

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Briefing Regarding An Amendment To The Land Development Code And Code Of Ordinances Of Seminole County - Timing Of Impact Fee Payment

DEPARTMENT: Planning and Development **DIVISION:** Impact Fees/Concurrency

AUTHORIZED BY: *Kent Cichon* **CONTACT:** *Ginny Markley* **EXT:** 7356

Agenda Date <u>08/06/03</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input checked="" type="checkbox"/>
	Special Hearing – 6:00 <input type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>	

MOTION/RECOMMENDATION:

This is a briefing and does not require any action by the Planning & Zoning Commission. (Additionally, the amendment to the Ordinances requires one Public Hearing and approval by the Board of County Commissioners.)

BACKGROUND:

On May 27, 2003, the Board of County Commissioners (BCC) directed staff to proceed with a change to the timing of payment of Road, Fire/Rescue, and Library Impact Fees, developer commitment fees, such as, drainage and law enforcement fees, water and sewer connection fees, and to implement a process that will allow impact fees to be collected as a condition of a pre-power inspection or full power approval, whichever occurs first. School Impact Fees and fees collected for properties located within a municipality are not included in the proposal. The BCC also directed staff to: 1) implement the program by the beginning of the new fiscal year, October 1, 2003, 2) provide the Board with a status report within six months of its implementation, and, 3) continue to work with the municipalities to coordinate and enhance our impact fee processes.

In order to implement a change to the timing of payment of impact fees the Land Development Code (LDC) and the Code of Ordinances for Seminole County must first be amended. The current impact fee ordinances require the fees to be paid as a condition to the issuance of a Building Permit. Staff is proposing that the LDC be amended to delete all reference to the timing of payment of Fire and Rescue, Library and Transportation Impact Fees and water and sewer connection fees and authorize the Board of County Commissioners to determine, by Resolution, the point or points in the development process when impact fees and water and sewer connection fees must be paid. The proposed amendment to the LDC also includes a street name change in the legal description for the North and West Collector Road Districts.

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: _____
CM: _____
File No: _____

Also included is a request for modification to the Code of Ordinances of Seminole County authorizing the Board of County Commissioners to determine, by Resolution, when the water and sewer connection fees must be paid.

Should the amendments to the ordinances be adopted, it will be followed by a Resolution for the Board of County Commission's approval establishing the time of payment. The Resolution proposes that the requirement for payment of those specific fees be a condition of the application for a pre-power inspection or final power approval, whichever occurs first. Pre-power inspection is an elective inspection requested by the builder and appears approximately two-four weeks prior to the end of the construction process, whereas, full power approval is often at the same time as the issuance of the Certificate of Occupancy.

If the amendment to the LDC, amendment to the County Code of Ordinances, and the Resolution is adopted by the BCC, staff will implement the change to the timing of payment of impact fees on October 1, 2003. The process will be tested for a period of six months with an update scheduled before the BCC sometime in April, 2004.

O R D I N A N C E

AN ORDINANCE PERTAINING TO THE PAYMENT AND COLLECTION OF FIRE AND RESCUE, LIBRARY AND TRANSPORTATION IMPACT FEES AND WATER AND SEWER CONNECTION FEES; DELETING THE REQUIREMENT FOR PAYMENT OF THOSE SPECIFIC FEES BEFORE ISSUANCE OF A BUILDING PERMIT; AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO DETERMINE, BY RESOLUTION, THE POINT OR POINTS IN THE DEVELOPMENT PROCESS WHEN IMPACT FEES MUST BE PAID; AUTHORIZING DIFFERENT COLLECTION POINTS FOR DEVELOPMENTS IN THE UNINCORPORATED AREAS AND IN THE MUNICIPALITIES; AMENDING AND DELETING PROVISIONS RELATING TO AGREEMENTS TO DEFER PAYMENT OF IMPACT FEES; PROVIDING THAT COLLECTION OF CERTAIN IMPACT FEES BY MUNICIPALITIES SHALL BE PURSUANT TO INTERLOCAL AGREEMENTS OR MUNICIPAL ORDINANCES; DELETING THE REQUIREMENT THAT WATER AND SEWER CONNECTION FEES BE PAID BEFORE PLAN APPROVAL; REQUIRING WATER AND SEWER CONNECTION FEES TO BE PAID AS DETERMINED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING THE LEGAL DESCRIPTIONS OF THE NORTH AND WEST COLLECTOR ROAD DISTRICTS; AMENDING SECTIONS 110.24, 110.25, 115.24, 115.25, 120.34, AND 120.35 OF THE SEMINOLE COUNTY LAND DEVELOPMENT CODE; AMENDING SECTION A.(2)(b) OF ATTACHMENT B TO APPENDIX F OF THE SEMINOLE COUNTY LAND DEVELOPMENT CODE; AMENDING SECTIONS 270.189 AND 270.190 OF THE CODE OF ORDINANCES OF SEMINOLE COUNTY; AMENDING APPENDIX C-2 OF THE SEMINOLE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners finds and determines that it is in the public interest to change the time of payment of some of the impact fees imposed upon development within Seminole County; and

WHEREAS, an economic impact statement has been prepared and is available for public review in accordance with the provisions of the Seminole County Home Rule Charter; and

WHEREAS, the private property rights analysis relating to this Ordinance has been prepared and made available for public review in accordance with the requirements of the Seminole County Comprehensive Plan (SCCP).

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

SECTION 1. Amendment to Section 110.24, Seminole County Land Development Code. Sec. 110.24 of the Seminole County Land Development Code is amended to read as follows:

Sec. 110.24. Payment.

(a) Except as otherwise provided in this chapter, ~~prior to the issuance of a building permit, an applicant shall pay the amount specified in the impact fee statement issued pursuant to section 110.11 above appropriate fire and rescue system impact fee as set forth in section 110.11.~~ The Board of County Commissioners (BCC) shall, by resolution, determine the point in the development process when such payments must be made. The timing of such payments may not be changed on an individual case by case basis.

~~(b) In the event the board issues separate building permits for a building or part of a building within a fire and rescue system impact construction, which fire and rescue impact construction by design contemplates phased construction, the board and the applicant may enter into a recordable agreement for the phased payment of the fire and rescue system impact fee applicable to that portion of the fire and rescue system impact construction represented by such building, provided, however, that all impact fees due shall be paid in full prior to the issuance of the final building permit.~~

~~(c) The board and the developer may enter an agreement which provides for a period of up to one hundred and eighty~~

~~(180) days from the date that the county or a city issues a building permit for the project. In no instance shall such fees or other assessments be paid later than the issuance of the certificate of occupancy for the development for which the building permit was issued. An agreement such as, by way of example only, an affordability agreement required by section 30.290 shall provide for and determine whether the county or the developer shall pay the appropriate interest carrying costs resulting from the deferral of the payment of such fees.~~

(d b) In the event the impact fee rate or payment provisions for a particular fire and rescue system impact construction is changed subsequent to the issuance of an impact fee statement, the impact fee rate calculation in the issued impact fee statement or payment provisions set forth therein shall be the impact fee imposed or payment provisions applicable for such fire and rescue system impact construction.

~~(e) In the event that the board determines that there is a valid public purpose to allow deferral of the payment of fees required by this chapter such as, by way of example and not limitation, economic development or job growth, the county and the developer may enter into an agreement that provides for the deferred payment of impact fees required under this chapter that would otherwise be due and payable; provided, however, that the maximum period of deferment shall be for a period of one hundred eighty (180) days from the date that either the county or a city issues a building permit for the project; provided, further, however, that in no event shall the payment of fees and other assessments be paid later than the issuance of a certificate of occupancy for the development for which the building was issued.~~

(f c) The payment of the fire and rescue system impact fee shall be in addition to any other fees, charges or assessments due for the issuance of a building permit.

(g d) The obligation for payment of the fire and rescue system impact fee shall run with the land. However, this section shall not be construed to relieve an applicant of responsibility or liability for payment of the impact fee imposed by this chapter.

SECTION 2. Amendment to Section 110.25, Seminole County Land Development Code. Sec. 110.25 of the Seminole County Land Development Code is amended to read as follows:

Sec. 110.25. Collection of fees when not paid by mistake or inadvertence.

In the event the fire and rescue system impact fee is not paid ~~prior to the issuance of a building permit for the affected fire and rescue system impact construction~~ when specified by BCC resolution because of mistake or inadvertence, ~~or if, with the joint consent and agreement of the applicant, the owner and the county, payment has been delayed for up to sixty (60) calendar days,~~ the county shall proceed to collect the fire and rescue system impact fee as follows:

(a) The county shall serve, by certified mail, return receipt requested, or by hand delivery an impact fee statement notice upon the applicant, at the address set forth in the application for building permit, and the owner at the address appearing on the most recent records maintained by the property appraiser of the county. The county shall also file a copy of the impact fee statement notice in the official records of the county. Service of the impact fee statement notice shall be deemed notice of the impact fees due and service shall be deemed effective on the date the return receipt indicates the notice was received by either the applicant or the owner or the date said notice was hand delivered to either the applicant or owner, whichever occurs first. Provided, however, that should none of these methods of service be successful, service shall be deemed effective on the date the copy of the impact fee statement notice was filed in the official records of the county. The impact fee statement notice shall contain the legal description of the property and shall advise the applicant and the owner as follows:

(1) The amount due and the general purpose for which the fire and rescue system impact fee was imposed;

(2) That administrative review pursuant to Section 110.28 may be requested no later than forty-five (45) calendar days from the date of receipt of the impact fee statement notice, by making application to the office of the public safety director.

(3) That the county shall file a release of the impact fee statement notice in the official records of the county upon collection of payment in full.

(4) That the fire and rescue system impact fee shall be delinquent if not paid and received by the county within sixty (60) calendar days of the date the impact fee statement notice is received, excluding the date of receipt, ~~or the applicant has not entered into a binding recordable agreement with the county, that would run with the land, to pay the fee at the time of issuance of a certificate of occupancy.~~ Upon becoming delinquent, such impact fees shall be subject to the imposition of a delinquent fee and interest on the unpaid amount until paid; and

(5) That in the event the fire and rescue system impact fee becomes delinquent, a lien against the property for which the building permit was secured shall be recorded in the official records book of the county.

(b) The fire and rescue system impact fee shall be delinquent if, within sixty (60) calendar days from the date of receipt of the impact fee statement notice by either the applicant or owner or the date said notice was filed in the official records, the impact fees have not been paid and received by the county, ~~or the applicant has not entered into a binding recordable agreement with the county, that would run with the land, to pay the fee at the time of issuance of a certificate of occupancy.~~ Said time periods shall be calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of the earliest receipt of said impact fee statement notice. In the event the 60th day prior to becoming delinquent falls on a Sunday or legal holiday, then the impact fee shall become delinquent at 5:00 p.m. of the next business day. Upon becoming delinquent, a delinquency fee equal to ten (10) percent of the total impact fee imposed shall be assessed. Such total impact fee, plus delinquency fee, shall bear interest at the statutory rate for final judgments calculated on a calendar day basis, until paid.

SECTION 3. Amendment to Section 115.24, Seminole County Land Development Code. Sec. 115.24 of the Seminole County Land Development Code is amended to read as follows:

Sec. 115.24. Payment.

(a) Except as otherwise provided in this chapter, ~~prior to the issuance of a building permit, an applicant shall pay the amount specified in the impact fee statement issued pursuant to section 115.11 above appropriate library system interim impact fee as set forth in section 115.11.~~ The Board of County Commissioners (BCC) shall, by resolution, determine the point or points in the development process when such payments must be made. The BCC may establish different times for payment for developments occurring in the unincorporated area and those occurring within incorporated areas. In the absence of a written agreement between the county and an applicant as provided in section (f) below, the timing of such payments may not be changed on an individual case by case basis.

(b) If the library system impact construction is located within the unincorporated area of the county, the interim impact fee shall be paid directly to the county.

(c) If the library system impact construction is located within a municipality and the governing body of the municipality by interlocal agreement or otherwise has agreed to ~~collect~~ require the issuance of the impact fee statement as a condition of the issuance by the municipality of a building permit and to require additionally payment of interim the library system impact fees as a condition of the issuance by the municipality of a building permit, the interim impact then such fees shall be calculated and paid as follows:

~~(1) The municipality shall require presentation of an impact fee statement prepared by the county prior to issuance of a building permit by the municipality and shall also require presentation of proof of payment of interim impact fees prior to the issuance of a building permit by the municipality; or~~

~~(2) The impact fee statement shall be issued and the interim impact fees shall be collected by the county or the municipality in accordance with the provisions of an the interlocal agreement or municipal ordinance. Any such interlocal agreement shall require the library services director to calculate and issue an impact fee statement for all library system impact construction.~~

(d) If the library system impact construction is located within a municipality and the governing body of the

~~municipality has not agreed to require the issuance of an impact fee statement as a condition of the issuance by the municipality of a building permit and to require additionally the payment of collect the library system interim impact fees, the interim impact then such fees shall be calculated and paid as provided in section 115.25.~~

~~(e) The Board and the developer may enter an agreement which provides for the deferred payment of impact fees under this chapter that would otherwise be due and payable for a period of up to one hundred and eighty (180) days from the date that the county or a city issues a building permit for the project. In no instance shall such fees or other assessments be paid later than the issuance of the certificate of occupancy for the development for which the building permit was issued. An agreement such as, by way of example only, an affordability agreement required by section 30.290 shall provide for and determine whether the county or the developer shall pay the appropriate interest carrying costs resulting from the deferral of the payment of such fees.~~

~~(f) In the event the interim impact fee rate or payment provisions for a particular library system construction is changed subsequent to the issuance of an impact fee statement, the impact fee rate calculation in the issued impact fee statement or payment provisions set forth therein shall be the impact fee imposed or payment provisions applicable for such library system impact construction.~~

~~(g f) In the event that the board determines that there is a valid public purpose to allow deferral of the payment of library system interim impact fees related to a development located within a municipality that requires payment of impact fees before issuance of a building permit required by this chapter such as, by way of example and not limitation, economic development or job growth, the county and the developer may enter into an agreement that provides for the deferred payment of impact fees required under this chapter that would otherwise be due and payable; provided, however, that the maximum period of deferment shall be for a period of one hundred eighty (180) days from the date that either the county or a city issues a building permit for the project; provided, further, however, that in no event shall the payment of fees and other assessments be~~

paid later than the issuance of a certificate of occupancy for the development for which the building was issued.

(h g) The payment of the library system interim impact fee shall be in addition to any other fees, charges or assessments due for the issuance of a building permit.

(± h) The obligation for payment of the library system interim impact fee shall run with the land. However, this section shall not be construed to relieve an applicant of responsibility or liability.

SECTION 4. Amendment to Section 115.25, Seminole County Land Development Code. Sec. 115.25 of the Seminole County Land Development Code is amended to read as follows:

Sec. 115.25. Collection of fees when not paid by mistake or inadvertence.

In the event the library system impact fee is not paid ~~prior to the issuance of a building permit~~ for the affected library system impact construction when specified by BCC resolution because of mistake or inadvertence or in the event a municipality has not agreed to assist in the calculation and collection of impact fees as recognized in section 115.24(d), ~~or if by mutual consent the applicant and the owner and the county agree to defer payment for up to sixty (60) calendar days,~~ the county shall proceed to collect the library system interim impact fee as follows:

(a) The county shall serve, by certified mail, return receipt requested, or by hand delivery an "impact fee statement notice" upon the applicant at the address set forth in the application for building permit, and the owner at the address appearing on the most recent records maintained by the property appraiser of the county. The county shall also file a copy of the impact fee statement notice in the official records of the county. Service of the impact fee statement notice shall be deemed notice of the interim impact fees due and service shall be deemed effective on the date the return receipt indicates the notice was received by either the applicant or the owner or the date said notice was hand delivered to either the applicant or owner, whichever occurs first. Provided, however, that should none of these methods of service be

successful, service shall be deemed effective on the date the copy of the impact fee statement notice was filed in the official records of the county. The impact fee statement notice shall contain the legal description of the property and shall advise the applicant and the owner as follows:

(1) The amount due and the general purpose for which the library system interim impact fee was imposed;

(2) That administrative review pursuant to Section 115.28 may be requested no later than forty-five (45) calendar days from the date of receipt of the impact fee statement notice, by making application to the office of the county library service director.

(3) That the county shall file a release of the impact fee statement notice in the official records of the county upon collection of payment in full.

(4) That the library system interim impact fee shall be delinquent if not paid and received by the county within sixty (60) calendar days of the date the impact fee statement notice is received, ~~excluding the date of receipt, or the applicant has not entered into a binding recordable agreement with the county, that would run with the land, to pay the fee within sixty (60) calendar days of the issuance of the building permit.~~ Upon becoming delinquent, the applicant shall be subject to the imposition of a delinquent fee and interest on the unpaid amount until paid.

(5) That in the event the library system interim impact fee becomes delinquent, a lien against the property for which the building permit was secured shall be recorded in the official records book of the county.

(b) The library system interim impact fee shall be delinquent if, within sixty (60) calendar days from the date of receipt of the impact fee statement notice by either the applicant or owner or the date said notice was filed in the official records that the interim impact fees have not been paid and received by the county, ~~or the applicant has not entered into a binding recordable agreement with the county, that would run with the land to pay the fee within sixty (60) calendar days of the issuance of the building permit.~~ Said time periods shall be

calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of the earliest receipt of said impact fee statement notice. In the event the last due date falls on a Sunday or legal holiday, the last due date prior to becoming delinquent shall be the next business day. Upon becoming delinquent, a delinquency fee equal to ten (10) percent of the total interim impact fee imposed shall be assessed. Such total interim impact fee, plus delinquency fee, shall bear interest at the statutory rate for final judgments calculated on a calendar day basis, until paid.

SECTION 5. Amendment to Section 120.34, Seminole County Land Development Code. Sec. 120.34 of the Seminole County Land Development Code is amended to read as follows:

Sec. 120.34. Payment.

(a) Except as otherwise provided in this chapter, ~~prior to the issuance of a building permit,~~ an applicant shall pay the amounts specified in the impact fee statements issued pursuant to sections 120.11 and 120.21 above appropriate arterial road impact fee as set forth in section 120.11, and the appropriate collector road impact fee as set forth in section 120.21. The Board of County Commissioners (BCC) shall, by resolution, determine the point or points in the development process when such payments must be made. The BCC may establish different times for payment for developments occurring in the unincorporated area and those occurring within incorporated areas. In the absence of a written agreement between the county and an applicant as provided in section (f) below, the timing of such payments may not be changed on an individual case by case basis.

(b) (1) If the road impact construction is located within the unincorporated area of the county, the arterial road impact fee and collector road impact fee shall be paid directly to the county.

(2) If an arterial or collector road facility reservation fee was previously paid to the county pursuant to the provisions of Part 2 for the subject road impact construction, then the arterial and collector road impact fee paid shall be net of the respective facility reservation fee paid pursuant to Part 2.

(c) If the road impact construction is located within a municipality and the governing body of the municipality by interlocal agreement or otherwise has agreed to ~~require issuance of the impact fee statement as a condition of the issuance by the municipality of a building permit and to require additionally payment of~~ collect the impact fees as a condition of the issuance by the municipality of a building permit, ~~the impact~~ then such fees shall be calculated and paid as follows:

~~(1) The municipality shall require presentation of an impact fee statement prepared by the county prior to issuance of a building permit by the municipality and shall also require presentation of proof of payment of impact fees prior to the issuance of a building permit by the municipality; or~~

~~(2) The impact fee statement shall be issued and the impact fees shall be collected by the county or the municipality in accordance with the provisions of an the interlocal agreement or municipal ordinance. Any such interlocal agreement shall require the county engineer to calculate and issue an impact fee statement for all road impact construction within a commercial impact fee land use category.~~

(d) If the road impact fee construction is located within a municipality and the governing body of the municipality has not agreed to ~~require the issuance of the impact fee statement as a condition of the issuance by the municipality of a building permit and to require additionally the payment of~~ collect the impact fees, ~~the impact~~ then such fees shall be calculated and paid as provided in section 120.35.

~~(e) In the event the board or a municipality executing an interlocal agreement under this section issues separate building permits for a building or part of a building within a road impact construction, which road impact construction by design, contemplates phased construction, the board and the applicant may enter into a recordable agreement for the phased payment of the impact fee applicable to that portion of the road impact construction represented by such building, provided, however that all impact fees due shall be paid in full prior to the issuance of the final building permit. In the event no agreement is~~

~~executed for such phased construction, the impact fees applicable to that portion of the road impact construction represented by such building shall be paid prior to the issuance of the building permit.~~

~~(f) The Board and the developer may enter an agreement which provides for the deferred payment of impact fees under this chapter that would otherwise be due and payable for a period of up to one hundred and eighty (180) days from the date that the county or a city issues a building permit for the project. In no instance shall such fees or other assessments be paid later than the issuance of the certificate of occupancy for the development for which the building permit was issued. An agreement such as, by way of example only, an affordability agreement required by section 30.290 shall provide for and determine whether the county or the developer shall pay the appropriate interest carrying costs resulting from the deferral of the payment of such fees.~~

(g e) In the event the impact fee rate or payment provisions for a particular road impact construction is changed subsequent to the issuance of an impact fee statement, the impact fee rate calculation in the issued impact fee statement or payment provisions set forth therein shall be the impact fee imposed or payment provisions applicable for such road impact construction.

(h f) In the event that the board determines that there is a valid public purpose to allow deferral of the payment of arterial road and collector road impact fees related to a development located within a municipality that requires payment of impact fees before issuance of a building permit ~~required by this chapter~~ such as, by way of example and not limitation, economic development or job growth, the county and the developer may enter into an agreement that provides for the deferred payment of impact fees required under this chapter that would otherwise be due and payable; provided, however, that the maximum period of deferment shall be for a period of one hundred eighty (180) days from the date that ~~either the county or a city~~ issues a building permit for the project; provided, further, however, that in no event shall the payment of fees and other assessments be paid later than the issuance of a certificate of occupancy for the development for which the building permit was issued.

(i g) The payment of the arterial and the collector road impact fee shall be in addition to any other fees, charges or assessments due for the issuance of a building permit.

(j h) The obligation for payment of the arterial road impact fee and collector road impact fee shall run with the land. However, this section shall not be construed to relieve an applicant of responsibility or liability for payment of the impact fees imposed by this chapter.

SECTION 6. Amendment to Section 120.35, Seminole County

Land Development Code. Sec. 120.35 of the Seminole County Land

Development Code is amended to read as follows:

Sec. 120.35. Collection of fees when not paid by mistake or inadvertence or by agreement; alternative collection in municipal areas.

In the event the arterial road impact fee or the collector road impact fee is not paid ~~prior to the issuance of a building permit~~ for the affected road impact construction when specified by BCC resolution because of mistake or inadvertence or in the event a municipality has not agreed to assist in the calculation and collection of impact fees as recognized in section 120.34(d) ~~or if by mutual consent the applicant and the owner and the county agree to defer payment for up to sixty (60) calendar days,~~ the county shall proceed to collect the arterial impact fee and collector road impact fee as follows:

(a) The county shall serve, by certified mail, return receipt requested, or by hand delivery an impact fee statement notice upon the applicant, at the address set forth in the application for building permit, and the owner at the address appearing on the most recent records maintained by the property appraiser of the county. The county shall also file a copy of the impact fee statement notice in the official records of the county. Service of the impact fee statement notice shall be deemed notice of the impact fees due and service shall be deemed effective on the date the return receipt indicates the notice was received by either the applicant or the owner or the date said notice was hand delivered to either the applicant or owner, whichever occurs first. Provided, however, that

should none of these methods of service be successful, service shall be deemed effective on the date the copy of the impact fee statement notice was filed in the official records of the county. The impact fee statement notice shall contain the legal description of the property and shall advise the applicant and the owner as follows:

(1) The amount due and the general purpose for which the arterial road impact fee and collector road fee were imposed;

(2) That administrative review pursuant to Section 120.38 may be requested no later than forty-five (45) calendar days from the date of receipt of the impact fee statement notice, by making application to the office of the county engineer.

(3) That the county shall file a release of the impact fee statement notice in the official records of the county upon collection of payment in full.

(4) That the arterial road impact fee and the collector road impact fee shall be delinquent if not paid and received by the county within sixty (60) calendar days of the date the impact fee statement notice is received, ~~excluding the date of receipt, or the applicant has not entered into a binding recordable agreement with the county, that would run with the land, to pay the fee within sixty (60) calendar days of the issuance of a building permit.~~ Upon becoming delinquent, such impact fees shall be subject to the imposition of a delinquent fee and interest on the unpaid amount until paid;

(5) That in the event the arterial road impact fee and the collector road impact fee becomes delinquent, a lien against the property for which the building permit was secured shall be recorded in the official records book of the county.

(b) The arterial road impact fee and the collector road impact fee shall be delinquent if, within sixty (60) calendar days from the date of receipt of the impact fee statement notice by either the applicant or the owner, or the date said notice was filed in the official records, the impact fees have not been paid and received by the county, ~~or the applicant has not entered into a binding recordable agreement with the county, that would run with the land, to~~

~~pay the fee within sixty (60) calendar days of the issuance of the building permit.~~ Said time periods shall be calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of the earliest receipt of said impact fee statement notice. In the event the last day falls on a Sunday or legal holiday, the last due date prior to becoming delinquent shall be the next business day. Upon becoming delinquent, a delinquency fee equal to ten (10) percent of the total impact fees imposed shall be assessed. Such total impact fees, plus delinquency fee, shall bear interest at the statutory rate for final judgments calculated on a calendar day basis, until paid.

SECTION 7. Amendment to Section A.(2)(b) of Attachment B to Appendix F of the Seminole County Land Development Code. Sec. A.(2)(b) of Attachment B to Appendix F of the Seminole County Land Development Code is amended to read as follows:

A. Specific Submittal Requirements for Plan Approval

(2) Other prerequisites to plan approval shall be as follows:

(b) For facilities to be owned and/or operated by the Division, utility agreements must be executed ~~and connection fees paid.~~

SECTION 8. Amendment to Section 270.189, Seminole County Code of Ordinances. Sec. 270.189 of the Seminole County Code of Ordinances is amended to read as follows:

Sec. 270.189 Payment of connection fees.

(a) Water or sewage disposal service shall not be furnished or rendered free of charge to any person, firm or corporation whatsoever and the County, including each of its agencies, departments or instrumentalities which uses water service or sewer service, shall pay the applicable rates for such services; provided, however, that no connection fees shall be assessed for the construction, alteration or expansion of a private school or public school.

(b) Prior to the provision of water or sewer services by the County an applicant shall apply to the Department to purchase water service or wastewater service. The County will allocate water or wastewater reserve capacity to the applicant consistent with applicable laws and policies pursuant to a Utility Agreement with the applicant. The applicant, unless specifically exempted from the payment of connection fees in subsection (a), shall fully pay all applicable connection fees for the allocation of reserve capacity in accordance with applicable rates when specified in a resolution of the Board of County Commissioners (BCC). The timing of such payments may not be changed on an individual case by case basis.

(c) The Department may audit the actual average daily water consumption and the actual average daily wastewater flows provided to a property owner as it deems appropriate. If the audit determines that actual water or wastewater flows exceed the estimated flows reserved, then connection fees shall be adjusted for the excess flow and the increase shall be included in and payable as a part of the next monthly bill.

SECTION 9. Amendment to Section 270.190, Seminole County Code of Ordinances. Sec. 270.190 of the Seminole County Code of Ordinances is amended to read as follows:

Sec. 270.190 Building permits.

The Department shall not authorize the issuance of any building permit unless and until ~~all applicable connection fees have been fully paid,~~ any and all underground water and sewer improvements have been constructed, inspected, and accepted by the County or an appropriate performance bond has been posted by the applicant.

SECTION 10. Amendments to Appendix C-2, Land Development Code of Seminole County. The descriptions of the North and West Collector Road Districts are amended to read as follows:

The following are the boundaries of the North Collector Road District:

Begin at the most westerly intersection of the north boundary line of Section 1, township 20 South, Range 31 East with the north Seminole County line; proceed southwest, southeast, southwesterly and west along the centerline of Lake Jesup to the point of intersection on the western shore with Soldier Creek; thence southwesterly and northwesterly along the centerline of Soldier Creek to its intersection with the Seaboard Coastline Railroad; thence northerly along the centerline of the Seaboard Coastline Railroad approximately 1600 feet to its intersection with the unnamed road; thence west along the centerline of the unnamed road to its intersection with County Road 419; thence northwesterly along the centerline of County Road 419 to its intersection with U. S. 17-92; thence ~~northeast~~ northwest along the centerline of ~~U.S. 17-92~~ Silkwood Court to its intersection with County Road 427; thence ~~northwest~~ southwest, northwest and southwest along the centerline of County Road 427 to its intersection with Longwood Hills Road; thence westerly along the centerline of Longwood Hills Road to E.E. Williamson Road; continue west along the centerline of E.E. Williamson Road to the east line of Ibis Road; continue west along the centerline of Ibis Road to its intersection with the Florida Power Corporation Easement; thence southwest along the centerline of the Florida Power Corporation Easement to its intersection with Little Wekiva River; thence north, northeast and northwesterly along the centerline of the Little Wekiva River main tributary to its intersection with the Wekiva River; said Wekiva River marking the west Seminole County line; thence north, northeasterly and southeasterly along the Seminole County line to the point of beginning.

It is the intention of the Board that the North Collector Road District consist of the 1990 Traffic Analysis Zones 1 through 63, and 182 and 183.

WEST COLLECTOR ROAD DISTRICT BOUNDARIES

The following are the boundaries of the West Collector Road District:

Begin at the intersection of the south Seminole County line with U. S. 17-92; proceed northeasterly along the centerline of U. S. 17-92 to its intersection with ~~County Road 427~~ Silkwood Court; thence, northwest along the centerline of Silkwood Court to its intersection with County Road 427; thence, ~~northwest~~ southwest, northwest, and southwest along the centerline of County Road 427 to its intersection with Longwood Hills Road; thence westerly along the centerline of Longwood Hills Road to E.E. Williamson

Road; continue west along the centerline of E.E. Williamson Road; to the east line of Ibis Road; continue west along the centerline of Ibis Road to its intersection with the Florida Power Corporation Easement; thence southwest along the centerline of the Florida Power Corporation Easement to its intersection with the Little Wekiva River; thence north, northeast, and northwesterly along the centerline of the Little Wekiva River main tributary to its intersection with the Wekiva River; said Wekiva River marking the west Seminole County Line; thence southwesterly, south and east along the Seminole County Line to the point of beginning.

It is the intention of the Board that the West Collector Road District consist of the 1990 Traffic Analysis Zones 125 through 181, and 189 through 198.

SECTION 11. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 12. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made part of the Land Development Code of Seminole County and Code of Ordinances of Seminole County as shown above. The word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 11, 12 and 13 shall not be codified.

SECTION 13. EFFECTIVE DATE. This Ordinance shall take effect at 12:01 a.m. on October 1, 2003, or upon receipt of official acknowledgement by the Clerk of the Board of County Commissioners from the Department of State that this Ordinance has been filed with the Department of State, whichever is later.

ENACTED this _____ day of _____, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain, Chairman

SPL
07/08/03
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