured by additional vehicle miles of travel, population, student generation rate, or other service units upon which the Impact Fee Study was based.

On occasion it may be necessary for the Impact Fee Administrator to assess fees on a development that does not align with developments specifically listed in the fee schedule. The objective is to narrow the number of situations that require interpretation. Instances where an interpretation is unavoidable, the Impact Fee Administrator shall provide specific direction to staff and the development community, to achieve consistent application of the LDC, based on the Impact Fee Study and documentable indicators of County

capital facility demand. (See “Miscellaneous Provisions” section elsewhere within the Manual)

The following types of structures/land uses are frequently proposed. As such, the manner in which the County applies Chapter 11 of the LDC, is set forth below.

Shell Building Permit

Often a builder constructs the “shell” of a nonresidential building, for which a particular use is unknown at the time of building permit application. Building use(s) cannot be confirmed until the review of one or more permit applications to build-out the building’s interior. Since shell building permit applications involve nonresidential or mixed use projects, the fee will be determined by the Impact Fee Administrator. The most common shell building permit applications are for “Commercial/Shopping Center” and “Light Industrial”. (See Chapter 2 of the LDC) In these cases, impact fees will be assessed at the time a building permit is obtained for the shell building, and the fee amount will be based on the applicant’s intended use of the entire shell structure. (Additional consideration given to zoning, land use plan designation, and surrounding uses.)

Subsequent permits for interior finish do not require additional impact fees unless deemed to be a change in use. Impact fees assessed on the shell permit must be paid prior to approval of any permits associated with an interior finish. If a building is converted from a multiple-tenant to single tenant building, then impact fees may be assessed if it is determined that additional impacts will be incurred on the capital facilities.

Mixed Use

Buildings that include a vertical mix of uses, impact fees will be assessed for each type of development and the results aggregated. An Independent Impact Analysis may be performed for a proposed mixed use development to determine the overall impacts on County capital facilities and the appropriate impact fee.

Buildings that do not contain a vertical mix of use, the unit of analysis is the entire building. Consistent with methods described by the Institute of Transportation Engineers (ITE), a particular structure may include minor secondary uses associated with the primary land use. For example, in addition to the production of goods, a manufacturing building may include some office and warehouse space. The impact fee will be assessed based on the total floor area of the entire building, using the rate for the primary land use.

Open-air Space under a Permanent Roof

Non-residential developments that include an outdoor use area covered by a permanent roof may be assessed additional impact fees for the area located under the open-air roof, above the assessment of impact fees for of any enclosed floor area within a building. Uses commonly located under an open-air permanent roof include, but are not limited to, outdoor storage of recreational vehicles, outdoor dining, gasoline fuel pumps, and manufacturing operations.

Commercial developments with fuel pumps, impact fees will be assessed based on the total square feet of any climate-controlled building, plus the outdoor area covered by a permanent roof structure above the fuel pumps.

Dining establishments that include outdoor seating under an open-air permanent roof, additional impact fees will not be imposed unless the outdoor seating area under a permanent roof exceeds 25% of the floor area of the principal use building.

Church/Place of Worship (with Educational Operations)

Church/Places of Worship and other religious institutions that operate a full-time/weekday Daycare and/or School will be assessed impact fees using the Daycare/School rate applied to the portion of the floor area dedicated to operation of the Daycare and/or School.

Those that do not operate weekday Daycare and/or School, impact fees will be assessed using the Office & Other Services rate applied to the total climate-controlled floor area of the office space dedicated to the primary use on an average weekday.

Recreational Vehicle Parks (RV Parks)

RV sites/pads will be assessed impact fees at the Lodging rate per the fee schedule, with each pad considered to be equivalent to a room for purposes of calculating impact fees.

INDEPENDENT IMPACT ANALYSIS

As described in section 1102.3, LDC, an applicant may submit an “Independent Impact Analysis” in order to demonstrate that a different level of impact should be the basis for the impact fee obligation and not the fee schedule in the LDC. In addition, the Impact Fee Administrator may perform an Independent Impact Analysis using County staff and current local data in order to verify the appropriate impact fee obligation for a proposed development, including uses not listed in the fee schedule, mixed uses, changes in use, and the extent to which a particular use or structure is accessory to a primary use.

The following procedures apply to Independent Impact Analyses:

Pre-Application Meeting

Before beginning the Independent Impact Analysis, the Feepayer and the qualified preparer will attend a pre-application meeting with the Impact Fee Administrator. The purpose of the meeting will be to discuss the procedures, requirements, methodology, and standards to be used in the Independent Impact Analysis.

Qualifications of Preparer

An Independent Impact Analysis will be prepared and certified by an expert approved by the Impact Fee Administrator, based on relevant training and experience (e.g., a registered professional engineer or member of the American Institute of Certified Planners). The preparer should be qualified in the fields of planning, engineering, or economics, or an impact fee consultant.

Optional Independent Impact Analysis

In lieu of determining impact fees based on the current schedule, a Feepayer may submit an application requesting that impact fees be determined by an Independent Impact Analysis. If the Independent Impact Analysis is being prepared for a land use included in the adopted rate table, the party requesting the Independent Impact Analysis shall demonstrate by competent substantial evidence that the data, assumptions, and service

units used in the Impact Fee Study are less accurate than the results of the Independent Impact Analysis. This can result in a requirement that all components of “linked” data be considered. For example, in transportation impact fee methodologies, travel demand is a function of trip rate and trip length; therefore, an independent analysis of one will typically be required to also consider the other.

Mandatory Independent Impact Analysis

The Impact Fee Administrator may require a Feepayer to perform an Independent Impact Analysis if the type of impact-generating land development is not comparable to a category listed in the impact fee schedule. If the Feepayer is required to perform an Independent Impact Analysis, the Feepayer will retain a qualified professional at the Feepayer’s expense. The expense of preparing the Independent Impact Analysis will be an impact fee credit applied to reduce the Administrative Surcharge.

Requirements for Independent Impact Analysis

An Independent Impact Analysis will use most recent and localized data for the demand component of the fees. It will be based on the same methodologies, infrastructure standards, and costs used in the Impact Fee Study. In the case of multimodal transportation impact fees, the Independent Impact Analysis will use the formulas in the Impact Fee Study to determine travel demand, but may also attempt to demonstrate that alternate trip generation rates, alternate capture rates, and alternate trip lengths more accurately reflect the transportation impacts of the proposed impact-generating land development. Supporting documentation will be provided through local data, and may include statistically valid surveys or a review of relevant professional literature.

In the case of impact fees for other types of infrastructure, the Independent Analysis will use the formulas in the Impact Fee Study for the appropriate fee; however, may also attempt to demonstrate that applicable service units per development unit vary from the rates used in the Study. Supporting documentation will include recent and local data, and may include statistically valid surveys or a review of relevant professional literature.

Sufficiency of Analysis

Within ten (10) business days of receipt of an application, the Impact Fee Administrator will review the request for Independent Impact Analysis and the Feepayer’s application for completeness and sufficiency. If additional material is required for effective review of the Independent Impact Analysis, the Impact Fee Administrator will notify the applicant of the need for such additional material. The applicant will provide the requested additional materials within thirty (30) calendar days of receipt of notice from the Impact Fee Administrator, or the application will be considered withdrawn.

Decision by the County Impact Fee Administrator

Within thirty (30) calendar days after a determination that the application and accompanying analysis are complete, the Impact Fee Administrator will render a written decision accepting, accepting with modifications, or rejecting the Independent Impact Analysis based on the review standards below. The Impact Fee Administrator will consult with other County staff and may seek the advice of impact fee consultants before rendering a decision. If an Independent Impact Analysis is accepted, or accepted with

modifications, then the impact fees will be determined by the Independent Impact Analysis.

The standards for acceptance, modifications, or rejection, will be based on whether the Independent Impact Analysis demonstrates, by competent substantial evidence, that an alternative impact fee amount more accurately reflects the demands for County capital facilities than the current impact fee schedule. Supporting documentation will include recent and localized data, and may include statistically valid surveys or a review of relevant professional literature.

USE OF IMPACT FEE FUNDS

Under Florida case law, impact fees must be spent in a manner that ensures a rational nexus, or “reasonable connection,” between fees paid and the benefit to the payer resulting from the public facilities constructed with impact fee revenues. This is accomplished by maintaining a Capital Improvements Program (or “CIP”) that includes improvements to County capital facilities within reasonable timeframes, which are set forth in the LDC. In addition, impact fees must be spent within the geographic area, or Benefit District established in the Impact Fee Study; except as authorized pursuant to section 1104.2.B, LDC. Therefore, the County will review its CIP each year to ensure improvements funded by impact fees are scheduled and completed, as described in the “Annual Review” section elsewhere within the Manual.

Furthermore, the Florida Impact Fee Act requires that revenues and expenditures of each type of impact fee be accounted for separately. This ensures that impact fee revenues are not spent for purposes other than providing infrastructure capacity that benefits Fee payers. Accordingly, the Manatee County Clerk of Courts maintains separate funds and subaccounts to earmark the collection and expenditure of impact fees as required by law. The specific requirements for accounting for impact fees are set forth in the LDC.

Benefit Districts

Impact fee collections and expenditures are maintained and accounted for according to the Benefit Districts described in the LDC. Impact fees collected prior to April 18, 2016, imposed pursuant to prior studies and assumptions, must also be spent to ensure a benefit accrues to those who paid the fees, as required by law. Therefore, prior to the expenditure of countywide impact fee funds collected before April 18, 2016, the Impact Fee Administrator will consult with other County staff to determine appropriate and lawful expenditures of such funds.

In the case of Multimodal Transportation Impact Fees, an improvement that is located in more than one benefit district will be eligible for funds from each district. In the case of improvements located in one district but benefit multiple districts, the County will conduct an analysis to determine benefit. Pursuant to Section 1104.2.B, LDC, if the Impact Fee Administrator determines a capital improvement is eligible for funding with impact fee proceeds from outside the benefit district where the capital improvement is located, staff will prepare a resolution with findings for Board consideration.

CREDITS FOR SYSTEM IMPROVEMENTS

System Improvements that are eligible for credits have the effect of providing capacity to County capital facilities, which will fully or partially address the demand from new development. Credits are necessary to ensure that a property owner or developer who provides infrastructure capacity is not subject to double payment for County capital facilities. Typically, credits will offset impact fees due on building permits issued within the development for which a credit for System Improvements was approved.

Consistent with Florida Statutes subsection 163.3180(5)(h), transportation impact fee credits will be provided for proportionate share payments made to satisfy transportation concurrency requirements. Such credits will be pursuant to the terms of a development agreement between the County and the applicant. Such agreement may include provisions addressing the identification of one or more mobility improvements to benefit a regionally significant transportation facility to be fully funded and completed by or on behalf of the applicant, the County, and/or another governmental or quasi-governmental entity. Such agreement may also include provisions for the timing of impact fee credits or refunds to reflect the need for particular System Improvements for which credits are awarded.

Eligible Improvements

Any person commencing an Impact-Generating Land Development may apply for a site-specific credit for contributions, construction of improvements, or dedications of land accepted and received by the County for System Improvements, as defined in Chapter 2, LDC. If a development site is adjacent to an arterial or collector street, as depicted in Map 5B (Future Traffic Circulation Functional Classification) of the Manatee County Comprehensive Plan, that is not yet constructed, the owner/developer will be required to provide adequate transportation access. Transportation access to residential subdivisions, multifamily housing, and all nonresidential development, must meet the minimum standards listed below (Option A or B). To obtain impact fee credits, see the application and authorization process described elsewhere within the Manual.

Option A - Two Lane Divided Urban

	Count	Feet	Total Feet
1. Median	1	19.34	19.34
2. Travel Lanes	2	12	24
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	8	16
7. Sidewalks	2	5	10
Total ROW Width			84

Source: Page T-81, Manatee County Public Works Standards Manual dated November 2016.

Option B - Complete Streets Collector

	Count	Feet	Total Feet
1. Median	1	14	14
2. Travel Lanes	2	11	22
3. Bike Lanes	2	5	10
4. Curbs	2	2	4
5. Landscape Buffers	2	9	18
6. Sidewalks	2	8	16
Total ROW Width			84
Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated November 2016.			

If a property owner or developer requests impact fee credits for constructing any of the street options specified below (See options C-J), the owner/developer shall have a pre-application meeting with the Impact Fee Administrator and Public Works staff to reach consensus on the general terms of a credit authorization. The Impact Fee Administrator will provide a written summary of the general terms to be incorporated into a draft Credit Authorization. The Credit Authorization must include the eleven information items required of all credit applications, as specified below. Credit Authorizations will be reviewed and approved or denied by the Impact Fee Administrator.

Options C and D below can accommodate either two or four travel lanes within 100 feet of ROW. Option C (two lanes) has forty-eight (48)-feet of asphalt with on-street parking. Option D (four lanes) has fifty-four (54)-feet of asphalt for moving automobiles and bikes, with no parking.

Option C – Principal Street with Two Lanes

	Count	Feet	Total Feet
1. Median	1	14	14
2. Travel Lanes	2	11	22
3. Bike Lanes	2	5	10
4. Parking	2	8	16
5. Curbs	2	8	4
6. Landscape Buffers	2	9	18
7. Sidewalks	2	8	16
Total ROW Width			100
Source: Page T-81, Manatee County Public Works Standards Manual dated November 2016.			

Option D – Principal Street with Four Lanes

	Count	Feet	Total Feet
1. Median	1	10	10
2. Travel Lanes	4	11	44
3. Bike Lanes	2	5	10
4. Curbs	2	2	4
5. Landscape Buffers	2	8	16
6. Sidewalks	2	8	16
Total ROW Width			100
Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated November 2016.			

The table below provides three options for a street with one hundred twenty (120)-feet of ROW. Option E is for two travel lanes in a suburban setting where stormwater swales are appropriate. Options F and G have four travel lanes but different design features. Option F has forty-eight (48)-feet of asphalt for vehicular travel and wide multiuse paths that are twelve (12)-feet wide. Option G has fifty-six (56)-feet of asphalt for automobiles and bikes, with sidewalks that are five feet wide.

Option E – Two Lane Divided Suburban

	Count	Feet	Total Feet
1. Median	1	16	16
2. Travel Lanes	2	12	24
3. Bike Lanes	2	4	8
4. Curbs	2	2	4
5. Stormwater Swales	2	29	58
6. Sidewalks	2	5	10
Total ROW Width			120
Source: Page T-82, Manatee County Public Works Standards Manual dated November 2016.			

Option F – Urban Parkway

	Count	Feet	Total Feet
1. Median	1	20	20
2. Travel Lanes	4	12	48
3. Curbs	4	2	8
4. Landscape Buffers	2	10	20
5. Multiuse Paths	2	12	24
Total ROW Width			120
Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated November 2016.			

Option G – Four Lane Divided

	Count	Feet	Total Feet
1. Median	1	19.34	19.34
2. Travel Lanes	4	12	48
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	14	28
7. Sidewalks	2	5	10
Total ROW Width			120
Source: Page T-80, Manatee County Public Works Standards Manual dated November 2016.			

Another four (4) lane street, that includes on-street parking, is Option H below. Although infrequent in the unincorporated area, Option I is for a six lane County arterial.

Option H - Boulevard

	Count	Feet	Total Feet
1. Median	1	18	18
2. Travel Lanes	4	11	44
3. Bike Lanes	2	4	8
4. Parking	2	7	14
5. Curbs	4	2	8
6. Landscape Buffers	2	8	16
7. Sidewalks	2	8	16
Total ROW Width			124
Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated Nov 2016.			

Option I – Six Lane Divided

	Count	Feet	Total Feet
1. Median	1	19.34	19.34
2. Travel Lanes	6	12	72
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	17	34
7. Sidewalks	2	5	10
Total ROW Width			150
Source: Page T-79, Manatee County Public Works Standards Manual dated November 2016.			

Outside Manatee County’s water and wastewater service area, a property owner or developer may elect to construct a Rural Parkway, according to the standards in the table below (See Option J). If a property owner or developer requests impact fee credits for a Rural Parkway, the owner/developer must have a pre-application meeting with Manatee County’s Impact Fee Administrator and Public Works staff to reach consensus on the general terms of a credit agreement. The Impact Fee Administrator will provide a written summary of the general terms to be incorporated into a draft Credit Agreement, which will be prepared by the owner/developer. Unless otherwise determined by the Impact Fee Administrator a Credit Agreement shall include the eleven (11) information items as specified below. Credit Agreements will be reviewed by the Impact Fee Administrator, and then scheduled for approval by the Board of County Commissioners as a consent agenda item.

Option J – Rural Parkway

	Count	Feet	Total Feet
1. Median	1	40	40
2. Travel Lanes	4	12	48
3. Curbs	2	6	12
4. Landscape Buffers	2	8	16
5. Multiuse Paths	2	12	24
Total ROW Width			140

Based on recommended standards: Page T-20, Manatee County Public Works Standards Manual dated Nov 2016.

Credit Application and Completeness Review

A written Application for Impact Fee Credit must be submitted to the Impact Fee Administrator. The amount of credit must be specified in the application. The general intent of Manatee County is to limit impact fee credits to the actual costs of System Improvements, up to but not to exceed, the infrastructure costs used in the Impact Fee Study. If requested credits routinely exceed cost assumptions used in the Impact Fee Study, the Impact Fee Administrator will request a study update to evaluate cost factors.

For multimodal transportation improvements, the application for Impact Fee Credit must include the following information:

1. Total Right-Of-Way (ROW) land value
2. Square feet of ROW dedicated (avg. ROW width multiplied by centerline length)
3. Land value per square foot (item 1 divided by item 2)
4. Actual construction cost of transportation improvements
5. Number of travel lanes
6. Centerline miles
7. Lane miles (item 5 multiplied by item 6)
8. Total project cost (item 1 plus item 4)
9. Total project cost per lane mile (item 8 divided by item 7)
10. Percent System Improvement (See paragraph and table below)
11. Requested credit (item 8 multiplied by item 10)

Manatee County will individually review and grant impact fee credits for System Improvements using the percentage shown below for specific types of streets. For example, if a developer constructs a Principal Street (Option C or D), with a recommended ROW width of one hundred (100)-feet, then 50% (i.e. 50 feet divided by 100 feet) of the cost for land and improvements is site-related and 50% is considered to be a System Improvement that is eligible for impact fee credits. If a developer constructs an Urban Parkway (Option F), with a recommended ROW width of one hundred twenty (120)-feet, then 42% (i.e. 50 feet divided by 120 feet) of the cost for land and improvements is site-related and 58% is considered to be a System Improvement that is eligible for impact fee credits.

Area	Street Type	Recommended ROW Width (feet)*	Percent Site-Related	Percent System Improvement
Urban	Urban and Suburban Local (base for credit in urban and suburban area)	50	100%	0%
Urban	Main	74	68%	32%
Urban	Avenue	80	63%	37%
Urban	Option A Two Lane Divided Urban	84	60%	40%
Urban	Option B Complete Streets Collector	84	60%	40%
Urban	Option C Principal with Two Lanes	100	50%	50%
Urban	Option D Principal with Four Lanes	100	50%	50%
Suburban	Option E Two Lane Divided Suburban	120	42%	58%
Urban	Option F Urban Parkway	120	42%	58%
Urban	Option G Four Lane Divided	120	42%	58%
Urban	Option H Boulevard	124	40%	60%
Urban	Option I Six Lane Divided	150	33%	67%
Rural	Rural Local (base for credit in rural area)	72	100%	0%
Rural	Option J Rural Parkway	140	51%	49%
Based on recommended standards: Pages T-20, T-79, T-80, T-81 and T-82, Manatee County Public Works Standards Manual dated November 2016.				

For all other types of infrastructure, the application for Impact Fee Credit must include the following information.

1. Capital cost requested for credit
2. Infrastructure quantity
3. Infrastructure units
4. Cost per infrastructure unit (item 1 divided by item 2)

Within thirty (30) calendar days of receiving an application for Impact Fee Credit, the Impact Fee Administrator will determine if it is complete. If the Application is found to be incomplete, the Administrator will notify the applicant with a detailed list of deficiencies in the application. In the event that the applicant does not submit the lacking information, or a request for an extension within thirty (30) calendar days, the application will be considered withdrawn.

Valuation of System Improvements

The value of any contribution, construction of improvements, or dedication of land, for which an impact fee credit is sought, must be calculated as of the earliest point in the development-approval process when the need for the System Improvement was identified. Documentation supporting the land valuation and actual cost of improvements must be provided with the application.

If a developer submits a real estate appraisal for land valuation, the developer must identify the date of valuation and name Manatee County as an “intended user” of the report. Manatee County may outsource a review of any land valuation with a professional real estate appraiser, who will work directly with the developer’s appraiser to recommend a reasonable land valuation for a particular site.

For transportation Rights-Of-Way (ROW), or any other land parcel for which impact fee credits are requested, Manatee County will provide an expedited approval of credits if land value is based on the most recent assessed valuation from the Manatee County Property Appraiser website, or derived from the land cost per acre documented by the most recent real estate sale for the site. All land valuation based on a real estate appraisal must be reviewed by Manatee County Property Management Department. For impact fee credits, the maximum land value should not significantly exceed the maximum cost factor assumed in the Impact Fee Study.

Impact Fee credits for System Improvement - Improvements other than land, shall be based on the actual cost of capital improvements accepted by the County, in accordance with credit or development agreements, and the Public Works Manual.

Credit Recommendation and Final Authorization

Within thirty (30) business days after an Application for Impact Fee Credit is deemed to be complete, it will be reviewed by the Impact Fee Administrator to determine whether it meets the standards outlined below, whether it should be accepted, and the amount of credit to be authorized. The Impact Fee Administrator may consult with other County staff and impact fee experts before rendering a decision to issue a Final Credit Authorization. No credit may be redeemed in satisfaction of the impact fee obligation

until credits are issued. Final Credit Authorization may not be issued until all land dedications and improvements have been completed and accepted by the County.

Standards for Evaluation of Credit

Unless a particular System Improvement was required as a condition of development approval or a credit is otherwise required by law, the Impact Fee Administrator shall decide whether to accept, accept with modifications, or reject a requested credit based on the extent to which granting the impact fee credit will result in a cost reduction to the County for the applicable category of County capital facilities. In addition, the Impact Fee Administrator will evaluate the impact of a requested credit on County infrastructure planning and capital improvements programming to ensure improvements eligible for credits occur concurrent with, not prior to, the need for additional infrastructure capacity.

Use of Credits

Authorized credits may be used to satisfy impact fee obligations for developments proposed within the same, or to the extent required by Florida Statute, “adjacent”, Benefit District, whether as part of the same property or a different property, regardless of property ownership. Developers or builders wishing to apply such offsets must submit the form “Request for Use of Impact Fee Credit” to the Impact Fee Administrator. If credits will be used by a person other than the person who received the credit, an Assignment of Impact Fee Credit must be signed by the assignor and assignee and the form notarized.

MISCELLANEOUS PROVISIONS

Impact Fee Refund

To initiate a request for a refund of impact fees, an applicant shall submit a Request for Impact Fee Refund form to the Impact Fee Administrator. The procedures and criteria for impact refunds are set out in the LDC. If a Successor-in-Interest to the original Feepayer claims a refund, written documentation must be submitted to verify that rights to a refund have been lawfully conveyed to the claimant.

Annual Review

To ensure ongoing consistency with the LDC, state law, and this Manual, the Impact Fee Administrator will annually review impact fee determinations with the Impact Fee Coordinator and Building Department staff. In coordination with County staff, at least once during each fiscal year, the Impact Fee Administrator will prepare and present an annual financial report to the Board of County Commissioners documenting impact fee collections and expenditures by type of infrastructure and Benefit District. The report will include end of fiscal year fund balances, showing cash available after deducting appropriations. Upon presentation of the annual fiscal report to the Board, the Impact Fee Administrator will display the reports on the County’s website. The annual financial report may include recommendations needed to ensure that the County’s impact fee program remains in compliance with the provisions of the LDC, the Florida Impact Fee

Act, F.S. § 163.31801, and applicable case law. Such recommendations may include, without limitation, revisions to the Land Development Code, changes to the Capital Improvements Program, changes to accounting procedures, changes to the administrative surcharge, amendments to this Manual and the possible need for an updated Impact Fee Study.

In addition, the director of the Financial Management Department, or designee, will conduct quarterly audits of impact fee determinations using a random sampling of building permits and development applications. The Florida Impact Fee Act requires any audits performed under F.S. § 218.39 and submitted to the Auditor General to include an affidavit signed by the County's Chief Financial Officer stating that the County has complied with the Florida Impact Fee Act.

Administrative Interpretation

The primary objective is to ensure that impact fees are assessed consistently over time and in a manner that is grounded in the Impact Fee Study assumptions and methodologies.

The intent of the Manual is to provide the criteria for making interpretations, as well as to provide for additional supporting documentation to the requirements of the LDC. The criteria shall *always be tied to a verified demand for capital facilities for which impact fees are assessed.*

In order to advance consistency in the County's administrative procedures over time, the Impact Fee Administrator will document any administrative interpretations of the LDC related to impact fees, along with the rationale for the decision. This will encourage consistent interpretations in the future, may inform the need for revisions to the impact fee program during the annual review, and may suggest the need for revisions during the next Impact Fee Study update.

Each entry should:

- a. Explain why an interpretation is needed (*i.e.* what is it about the proposed land use that creates a question under the language of the LDC);
- b. Identify any prior administrative interpretations that are relevant and provide guidance;
- c. Identify components of the current Impact Fee Study and methodology which bear on the administrative interpretation; and
- d. Describe why the interpretation is believed to most closely follow requirements of Florida case and statutory law.

Administrative interpretations should be guided by the findings and intent of the LDC and the methodology and rationale set out in the Impact Fee Study. An applicant may appeal a determination of the Impact Fee Administrator, as provided in § 1107 of the LDC, including administrative procedures related to impact fees. As needed, the Impact Fee Administrator should craft and propose amendments to the LDC to clarify impact fee policies and administrative procedures.

Appeal of Administrative Decision

A decision made by the Impact Fee Administrator on any matter governed by Chapter 11, LDC, may be appealed to the Board of County Commissioners. To initiate an appeal, the Feepayer shall submit an Application for Appeal and a Notice of Appeal (authorized by Chapter 11, LDC) with the Impact Fee Administrator within sixty (60) calendar days of the decision, according to the procedures set forth in section 1107, LDC.

FORMS RELATED TO THE ADMINISTRATION OF IMPACT FEES

The Administrative Procedures Manual contains the following supplemental forms used in the administration and implementation of impact fees. Fillable forms can also be downloaded at <https://www.mymanatee.org/impactfees>



APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION

Under the provisions of the Manatee County Land Development Code, a Feepayer may appeal any administrative decision of the County Impact Fee Administrator to the Board of County Commissioners as provided in section 1107, including but not limited to any of the following matters:

- Administrative Interpretation
- Independent Impact Analysis
- Impact Fee Refund
- Request for Impact Fee Credit

An appeal must be filed in writing to the County Impact Fee Administrator within sixty (60) days of the formal administrative decision.

APPELLANT INFORMATION:

Date Appeal Filed: _____ Date of Administrative Decision: _____

Type of Administrative Decision Being Appealed: _____

Appellant Name: _____

Address: _____

Telephone Number: _____

E-mail Address: _____

APPLICATIONS FOR APPEAL SHALL INCLUDE:

_____ Copy of the Administrative Decision

_____ Written notice stating in detail the grounds of the appeal

_____ Asserted basis for a reversal or modification

_____ Identify related sections of the Land Development Code

(Initial each line above, indicating acknowledgement of providing documents as part of application.)

APPELLANT SIGNATURE AND DATE:

Signature

Date

Printed Name

FOR STAFF USE

Request Received By _____

Date Received _____

Hearing Date _____



APPLICATION FOR IMPACT FEE CREDIT

FOR STAFF USE

Application Date: _____ Credit Authorization Number: _____

File Name: _____

Type of County Capital Facility:	<input type="checkbox"/> LAW ENFORCEMENT
	<input type="checkbox"/> LIBRARIES
	<input type="checkbox"/> PARKS
	<input type="checkbox"/> PUBLIC SAFETY
	<input type="checkbox"/> MULTIMODAL TRANSPORTATION
Type of improvement:	<input type="checkbox"/> LAND DEDICATION
	<input type="checkbox"/> CONSTRUCTION
	<input type="checkbox"/> OTHER (EXPLAIN BELOW)

APPLICANT INFORMATION:

I. OWNER OF PROPERTY

Name: _____

Mailing Address: _____

Telephone Number: _____

E-mail Address: _____

II. DEVELOPER (IF DIFFERENT THAN OWNER)

Name: _____

Mailing Address: _____

Telephone Number: _____

E-mail Address: _____

III. OTHER AGENT

Name:

Mailing Address:

Telephone Number:

E-mail Address:

IV. AUTHORIZED SIGNER

Print Name:

Signature:

DEVELOPMENT PROJECT/PROPERTY INFORMATION:

1. Manatee County Project Number: _____

2. Project Name: _____

3. Type of Development Project: _____

4. Address or Location of Property for Which Impact Fee Credit is Requested:

5. Parcel ID Number(s): _____

6. General Description of Property (e.g., existing and proposed uses, Benefit District):

7. Description of System Improvements to be constructed, paid for, or dedicated (if applicable):

MULTIMODAL TRANSPORTATION SYSTEM IMPROVEMENT INFORMATION:

1. Total Right-of-Way (ROW) land value _____
2. Square feet of ROW land dedicated (average ROW width x by centerline length) _____
3. Land value per square foot (item 1 divided by item 2) _____
4. Actual construction cost of transportation improvements _____
5. Number of travel lanes _____
6. Centerline miles _____
7. Lane miles (item 5 multiplied by item 6) _____
8. Total project cost (item 1 plus item 4) _____
9. Total project cost per lane mile (item 8 divided by item 7) _____
10. Percent system improvement (see Procedures Manual) _____
11. Requested credit (item 8 multiplied by item 10) _____

(Attach copies of project costs indicating materials and quantities, invoices with canceled checks, and other related project documentation.)

OTHER SYSTEM IMPROVEMENT INFORMATION:

1. Capital cost requested for credit _____
2. Infrastructure quantity _____
3. Infrastructure units _____
4. Cost per infrastructure unit (item 1 divided by item 2) _____

(Attach copies of project costs indicating materials and quantities, invoices with canceled checks, and other related project documentation.)

APPLICANT SIGNATURE AND DATE:

Signature

Date

Printed Name



ASSIGNMENT OF IMPACT FEE CREDITS

_____, (Credit Assignor) a _____ (LLC, Comp, Corp, etc), for good and valuable consideration received, does hereby assign and transfer to _____, (Credit Assignee) a _____ (LLC, Comp, Corp, etc.) Impact Fee Credits in the amount of _____ (write out dollar amount) (\$ _____) issued by Manatee County via Impact Fee Credit Authorization #CA-____-____ (____); and _____ (Credit Assignee) hereby accepts this assignment and transfer. All remaining Impact Fee Credits not transferred are reserved by _____ (Credit Assignor).

CREDIT ASSIGNOR

CREDIT ASSIGNEE

Signed By: _____

Signed By: _____

Name: _____

Name: _____

Title: _____

Title: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, the _____ (title) of _____ (CREDIT ASSIGNOR), on behalf of the _____ (LLC, Comp, Corp, Etc.). The person is personally known to me (____) or has produced _____ as identification.

NOTARY SEAL

Notary Public, State of _____
Print Name: _____
Commission No.: _____
My Commission Expires: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, the _____ (title) of _____ (CREDIT ASSIGNEE), on behalf of the _____ (LLC, Comp, Corp, Etc.). The person is personally known to me (____) or has produced _____ as identification.

NOTARY SEAL

Notary Public, State of _____
Print Name: _____
Commission No.: _____
My Commission Expires: _____



REQUEST FOR IMPACT FEE REFUND

Requests for refunds shall be in accordance with LDC 1105 and shall be accompanied by a receipt, cancelled check, or other evidence of fees paid. Approved refunds will be remitted to the payee of the impact fee payment, or to a successor-in-interest.

Date of Request: _____ Permit No: BLD- _____

Permit Issuance Date: _____ Amount Requested: \$ _____

Petitioner's Name: _____ Telephone Number: _____

Fee Payer (Person/Contractor/Company): _____

Successor-in-interest (if applicable): _____

Address for Refund Check: _____

REASON FOR REFUND REQUEST:

APPLICANT SIGNATURE AND DATE:

Signature Date

Printed Name

FOR STAFF USE

Account Number: _____ Amount: _____

Account Number: _____ Amount: _____

Account Number: _____ Amount: _____

Account Number: _____ Amount: _____

Account Number: _____ Amount: _____

Account Number: _____ Amount: _____

TOTAL REFUND: \$ _____

Permit Notes Updated: _____ Yes _____ No



REQUEST FOR INDEPENDENT IMPACT ANALYSIS

FOR STAFF USE

Application Date: _____ File Tracking Number: _____

File Name: _____

Date of Pre-Application Conference: _____

Staff Recommendation Due Date (30 days from complete Application): _____

Reason for Independent

PROPOSED USE NOT LISTED ON ADOPTED FEE SCHEDULE

Impact Fee Analysis:

IMPACT ANTICIPATED TO BE LESS THAN FEE SCHEDULE

APPLICANT INFORMATION:

Applicant Name: _____

Contact Name: _____

Mailing Address: _____

Telephone Number: _____

E-mail Address: _____

PROJECT INFORMATION:

Project Name: _____

Project Location: _____

Project Description: _____

Development Units (# of dwelling or lodging units or square feet of non-residential use): _____

Impact Fee based on Fee Schedule: _____

Permit # (If Applicable): _____

CONSULTANT INFORMATION:

Company Name: _____
Responsible Professional: _____
Registration/License Number: _____
State of Registration Number: _____

(Attach resume indicating relevant education and experience.)

PROPOSED INDEPENDENT IMPACT ANALYSIS:

Proposed Methodology
& Service Unit Impact: _____

(Attach detailed documentation describing type and scope of proposed analysis.)

APPLICANT SIGNATURE AND DATE:

Undersigned hereby requests an independent impact fee analysis and proposes that, by competent substantial evidence, an alternative impact fee amount more accurately reflects the demands for County Capital Facilities than the currently effective impact fee schedule, as supported by recent and local data, statistically valid surveys, and a review of relevant professional literature.

Signature

Date

Printed Name



REQUEST FOR USE OF IMPACT FEE CREDIT

Credit Authorization No.: CA-_____

Permit No.: BLD-_____

Company Requesting Use of Impact Credit: _____

Project Name: _____

Lot Number and Street Address: _____

Development Units (Square Feet, # Lodging Units, Etc.) _____

Pursuant to an Impact Fee Credit Authorization, please deduct \$ _____ from the _____ (Law Enforcement/Public Safety/Parks/Transportation/Library) impact fees due on the above building permit.

AUTHORIZED SIGNATURE AND DATE:

Signature

Date

Printed Name

Title

FOR STAFF USE

Credit Voucher #: _____

Benefit District: _____

Credit Given By: _____

Date: _____