

ORDINANCE NUMBER 25-27

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, RELATING TO MUNICIPAL IMPACT FEES; AMENDING CHAPTER 2, ARTICLE IV, DIVISION 4 (LAW ENFORCEMENT IMPACT FEES), CHAPTER 38, ARTICLE V (FIRE IMPACT FEES), CHAPTER 58, ARTICLE III (LIBRARY IMPACT FEES), CHAPTER 66, ARTICLE II (PARKS AND RECREATION IMPACT FEES), AND CHAPTER 94, ARTICLE VII (WATER AND WASTEWATER CAPACITY IMPACT FEES) OF THE CODE OF ORDINANCES; ADOPTING UPDATED IMPACT FEES FOR POLICE, FIRE, PARKS AND RECREATION, LIBRARY, AND WATER AND WASTEWATER SERVICES BASED ON THE 2025 MUNICIPAL IMPACT FEE STUDY PREPARED BY RAFTELIS FINANCIAL CONSULTANTS, INC.; MAKING LEGISLATIVE FINDINGS, INCLUDING EXTRAORDINARY CIRCUMSTANCES JUSTIFYING AN EXEMPTION FROM THE PHASE-IN LIMITATIONS OF SECTION 163.31801, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS; AND PROVIDING THAT THIS ORDINANCE SHALL BE ADOPTED PRIOR TO OCTOBER 1, 2025, WITH AN EFFECTIVE DATE OF JANUARY 1, 2026, PURSUANT TO SECTION 163.31801, FLORIDA STATUTES.

RECITALS

WHEREAS, Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, provide municipalities with broad home rule powers, including the authority to impose and collect impact fees; and

WHEREAS, Section 163.31801, Florida Statutes, known as the Florida Impact Fee Act, establishes uniform standards for the adoption of impact fees and requires that such fees satisfy the dual rational nexus test, which requires (1) a reasonable connection between the need for additional capital facilities and the growth generated by new development, and (2) a reasonable connection between the expenditure of impact fee revenues and the benefits received by new development; and

WHEREAS, Section 166.041, Florida Statutes, prescribes the procedures for adoption of ordinances by municipalities, and the City has complied with all such requirements, including preparation and consideration of a Business Impact Estimate pursuant to subsection (4), which was timely posted, considered prior to adoption, and made available for public inspection; and

WHEREAS, the City last updated its water and wastewater impact fees in 2006, and its police, fire, parks and recreation, and library impact fees in 2004, and the existing fee schedules no longer bear a reasonable relationship to the costs of providing capital facilities and services; and

WHEREAS, in 2025, Raftelis Financial Consultants, Inc. prepared the Municipal Impact Fee Study and the Water and Wastewater Capacity Impact Fee Study (collectively, the "Studies"), which analyzed existing and projected levels of service, capital facility needs, and cost allocations for police, fire, parks and recreation, library, water, and wastewater, and which constitute competent substantial evidence supporting the fees adopted herein; and

WHEREAS, the Studies demonstrate extraordinary circumstances justifying exemption from the statutory phase-in requirements of Section 163.31801(6), Florida Statutes, including: (1) a twenty-year lapse since prior updates, (2) significant population growth of approximately 2.3% annually, projected to add over 6,300 residents by 2035, (3) major capital facility needs including a new public safety complex, Fire Station 3, additional fire apparatus, park and library expansions, and (4) insufficient revenues under the current fee schedule to fund required improvements; and

WHEREAS, the City Commission held two publicly noticed workshops on September 18, 2025, and September 29, 2025, to consider the Studies and extraordinary circumstances, in compliance with Section 163.31801(6)(g), Florida Statutes; and

WHEREAS, the City of Eustis 2035 Comprehensive Plan includes: Goal FLU 1 (ensuring services and facilities for new and existing development), Goal CIE 1 and Policy CIE 3.1.4 (requiring new development to bear a proportionate fair share of public improvement costs), Goal REC 1 (ensuring adequate open space and recreational facilities), and Goal ECD 1 (promoting a healthy economy supported by adequate infrastructure), and also establishes specific adopted levels of service, including 2.24 police officers per 1,000 functional population and 4.60 acres of parks per 1,000 residents, which are advanced by this Ordinance; and

WHEREAS, the City Commission finds that adoption of the updated impact fees is necessary and in the best interest of the public health, safety, and welfare, ensures that new development bears a proportionate share of required capital facility costs, and is supported by competent substantial evidence in the record.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Eustis, Florida:

SECTION 1. Legislative Findings.

The above recitals are incorporated herein as legislative findings of the City Commission.

SECTION 2. Definitions.

For purposes of this Ordinance:

- *Impact Fee Administrator* means the City official designated by the City Manager to administer and enforce impact fee provisions.

- *Development Unit* means a dwelling unit for residential uses, or 1,000 square feet of gross floor area for non-residential uses, unless otherwise defined in the applicable fee schedule.
- *Independent Impact Analysis* means a professionally prepared study submitted by a developer to demonstrate that the impact of a proposed development differs from the assumptions in the Studies.
- *Capital Facilities* means police, fire, parks, library, water, wastewater, and related infrastructure improvements authorized by law and included in the Studies.

SECTION 3. Independent Impact Analysis.

Applicants may submit an Independent Impact Analysis prepared by a qualified professional. The Impact Fee Administrator may accept, reject, or modify such analysis based on competent substantial evidence. Applicants must submit such analysis prior to issuance of a building permit. Decisions of the Impact Fee Administrator may be appealed to the City Commission within thirty (30) days of the determination.

SECTION 4. Amendments to Code of Ordinances.

The Code of Ordinances of the City of Eustis is hereby amended as follows:

Chapter 2, Article IV, Division 4 (Law Enforcement Impact Fees): Repeal existing schedule and adopt Exhibit A (Police Impact Fee Schedule).

Chapter 38, Article V (Fire Impact Fees): Repeal existing schedule and adopt Exhibit B (Fire Impact Fee Schedule).

Chapter 58, Article III (Library Impact Fees): Repeal existing schedule and adopt Exhibit C (Library Impact Fee Schedule).

Chapter 66, Article II (Parks and Recreation Impact Fees): Repeal existing schedule and adopt Exhibit D (Parks and Recreation Impact Fee Schedule).

Chapter 94, Article VII (Water and Wastewater Capacity Impact Fees): Repeal existing schedule and adopt Exhibit E (Water and Wastewater Impact Fee Schedule).

SECTION 5. Collection and Use of Fees.

- Impact fees shall be collected at the time of issuance of a building permit.
- All collections shall be deposited into separate trust funds by category.
- Funds shall be expended solely for capital improvements or debt service necessitated by new development, consistent with the Studies, the dual rational nexus test, and Section 163.31801(7), Florida Statutes.
- No impact fee revenue may be used for operations, maintenance, or replacement of existing facilities.

SECTION 6. Credit for Contributions.

- (a) Developers who dedicate land, design, or construct capital facilities that serve the same functional category as the applicable impact fee shall receive a credit equal to the fair market value of such contribution.
- (b) Credits shall not exceed the total impact fee due for the same category.
- (c) Applications for credits must be submitted prior to issuance of a building permit.
- (d) Fair market value shall be established by an MAI-certified appraisal or other methodology approved by the City.
- (e) Any disputes concerning credits shall be resolved by the City Commission after recommendation from the Impact Fee Administrator.
- (f) The City Commission may adopt by resolution additional administrative procedures governing credits.

SECTION 7. Notice Compliance.

Notice of this Ordinance and the updated fee schedules shall be provided at least ninety (90) days prior to the effective collection date, in compliance with Section 163.31801, Florida Statutes. Proof of publication shall be retained by the City Clerk.

SECTION 8. Accounting, Reporting, and Audit.

- (a) The City Finance Department shall maintain separate accounts for each impact fee category.
- (b) An annual report shall be prepared and presented to the City Commission summarizing collections, expenditures, and balances.
- (c) Reports shall be made available to the public in accordance with Chapter 119, Florida Statutes (Public Records Law).
- (d) Impact fee accounts shall be subject to annual independent audit.

SECTION 9. Comprehensive Plan Consistency.

The City Commission finds and declares that this Ordinance is consistent with the City of Eustis 2035 Comprehensive Plan, including but not limited to: Goal FLU 1, Goal CIE 1, Policy CIE 3.1.4, Goal REC 1, and Goal ECD 1, and furthers implementation of adopted levels of service and capital improvement policies.

SECTION 10. Review and Adjustments.

The City Commission shall review the impact fee schedules at least once every five (5) years, or sooner if warranted by updated data, capital plans, or growth trends. Interim adjustments may be made by resolution using recognized inflationary indices such as the CPI or ENR CCI. No impact fee shall be increased more often than once every four (4) years, except as permitted by Section 163.31801(6), Florida Statutes, when extraordinary circumstances are demonstrated. The City shall also re-evaluate its fees upon substantial changes in population projections, development trends, or capital improvement planning.

SECTION 11. Consideration of Alternatives.

The City Commission considered less costly regulatory alternatives and determined that they would be insufficient to fund the capital facility needs identified in the Studies. Adoption of the updated impact fees is therefore the most reasonable and effective regulatory approach.

SECTION 12. Codification.

It is the intent of the City Commission that this Ordinance be codified into the Code of Ordinances of the City of Eustis, and that the sections of this Ordinance may be renumbered or re-lettered to achieve such codification.

SECTION 13. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid, such holding shall not affect the validity of the remaining portions, to the fullest extent permitted by law.

SECTION 14. Conflicts.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 15. Effective Date and Implementation.

This Ordinance shall be adopted prior to October 1, 2025, and shall be effective upon adoption for legal purposes. In compliance with Section 163.31801, Florida Statutes, the updated impact fees adopted herein shall apply only to building permits issued on or after January 1, 2026. For avoidance of doubt, the "legal effective date" of this Ordinance is the date of adoption, while the "collection/implementation date" for impact fees is January 1, 2026. Any legal action challenging this Ordinance shall be filed exclusively in the Circuit Court of Lake County, Florida.

PASSED, ORDAINED AND APPROVED in Special Session of the City Commission of the City of Eustis, Florida, this 29th day of September, 2025.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Willie L. Hawkins
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me by means of ☐ electronic notarization or ☐ physical presence this 29th day of September, 2025 by Willie L. Hawkins, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public – State of Florida

My Commission Expires: _____

Notary Serial No. _____

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance by the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 25-27 is hereby approved, and I hereby certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

Appendix: Exhibits A–E – Impact Fee Schedules

Exhibit A – Police Impact Fee Schedule

Land Use	Impact Unit	Fee
Single Family Dwelling Unit	Per Unit	\$746
Multi-Family Dwelling Unit	Per Unit	\$521
Industrial/Warehousing	Per 1,000 Sq Ft	\$34
Hotel/Motel/Inn	Per Room	\$194
Church/Institutional	Per 1,000 Sq Ft	\$62
Hospital	Per 1,000 Sq Ft	\$689
Office Building	Per 1,000 Sq Ft	\$292
Retail	Per 1,000 Sq Ft	\$727
Restaurant/Bar/Lounge	Per 1,000 Sq Ft	\$1,836
Assisted Living Facilities	Per Bed	\$234

Exhibit B – Fire Impact Fee Schedule

Land Use	Impact Unit	Fee
Single Family Dwelling Unit	Per Unit	\$1,230
Multi-Family Dwelling Unit	Per Unit	\$859
Industrial/Warehousing	Per 1,000 Sq Ft	\$57
Hotel/Motel/Inn	Per Room	\$320
Church/Institutional	Per 1,000 Sq Ft	\$103
Hospital	Per 1,000 Sq Ft	\$1,135
Office Building	Per 1,000 Sq Ft	\$482
Retail	Per 1,000 Sq Ft	\$1,199
Restaurant/Bar/Lounge	Per 1,000 Sq Ft	\$3,026
Assisted Living Facilities	Per Bed	\$386

Exhibit C – Library Impact Fee Schedule

Land Use	Impact Unit	Year 1	Year 2
Single Family Dwelling Unit	Per Unit	\$294	\$295
Multi-Family Dwelling Unit	Per Unit	\$207	\$207

Exhibit D – Parks and Recreation Impact Fee Schedule

Land Use	Impact Unit	Year 1	Year 2	Year 3+ (Full)
Single Family Dwelling Unit	Per Unit	\$674	\$749	\$898
Multi-Family Dwelling Unit	Per Unit	\$482	\$535	\$642

Exhibit E – Water and Wastewater Capacity Impact Fee Schedule

Service	Impact Unit	2026	2027	2028+ (Full)
Water Capacity Impact Fee	Per ERU	\$936	\$1,019	\$1,183
Wastewater Capacity Impact Fee	Per ERU	\$3,002	\$3,335	\$4,002