
ORDINANCE NO. 2025 - 04

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING ORDINANCE 95-43, AND ORDINANCE 2007-02 CHAPTER 6 OF THE CITY CODE OF ORDINANCES; UPDATING IMPACT FEES, RELATED TO FIRE, POLICE, PARKS IMPACT FEES; AND PROVIDING FOR GENERAL GOVERNMENT PUBLIC FACILITIES IMPACT FEES; PROVIDING FOR SHORT TITLE, FINDINGS, AUTHORITY, DEFINITIONS, APPLICABILITY, PAYMENT, DEDICATIONS, A FEE SCHEDULE, IMPACT FEE TRUST FUNDS, LIMITATIONS ON THE USE OF IMPACT FEE FUNDS, REFUNDS, EXEMPTIONS, CREDITS, PENALTIES, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the rapid rate of future growth and new development in the City of Tavares (the "City") requires a substantial increase in fire and rescue facilities, police facilities, and park and recreation facilities; and

WHEREAS, the Tavares City Council has determined that future growth and new development that creates the need for and benefits from the provision of new public facilities should contribute its fair share of the cost of providing such facilities; and

WHEREAS, the City Council has studied the necessity for and implications of updating current impact fees for fire and emergency facilities, police facilities, and parks and recreation, and of adopting general government impact fees, and has retained Raftelis Financial Consultants, Inc. ("Raftelis") to prepare a methodology report (hereinafter the "Methodology Report"): "City of Tavares, 2024 Municipal Impact Fee Study," prepared by Raftelis, and dated April 11, 2025; and

WHEREAS, the Methodology Report sets forth reasonable methodologies for determining the impacts of new development on fire and rescue facilities, police facilities, park and recreation facilities, and general government facilities; and

WHEREAS, the City Council hereby adopts the methodologies and level of service standards relied upon in the Methodology Report as part of its ongoing comprehensive planning and capital improvement program; and

WHEREAS, the Methodology Report and the impact fees established by said report reflect the proportionate demand created by new development for additional fire and rescue facilities, police facilities, park and recreation facilities, and general government facilities; and

WHEREAS, the City Council has determined that the impact fees calculated in the Methodology Report and adjusted as provided herein are based on the most recent and localized data; and

WHEREAS, the City shall hereafter include an affidavit, in audits submitted to the Auditor General, which are signed by the chief financial officer of the City stating that the City has complied with the auditing requirements set forth at § 163.31801(8), F.S.; and

WHEREAS, this Ordinance includes procedures for accounting and reporting of impact fee collections and expenditures in order to assure compliance with applicable legal standards; and

WHEREAS, this Ordinance includes separate accounting funds for each fire and rescue facilities, police facilities, park and recreation facilities, and general government facilities for which an impact fee is collected; and

WHEREAS, the City Council has determined that a nexus exists between new development subject to the requirements of this Ordinance and the need for additional fire and rescue facilities, police facilities, park and recreation facilities, and general government facilities; and

WHEREAS, the City Council has determined that new development creates additional needs for new fire and rescue facilities, police facilities, park and recreation facilities, and general government facilities, which additional needs otherwise would not exist but for new development; and

WHEREAS, the City Council has determined that the provision of new fire and rescue facilities, police facilities, park and recreation facilities, and general government facilities with proceeds from impact fees will result in a substantial and direct benefit to new development in a manner not shared by those not paying the fee; and

WHEREAS, the City Council identified extraordinary circumstances for the recommended impact fees for Fire, Police, Parks, and General Government facilities, and the City Council held the required two publicly noticed workshops with dedication discussions for demonstrating extraordinary circumstances necessitating the need to exceed the phase in limitations of FS 163.31801, and,

WHEREAS, the City provided notice of the enactment of this Ordinance at least ninety (90) days prior to the effective date of this Ordinance;

WHEREAS, the impact fees imposed by this Ordinance, which require new development to contribute its fair share of the capital facility costs it creates, implements and is consistent with the City of Tavares Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Tavares, Florida, as follows:

ARTICLE I. IMPACT FEES

Sec. 6-1. Short title.

This ordinance shall be referred to as the City of Tavares Impact Fee Ordinance.

Sec. 6-2. Legislative findings.

The Tavares City Council finds, determines, and declares that:

- (a) In order to maintain current level of service standards for police, fire/rescue, parks and recreation facilities, and general government facilities, the City of Tavares must expand its capital improvements system so that new development may be accommodated without decreasing current level of service standards. Expansion of the capital improvement system to accommodate new growth shall promote and protect the public health, safety, and general welfare of the residents of Tavares.
- (b) The State of Florida, through the enactment of Section 163.31801, Florida Statutes, has authorized Tavares to enact reasonable impact fees to meet the capital improvements needs created by new development.
- (c) The imposition of impact fees is one of the preferred methods of ensuring that new development bears a proportionate share of the cost of capital improvements necessary to accommodate such development. Allocation of a proportionate share of costs promotes and protects the public health, safety, and general welfare of the residents of Tavares.
- (d) Each of the types of land uses described in the fee schedule hereof will create demands for the acquisition of, or expansion of, police, fire/rescue, parks and recreation facilities, and general government facilities and capital improvements.
- (e) The report entitled "City of Tavares, Impact Fee Study," prepared by Raftelis, and dated April 11, 2025, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs of additional capital improvements in Tavares.
- (f) The terms of this article ensure that new development subject to the payment of an impact fee will receive a substantial and proportionate benefit from the provision of capital improvements funded with impact fees collected pursuant to this article.

Sec. 6-2.1. Authority.

The Tavares City Council is authorized to enact this article pursuant to Article VIII, Section 2(b) of the Florida Constitution and Sections 163.31801 and 166.021, Florida Statutes.

Sec. 6-3. Definitions.

Capital improvement means non-site-related facilities, of the type included in the methodology study, including buildings, vehicles, equipment, and land, which add new capacity needed to serve new development. Capital improvements do not include operation, repair, or maintenance costs.

Dwelling unit shall be defined as set forth in Chapter 3 of the City of Tavares Land Development Regulations.

Fee schedule means the schedule set forth in Appendix 'A' of this article, which describes, by land use, impact fees to be paid by new development, pursuant to the terms of this article.

Fire and/or rescue facility – a capital improvement that supports the provision of fire protection and/or rescue services in the city.

General Government Facilities – a capital improvement that supports the general government facilities in the city.

Methodology study means the report entitled "City of Tavares, 2024 Municipal Impact Fee Study," prepared by Raftelis, and dated April 11, 2025.

Parks and recreation facility – a capital improvement that supports the provision of parks and recreation in the city.

Police facility – a capital improvement that supports the provision of law enforcement in the city.

Sec. 6-4. Applicability.

This article shall apply within the incorporated area of the City of Tavares, including those areas that are annexed into the city after the effective date of this article.

Sec. 6-5. Intent and purpose.

The purpose of this article is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide police, fire/rescue, parks and recreation, and general government facilities capital improvements within the City of Tavares.

Sec. 6-6. Payment of impact fees.

(a) Any person who seeks to develop land within the City of Tavares, by applying for a building permit or final development order, is hereby required to pay impact fees in the manner and amount set forth in the fee schedule. The impact fee is due prior to the issuance

of a building permit or final development order, except as otherwise provided by this article, shall be the sum of the applicable police facilities, fire/rescue facilities, parks and recreation facilities, and general government facilities impact fee.

(b) No building permit or final development order requiring payment of an impact fee pursuant to this article shall be issued unless and until impact fees herein required have been paid.

(c) No extension of a building permit or final development order for any activity requiring payment of an impact fee, pursuant to the fee schedule, shall be granted unless and until the impact fees in effect at the time of the extension request have been paid.

(d) In the event impact fees are paid concurrently with the issuance of a building permit or final development order and subsequently, the building permit or final development order is amended, the applicant shall pay impact fees in effect at the time the amended building permit or amended final development order is issued with credit being given for the previous fees paid.

Sec. 6-7. Dedication of land.

The Tavares City Council may permit a developer, in lieu of payment of impact fees as required herein, to convey land by warranty deed, or dedicate land on a recorded plat, of suitable size, dimension, topography and general character to serve as a police, fire/rescue, parks and recreation, or general government capital improvement, or a substantial portion thereof, which will meet the capital improvement needs created by the new development.

Sec. 6-8. Fee Schedule.

(1) Fee schedules. The impact fee shall be the sum of the police facilities impact fee, the fire/rescue facilities impact fee, the parks and recreation facilities impact fee, and the general government facilities impact fee calculated using the schedules provided in Appendix 'A' of this article.

~~(2) Inflation adjustment. The City Council, by ordinance, may adjust the fee schedule on October 1 of each year in order to reflect cost increases in the provision of fire and rescue facilities, police facilities, and park and recreation facilities. The inflation adjustment shall be consistent with the methodology described in the methodology report, adjusted to reflect local conditions. Statutory notice requirements shall be observed.~~

(2) Unspecified uses. If the type of development activity that a building permit is applied for is not specified on the fee schedule, the city administrator or designee shall determine the appropriate fee by considering demographic or other documentation which is available.

(3) Change in use or density. In the case of change of use, redevelopment, or expansion or modification of an existing use on a site which requires the issuance of a building permit or final development order, impact fees shall be based upon the net increase in the impact fees for the new use as compared to the most intense previous use on or after the effective date of this article.

(b) Alternative for developer fee study.

(1) If a feepayer opts not to have the impact fee determined according to the fee schedule, then the feepayer shall prepare and submit to the city administrator or designee, an independent fee calculation study for the land development activity for which a building permit or final development order is sought.

(2) The independent fee calculation study shall follow the prescribed methodologies and formats used in the methodology study in determining the fees set forth in the fee schedule. The documentation submitted shall show the basis upon which the independent fee calculation was made.

(3) The city administrator or designee shall consider the documentation submitted by the feepayer but is not required to accept such documentation if it is deemed to be inaccurate or not reliable. The city administrator or designee may, in the alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the feepayer shall pay impact fees based upon the fee schedule.

(4) If an acceptable independent fee calculation study is presented, subject to the approval of the city council, the city administrator or designee may adjust the impact fees as appropriate to the particular development, based on a showing, supported by the independent fee calculation study, that the fees set forth on the schedules provided in Appendix 'A' of this article do not reflect the proportionate impacts of the proposed land development activity.

(5) Determinations made by the city administrator or designee, pursuant to this paragraph, may be appealed to the city council upon a written request to the city administrator or designee, within ten (10) days of the city administrator's or designee's determination.

If an acceptable independent fee calculation study is presented, the city administrator or designee may adjust the impact fees as appropriate to the particular development. Determinations made by the city administrator or designee, pursuant to this paragraph, may be appealed to the city council upon a written request to the city administrator or designee, within ten (10) days of the city administrator's or designee's determination.

Sec. 6-9. Impact fees trust funds established.

(a) There are hereby established four (4) nonlapsing trust funds, to wit: the Police Facilities Impact Fee Trust Fund, the Fire/Rescue Facilities Impact Fee Trust Fund, the Parks and Recreation Impact Fee Trust Fund, and the General Government Impact Fee Trust Fund.

(b) Impact fees collected pursuant to this article shall be segregated into the Police Facilities Impact Fee Trust Fund, the Fire/Rescue Facilities Impact Fee Trust Fund, the Parks and Recreation Impact Fee Trust Fund, and the General Government Impact Fee Trust Fund, as applicable, and the four (4) trust funds shall not be commingled.

(c) Funds withdrawn from the Police Facilities Impact Fee Trust Fund, the Fire/Rescue Facilities Impact Fee Trust Fund, the Parks and Recreation Impact Fee Trust Fund, or the

General Government Impact Fee Trust Fund shall be used in accordance with the provisions of this article.

Sec. 6-10. Use of impact fee funds.

(a) Impact fee funds collected, or land dedicated pursuant to section 6-7, shall be used solely for the purpose of acquiring or expanding capital improvements for police, fire/rescue, parks and recreation facilities, or general government facilities under the jurisdiction of the city and solely for the facility for which the impact fee was collected. Impact fee funds shall not be used to fund existing deficiencies or the operational, maintenance, or repair costs.

(b) In the event that bonds or similar debt instruments are issued for advance provision of capital improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the capital improvements provided are of the type described in section 6-10(a).

(c) At least once each fiscal year, the city administrator shall present to the city council a proposed capital improvement program for police, fire/rescue, parks and recreation facilities, and general government facilities, assigning funds, including any accrued interest, from the applicable impact fee trust fund, to specific police, fire/rescue, parks and recreation, and general government capital improvement projects as provided in section 6-10(a). Monies, including any accrued interest, not assigned in any fiscal year shall be retained in the same impact fee trust fund until the next fiscal year.

(d) Funds may be used to provide refunds in the manner set forth in section 6-11.

(e) All administrative costs associated with providing capital improvements shall be eligible for the appropriation of impact fees collected by the city; however, administrative costs shall not exceed five (5) percent of the total amount expended or encumbered by the city.

Sec. 6-11. Refund of fees paid.

(a) Expired building permit or final development order. If a building permit or final development order expires or is cancelled without development commencing, then the feepayer shall be entitled to a refund, without interest, of impact fees paid, except that the city shall retain five (5) percent of the fee to offset a portion of the costs of collection and refund. The feepayer shall submit an application for such a refund to the city administrator or designee within thirty (30) days of the expiration of the order or permit, or thereafter waive any right to a refund.

(b) Funds not expended. Any funds not expended or encumbered by the end of the calendar quarter immediately following seven (7) years from the date impact fees were paid shall, upon application of the then current landowner, be returned to such landowner, without interest, provided that the landowner submits an application for a refund to the city administrator or designee within one hundred eighty (180) days of the expiration of the seven (7) year period.

Sec. 6-12. Exemptions and credits.

(a) Exemptions.

(1) The following shall be exempted from payment of impact fees:

- a. Alterations of an existing building where no additional residential density is created, nor additional employees added, and where the use is not changed;
- b. The construction of an accessory building or structure;
- c. The replacement of a destroyed or partially destroyed building or structure on the same site with a new building or structure of the same size and use;
- d. Installation of a replacement mobile home on the same site, where a mobile home legally existed on such site on or prior to the effective date of this article;
- e. Public educational and ancillary plants constructed by district school board or community college district board of trustees, pursuant to sec. 1013.371, F.S.; and
- f. Charter school facilities, pursuant to 1002.33(18)(d), F.S.

(2) Any claim of exemption must be made no later than the time of application for a building permit or final development order. Any claim not so made shall be deemed waived.

(b) Credits.

(1) Obtaining credits. A developer may obtain credit against all or a portion of impact fees otherwise due or to become due by offering to dedicate needed land or construct needed capital improvements, or both. The offer of the developer shall specifically accompany a request for an impact fee credit. If the city administrator, or a designee, accepts such an offer, the credit shall be determined and provided in the following manner:

a. Credit for dedication of land. Credit for the dedication of land shall be based upon the following, as determined by the city:

1. The most recent assessed value of the land by the Lake County Property Appraiser, or
2. By better evidence of value, such as a contract for sale or recorded deed, or
3. By fair market value established by private appraisers acceptable to the city.

b. Credit for the dedication of capital improvements or land. Credit for the dedication of capital improvements or land shall be provided when the property has been conveyed by warranty deed or dedicated on a recorded plat, at no charge to, and accepted by the city in a manner satisfactory to the city council.

c. Credit of construction of capital improvements. Applicants for credit for construction of capital improvements shall submit acceptable engineering drawings and specifications, and construction costs estimates to the city administrator, or a designee. The city administrator, or a designee, shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the

city administrator, or a designee, determines that such estimates submitted by the applicant are either unreliable or inaccurate.

d. Credit due upon completion of construction. Except as provided in subparagraph (e), credit against impact fees otherwise due shall not be provided until:

1. The construction is completed and accepted by the city; and
2. A suitable maintenance and warranty bond is received and approved by the city.

e. Bonding future improvements. Credit may be provided before completion of specified capital improvements if adequate assurances are given by the applicant that the provisions of paragraph (c) shall be met and the feepayer posts security, as provided below, for the costs of such construction. Security for the costs of construction in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with the city and approved by the city attorney. If the capital improvement project shall not be constructed within one (1) year of the acceptance of the offer to construct by the city administrator or designee, the amount of the security shall be increased for each year of the life of the security. In the event the capital improvement construction is not completed so as to provide the required improvements at the time the impact of the development occurs, the city shall draw on the security and provide for the required improvements.

(2) Claim for credit. Any claim for credit shall be made no later than the time of application for a building permit or final development order. Any claim not so made shall be deemed waived.

(3) Credits not transferable. Credits shall not be transferable from one project or development to another.

(4) Appeal of credit determinations. Determinations made by the city administrator, or a designee, pursuant to this section may be appealed to the city council by filing a written request with the city administrator, or a designee, within ten (10) days of the city administrator's determination.

Sec. 6-13. Penalties.

(a) Prosecution or civil litigation. A violation of this article shall be prosecuted as provided in code enforcement violation, pursuant to Chapter 162, Florida Statutes. However, in addition to or in lieu of such prosecution, the city shall have the power to sue in civil court to enforce the provisions of this article.

(b) Lien against property. Failure to dedicate land or to pay an impact fee when determined by the city as required to satisfy the impact of development shall result in the amount due becoming a lien against the property, as provided for herein. The city shall provide a written notice of the impact fee due by (1) personal service, (2) certified United States mail, return receipt requested, or (3) Federal Express or other equivalent overnight letter delivery company. Upon failure to pay the impact fee within thirty (30) days of the date of the notice, a notice of lien shall be served by (1) personal service, (2) certified United States mail, return receipt requested, or (3) Federal Express or other equivalent

overnight letter delivery company, advising the property owner that the city shall file a claim of lien against the property in question. Once recorded, the claim of lien may be foreclosed as provided for in Chapter 170, Florida Statutes, Chapter 173, Florida Statutes, or any other applicable law. The lien for unpaid impact fee shall be coequal with a lien for state, county, special district and municipal taxes and superior in dignity to subsequently filed liens.

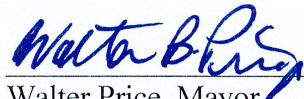
Sec. 6-14. Severability.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Secs. 6-15-6-25. Reserved.

This Ordinance shall become effective on the 90th day following the adoption of this Ordinance.

DONE AND ADOPTED at a duly called session of the City Council of the City of Tavares, Florida, this 7th day of May, 2025.

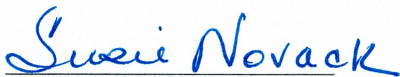


Walter Price, Mayor
CITY COUNCIL
CITY OF TAVARES, FLORIDA

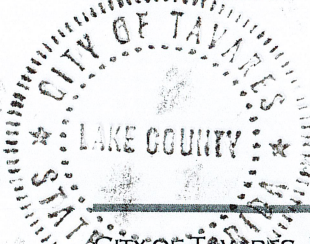
Approved First Reading: April 16, 2025

Approved Second Reading: May 7, 2025


ATTEST:



Susie Novack
CITY CLERK



APPROVED AS TO FORM


Lindsay C. T. Holt
CITY ATTORNEY

**City of Tavares
Police Impact Fee Schedule**

Land Use	Impact Unit	Impact Fee
Residential		
Single Family	Dwelling Unit	\$635.00
Multi-Family	Dwelling Unit	508.00
Mobile Home	Dwelling Unit	380.00
Non-Residential		
Industrial	1,000 Sq Ft	\$60.00
Hotel/Motel/Inn	Rooms	443.00
Institutional	1,000 Sq Ft	412.00
Office Building	1,000 Sq Ft	507.00
Retail	1,000 Sq Ft	1,262.00
Restaurant/Bar/Lounge	1,000 Sq Ft	3,185.00
Assisted Living Facilities	Beds	406.00

City of Tavares
Fire Impact Fee Schedule

Land Use	Impact Unit	Impact Fee
Residential		
Single Family	Dwelling Unit	\$664.00
Multi-Family	Dwelling Unit	530.00
Mobile Home	Dwelling Unit	397.00
Non-Residential		
Industrial	1,000 Sq Ft	\$62.00
Hotel/Motel/Inn	Rooms	463.00
Institutional	1,000 Sq Ft	430.00
Office Building	1,000 Sq Ft	530.00
Retail	1,000 Sq Ft	1,319.00
Restaurant/Bar/Lounge	1,000 Sq Ft	3,328.00
Assisted Living Facilities	Beds	425.00

City of Tavares
Parks and Recreation Impact Fee Schedule

Land Use	Impact Unit	Impact Fee
Residential		
Single Family	Dwelling Unit	\$1,466.00
Multi-Family	Dwelling Unit	1,172.00
Mobile Home	Dwelling Unit	879.00

City of Tavares
General Government Impact Fee Schedule

Land Use	Impact Unit	Impact Fee
Residential		
Single Family	Dwelling Unit	\$756.00
Multi-Family	Dwelling Unit	604.00
Mobile Home	Dwelling Unit	451.00
Non-Residential		
Industrial	1,000 Sq Ft	\$71.00
Hotel/Motel/Inn	Rooms	527.00
Institutional	1,000 Sq Ft	490.00
Office Building	1,000 Sq Ft	603.00
Retail	1,000 Sq Ft	1,500.00
Restaurant/Bar/Lounge	1,000 Sq Ft	3,787.00
Assisted Living Facilities	Beds	483.00