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Chapter 42

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***Cross references**—Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness saved from repeal, § 1-7(a)(2); any contract or obligation assumed by the city saved from repeal, § 1-7(a)(3); any appropriation ordinance or ordinances providing for the levy of taxes or for adopting an annual budget saved from repeal, § 1-7(a)(7); any ordinance relating to local improvements and assessments therefor saved from repeal, § 1-7(a)(8); any ordinance prescribing any fee or payment of money to the city saved from repeal, § 1-7(a)(16); administration, ch. 2; director of finance, § 2-161 et seq.; taxation, ch. 66.

State law references—Local finances, F.S. § 166.201 et seq.; local government financial matters, F.S. ch. 218.

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ARTICLE I. IN GENERAL

Secs. 42-1—42-25. Reserved.

ARTICLE II. IMPACT FEES*

DIVISION 1. GENERALLY

Secs. 42-26—42-50. Reserved.

DIVISION 2. ROAD IMPACT FEE†

Sec. 42-51. Short title and authority.

(a) This division shall be known and may be cited as the "The City of Winter Garden Road Impact Fee Ordinance."

(b) The city commission has the authority to adopt this division pursuant to article VIII of the state constitution and F.S. chs. 163 and 166.

(c) Providing for arterial, collector and other roads in coordination with a plan for the control of traffic is a responsibility of the city under state statutes and is in the best interest of the health, safety and welfare of the citizens of the city.

(d) Planning for new roads and roadway improvements needed to serve new growth and development that generate additional traffic and the implementation of these needs plans through the comprehensive planning process is a responsibility of the city under F.S. § 163.3161 et seq. and is in the best interest of the city.
(Code 1988, § 11.5-21)

Sec. 42-52. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Access improvements means improvements designed to ensure safe and adequate ingress and egress.

***Cross reference**—Concurrency management system, ch. 86.

†**Cross reference**—Streets and sidewalks, ch. 62.

Accessory building or structure means a detached, subordinate building, the use of which is clearly indicated and related to the use of the principal building or use of the land and which is located on the same lot as the principal building or use.

Applicant means the person who applies for a building permit.

Arterial road means a road which is a main traffic artery carrying relatively high traffic volumes for relatively long distances. This classification includes all roads which function above the level of a collector road.

Average trip length means the average length in miles of external trips, as determined in the Orlando Urban Area Transportation Study 2005, the 1985 Orange County Impact Fee Study and 1990 update thereof, and the 1990 the Winter Garden Municipal Impact Fee Study.

Building permit means an official document or certificate issued by the authority having jurisdiction authorizing the commencement of construction of any building or parts thereof; the term also includes construction plan approval for new mobile home development.

Capacity means the maximum number of vehicles for a given time period which a typical new lane can safely and efficiently carry, usually expressed in terms of vehicles per day. For the purpose of this division, typical new capacity is defined at level of service D and shall mean 7,500 vehicles per day per through lane.

Collector road means a road which carries traffic from local roads to arterial roads. Collector roads have more continuity, carry higher traffic volumes, and may provide less access than local roads.

Development permit includes any building permit, zoning approval, subdivision approval, rezoning, development order, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Diverted traffic means traffic that is transferred from another transportation route, corridor or mode.

Encumbered means, in reference to funds for capital improvements, funds committed in the capital improvements program for a specified improvement on a specified time schedule.

External trip means any trip which has either its origin or destination at the development site and which impacts the major road network system.

Gross leasable area means the total gross square footage.

Internal trip means a trip which has both its origin and destination within the development site.

Major road network system means all existing and committed arterial and collector roads within the city.

Northern Benefit Area includes all portions of the City of Winter Garden located north of the Florida Turnpike.

Off-site improvements means road improvements located outside of the boundaries of the parcel proposed for a development site which are required by the city in order to serve the development's external trips, but not including access improvements, as defined in this section.

Southern Benefit Area includes all portions of the City of Winter Garden located south of Florida Turnpike.

Square feet, as referred to in the road impact fee schedule in section 42-55, means total gross square footage under a roof.

Traffic-generating development means land development designed or intended to permit a use of the land which will contain more dwelling units or floor space than the then-existing use of land, or to otherwise change the use of the land in a manner that increases the generation of vehicular traffic.

Trip means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end). For the purposes of this division, the term "trip" shall have the meaning which it has in commonly accepted traffic engineering practice and which is substantially the same as that definition in the previous sentence.

Trip generation means the attraction or production of trips caused by a given type of land development.

(Code 1988, § 11.5-22; Ord. No. 00-38, § I, 6-22-00)

Cross reference—Definitions generally, § 1-2.

Sec. 42-53. Intent and purpose.

(a) This division is intended to implement and be consistent with city comprehensive plan.

(b) The purpose of this division is to ensure that new development pays a fair share of the anticipated costs of needed road system improvements necessary to serve new development. In order to finance the necessary new capital improvements, several combined methods of financing shall be employed, one of which will impose a regulatory impact fee on new growth and development which does not exceed a pro rata share of the reasonably anticipated costs of major road network system expansion and improvements.

(c) Implementing a regulatory scheme that requires new development to pay a road impact fee that does not exceed a pro rata share of the reasonably anticipated expansion costs of new roads needed to serve new growth and development is the responsibility of the city in order to carry out the traffic circulation element of its comprehensive plan, as adopted under F.S. § 163.3161 et seq., and is in the best interest of the health, safety and welfare of the citizens of the city.

(d) The purpose of this division is to enable the city to allow growth and development to proceed in the city in compliance with the adopted comprehensive plan, and to regulate growth and development so as to require growth and development to share in the burdens of growth by paying its pro rata share for the reasonably anticipated expansion costs of major road network system improvements.

(e) It is not the purpose of this division to collect fees from growth and development in excess of the cost of the reasonably anticipated improvements to the major road network system needed to serve the new growth and development. The city commission finds that this division has approached the problem of determining the road impact fee in a conservative and reasonable man-