

ORDINANCE NO. 19-22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC UTILITIES; PROVIDING A STATEMENT OF PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING THE MANATEE COUNTY CODE OF ORDINANCES (THE “CODE”); ADOPTING A NEW SCHEDULE OF FACILITY INVESTMENT FEES EFFECTIVE AS OF OCTOBER 1, 2019, BASED ON THE MOST RECENT FACILITY INVESTMENT FEE STUDY COMPLETED BY THE COUNTY IN ACCORDANCE WITH THE FLORIDA IMPACT FEE ACT; AMENDING AND RESTATING ARTICLE VIII OF CHAPTER 2-31 OF THE CODE, FACILITY INVESTMENT FEES, TO PROVIDE FOR A TITLE, AUTHORITY AND APPLICABILITY; TO PROVIDE FOR LEGISLATIVE FINDINGS, RELIANCE UPON THE FACILITY INVESTMENT FEE STUDY, AND INTENT; TO PROVIDE DEFINITIONS; TO PROVIDE FOR FACILITY INVESTMENT FEES TO BE IMPOSED; TO PROVIDE EXEMPTIONS; TO PROVIDE FOR CALCULATION OF FACILITY INVESTMENT FEES; TO PROVIDE FOR USE OF FACILITY INVESTMENT FEE FUNDS; TO PROVIDE FOR CREDITS AGAINST FACILITY INVESTMENT FEES; TO PROVIDE FOR APPEALS; AND TO PROVIDE MISCELLANEOUS PROVISIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR NOTICE OF THE NEW AND AMENDED FACILITY INVESTMENT FEES IN ACCORDANCE WITH THE FLORIDA IMPACT FEE ACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII of Chapter 2-31 of the Manatee County Code of Laws (the “Facility Investment Fee Ordinance”), the County has established a system of facility investment fees to fund county public utility facilities needed in order to accommodate new development, based upon a facility investment fee study and other testimony and evidence entered into the record at the public hearings held for the adoption of the Facility Investment Fee Ordinance; and

WHEREAS, The Facility Investment Fee Ordinance and Section 163.31801, *Florida Statutes* (the “Florida Impact Fee Act” or “Act”), require that the County periodically restudy and revise its facility investment fees to assure that such facility investment fees are based upon the most recent and localized data as required pursuant to the Act, 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 facility investment fees as a means of meeting the demands for capital public utility improvements necessitated by new development; and

WHEREAS, the Manatee County Board of County Commissioners (the "Board") retained the firm of Public Resources Management Group, Inc., to study the need to update the County's existing facility investment fees for potable water and wastewater facilities, and to establish the proportionate share of new development's demand for capital improvements to these facilities; and

WHEREAS, Public Resources Management Group, Inc. has prepared and presented to the Board a report titled, "Facility Investment Fee Study," dated February 28, 2019 (the "Facility Investment Fee Study"); and

WHEREAS, Goal 2.1 of the County's Comprehensive Plan, among other things includes goals, objectives, and policies for limiting urban sprawl, providing a predictable and functional urban form, encouraging development and redevelopment in the existing urban core area; and

WHEREAS, Goal 9.1 and Goal 9.5 of the County's Comprehensive Plan, among other things, call for wastewater and potable water public utility facilities to service new growth; and

WHEREAS, the Facility Investment Fee Study identifies that proportionate impact necessitated by new development on wastewater and potable water public utility facilities in Manatee County; and

WHEREAS, the Facility Investment Fee Study establishes the proportionate share costs necessitated by new development's impacts on capital improvements for wastewater and potable water public utility facilities, in compliance with Florida case law and legislation; and

WHEREAS, pursuant to the Florida Impact Fee Act:

(a) the Facility Investment Fee Study, and the facility investment fees recommended therein, are based on the most recent and localized data;

(b) this Ordinance includes procedures for accounting and reporting of facility investment fee collections and expenditures in order to assure compliance with applicable legal standards;

(c) this Ordinance includes separate accounting funds for each public utility facility for which a facility investment fee is collected as applicable;

(d) administrative fees charged pursuant to this Ordinance for the collection of facility investment fees are limited to actual costs;

(e) the County provided notice at least ninety (90) days prior to the effective date of this Ordinance; and

(f) this Ordinance requires audits of the County's financial statements to include an affidavit of the County's chief financial officer stating that the requirements of the Florida Impact Fee Act have been complied with; and

WHEREAS, the facility investment fees assessed pursuant to this Ordinance are necessary to ensure the public health, safety, and welfare of the residents of Manatee County.

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, Article VIII of the Florida Constitution (1968), Chapters 125 and 163 of Florida Statutes and Chapter 63-1598, Laws of Florida, Acts of 1963, as amended and supplemented.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

- A. The statements set forth in the above recitals to this Ordinance are true and correct.
- B. The amendments to the Code set forth herein are necessary to fund county public utility facilities needed in order to accommodate new development.
- C. Based on forecasts in the Manatee County Comprehensive Plan, new growth and development in the County is expected to continue into the foreseeable future, placing ever-increasing demands on County potable water capital facilities and wastewater capital facilities (collectively, "County Public Utility Facilities"), requiring expansion of these County Public Utility Facilities to accommodate new growth and development.
- D. County Public Utility Facilities are provided by the County to serve the residents of the County.

- E. The County retained Public Resources Management Group, Inc. to prepare the Facility Investment Fee Study which is incorporated herein by reference.
- F. The Facility Investment Fee Study sets forth reasonable methodologies and analyses for determining the impacts of new development on the County's Public Utility Facilities.
- G. Based upon the Facility Investment Fee Study and other testimony and evidence entered into the record at the public hearings held for the adoption of this Ordinance, the Facility Investment Fees levied pursuant to the Code, as amended hereby, are fair, reasonable and approximate to the proportionate share of the estimated capital needs generated by the new development for which such fees shall be levied, and do not exceed the costs incurred by the County to accommodate the new development that will pay the Facility Investment Fees.
- H. The adoption of Facility Investment Fees that impose a proportionate share of the costs the County will incur in providing for the expansion of County Public Utility Facilities implements the Manatee County Comprehensive Plan and ensures new growth and development pays a fair share of the costs the County will incur in accommodating it.
- I. There is both a rational nexus and an approximate proportionality between the development impacts created by each type of development covered by this Ordinance and the Facility Investment Fees that such development will be required to pay.
- J. The Facility Investment Fee Ordinance creates a system by which Facility Investment Fees paid by new development will be used to finance, defray, or reimburse all or a portion of the costs incurred by the County for County Public Utility Facilities in ways that benefit the development that paid each Facility Investment Fee within a reasonable period of time after the Facility Investment Fee is paid.
- K. The Facility Investment Fee Ordinance creates a system under which Facility Investment Fees shall not be used to replace or rehabilitate existing County Public Utility Facilities.
- L. The standards, assumptions in the Facility Investment Fee Study, and the terms and provisions of this Ordinance, are consistent with the Manatee County Comprehensive Plan.
- M. The Board of County Commissioners held a duly noticed public hearing on June 18, 2019, on this Ordinance to receive public comment and review and consider the Staff Report on this Ordinance.
- N. The Board of County Commissioners after considering public comment and the recommendations of the County's Public Utilities 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.

Section 3. Amendment and Restatement of Article VIII of Chapter 2-31 of the Code. Article VIII of Chapter 2-31 of the Code is hereby amended and restated to read in its entirety as set forth in Exhibit “A” 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 October 1, 2019, and for which a certificate of occupancy is issued on or after October 1, 2019.

Section 5. Codification. The publisher of the County’s Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the 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 7. Statutory Notice Requirement. Notice of the new and amended impact fees established pursuant to this Ordinance shall be provided in accordance with the requirements of the Florida Impact Fee Act on or before July 3, 2019.

Section 8. Effective Date. This Ordinance shall become effective on October 1, 2019.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 18th day of June, 2019.



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

By: _____

Stephen R. Jones
Chairperson

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court
and Comptroller

By: _____

Robin Ruth, DC
Deputy Clerk

**ORDINANCE EXHIBIT “A”
AMENDED AND RESTATED ARTICLE VIII OF CHAPTER 2-31
FACILITY INVESTMENT FEES**

MANATEE COUNTY CODE OF ORDINANCES

CHAPTER 2-31 – WATER, SEWERS AND SEWAGE DISPOSAL

ARTICLE VIII. - FACILITY INVESTMENT FEES

This article shall be known and may be cited as Article VIII: Facility Investment Fees (FIF). The Board of County Commissioners has the authority to adopt this article pursuant to Article VIII of the Florida Constitution (1968), Chapters 125 and 163 of Florida Statutes and Chapter 63-1598, Laws of Florida, Acts of 1963, as amended and supplemented. This article shall apply uniformly throughout the unincorporated area of Manatee County and within any incorporated area in which the County provides potable water or wastewater service pursuant to an interlocal agreement or franchise agreement.

Sec. 2-31-205. – Legislative Findings, Reliance on the Facility Investment Fee Study, and Intent.

- A. The Board of County Commissioners hereby finds that the document titled “Facility Investment Fee Study” prepared by Public Resources Management Group, Inc., and dated February 28, 2019 is based upon the most recent and localized data and relies upon said document in the adoption of this article.
- B. This article is intended to implement and be consistent with the Manatee County Comprehensive Plan and is intended to be consistent with Section 163.31801, Florida Statutes, (The “Florida Impact Fee Act”).
- C. It is the further intent of this article that new development pay for its fair share of the cost of County Public Utility Facilities required to accommodate new development through the imposition of Facility Investment Fees that will be used to finance, defray or reimburse all or a portion of the costs incurred by the County to construct or acquire Improvements for County Public Utility Facilities to accommodate that new development.
- D. It is also the intent of this article to be consistent with the principles for allocating a fair share of the capital costs of County Public Utility Facilities and other related costs to new users as established by the Florida Supreme Court and the District Courts of Appeal of

Florida in the case of *Contractors and Builders Association of Pinellas County v. City of Dunedin*, 329 So.2d 314 (FLA., 1976), and other cases. This is accomplished by ensuring new development bears a proportionate share of the cost for Improvements to accommodate new development; and ensuring that new development will receive sufficient benefit from the funds collected in the form of Improvements for such County Public Utility Facilities.

- E. It is further the intent of this article to establish a system for the efficient and coordinated administration of Facility Investment Fees authorized by this article including the consistent administration of payments, expenditures, appeals, credits and reviews of independent impact analysis.
- F. It is not the intent of this article to collect any Facility Investment Fees from any new development in excess of the actual amount necessary to offset the estimated cost of the new demands for County Public Utility Facilities.
- G. It is not the intent of this article that any monies collected from any Facility Investment Fees deposited in a Facility Investment Fee Account ever be used for a type of County Public Utility Facility or equipment different from that for which the FIFs are paid, or ever be used to replace or rehabilitate existing Improvements for County Public Utility Facilities.
- H. The “whereas clauses” and findings set forth in Ordinance No. 19-22 are hereby adopted as legislative findings.

Sec. 2-31-206. - Definitions. As used in this article, the following words and terms shall have the following meanings, unless otherwise specifically provided:

- A. *Capital Potable Water Facilities.* Non-site related land, buildings, improvements to land and capital equipment necessary to provide new potable water service — and specifically including those facilities included in the calculation of Potable Water Facility Investment Fees in the Facility Investment Fee Study.
- B. *Capital Wastewater Facilities.* Non-site related land, buildings, improvements to land and capital equipment necessary to provide new wastewater service — and specifically including those facilities included in the calculation of Wastewater Investment Fees in the Facility Investment Fee Study.
- C. *Contract.* A written legally executed agreement binding two (2) or more parties to certain terms and conditions.
- D. *County Public Utility Facilities.* Capital Potable Water Facilities and Capital Wastewater Facilities necessitated by new growth.

- E. *County Public Utility Facilities Improvements (Improvements)*. The installed cost of utility infrastructure and capital improvements that are County Public Utility Facilities and are designed to provide potable water and wastewater treatment service, which include conveyance facilities, to the community at large, in contrast to “project improvements”.
- F. *Customer*. The applicant that has requested service for the use of potable water service and/or wastewater service for the benefit of such applicant which is subject to the payment of Facility Investment Fees.
- G. *Development*. Any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which creates additional demand for public utility services.
- H. *Development Unit*. Any lot, parcel or phase in a project as depicted in a development order.
- I. *Equivalent Residential Connection or ERC*. The measurement of water equal to 250 gallons per day (gpd) design flow amount and wastewater equal to 185 gallons per day (gpd) design flow amount whereby one ERC represents the amount of capacity required in the design of the water system to provide water service to a residential dwelling unit served by the smallest meter used by the County to provide water service and the amount of capacity required in the design of the wastewater system to provide wastewater service to a residential dwelling unit served by the smallest meter used by the County to provide water service.
- J. *Existing structure*. Any structure for which a certificate of occupancy or temporary certificate of occupancy has been issued before the date of notification of wastewater line certification by the County.
- K. *Facility Investment Fee (FIF)*. The fee charged to each new customer associated with new development or re-development requesting potable water and/or wastewater treatment service which approximates the customer’s proportional share of the cost of County Public Utility Facilities Improvements to service the development or re-development recognized as a Facility Investment Fee cost.
- L. *Facility Investment Fee cost*. The estimated dollar investment or the capital cost of the facilities identified as County Public Utility Facilities Improvements which are necessary to supply and distribute potable water or collect and treat wastewater which are recognized in the development of the Facility Investment Fee.
- M. *Facility Investment Fee Study*. The document titled “Facility Investment Fee Study” prepared by Public Resources Management Group, Inc., and dated February 28, 2019, that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on County Public Utility Facilities, and for determining the

cost of these County Public Utility Facilities necessary to meet the demands created by new development.

- N. *Impact Fee Administrator.* The County Administrator or a designee, who shall be responsible for the administration of this article.
- O. *Impact-Generating Land Development.* Either:
 - 1. Land development designed or intended to permit a use of the land that will contain more dwelling units, lots, or floor space than the then-existing use of the land, or the making of any material change in the use of any structure or land in a manner that increases demand on County Public Utility Facilities, unless exempted pursuant to this article. (The type of proposed Impact-Generating Land Development shall be based on the proposed use of the land.); or
 - 2. Any “land development activity” as defined in Chapters 2 and 11 of the Manatee County Land Development Code, that is obligated to pay but has not paid Facility Investment Fees.
- P. *Irrigation meter.* A potable water meter used exclusively for irrigation.
- Q. *Master meter.* A single meter serving two (2) or more units within a facility such as but not limited to a multifamily residential or multiunit commercial facility. This includes, without limitation, subdivisions, duplexes, condominiums, apartments, mobile home parks, travel trailer parks, hotels, motels, shopping centers and office buildings.
- R. *Potable water.* Water of sufficiently high quality that can be safely consumed.
- S. *Property.* Improved or unimproved real property.
- T. *Reserve capacity.* A portion of the total capacity of the potable water or wastewater system which, through payment of an appropriate fee, has been or will be set aside for the exclusive use of a customer.
- U. *Successor-in-Interest.* A person who gains a fee simple interest in land for which Facility Investment Fees are paid or a credit is approved pursuant to the terms of this article.
- V. *User.* The owner, lessee, tenant, occupant, or other person, business or corporation receiving potable water, wastewater and/or fire service.
- W. *Wastewater.* Spent or used water with dissolved or suspended solids and waste products which is discharged from homes, commercial establishments and industries, and any other discharges to the County utility system.

Sec. 2-31-207. – Fee Obligation.

- A. **Obligation.** Any Impact-Generating Land Development, unless exempted pursuant to Section 2-31-208, shall be obligated to pay Facility Investment Fees as required by this article. The person commencing the Impact-Generating Land Development, or such person's Successor-in-Interest, shall be obligated to pay the Facility Investment Fees.

Lift stations not dedicated to the County shall constitute Impact-Generating Land Development that is obligated to pay Facility Investment Fees. The amount of Fees shall be determined in accordance with Section 2-31-209.

Customer classifications based upon approved land uses shall be determined in accordance with the land use definitions and set forth in, and uses approved pursuant to, the County's Land Development Code and the Facility Investment Fee Administrative Procedures Manual.

- B. **Fees Levied.** The Board hereby imposes Facility Investment Fees at the rates established pursuant to Section 2-31-209.A (Fee Schedules) for all connections to the County Public Utility Facilities.
- C. **Time Fees Paid.** Facility Investment Fees shall be paid to the County as follows:
1. The appropriate Facility Investment Fees shall be paid at the time of issuance of a building permit.
 2. The required Facility Investment Fees may be paid in accordance with the time payment provisions outlined in the Facility Investment Fee Administrative Procedures Manual.
- D. **Extension of Previously Issued Building Permit.** If an applicant requests an extension of a previously issued building permit and the Facility Investment Fees have not been paid, the applicant shall pay the Facility Investment Fees currently in effect at the time the extension is requested. The Facility Investment Fees to be charged shall be the Facility Investment Fees in effect at the time the extension is requested.
- E. **Change of Meter Type.** For a building permit to allow a change in the type of service or increase in the size of the potable water meter at an existing service connection, the applicant shall pay the difference between the current potable water and wastewater Facility Investment Fees for the existing meter size and the corresponding Facility Investment Fees for the new meter size. If an applicant decreases the size of the potable water meter for an existing service, no Facility Investment Fee refund shall be paid to the applicant.
- F. **Wastewater Extensions.** Applicants requiring wastewater service for an existing structure not previously served who pay for an extension of wastewater service shall pay the wastewater Facility Investment Fee, unless the applicant connects to the wastewater system within one hundred twenty (120) days from the date of notification of line certification by the County.

- G. **Building Additions.** For a building permit to expand an existing building, the Facility Investment Fees required to be paid shall be based on the resulting customer classification.
- H. **Wholesale Customers.** Wholesale Facility Investment Fees shall be assessed per contract and according to Exhibit 8-1 (Fee Schedule).
- I. **Fire Service.** Connection of fire lines to the County potable water system requires payment of Facility Investment Fees based on meter or line size as established pursuant to Section 2-31-209(A) Fee Schedules.
- J. **Irrigation.**
 - 1. Agricultural purposes: An irrigation-only meter may be installed for commercial agricultural purposes only, with a minimum size of ¾ inch meter. A valid plumbing permit is also required.
 - 2. Multifamily residential facility: If separate meters are installed, Facility Investment Fees shall be based on meter sizes, and shall be paid in addition to the Facility Investment Fees charged for the multifamily residential dwelling unit component of the facility.
 - 3. Single family residences: Separate irrigation meters are not permitted for single family residences.

Sec. 2-31-208. – Exemptions. The following types of development shall be exempted from payment of Facility Investment Fees:

- A. Reconstruction, expansion, or replacement of a previously existing residential structure that does not increase the number of Dwelling Units, meter size, customer classification or the need for public utility services;
- 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, meter size, customer classification or the need for public utility services;
- 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 public school board or community college;

Sec. 2-31-209. – Calculation of Amount of Facility Investment Fees.

- A. **Fee Schedules.** The Facility Investment Fee Schedules are included in this article as Exhibit 8-1: (Fee Schedules) and incorporated herein by reference. The Impact Fee Administrator shall make a determination as to the appropriate customer and service classification and meter/line size based on the permit application and in accordance with the Facility Investment Fees Administrative Procedures Manual.
- B. **Uses Not Listed.** If the use, category, size or situation is not listed or defined in Exhibit 8-1: (Fee Schedules), or in the Facility Investment Fees Administrative Procedures Manual, fees will be based on floor flow/demand on the system. If there is no clarification, the Impact Fee Administrator shall identify a comparable categorization.
- C. **Alternative Facility Investment Fee Calculation.**
 - 1. The Impact Fee Administrator may allow or require the Facility Investment Fee to be determined by an alternative fee calculation, based on most recent and localized data, of the fiscal impact of the development on the County Public Utility Facilities per the procedures outlined in the Facility Investment Fee Administrative Procedures Manual.
 - 2. The Facility Investment Fee for wastewater-only accounts may be based on a potable water usage calculation certified by a professional engineer registered in the State of Florida and based upon the most recent localized data, and subject to approval by the Impact Fee Administrator.
 - 3. At the discretion of the Impact Fee Administrator an applicant may be charged a lower wastewater Facility Investment Fee through a report by a professional engineer registered in the State of Florida to the satisfaction of the Impact Fee Administrator and based on the most recent and localized data, that a specific amount of potable water to be used by the applicant will not be returned to the wastewater system in the form of wastewater.

Sec. 2-31-210. Utility Facility Investment Fee Funds, Accounting, and Uses.

- A. **Establishment of County Facility Investment Fee Funds.** The County shall account for the revenues and expenditures of the Facility Investment Fees in separate interest-bearing accounting funds for potable water FIFs and wastewater FIFs.
- B. **Interest Earned on Fees.** Interest earned on Facility Investment Fee proceeds on deposit in such funds shall be considered as part of such fund and subject to the same restrictions on use applicable to the Facility Investment Fees in such funds.
- C. **Accounting and Reporting of Collections and Expenditures.** The County shall account for the collections and expenditures of all Facility Investment Fees in accordance with

applicable law (including, without limitation, Section 163.31801(3)(b), Florida Statutes), and generally accepted governmental accounting practices.

Sec. 2-31-211. Limitations on Expenditures of Fees in Accounts.

- A. Facility Investment Fees collected by the County shall be used only for capital costs of construction and related costs of County Public Utility Facilities, including engineering, legal, financing, administrative, debt service, and other lawful purposes (the “FIF expenses”), for increases in or expansions of capacity or capital requirements required solely due to new development. Facility Investment Fees shall not be used for expenses due to upgrading a facility which benefits existing customers or increased expenses due to operation or maintenance of an expanded or upgraded facility.
- B. Due to the timing of when capital expenditures are incurred to provide increases in or expansions of capacity required solely due to new development and when Facility Investment Fees may be collected associated with the use of such facilities, the County shall consider any FIF-eligible expenses that were initially funded from non-Facility Investment Fee funds but were identified to be funded from Facility Investment Fees once they are realized, to be available for reimbursement from such future Facility Investment Fee collections to the funds that initially financed the capital improvements.

Sec. 2-31-212. Improvements Eligible for Credits.

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

- A. **Credit.** Facility Investment 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. Credits shall be awarded only to the extent the applicant is not reimbursed for the cost thereof.
- B. **Options for Use of Credits.** Facility Investment Fee credits may be utilized to offset the facility investment fees due on an individual permit, but only to reduce that portion of the fees that is attributable to the proportionate cost of system line extensions, as reflected in the Facility Investment Fee Study and memorialized in a credit agreement.
- C. **Awards and Administration.** Such credits shall be awarded, administered and used in accordance with the requirement of Section 807 of the Manatee County Land Development Code, or its successor provision.

Sec. 2-31-213. Appeals.

- A. **General.** An applicant may appeal a decision of the Impact Fee Administrator to the Board on a request for an alternative Facility Investment Fee Calculation, an application for credit, or any other decision made pursuant to this article, by filing an appeal, in writing, with the 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 Impact Fee Administrator shall place the appeal on the Board's agenda for a regularly scheduled meeting and shall forward the record of the matter that is on appeal to the Board.

- B. **Record.** The record considered by the Board shall be the record of the application for an alternative Facility Investment Fee Calculation, the application for credit, or other decision made pursuant to this article, as the case may be.
- C. **Notice.** The 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.
- D. **Hearing on Appeal.** At the hearing on the appeal, the Board shall provide the appellant an opportunity to identify the grounds for an appeal and the basis for the Impact Fee Administrator's error on the decision, based on the record. The Impact Fee Administrator, other County staff involved in the decision, and the appellant shall be allowed to respond, based on the record. After the presentations, the Board may hear from any other person, and then based on the testimony heard at the hearing and the record, the Board shall affirm, modify or reverse the decision of the Impact Fee Administrator based on the standards in Section 2-31-215(E) (Standards).
- E. **Standards.** To reverse a decision of the Impact Fee Administrator, the Board shall find that there is a clear and demonstrable error in the application of the facts in the record to the standards for review of an alternative Facility Investment Fee Calculation (Section 2-31-209(C)), or request for credit (Section 2-31-212) or other decision made pursuant to this article, as the case may be. If the Board reverses or modifies the decision, it shall provide the Impact Fee Administrator clear direction on the decision. In no case shall the Board have the authority to negotiate the amount of the FIFs or waive the FIFs. The decision of the Board shall be final.
- F. **Form of Decision.** The Board's decision on the appeal shall be in writing and shall include findings of fact and the application of those facts to the relevant standards.

Sec. 2-31-214. Money Spent on First-In/First-Out Basis.

Monies in the Facility Investment Fee funds shall be considered to be spent or encumbered in the order collected, on a first-in/first-out basis.

Sec. 2-31-215. Facility Investment Fee Administration.

The Impact Fee Administrator shall be responsible for ensuring that Facility Investment Fee collections and expenditures are in accordance with the Manatee County Code of Ordinances.

Sec. 2-31-216. Administrative Procedures.

The Board may adopt by resolution Facility Investment Fee Administrative Procedures to implement this article.

Sec. 2-31-217. 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 FIFs and administering this article. Pursuant to Section 163.31801(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.

Sec. 2-31-218. Affordable Housing.

- A. The County may pay from legally available funds any 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 the County for an affordable housing project.
- B. Assistance under this section shall be secured according to the procedures outlined in the Facility Investment Fee Administrative Procedures.

Sec. 2-31-219. Five-Year Review.

At least once every five (5) years, the Impact Fee Administrator shall recommend to the Board whether any changes should be made to the Facility Investment Fee schedule as contained in this article, and to other sections of this article, to reflect changes in the factors that affect the fee schedule and application to the customer classifications.

Sec. 2-31-220. Borrowing of Funds from Non-Facility Investment Fee Source.

If the County borrows funds from non-Facility Investment Fee sources for the funding of County Public Utility Facilities Improvements with the intent of repaying those funds with Facility Investment Fees, the following procedures shall apply. The Board shall adopt a resolution finding that the expenditures for County Public Utility Facilities Improvements for which the funds are borrowed shall mitigate needs created by land development generating utility demand. The Board shall adopt a resolution providing for the appropriation and expenditure of Facility Investment Fee funds in order to reimburse the source of the borrowed funds in the same manner that the Facility Investment Fees would otherwise be expended.

Sec. 2-31-221. Enforcement.

Knowingly furnishing false information to any governmental official on any matter related to the administration of this article shall constitute a violation of this article. Violations of this article shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County jail not to exceed sixty (60) days or by both such fine and imprisonment; however, in

addition to or in lieu of any criminal prosecution, the County shall have the power to sue for legal and equitable relief in Circuit Court to enforce the provisions of this article.

Secs. 2-31-222—2-31-250. - Reserved.

EXHIBIT 8-1 FEE SCHEDULES

Retail Facility Investment Fees by meter size

Meter Size (in inches)	Potable Water FIF		Wastewater FIF	
	Residential *	Commercial	Residential*	Commercial
5/8 × 3/4	\$1,738.00	\$1,998.00	\$3,175.00	\$3,651.00
3/4	\$2,607.00	\$2,997.00	\$4,762.00	\$5,476.00
1	\$4,345.00	\$4,995.00	\$7,937.00	\$9,127.00
1½	\$8,690.00	\$9,990.00	\$15,875.00	\$18,255.00
2	\$13,904.00	\$15,984.00	\$25,400.00	\$29,208.00
3	\$27,808.00	\$31,968.00	\$50,800.00	\$58,416.00
4	\$43,450.00	\$49,950.00	\$79,375.00	\$91,275.00
Over 6	n/a	\$6.9526 per gallon/day	n/a	\$17.162 per gallon/day

* No meters will be installed for individually-metered residential service greater than 4-inches in size.

Reserve Capacity by meter size

Meter Size (in inches)	Reserve Capacity (gal/mth)		Reserve Capacity (gal/mth)	
	Residential		Commercial	
	Potable Water	Wastewater	Potable Water	Wastewater
5/8 × 3/4	7,500	8,640	5,550	6,390
3/4	11,250	12,960	8,325	9,585
1	18,750	21,600	13,875	15,975
1½	37,500	43,200	27,750	31,950
2	60,000	69,120	44,400	51,120
3	120,000	138,240	88,800	102,240
4	187,500	216,000	138,750	159,750
Over 6	AWWA standards for meter size	AWWA standards for meter size	AWWA standards for meter size	AWWA standards for meter size

Retail Facility Investment Fees by customer classification

	Classification	Potable Water FIF	Wastewater FIF
(1)	Residential, single-family	Meter size FIF	Meter size FIF
(2)	Residential, multifamily (a) Single-family residences in subdivisions served by master meters (b) Existing duplexes, condominiums, and apartments served by one meter, and (c) mobile home parks served by master meters	(a) \$1,042.00 per dwelling unit (b) \$1,042.00 per dwelling unit (c) \$869.00 per dwelling unit	(a) \$1,905.00 per dwelling unit (b) \$1,905.00 per dwelling unit (c) \$1,587.00 per dwelling unit
(3)	Mobile home	Meter size FIF	Meter size FIF
(4)	Travel trailer	Meter size FIF	Meter size FIF
(5)	Hotel or motel	Meter size FIF	Meter size FIF
(6)	Commercial and industrial	Meter size FIF	Meter size FIF
(7)	Large user	\$6,952.00 per 1,000 gallons of reserve capacity per day	\$17,162.00 per 1,000 gallons of reserve capacity per day
(8)	Combined commercial and residential**	\$1,042.00 per unit plus meter size FIF	\$1,905.00 per unit plus meter size FIF
(9)	Combined commercial and hotel or motel	Meter size FIF	Meter size FIF
**Commercial and residential service must be separately metered for properties that have combined customer use categories.			

Fire Service Facility Investment Fees

Meter or Line Size (in inches)	Fire Service FIF
1	\$150.00
1½	300.00
2	480.00
3	960.00
4	1,500.00
Over 4	3.5% of potable water

	FIF based on meter size
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Wholesale Facility Investment Fees

Wholesale Customer <i>Amounts are per day in excess of the reserve capacities established by contract</i>	Potable Water FIF \$6,952.00 per 1,000 gallons of reserve capacity per day	Wastewater FIF \$17,162.00 per 1,000 gallons of reserve capacity per day
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BRADENTON HERALD

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AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
663169	0004246981	NOTICE OF PUBLIC HEARING NOTICE IS HER	Ord		1	12.80 In

Attention: Debbie Parkison
 MANATEE CO UTILITY OPERATIONS
 4410 66TH ST W
 BRADENTON, FL 34210

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66(2)(a), Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing on June 18, 2019, beginning at 9:00 a.m. or as soon thereafter as possible, in the Commission Chambers, located on the first floor of the Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, to consider and act upon an ordinance entitled as follows:

ORDINANCE NO. 19-22
 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC UTILITIES; PROVIDING A STATEMENT OF PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING THE MANATEE COUNTY CODE OF ORDINANCES (THE "CODE"); ADOPTING A NEW SCHEDULE OF FACILITY INVESTMENT FEES EFFECTIVE AS OF OCTOBER 1, 2019, BASED ON THE MOST RECENT FACILITY INVESTMENT FEE STUDY COMPLETED BY THE COUNTY IN ACCORDANCE WITH THE FLORIDA IMPACT FEE ACT; AMENDING AND RE-STATING ARTICLE VIII OF CHAPTER 2-31 OF THE CODE; FACILITY INVESTMENT FEES, TO PROVIDE FOR A TITLE, AUTHORITY AND APPLICABILITY; TO PROVIDE FOR LEGISLATIVE FINDINGS; RELIANCE UPON THE FACILITY INVESTMENT FEE STUDY, AND INTENT; TO PROVIDE DEFINITIONS; TO PROVIDE FOR FACILITY INVESTMENT FEES TO BE IMPOSED; TO PROVIDE EXEMPTIONS; TO PROVIDE FOR CALCULATION OF FACILITY INVESTMENT FEES; TO PROVIDE FOR USE OF FACILITY INVESTMENT FEE FUNDS; TO PROVIDE FOR CREDITS AGAINST FACILITY INVESTMENT FEES; TO PROVIDE FOR APPEALS; AND TO PROVIDE MISCELLANEOUS PROVISIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR NOTICE OF THE NEW AND AMENDED FACILITY INVESTMENT FEES IN ACCORDANCE WITH THE FLORIDA IMPACT FEE ACT AND PROVIDING AN EFFECTIVE DATE.

Copies of the proposed ordinance may be inspected by the

**THE STATE OF TEXAS
 COUNTY OF DALLAS**

Before the undersigned authority personally appeared VICTORIA RODELA, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida, that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Public Notice**, was published in said newspaper in the issue(s) of:

1 Insertion(s)

Published On
 June 05, 2019

**THE STATE OF FLORIDA
 COUNTY OF MANATEE**

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

V. Rodela

 (Signature of Affiant)

Sown to and subscribed before me this
 5th day of June in the year of 2019



L. Cordeiro

 SEAL & Notary Public

Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

hearing may be inspected by the public during normal business hours at the Manatee County Utilities Department, 4410 66th Street West Bradenton Florida 34210. Interested parties may appear at the meeting or public hearing and be heard with respect to the proposed ordinance.

The Public is invited to speak at this hearing subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain.

The Public may also provide written comments for the Board of County Commissioners to consider. All written comments will be entered into the record.

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance. Pursuant to Section 286.0105 Florida Statutes, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the above-referenced meeting or public hearing will need a record of the proceedings, and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions, including one's access to participation in, employment with, or treatment in its programs or activities. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act should contact Kaycee Ellis at (941)742-5800; TDD ONLY (941)742-5802 and wait 60 seconds; FAX (941)745-3790.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 20, 2019

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

Attention: Robin Toth

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 19-22, which was filed in this office on June 20, 2019.**

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

From: ords@municode.com
To: tammy.larsen@mymanatee.org; [Robin Toth](#)
Subject: Manatee County, FL Code of Ordinances - 1981 (10428) Supplement 108
Date: Friday, June 21, 2019 10:25:46 AM
Attachments: [ATT00001.bin](#)
[ATT00002.bin](#)

****THIS IS AN AUTOMATICALLY GENERATED EMAIL****

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 108

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 19-15	6/18/2019	6/21/2019	Word
Ordinance No. 19-22	6/18/2019	6/21/2019	Word
Ordinance No. 19-29	6/18/2019	6/21/2019	Word
Ordinance No. 19-31	6/18/2019	6/21/2019	Word
Ordinance No. 19-34	6/18/2019	6/21/2019	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.