

February 28, 2024

**ORDINANCE NO. 2024-\_\_\_\_**

**AN ORDINANCE RELATING TO IMPACT FEES; AMENDING THE CODE OF MARION COUNTY, FLORIDA; CHAPTER 10 – LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE XV – EDUCATIONAL SYSTEM IMPACT FEE; AMENDING SEC. 10-421. - DEFINITIONS; AMENDING SEC. 10-422. (7) - FINDINGS; AMENDING SEC. 10-424. – ADOPTION OF IMPACT FEE STUDY; AMENDING SEC. 10-431. (b) – IMPOSITION; CREATING SEC. 10-431. (d) EDUCATIONAL BENEFIT DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REMAINDER CLAUSE; PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on July 18, 2006, the Marion County Board of County Commissioners (“County”) held a public hearing at which Ordinance 06-23 (the “Original Marion County Educational System Impact Fee Ordinance”) was adopted; and

**WHEREAS**, on February 7, 2023, the County and the School Board entered into the “Marion County Third Amended and Restated Interlocal Agreement for Public School Facility Planning (Interlocal Agreement); and

**WHEREAS**, in accordance with the above-mentioned Interlocal Agreement, the School District procured and received on June 7, 2023, the Marion County Public Schools Educational Facilities Update Study – Final Report prepared by Benesch; and

**WHEREAS**, the School Board of Marion County, Florida (“School Board”) acting in its capacity as the Marion County Public School District pursuant to Article IX, Section 4 of the Florida Constitution, held pursuant to §163.31801(6)(g)(2), Fla. Stat. (2023), two duly noticed and advertised public workshops: the first public workshop was held on July 6, 2023 and the second public workshop was held on July 13, 2023 dedicated to discuss the extraordinary circumstances necessitating the need for an increase in impact fees as provided in that section of the statutes, and to discuss the Long Range School Plan prepared by Benesch dated May 30, 2023, along with the School and District Facility Recommendations 2023-2038 dated May 31, 2023; and

**WHEREAS**, on July 20, 2023, the School Board gave consensus to provide the County with its recommendation for an Amendment to the Code of Marion County - Chapter 10, Art. XV, as stated herein; and

**WHEREAS**, on July 25, 2023, at its regularly scheduled Board Meeting, the School Board received copies of the Marion County Public Schools Long Range School Planning Study - Final Report dated June 7, 2023; and the Marion County Public Schools Educational Facilities Impact Fee Update Study – Final Report dated June 7, 2023 both reports were prepared by Benesch.

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The data set forth in the reports was employed in the calculation of the Impact Fee rates imposed herein and is the most recent and localized data available.

**WHEREAS**, on August 11, 2023, the County and the School Board held a joint public workshop to hear presentations of the Marion County Public Schools Long Range School Planning Study - Final Report dated June 7, 2023; the Marion County Public Schools Educational Facilities Update Study – Final Report dated June 7, 2023; the School Board’s School Facility Recommendations; and discuss a proposed Educational Impact Fee recommendation of forty (40) percent of the Marion County Public Schools Educational Facilities Impact Fee Update Study’s calculation.

**WHEREAS**, during the August 11, 2023, joint public workshop, the County and the School Board reached consensus to change the Marion County Public Schools Educational Facilities Update Study (hereafter, “Update Study”) to establish five Land Use Categories in the Calculated School Impact Fee Schedule, resulting in revising that Study with a September 13, 2023 date.

**WHEREAS**, the County, pursuant to § 163.31801(6)(g)(2), Fla. Stat. (2023), held two duly noticed and advertised public workshops: the first public workshop was held on September 20, 2023 and the second public workshop was held on October 13, 2023 dedicated to discuss the extraordinary circumstances necessitating the need for an increase in impact fees as provided in that section of the statutes.

**WHEREAS**, on October 10, 2023, at its regularly scheduled Board meeting, the School Board requested a quote from Benesch that included: 1) a cost estimate [for analysis to identify Student Generation Rate per Multifamily dwelling unit as grouped by Bedroom count], and 2) an estimate of how long the additional analysis would take.

**WHEREAS**, on October 26, 2023, the School Board came to consensus to use the School Board Member Residence Areas for the boundary descriptions for the Educational Benefit Districts described herein.

**WHEREAS**, on November 27, 2023, at a Special Board Meeting, School Board came to consensus to have Benesch do an expanded analysis of the Multifamily Apartment category to include tiers based on square footage.

**WHEREAS**, on January 25, 2024, at a School Board work session, the School Board came to consensus to proceed with Apartment Tiering Scenario #3 from a second expanded analysis by Benesch. Resulting changes to the Multi-Family Land Use Categories in the Calculated School Impact Fee Schedule were republished as part of the September 13, 2023 Update Study.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, THAT:**

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**SECTION 1. PURPOSE AND INTENT.** This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Interlocal Agreement for public school facility planning as required by Section 163.31777, Fla. Stat. (2023).

**SECTION 2. FINDINGS.** The recitals set forth in the WHEREAS clauses above are true and correct and hereby adopted as findings by the County for the adoption of this Ordinance. With respect to the following Code Amendments, words ~~stricken~~ have been deleted; words underlined have been added.

**SECTION 3. AMENDMENT OF CHAPTER 10, ARTICLE XV-EDUCATIONAL SYSTEM IMPACT FEE; SEC. 10-421. - DEFINITIONS.**

~~*Building permit* shall mean an official document or certificate issued by the county or a city under the authority of ordinance or law, authorizing the construction or siting of any building. Building permit shall also include tie-down permits for those structures or buildings, such as a mobile home, that do not require a building permit in order to be constructed.~~

*Building permit:* For purposes of Ch. 10, Art. XV, shall mean an approval by a local government authorizing residential construction on a specific property.

~~*Educational facilities* shall mean the building, furniture and equipment that are built, installed or established to serve educational purposes and are designated for student occupant stations or to facilitate the delivery of educational services.~~

*Educational Facility:* shall mean the buildings, equipment, structures, site improvements, and particular educational use areas built, installed, or established to serve primarily the public educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by the School Board.

~~*Mobile home* shall mean a structure transportable in one or more sections, which structure is eight (8) body feet or more in width and over thirty five (35) feet in length, and which structure is built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.~~

Mobile Home in a Mobile Home Park – shall mean a standalone residential structure that is transportable in one (1) or more sections and situated on tracts of land where individual park lots or sites are offered for rent. Such structures are manufactured on an integral chassis and designed for use as a dwelling unit when established on jacks or other temporary or permanent foundations, and connected to utilities as required by local governmental code (customarily: plumbing, heating, air conditioning, and electrical systems).

~~Multifamily dwelling unit shall mean a building or a portion of a building, regardless of ownership, containing more than one dwelling unit designed for occupancy by a single family, which units are not customarily offered for rent for one day, and shall include apartments and condominiums.~~

Multi-Family (Apartments) – shall mean a building, or portion thereof, containing more than one dwelling unit, which units are not customarily offered for rent for one day, and shall not include Condominium ownership.

Multi-Family (Condominiums) – shall mean dwelling units where more than one other similar unit exists within the same building structure and where the term Condominium includes all fee-simple or titled multi-unit structures. This category characteristically includes common areas.

~~Residential construction shall mean land development designed or intended to permit more dwelling units than the existing use or non-use of land contains.~~

Residential Development: shall mean any development comprised of dwelling units, in whole or in part, for permanent human habitation.

~~School board shall mean the School Board of Marion County, Florida, which is the governing body of the School District of Marion County, Florida.~~

School Board: shall mean the School Board of Marion County, Florida, the governing body established under Article IX, Section 4, Florida Constitution.

Single Family Attached/Townhouse – shall mean a property improved as a residential structure and having characteristics such as a shared, or common, wall; and is established on one or two parcels (examples being: a lot or lots in an approved platted subdivision or per an approved development order such as a Planned Development or Planned Unit Development). This category is typically distinguished by fee simple ownership of land along with the structure.

~~Single family detached house shall mean a dwelling unit on an individual lot, tract, or any other parcel of land including detached houses on lots less than fifty (50) feet wide, such as zero lot line homes and manufactured homes.~~

Single Family Detached/Mobile Home on a Lot - shall mean a property improved with a standalone site built or manufactured residential structure that is established in an approved platted subdivision or one having a metes and bounds description or aliquot part descriptions.

~~Superintendent shall mean the chief administrative officer of the public schools, as elected pursuant to F.S. § 1001.46.~~

Superintendent: shall mean the District School Superintendent of Marion County.

Superintendent or designee: shall mean that person(s) responsible for dispatching responsibilities identified in the Interlocal Agreement which has been attributed to the Superintendent or the Superintendent's designee.

**SECTION 4. AMENDMENT OF CHAPTER 10, ARTICLE XV-EDUCATIONAL SYSTEM IMPACT FEE; SEC. 10-422. (7) - FINDINGS.** In acknowledgment of and consistent with the findings in Section 2 of this amendment, Chapter 10, Article XV, Section 10-422. (7) is hereby amended to read as follows:

- (7) The projected capital improvements to the educational system and the allocation of projected costs between those necessary to serve existing development and those required to accommodate the educational needs of future residential construction as presented in the study entitled the “Marion County Public Schools Educational Facilities Impact Fee Update Study, dated September 13, 2023, is hereby approved and adopted by the County and such study is found to be consistent with the comprehensive plan of the County.

**SECTION 5. AMENDMENT OF CHAPTER 10, ARTICLE XV-EDUCATIONAL SYSTEM IMPACT FEE; SEC. 10-424. – ADOPTION OF IMPACT FEE STUDY.** In acknowledgment of and consistent with the findings in Section 2 of this amendment, Chapter 10, Section 10-424. is hereby amended to read as follows:

The Marion County Board of County Commissioners hereby adopts and incorporates by reference, the study entitled the Marion County Public Schools Educational Facilities Update Study," dated September 13, 2023, including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the additions to the educational system required to accommodate growth. A copy of the impact fee study shall be available to the public at the County Administrator's office or the Marion County Board of County Commissioners' office.

**SECTION 6. AMENDMENT OF CHAPTER 10, ARTICLE XV-EDUCATIONAL SYSTEM IMPACT FEE; SEC. 10-431. (b) – IMPOSITION.** In acknowledgment of and consistent with the findings in Section 2 of this amendment, Chapter 10, Section 10-431. (b) is hereby amended to read as follows:

(b) After the effective date of this article or any amendments hereto, all residential construction occurring within the county, both within the unincorporated area and within the municipal boundaries of the cities, shall pay the following educational system impact fees:

<del>Single Family detached house, per dwelling unit</del>	<del>.....\$3,967.00</del>	<u>\$4,277.20</u>
<del>Multifamily dwelling unit, per dwelling unit</del>	<del>.....2,166.00</del>	<u>\$3,891.20</u>
<del>Mobile home, per dwelling unit</del>	<del>.....3,461.00</del>	<u>\$2,866.40</u>
<del>Multi-Family (Condominiums), per dwelling unit</del>	<del>.....</del>	<u>\$1,990</u>
<del>Mobile Home Park, per dwelling unit</del>	<del>.....</del>	<u>\$2,866</u>
<del>Single Family Attached/Townhouse, per dwelling unit</del>	<del>.....</del>	<u>\$2,020</u>

Single Family Detached/Mobile Home on a Lot, per dwelling unit .....\$4,307

Multi-Family Apartment; 1 to 700 sq. ft. - \$1,604

Multi-Family Apartment; 701 to 900 sq. ft. - \$3,847

Multi-Family Apartment; 901 to 1,200 sq. ft. - \$4,337

Multi-Family Apartment; >1,200 sq. ft. - \$5,525

Notwithstanding the foregoing, if a building permit has been given a permit number prior to the effective date of the increased impact fees provided herein, the customer will only be obligated to pay the fee that was in effect on the date the application for a building permit was submitted, as long as the permit remains valid through construction.

**SECTION 7. AMENDMENT OF CHAPTER 10, ARTICLE XV-EDUCATIONAL SYSTEM IMPACT FEE; CREATING SEC. 10-431. – IMPOSITION (d).** In acknowledgment of and consistent with the findings in Section 2 of this amendment, Chapter 10, Article XV, Section 10-431. (d) is hereby created to read as follows:

(d) Collection of impact fees shall be tracked by the School Board in relationship to the Educational Benefit Districts set forth in the map herein, Exhibit A, as further described herein in Exhibit B.

The School Board will create a separate fund for each of the Educational Benefit Districts (EBDs) and the fees will be spent within a reasonable period of time from collection within the EBDs in which they are collected, for the acquisition of school sites or the provision of facilities, as identified in the Marion County School Board’s Adopted Five-Year Plan, as may be amended, that will substantially benefit the residents of the developed area as follows:

(i) Primarily, the School Board shall utilize the school impact fees to provide needed school facilities including, but not limited to, acquiring new school sites, construction of new schools, classroom additions, addition to core capacities, and acquiring technology necessitated by the growth, at those schools identified by the School Board as being impacted by the development which has been established.

(ii) If site constraints or other issues make it impracticable for the School Board to provide the needed school facilities at the affected schools as identified by School Board, as feasible, the School Board will reasonably provide the needed school facilities within the applicable EBDs containing the primarily impacted schools, thus relieving overcrowding at the primarily impacted EBDs.

(iii) If site constraints or other feasibility issues make it impracticable for the School Board to provide the needed school facilities within the primarily impacted EBDs contained the primarily impacted schools, then the School Board may provide the additional school facilities within the EBDs adjacent to the primarily impacted EBDs in a manner that ensures that the impact of the established development continues to be reasonably mitigated and connected to, or have a rational nexus with, the expenditures of the collected school impact fees and the benefits accruing to the new residential development.

**SECTION 8. SEVERABILITY.** If any clause, sentence or provision of this amendment of Chapter 10, Article XV shall be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portions of this amendment and Chapter 10, Article XV of Marion County shall be valid as if such invalid portion had not been adopted.

**SECTION 9. REMAINDER.** All sections, subsections, clauses, sentences, phrases, and provisions of Chapter 10, Article XV - Educational System Impact Fee, Divisions 1-3, of the Marion County Code of Ordinances not amended herein shall stay the same and remain in full force and effect until amended, repealed or otherwise acted upon by the County.

**SECTION 10. INCLUSION IN THE CODE.** It is the intention of the County and it is hereby provided that the provisions of this Ordinance shall be made a part of the Marion County Code of Ordinance; and that the sections of the Code shall be updated to accomplish such intention.

**SECTION 11. EFFECTIVE DATE.** Pursuant to Florida Statutes Section 163.31801, subsection (4)(d), this amendment to Marion County Code Chapter 10 shall become effective 95 days following the filing of this Ordinance with the Secretary of State.

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**DULY ADOPTED** in regular session, this \_\_\_\_ day of \_\_\_\_\_, 2024.

**BOARD OF COUNTY COMMISSIONERS OF  
MARION COUNTY, FLORIDA**

By: \_\_\_\_\_  
Michelle Stone, Chair

**ATTEST:**

\_\_\_\_\_  
Gregory C. Harrell, Clerk of Court

(SEAL)



**EXHIBIT "B"**  
**BOUNDARY DESCRIPTIONS FOR 2023 MARION COUNTY SCHOOL BOARD  
EDUCATIONAL SYSTEM IMPACT FEE EDUCATIONAL BENEFIT DISTRICTS (EBDS)**

*NOTE: All descriptions use road names and progress sequentially in a clockwise fashion until closing the boundary at the point of beginning. Road references are understood to be in Marion County unless otherwise noted. References to roads signed or named by a county other than Marion will reference that County. These descriptions have their origins in the 2021 Marion County School Board Member Residence Areas map.*

**EBD 1**

Begin at a point on the south County Boundary where I-75 intersects the boundary and proceed northward along I-75 to a point coinciding with SR 200; thence northeasterly following College Road (SR 200) to the intersection with Pine Avenue (US 27/441/301); thence continuing easterly following SW 10<sup>th</sup> Street and transitioning to SE 1<sup>st</sup> Avenue; thence northward to the intersection with East Fort King Street; thence eastward to the intersection with SE Wenona Avenue; thence southward to the intersection with SE 2<sup>nd</sup> Street; thence eastward to the intersection with SE 10<sup>th</sup> Avenue; thence northward to the intersection with East Fort King Street; thence eastward to the intersection with SE 22<sup>nd</sup> Avenue; thence southward to the intersection with SE 17<sup>th</sup> Street; thence eastward following SE 17<sup>th</sup> Street/Maricamp Road to the intersection with SE 58<sup>th</sup> Avenue (Baseline Road/SR 35); thence southward following Baseline Road to the intersection with US 27/441; thence southeasterly to a point intersecting with the south County Boundary; thence westward along the County Boundary to the point of beginning.

**EBD 2**

Begin at a point on the south County Boundary where US 27/441 intersects the boundary and proceed northwesterly following US 27/441 to the junction with Baseline Road (SR 35); thence northerly following Baseline Road/SE 58<sup>th</sup> Avenue (SR 35) to the intersection with SR 40; thence eastward following SR 40 to a point intersecting the County Boundary; thence following the County Boundary to its southeastern most corner and continuing westerly following the south County Boundary to the point of beginning.

**EBD 3**

Begin at a point on the south County Boundary where I-75 intersects the boundary and proceed westward along the southern County Boundary to a point where the County Boundary is the Withlacoochee River; thence following that southwesterly portion of the County Boundary to a point, west of Dunnellon, where the County Boundary meets the Levy

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County Boundary and turns northward; thence northward to a point where the shared County Boundaries coincide along Levy County's SE 80<sup>th</sup> Street; thence eastward to a point where US 41 intersects with SE 80<sup>th</sup> Street; thence southward following US 41 to the junction with CR 328; thence eastward following CR 328 to the junction with SR 40; thence following SR 40 eastward to an intersection with SW 110<sup>th</sup> Avenue; thence southward along SW 110<sup>th</sup> Avenue to a point of southwestward departure; thence southwesterly to a point approximately coinciding with SW 120<sup>th</sup> Avenue; thence following SW 120<sup>th</sup> Avenue southward to a point coinciding with the western terminus of SW 100<sup>th</sup> Street; thence continuing eastward along a path coinciding with SW 100<sup>th</sup> Street to an intersection with SR 200; thence northeastward along SR 200 to a point coinciding with the intersection with I-75 and proceed eastward following SR 40.

**EBD 4**

Begin at a point that is the intersection of west SR 40 and NW/SW 110<sup>th</sup> Avenue and proceed westward along SR 40 to the intersection with NW/SW 60<sup>th</sup> Avenue; thence northward following NW 60<sup>th</sup> Avenue to the junction with US 27; thence southeastward following US 27 to the intersection with NW 24<sup>th</sup> Avenue; thence northward to NW 14<sup>th</sup> Street; thence eastward following NW 14<sup>th</sup> Street to NW 20<sup>th</sup> Court; thence northward following NW 20<sup>th</sup> Court to NW 16<sup>th</sup> Street; thence westward following NW 16<sup>th</sup> Street to NW 21<sup>st</sup> Avenue; thence northward following NW 21<sup>st</sup> Avenue to NW 17<sup>th</sup> Place; thence eastward following NW 17<sup>th</sup> Place to NW 16<sup>th</sup> Avenue (NW Martin Luther King Jr Avenue); thence northward following NW 16<sup>th</sup> Avenue to the intersection with NW 35<sup>th</sup> Street; thence eastward following NW 35<sup>th</sup> Street to the intersection with NE Jacksonville Road – and transitioning to NE 35<sup>th</sup> Street – following NE 35<sup>th</sup> Street to the intersection with NE 36<sup>th</sup> Avenue; thence southward following NE 36<sup>th</sup> Avenue to the intersection with SR 40 (East Silver Springs Blvd); thence eastward following SR 40 (East Silver Springs Blvd) to the intersection with NE 55<sup>th</sup> Avenue (SR 35); thence southward following NE 55<sup>th</sup> Avenue to the intersection with SE Maricamp Road (SR 464); thence northwestward following SE Maricamp Road (SR 464) to the intersection with SE 22<sup>nd</sup> Avenue; thence north following SE 22<sup>nd</sup> Avenue to East Fort King Street; thence westward following East Fort King Street to SE 10<sup>th</sup> Avenue; thence south to SE 2<sup>nd</sup> Street; thence west following SE 2<sup>nd</sup> Street to SE Wenona Avenue; thence north to East Fort King Street; thence westward following East Fort King Street to the intersection with SE 1<sup>st</sup> Avenue; thence south following SE 1<sup>st</sup> Avenue and transitioning to SE 10<sup>th</sup> Street to the intersection with Pine Avenue (US 27/441/301); thence continuing westerly following College Road (SR 200) to a point 0.16 miles southwest of SW 99<sup>th</sup> Street Road; thence departing westward to follow SW 100<sup>th</sup> Street; then following SW 100<sup>th</sup> Street to its western terminus at a point coinciding with SW 120<sup>th</sup> Avenue; thence northward following SW 120<sup>th</sup> Avenue to

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a point of northeastward departure; thence northeastward to join up with SW 110<sup>th</sup> Avenue at a point 0.13 miles south of SW 38<sup>th</sup> Street; thence northward following SW 110<sup>th</sup> Avenue to the point of beginning.

**EBD 5**

Begin at a point, common to Marion, Alachua and Levy Counties, that is the northwestern most corner of the Marion County boundary; thence departing easterly, follow Marion County's boundary eastward to a point – situated in the Ocklawaha River - shared by Marion and Putnam Counties; thence southeasterly, through a series of jogs – along the shared boundary with Putnam County and transitioning to a shared boundary with Volusia County to a point – on the western shore of Lake George – that is shared among Marion, Volusia and Lake Counties; thence southward to SR 40; thence westward following SR 40 to the intersection with NE 36<sup>th</sup> Avenue; thence northward following NE 36<sup>th</sup> Avenue to the intersection with NE 35th Street; thence westward following NE 35th Street to the intersection with NW 16th Avenue (NW Martin Luther King Avenue); thence southward following NW 16th Avenue (NW Martin Luther King Avenue) to NW 17th Place; thence west to NW 24th Avenue; thence south to NW 16th Street; thence east to SW 20th Court; thence south to NW 14th Street; thence west and northwest following NW 10th Street (US 27) to the junction with NW 60th Avenue; thence southward following NW 60th Avenue to the intersection with SR 40 (West Silver Springs Blvd); thence westward following SR 40 to the intersection with CR 328; thence continuing west following CR 328 to the intersection with US 41; thence northward following US 41 to the shared Marion/Levy County boundary; thence departing eastward following the shared boundary a distance of 2.22 miles to a point where the shared boundary changes direction to northerly; thence following the shared boundary to the point of beginning.