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3 **ORDINANCE NO.: 2005-05**

4 **AN ORDINANCE AMENDING CHAPTER 23, ARTICLE III, OF THE**
5 **HERNANDO COUNTY CODE OF ORDINANCES RELATING TO IMPACT**
6 **FEEES; AMENDING TERMS RELATING TO PREPAYMENT OF IMPACT**
7 **FEEES; IMPOSING ADDITIONAL REQUIREMENTS ON IMPACT FEEES**
8 **THAT WERE PREVIOUSLY PREPAID IN ADVANCE; PROVIDING A CUT-**
9 **OFF DATE FOR PARCEL OWNERS TO UTILIZE PREPAID IMPACT FEEES**
10 **UNDER PRIOR RATE STRUCTURE; AMENDING SECTION 23-46 BY**
11 **REVISING THE FIRE PROTECTION AND EMERGENCY MEDICAL**
12 **SERVICES CAPITAL FACILITIES IMPACT FEE; AMENDING SECTION**
13 **23-69 BY REVISING THE EDUCATIONAL FACILITIES IMPACT FEE;**
14 **AMENDING SECTION 23-91 BY REVISING THE PUBLIC CAPITAL**
15 **FACILITIES IMPACT FEE; AMENDING SECTION 23-114 BY REVISING**
16 **THE PARKS IMPACT FEE; AMENDING SECTION 23-138 BY REVISING**
17 **THE ROADS IMPACT FEE; PROVIDING FOR SEVERABILITY;**
18 **PROVIDING FOR FULL FORCE AND EFFECT OF REMAINDER;**
19 **PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN**
20 **EFFECTIVE DATE.**

21 **WHEREAS**, beginning in 1986, Hernando County adopted various impact fees related to
22 new or expanding development and redevelopment so as to ensure that such development bears the
23 proportionate costs of the capital expenditures related to that development; and,
24

25 **WHEREAS**, Hernando County, through staff and outside professionals, developed
26 methodologies for computing capital expenditures on a per development basis, and which
27 methodologies have withstood the test of time; and,
28

29 **WHEREAS**, the methodologies employed by Hernando County are based upon certain
30 assumptions and which assumptions must be periodically updated to reflect the actual and current
31 costs for capital improvements and facilities; and,
32

33 **WHEREAS**, 2001 was the last time Hernando County revised its impact fees; and,
34

35 **WHEREAS**, since 2001, the costs to construct and develop capital improvements and
36 facilities have significantly risen; and,
37

38 **WHEREAS**, employing the same methodologies used in the past, impact fees have been
39 recalculated based upon current costs and data; and,
40

41 **WHEREAS**, Hernando County finds that the prepayment of impact fees is not in the best
42 interest of the public and is contrary to sound fiscal accounting; and,
43

1 **WHEREAS**, Hernando County further finds that the costs to construct and develop capital
2 facilities is rising faster than other segments of the market, and without predictability, thus reflecting
3 a material change of circumstances and warranting the County to reconsider, and reverse, its prior
4 position of allowing impact fees to be paid in advance of issuance of building permits; and,
5

6 **WHEREAS**, in connection with reviewing and revising the impact fees herein, Hernando
7 County further desires to update and modernize Chapter 23, Article III, of the Hernando County
8 Code of Ordinances where appropriate including revising outdated language and descriptions and
9 resolving any inconsistencies or ambiguities.
10

11 **NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY**
12 **COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**
13

14 **SECTION 1. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 1 (Fire**
15 **Protection and Emergency Medical Services Capital Facilities Impact Fee), Section 23-45**
16 **(Imposition of fire protection and emergency medical services capital facilities impact fee).**
17 Section 23-45 is hereby amended to read as follows, with underlined matter added and struck-
18 through matter deleted:
19

20 (a) Any person who, after the effective date of this division, seeks to develop land located in
21 Hernando County by applying for a building permit or certificate of use to make an improvement
22 to land shall be required to pay a fire protection and/or emergency medical services capital facilities
23 impact fee or fees in the manner and amount set forth in this division.
24

25 (b) No building permit or certificate of use for any activity requiring payment of the fire protection
26 and/or emergency medical services capital facilities impact fees pursuant to section 23-46 of this
27 division shall be issued unless and until the impact fee or fees hereby required has been paid as
28 provided in section 23-47 of this division.
29

30 (c) Impact fees for existing nonresidential buildings. No impact fees shall be charged for existing
31 nonresidential buildings except as provided below:
32

- 33 (1) Where a change in the use of all or a portion of a nonresidential building less than five (5)
34 years old results in the requirement for an additional impact fee, such change of use of the
35 building shall be subject to impact fees as required under the provisions of this division.
36
- 37 (2) Nonresidential buildings over five (5) years old shall be subject to impact fees if the cost of
38 their alteration or conversion for a change of use exceeds twenty-five (25) percent of the
39 assessed value of the building.
40
- 41 (3) An alteration or change of use involving an addition to a nonresidential building of any age
42 will be subject to impact fees for the area of the building addition.
43

1 (d) Impact fees under this division may not be prepaid for any legally existing parcel after June,
2 2, 2005. Prepaid Impact fees shall run with the land and are not transferable from one parcel to
3 another. Prepaid Impact fees that were prepaid on or prior to June 2, 2005 under this division shall
4 vest the parcel for the land use for which the fees are paid from any increase in the fire protection
5 and emergency medical services capital facilities impact fee through the period ending June 2, 2006
6 and further provided that a valid building permit has been issued by the Building Department for
7 said parcel within this period. In the event that the parcel owner does not obtain, or chooses not to
8 obtain, a valid building permit by June 2, 2006, then all impact fees previously prepaid against said
9 parcel shall become refundable to the current parcel owner of record, together with interest at the
10 County's average annual rate of return (and calculated from the date the impact fee was paid to the
11 County through the date the County issues a refund check, but no later than June 2, 2006). The
12 current parcel owner of record must file a written request with the County Building Department as
13 a prerequisite to obtaining this refund. Following June 2, 2006, all amounts previously prepaid
14 under this division together with afore-described interest (and not otherwise refunded) shall continue
15 to remain as a credit against future impact fees requirements (the prevailing impact fee rate structure
16 at time of building permitting) as to said parcel, or until such time as a request for refund has been
17 received; however, interest shall no longer accrue after June 2, 2006. No refunds shall be made for
18 any prepaid impact fees except as otherwise provided for in this division.
19

20 (e) The County recognizes that certain parcel owners and duly licensed contractors have entered
21 into bona fide contracts for the construction of improvements covered under this division prior to
22 June 2, 2005. Any parcel owner or contractor who files a true copy of such construction contract,
23 together with a notarized affidavit on a form supplied by the County (swearing under penalty of
24 perjury as to the authenticity and execution date of said construction contract), with the County
25 Building Department no later than July 5, 2005 shall be deemed grand-fathered under the impact fee
26 rate structure in effect immediately prior to adoption of this Ordinance through the period ending
27 December 2, 2005, and further provided that a complete building permit application pertaining to
28 said parcel has been accepted for filing by the Building Department within this period. Any parcel
29 owner or contractor who has filed their construction contract and building permit application with
30 the Building Department under this provision and who has not obtained a building permit issued by
31 the Building Department during one additional one hundred and eighty (180 day period running
32 from the filing of a complete building permit application shall no longer be grand-fathered under the
33 prior impact fee rate structure and shall be subject to the prevailing impact fee rates.
34

35 **SECTION 2. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 1 (Fire**
36 **Protection and Emergency Medical Services Capital Facilities Impact Fee), Section 23-46**
37 **(Computation of fire protection and emergency medical services capital facilities impact fee).**
38 Section 23-46 is hereby amended to read as follows, with underlined matter added and struck-
39 through matter deleted:
40

41 (a) Except as provided in paragraph (b) of this section, the amount of the fee or fees shall be
42 determined by the following fee schedule. The reference in the schedule to square feet refers to the
43 gross square footage of each floor of a building measured to the exterior walls, and not usable,
44 interior, rentable, noncommon or other forms of net square footage. The fees set forth in the

NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

1 schedule below shall take effect on July 5, 2005. Any parcel owner or contractor who has a
 2 complete building permit application accepted for filing by the Building Department prior to the new
 3 impact fee rate structure taking effect under this provision shall be deemed grand-fathered under the
 4 existing impact fee rate structure, provided that a building permit is obtained within one hundred and
 5 eighty (180) days from the date said building permit application was accepted for filing.

7 SCHEDULE OF FIRE AND EMS IMPACT FEES

8	Land Use Type	<i>Township 22</i>		<i>Hernando</i>	<i>Hernando</i>	<i>Hernando</i>
		<i>City of</i>	<i>Spring Hill</i>	<i>Beach</i>	<i>County</i>	<i>County EMS</i>
		<i>Brooksville</i>				
9	<i>Residential, per unit:</i>					
10	Single-family, detached	\$79.00 <u>202</u>	\$66.00 <u>128</u>	\$79.00 <u>211</u>	\$96.00 <u>211</u>	\$16.00 <u>18</u>
11	Single-family, attached	66.00 <u>154</u>	55.00 <u>98</u>	66.00 <u>161</u>	80.00 <u>161</u>	13.00 <u>14</u>
12	Multifamily, 1 & 2 story	60.00 <u>159</u>	51.00 <u>101</u>	60.00 <u>167</u>	74.00 <u>167</u>	12.00 <u>14</u>
13	Multifamily, 3 story & up	88.00 <u>229</u>	57.00 <u>107</u>	88.00 <u>175</u>	82.00 <u>175</u>	12.00 <u>14</u>
14	Mobile home, 1 acre	79.00 <u>202</u>	66.00 <u>128</u>	79.00 <u>211</u>	96.00 <u>211</u>	16.00 <u>18</u>
15	Mobile home, other	70.00 <u>181</u>	60.00 <u>115</u>	70.00 <u>189</u>	86.00 <u>189</u>	14.00 <u>17</u>
16	Recreational vehicle-lot	37.00 <u>98</u>	31.00 <u>62</u>	37.00 <u>102</u>	45.00 <u>102</u>	7.00 <u>9</u>
17	Hotel/motel, 1 & 2 story	37.00 <u>98</u>	31.00 <u>62</u>	37.00 <u>102</u>	45.00 <u>102</u>	7.00 <u>9</u>
18	Hotel/motel, 3 story & up	54.00 <u>141</u>	35.00 <u>66</u>	54.00 <u>107</u>	50.00 <u>107</u>	7.00 <u>9</u>
19	Residential--Other	79.00 <u>202</u>	66.00 <u>128</u>	79.00 <u>211</u>	96.00 <u>211</u>	16.00 <u>18</u>
20	<i>Industrial & warehousing, per</i>					
21	<i>1,000 sq. ft.</i>					
22	Industrial--Under 30,000 sq. ft.	29.00 <u>76</u>	24.00 <u>48</u>	29.00 <u>80</u>	35.00 <u>80</u>	6.00 <u>7</u>
23	Industrial--30,000 sq. ft. and over	42.00 <u>110</u>	27.00 <u>51</u>	42.00 <u>83</u>	39.00 <u>83</u>	6.00 <u>7</u>
24	Warehouse--Under 30,000 sq. ft.	21.00 <u>56</u>	18.00 <u>35</u>	21.00 <u>59</u>	26.00 <u>59</u>	4.00 <u>5</u>
25	Warehouse--30,000 sq. ft. and					
26	over	31.00 <u>80</u>	20.00 <u>38</u>	31.00 <u>62</u>	29.00 <u>62</u>	4.00 <u>5</u>
27	Storage--Under 30,000 sq. ft.	12.00 <u>32</u>	10.00 <u>20</u>	12.00 <u>34</u>	15.00 <u>34</u>	2.00 <u>3</u>
28	Storage--30,000 sq. ft. and over	18.00 <u>47</u>	12.00 <u>22</u>	18.00 <u>35</u>	17.00 <u>35</u>	2.00 <u>3</u>
29	<i>Office, financial, retail &</i>					
30	<i>restaurant, per 1,000 sq. ft.</i>					
31	Medical--Under 30,000 sq. ft.	98.00 <u>260</u>	83.00 <u>165</u>	98.00 <u>272</u>	120.00 <u>272</u>	20.00 <u>23</u>
32	Medical--30,000 sq. ft. and over	144.00 <u>374</u>	93.00 <u>176</u>	144.00 <u>286</u>	134.00 <u>286</u>	20.00 <u>23</u>
33	General--Under 30,000 sq. ft.	57.00 <u>152</u>	48.00 <u>96</u>	57.00 <u>158</u>	70.00 <u>158</u>	12.00 <u>14</u>
34	General--30,000 sq. ft. and over	84.00 <u>218</u>	54.00 <u>103</u>	84.00 <u>167</u>	78.00 <u>167</u>	12.00 <u>14</u>
35	Retail--Under 30,000 sq. ft. and					
36	36 ft.	111.00 <u>294</u>	94.00 <u>187</u>	111.00 <u>308</u>	135.00 <u>308</u>	22.00 <u>27</u>
37	Retail--30,000 sq. ft. or 36 ft. and					
38	over	163.00 <u>424</u>	105.00 <u>199</u>	163.00 <u>323</u>	151.00 <u>323</u>	22.00 <u>27</u>
39	Restaurant--Under 30,000 sq. ft.					
40	and 36 ft.	173.00 <u>457</u>	146.00 <u>290</u>	173.00 <u>477</u>	210.00 <u>477</u>	35.00 <u>41</u>
41	Restaurant--30,000 sq. ft. or 36 ft.					
42	and over	253.00 <u>658</u>	164.00 <u>309</u>	253.00 <u>503</u>	235.00 <u>503</u>	35.00 <u>41</u>

NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

- 1 (1) If a building permit or certificate of use is requested for mixed uses, then the fee shall be
2 determined according to the above schedule by apportioning the space committed to uses
3 specified on the schedule.
4
5 (2) If the type of development activity a building permit or certificate of use is applied for is not
6 specified on the above fee schedule, the county administrator shall use the fee applicable to
7 the most nearly comparable type of land use on the above fee schedule.
8
9 (3) In the case of change of use, redevelopment, or modification or expansion of an existing use
10 which may or may not require the issuance of a building permit, the impact fee shall be
11 based upon the net increase in impact for the new use as compared to the previous use.
12

13 (b) If a fee payer opts not to have the impact fee or fees determined according to paragraph (a) of
14 this section, then the fee payer shall prepare and submit to the county administrator an independent
15 fee calculation study for the land development activity for which a building permit is sought. The
16 independent fee calculation study shall follow the prescribed calculation methodologies and formats
17 established by the county administrator. Any adjustment to the fees in the schedule contained in
18 paragraph (a) may only be based upon impact or use characteristics that are expected to exist
19 throughout the expected life of the structure and may not be based upon temporary or transitory use
20 characteristics.
21

22 **SECTION 3. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 1 (Fire**
23 **Protection and Emergency Medical Services Capital Facilities Impact Fee), Section 23-48 (Fire**
24 **protection and emergency medical facilities impact fee benefit districts created).** Section 23-48
25 is hereby amended to read as follows, with underlined matter added and struck-through matter
26 deleted:
27

28 There are hereby established five (5) fire protection and/or emergency medical facilities impact fee
29 benefit districts as follows:
30

- 31 (a) Those areas contained within the Spring Hill Fire and Rescue Municipal Service Taxing Unit
32 (MSTU);
33
34 (b) Those areas contained within the Hernando County Fire Protection Services Unit;
35
36 (c) Those areas contained within ~~the Hernando Fire Tax District as well as the land area~~
37 contained in the City of Brooksville;
38
39 (d) Those areas contained within the Hernando Beach Municipal Fire Service Unit; and
40
41 (e) Those areas contained within the Hernando County Emergency Medical Services District
42 (those land areas of the County lying outside of the Spring Hill Fire and Rescue Municipal
43 Service Taxing Unit (MSTU)).
44

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1 **SECTION 4. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 1 (Fire**
2 **Protection and Emergency Medical Services Capital Facilities Impact Fee), Section 23-49 (Fire**
3 **Protection and Emergency Medical Services Capital Facilities Impact Fee Trust Fund**
4 **established).** Section 23-49 is hereby amended to read as follows, with underlined matter added
5 and struck-through matter deleted:
6

7 (a) A Fire Protection and Emergency Medical Services Capital Facilities Impact Fees Trust Fund
8 is hereby established for each benefit district established in section 23-48 of this division:
9

- 10 (1) The ~~Township-22~~ City of Brooksville Fire Protection Impact Fee Trust Fund:
- 11
- 12 (2) The Spring Hill Fire Protection and Emergency Medical Services Impact Fee Trust Fund;
- 13
- 14 (3) The Hernando County Fire Protection Impact Fee Trust Fund;
- 15
- 16 (4) The Hernando Beach Fire Protection Impact Fee Trust Fund; and
- 17
- 18 (5) The Hernando County Emergency Medical Services Impact Fee Trust Fund.
- 19

20 The fees collected from each benefit district shall be deposited in the appropriate trust fund.
21

22 (b) Funds withdrawn from these accounts must be used in accordance with the provisions of section
23 23-50 of this division.
24

25 **SECTION 5. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 1 (Fire**
26 **Protection and Emergency Medical Services Capital Facilities Impact Fee), Section 23-51**
27 **(Refund of fees paid).** Section 23-51 is hereby amended to read as follows, with underlined matter
28 added and struck-through matter deleted:
29

30 (a) ~~If a building permit expires, then the fee payer, his/her heirs, successors or assigns, shall be~~
31 ~~entitled to a refund of the impact fee paid as a condition for its issuance except that the county shall~~
32 ~~retain three (3) percent of the fee to offset the costs of refunding. If a building permit or certificate~~
33 ~~of use expires, is revoked or is voluntarily surrendered and is, therefore, voided, and no construction~~
34 ~~or improvement of land (including moving a mobile home or recreational vehicle on to land) has~~
35 ~~been commenced, then the current parcel owner of record, upon application to the County, shall be~~
36 ~~entitled to a refund of the fire protection and emergency medical services capital facilities impact~~
37 ~~fee paid as a condition for its issuance, except that three (3) percent of the fee paid shall be retained~~
38 ~~as an administrative fee to offset the cost of processing the refund. The current parcel owner of~~
39 ~~record shall be entitled to a refund equal to ninety-seven (97) percent of the fire protection and~~
40 ~~emergency medical services capital facilities impact fee paid. No interest shall be paid on refunds~~
41 ~~under this section.~~
42

43 (b) Any funds not expended or encumbered by the end of the calendar quarter immediately
44 following six (6) years from the date the fire protection and emergency medical services capital

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1 facilities impact fee was paid recorded as revenue by the County shall, upon application of the
2 current parcel owner of record within one hundred eighty (180) days of the expiration of the six-year
3 period, be returned to the current parcel owner of record with interest at the rate of six (6) percent
4 per annum County's average annual rate of return.
5

6 **SECTION 6. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 2**
7 **(Educational Facilities Impact Fee), Section 23-64 (Short title, authority and applicability).**

8 Section 23-64 is hereby amended to read as follows, with underlined matter added and struck-
9 through matter deleted:

10
11 (a) Short title. This division shall be known and may be cited as the "Educational Facilities Impact
12 Fee Ordinance."
13

14 (b) Authority. The board of county commissioners of Hernando County has the authority to adopt
15 this division pursuant to article VIII of the Constitution of the State of Florida, and chapters 125, 163
16 and 1013 and section 163.3201, section 235.19, and section 235.193 of the Florida Statutes, as these
17 laws may be amended or renumbered from time to time.
18

19 (c) Applicability. This division shall apply to the unincorporated area of Hernando County and to
20 the incorporated areas of Hernando County.
21

22 **SECTION 7. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 2**
23 **(Educational Facilities Impact Fee), Section 23-65 (Intent and purposes).** Section 23-65 is
24 hereby amended to read as follows, with underlined matter added and struck-through matter deleted:
25

26 (a) This division is intended to implement and be consistent with the Hernando County
27 Comprehensive Plan.
28

29 (b) The purpose of this division is to regulate the use and development of land so as to assure that
30 new development bears a proportionate share of the cost of capital expenditures necessary to provide
31 educational facilities as contemplated by, and in implementation of, the Hernando County
32 Comprehensive Plan and chapters 163 and 1013 of the Florida Statutes, as these laws may be
33 amended or renumbered from time to time.
34

35 (c) ~~This division is intended to implement the policies established in Florida Statutes, section~~
36 ~~235.193.~~
37

38 **SECTION 8. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 2**
39 **(Educational Facilities Impact Fee), Section 23-68 (Imposition of educational facilities impact**
40 **fee).** Section 23-68 is hereby amended to read as follows, with underlined matter added and struck-
41 through matter deleted:
42

43 (a) Any person who, after the effective date of this division, seeks to make any improvement to
44 land by applying for a building permit for a residential unit shall be required to pay an educational

NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

1 facilities impact fee in the amount set forth in this division. No such building permit shall be issued
2 unless and until the educational facilities impact fee hereby imposed has been paid pursuant to
3 section 23-70 of this division. For a building permit for which a complete application is submitted
4 prior to the effective date of this division, the educational facilities impact fee ordinance in effect
5 on the date of the complete application governs.
6

7 (b) Impact fees under this division may not be prepaid for any legally existing parcel after June 2,
8 2005. Prepaid Impact fees shall run with the land and are not transferable from one parcel to
9 another. Prepaid Impact fees that were prepaid on or prior to June 2, 2005 under this division shall
10 vest the parcel for the land use for which the fees are paid from any increase in the educational
11 facilities impact fee through the period ending June 2, 2006 and further provided that a valid
12 building permit has been issued by the Building Department for said parcel within this period. In
13 the event that the parcel owner does not obtain, or chooses not to obtain, a valid building permit by
14 June 2, 2006 then all impact fees previously prepaid against said parcel shall become refundable to
15 the current parcel owner of record, together with interest at the County's average annual rate of
16 return (and calculated from the date the impact fee was paid to the County through the date the
17 County issues a refund check, but no later than June 2, 2006). The current parcel owner of record
18 must file a written request with the County Building Department as a prerequisite to obtaining this
19 refund from or on behalf of the Hernando County School Board. Following June 2, 2006, all
20 amounts previously prepaid under this division together with afore-described interest (and not
21 otherwise refunded) shall continue to remain as a credit against future impact fees requirements (the
22 prevailing impact fee rate structure at time of building permitting) as to said parcel, or until such
23 time as a request for refund has been received; however, interest shall no longer accrue after June
24 2, 2006. No refunds shall be made for any prepaid impact fees except as otherwise provided for in
25 this division.
26

27 (c) The County recognizes that certain parcel owners and duly licensed contractors have entered
28 into bona fide contracts for the construction of improvements covered under this division prior to
29 June 2, 2005. Any parcel owner or contractor who files a true copy of such construction contract,
30 together with a notarized affidavit on a form supplied by the County (swearing under penalty of
31 perjury as to the authenticity and execution date of said construction contract), with the County
32 Building Department no later than July 5, 2005 shall be deemed grand-fathered under the impact fee
33 rate structure in effect immediately prior to adoption of this Ordinance through the period ending
34 December 2, 2005, and further provided that a complete building permit application pertaining to
35 said parcel has been accepted for filing by the Building Department within this period. Any parcel
36 owner or contractor who has filed their construction contract and building permit application with
37 the Building Department under this provision and who has not obtained a building permit issued by
38 the Building Department during one additional one hundred and eighty (180 day period running
39 from the filing of a complete building permit application shall no longer be grand-fathered under the
40 prior impact fee rate structure and shall be subject to the prevailing impact fee rates.
41

42 **SECTION 9. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 2**
43 **(Educational Facilities Impact Fee), Section 23-69 (Computation of the amount of educational**

1 **facilities impact fee).** Section 23-69 is hereby amended to read as follows, with underlined matter
2 added and struck-through matter deleted:
3

4 (a) At the option of the feepayer, the amount of the fee may be determined by the following fee
5 schedule. The fees set forth in the schedule below shall take effect on July 5, 2005. Any parcel
6 owner or contractor who has a complete building permit application accepted for filing by the
7 Building Department prior to the new impact fee rate structure taking effect under this provision
8 shall be deemed grand-fathered under the existing impact fee rate structure, provided that a building
9 permit is obtained within one hundred and eighty (180) days from the date said building permit
10 application was accepted for filing.
11

12 SCHEDULE OF EDUCATIONAL FACILITIES IMPACT FEES

13 <i>Land Use Type</i>	14 <i>Impact Fee</i>	
15 Residential:		
16 Single-family, detached	\$2,406.00	<u>\$4,266</u>
17 Single-family, attached	2,013.00	<u>3,255</u>
18 Multifamily	1,858.00	<u>3,360</u>
19 Mobile home, 1 acre	2,406.00	<u>4,266</u>
20 Mobile home, other	2,169.00	<u>3,822</u>
21 Other residential	2,406.00	<u>4,266</u>

22 If the type of residential development activity a building permit is applied for is not specified on
23 the above fee schedule, the county administrator shall use the fee applicable to the most nearly
24 comparable type of land use on the above fee schedule.
25

26 (b) If a feepayer contends the fees in the schedule contained in paragraph (a) above do not
27 accurately reflect the impact of his/her development on the need for educational facilities in the
28 county, the feepayer may present evidence in support of his/her contention to the school board of
29 the county, which may vary the fee by the amount necessary to properly reflect the true impact of
30 the proposed development. Upon receipt of written notice of any such action by the school board,
31 the county or the respective municipality shall adjust the fee payable accordingly. Any such
32 adjustment to the fees in the schedule contained in subsection (a) may only be based upon impact
33 or use characteristics that are expected to exist throughout the expected life of the structure and may
34 not be based upon temporary or transitory use characteristics.
35

36 **SECTION 10. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 2**
37 **(Educational Facilities Impact Fee), Section 23-72 (Refund of fees paid).** Section 23-72 is
38 hereby amended to read as follows, with underlined matter added and struck-through matter deleted:
39

40 (a) ~~If a building permit expires, then the feepayer, his/her heirs, successors or assigns shall be~~
41 ~~entitled to a refund of the impact fee paid as a condition for its issuance, except that the school board~~
42 ~~shall retain three (3) percent of the fee to offset the costs of refunding.~~ If a building permit or
43 certificate of use expires, is revoked or is voluntarily surrendered and is, therefore, voided, and no
44 construction or improvement of land (including moving a mobile home or recreational vehicle on
45 to land) has been commenced, then the current parcel owner of record, upon application to the

NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

1 County, shall be entitled to a refund of the educational facilities impact fee paid as a condition for
2 its issuance, except that three (3) percent of the fee paid shall be retained as an administrative fee
3 to offset the cost of processing the refund. The current parcel owner of record shall be entitled to
4 a refund equal to ninety-seven (97) percent of the educational facilities impact fee paid. No interest
5 shall be paid on refunds under this section.
6

7 (b) Any funds not expended or encumbered by the end of the calendar quarter immediately
8 following six (6) years from the date the educational impact fee payment was ~~received~~ recorded as
9 revenue by the County shall, upon application of the current parcel owner of record within one
10 hundred eighty (180) days of the expiration of the six-year period, be refunded to the current parcel
11 owner of record by the county school board with interest at the ~~rate of six (6) percent per annum~~
12 County's average annual rate of return.
13

14 **SECTION 11. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 3 (Public**
15 **Capital Facilities Impact Fee), Section 23-90 (Imposition of public capital facilities impact fee).**
16 Section 23-90 is hereby amended to read as follows, with underlined matter added and struck-
17 through matter deleted:
18

19 (a) Any person who, after the effective date of this division, seeks to develop land located in the
20 county by applying for a building permit or certificate of use without the need for a building permit
21 to make an improvement to land which shall generate the need for public capital facilities shall be
22 required to pay a public capital facilities impact fee in the manner and amount set forth in this
23 division. For a building permit for which a complete application is submitted prior to the effective
24 date of this division, the public capital facilities impact fee ordinance in effect on the date of the
25 complete application governs.
26

27 (b) No building permit or certificate of use for any activity requiring payment of the public capital
28 facilities impact fee pursuant to section 23-91 of this division shall be issued by the county or any
29 participating municipality unless and until the impact fee hereby required has been paid.
30

31 (c) Impact fees for existing nonresidential buildings. No impact fees shall be charged for existing
32 nonresidential buildings except as provided below:
33

- 34 (1) All nonresidential buildings less than five (5) years old shall be subject to impact fees as
35 required under the provisions of this division.
36
- 37 (2) Nonresidential buildings over five (5) years old shall be subject to impact fees if the cost of
38 their alteration or conversion for a change of use exceeds twenty-five (25) percent of the
39 assessed value of the building.
40
- 41 (3) An alteration or change of use involving an addition to a nonresidential building will be
42 subject to impact fees for the area of the building addition.
43

1 (d) ~~Impact fees under this division may not be prepaid for any legally existing parcel after June 2,~~
2 ~~2005. Prepaid Impact fees shall run with the land and are not transferable from one parcel to~~
3 ~~another. Prepaid Impact fees that were prepaid on or prior to June 2, 2005 under this division shall~~
4 ~~vest the parcel for the land use for which the fees are paid from any increase in the public capital~~
5 ~~facilities impact fee through the period ending June 2, 2006 and further provided that a valid~~
6 ~~building permit has been issued by the Building Department for said parcel within this period. In~~
7 ~~the event that the parcel owner does not obtain, or chooses not to obtain, a valid building permit by~~
8 ~~June 2, 2006 then all impact fees previously prepaid against said parcel shall become refundable to~~
9 ~~the current parcel owner of record, together with interest at the County's average annual rate of~~
10 ~~return (and calculated from the date the impact fee was paid to the County through the date the~~
11 ~~County issues a refund check, but no later than June 2, 2006). The current parcel owner of record~~
12 ~~must file a written request with the County Building Department as a prerequisite to obtaining this~~
13 ~~refund. Following June 2, 2006, all amounts previously prepaid under this division together with~~
14 ~~afore-described interest (and not otherwise refunded) shall continue to remain as a credit against~~
15 ~~future impact fees requirements (the prevailing impact fee rate structure at time of building~~
16 ~~permitting) as to said parcel, or until such time as a request for refund has been received; however,~~
17 ~~interest shall no longer accrue after June 2, 2006. No refunds shall be made for any prepaid impact~~
18 ~~fees except as otherwise provided for in this division.~~

19
20 (e) ~~The County recognizes that certain parcel owners and duly licensed contractors have entered~~
21 ~~into bona fide contracts for the construction of improvements covered under this division prior to~~
22 ~~June 2, 2005. Any parcel owner or contractor who files a true copy of such construction contract,~~
23 ~~together with a notarized affidavit on a form supplied by the County (swearing under penalty of~~
24 ~~perjury as to the authenticity and execution date of said construction contract), with the County~~
25 ~~Building Department no later than July 5, 2005 shall be deemed grand-fathered under the impact~~
26 ~~fee rate structure in effect immediately prior to adoption of this Ordinance through the period ending~~
27 ~~December 2, 2005 and further provided that a complete building permit application pertaining to~~
28 ~~said parcel has been accepted for filing by the Building Department within this period. Any parcel~~
29 ~~owner or contractor who has filed their construction contract and building permit application with~~
30 ~~the Building Department under this provision and who has not obtained a building permit issued by~~
31 ~~the Building Department during one additional one hundred and eighty (180 day period running~~
32 ~~from the filing of a complete building permit application shall no longer be grand-fathered under the~~
33 ~~prior impact fee rate structure and shall be subject to the prevailing impact fee rates.~~

34
35 **SECTION 12. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 3 (Public**
36 **Capital Facilities Impact Fee), Section 23-91 (Computation of public capital facilities impact**
37 **fee).** Section 23-91 is hereby amended to read as follows, with underlined matter added and struck-
38 through matter deleted:
39

40 (a) At the option of the feepayer, the amount of the fee may be determined by the following fee
41 schedule. The reference in the schedule to square feet refers to the gross square footage of each
42 floor of a building measured to the exterior walls, and not usable, interior, rentable, non-common
43 or other forms of net square footage. The fees set forth in the schedule below shall take effect on
44 July 5, 2005. Any parcel owner or contractor who has a complete building permit application

NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

accepted for filing by the Building Department prior to the new impact fee rate structure taking effect under this provision shall be deemed grand-fathered under the existing impact fee rate structure, provided that a building permit is obtained within one hundred and eighty (180) days from the date said building permit application was accepted for filing.

SCHEDULES OF CAPITAL FACILITIES IMPACT FEES

<i>Land Use Type</i>	<i>Library</i>	<i>Buildings</i>	<i>Law Enforcement</i>
Residential:			
Single-family, detached	\$95.00 <u>\$154</u>	\$192.00 <u>\$362</u>	\$131.00 <u>\$99</u>
Single-family, attached	79.00 <u>118</u>	160.00 <u>276</u>	109.00 <u>76</u>
Multifamily	73.00 <u>122</u>	149.00 <u>285</u>	101.00 <u>78</u>
Mobile home, 1 acre	95.00 <u>154</u>	192.00 <u>362</u>	131.00 <u>99</u>
Mobile home, other	85.00 <u>138</u>	173.00 <u>324</u>	118.00 <u>89</u>
Recreational vehicle lot	0.00 <u>0</u>	93.00 <u>176</u>	63.00 <u>48</u>
Hotel/motel--room	0.00 <u>0</u>	93.00 <u>176</u>	63.00 <u>48</u>
Residential--Other	95.00 <u>154</u>	192.00 <u>362</u>	131.00 <u>99</u>
Industrial and warehousing, per 1,000 square feet:			
Industrial*	0.00 <u>0</u>	72.00 <u>136</u>	49.00 <u>37</u>
Warehouse*	0.00 <u>0</u>	53.00 <u>101</u>	36.00 <u>28</u>
Storage*	0.00 <u>0</u>	31.00 <u>58</u>	21.00 <u>16</u>
Office, financial, retail and restaurant, per 1,000 square feet			
Medical*	0.00 <u>0</u>	247.00 <u>467</u>	168.00 <u>128</u>
General*	0.00 <u>0</u>	144.00 <u>272</u>	98.00 <u>74</u>
Retail*	0.00 <u>0</u>	280.00 <u>527</u>	190.00 <u>145</u>
Restaurant*	0.00 <u>0</u>	435.00 <u>819</u>	296.00 <u>225</u>

*Indicates square feet of gross building area

- (1) If a building permit or certificate of use is requested for mixed uses, then the fee shall be determined according to the above schedule by apportioning the space committed to uses specified on the schedule.
- (2) If the type of development activity a building permit or certificate of use is applied for is not specified on the above fee schedule, the county administrator shall use the fee applicable to the most nearly comparable type of land use on the above fee schedule.
- (3) In the case of change of use, redevelopment, or modification or expansion of an existing use which may or may not require the issuance of a building permit, the impact fee shall be based upon the net increase in impact for the new use as compared to the previous use.

(b) If a feepayer opts not to have the impact fee determined according to paragraph (a) of this section, then the feepayer shall prepare and submit to the county administrator an independent fee calculation study for the land development activity for which a building permit is sought. The

NOTE: ~~additions/deletions~~ = language proposed for addition/deletion to existing Code provisions.

1 independent fee calculation study shall follow the prescribed calculation methodologies and formats
2 established by the county administrator. Any adjustment to the fees in the schedule contained in
3 subsection (a) may only be based upon impact or use characteristics that are expected to exist
4 throughout the expected life of the structure and may not be based upon temporary or transitory use
5 characteristics.
6

7 **SECTION 13. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 3 (Public**
8 **Capital Facilities Impact Fee), Section 23-95 (Refund of fees paid).** Section 23-95 is hereby
9 amended to read as follows, with underlined matter added and struck-through matter deleted:
10

11 (a) ~~If a building permit expires, then the feepayer, his/her heirs, successors or assigns shall be~~
12 ~~entitled to a refund of the impact fee paid as a condition for its issuance, except that the county shall~~
13 ~~retain three (3) percent of the fee to offset the costs of refunding.~~ If a building permit or certificate
14 of use expires, is revoked or is voluntarily surrendered and is, therefore, voided, and no construction
15 or improvement of land (including moving a mobile home or recreational vehicle on to land) has
16 been commenced, then the current parcel owner of record, upon application to the County, shall be
17 entitled to a refund of the public capital facilities impact fee paid as a condition for its issuance,
18 except that three (3) percent of the fee paid shall be retained as an administrative fee to offset the
19 cost of processing the refund. The current parcel owner of record shall be entitled to a refund equal
20 to ninety-seven (97) percent of the capital facilities impact fee paid. No interest shall be paid on
21 refunds under this section.
22

23 (b) Any funds not expended or encumbered by the end of the calendar quarter immediately
24 following six (6) years from the date the public capital facilities impact fee was ~~paid~~ recorded as
25 revenue by the County shall, upon application of the current parcel owner of record within one
26 hundred eighty (180) days of the expiration of the six-year period, be returned to the current parcel
27 owner of record with interest at the ~~rate of six (6) percent per annum~~ County's average annual rate
28 of return.
29

30 **SECTION 14. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 4 (Parks**
31 **Impact Fee), Section 23-113 (Imposition of parks impact fee).** Section 23-113 is hereby amended
32 to read as follows, with underlined matter added and struck-through matter deleted:
33

34 (a) Any person who, after the effective date of this division, seeks to develop land within the
35 county by applying for a building permit for a residential building is hereby required to pay a parks
36 impact fee in the manner and amount set forth in this division. The impact fees established by this
37 division shall not be effective within the boundaries of any municipality which issues building
38 permits until such municipality has executed an interlocal agreement with the county to collect such
39 fees. For a building permit for which a complete application is submitted prior to the effective date
40 of this division, the parks impact fee ordinance in effect on the date of the complete application
41 governs.
42

NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

1 (b) No new residential building permit for any activity requiring payment of an impact fee pursuant
2 to section ~~23-115~~ 23-114 of this division shall be issued unless and until the parks impact fee hereby
3 required has been paid.
4

5 (c) No extension of a residential building permit issued prior to the effective date of this division
6 for any activity requiring payment of an impact fee pursuant to section ~~23-115~~ 23-114 of this
7 division shall be granted unless and until the parks impact fee hereby required has been paid.
8

9 (d) Impact fees under this division may not be prepaid for any ~~legally existing parcel after June 2,~~
10 2005. Prepaid Impact fees shall run with the land and are not transferable from one parcel to
11 another. Prepaid Impact fees that were prepaid on or prior to June 2, 2005 under this division shall
12 vest the parcel for the land use for which the fees are paid from any increase in the parks impact fee
13 through the period ending June 2, 2006 and further provided that a valid building permit has been
14 issued by the Building Department for said parcel within this period. In the event that the parcel
15 owner does not obtain, or chooses not to obtain, a valid building permit by June 2, 2006 then all
16 impact fees previously prepaid against said parcel shall become refundable to the current parcel
17 owner of record, together with interest at the County's average annual rate of return (and calculated
18 from the date the impact fee was paid to the County through the date the County issues a refund
19 check, but no later than June 2, 2006). The current parcel owner of record must file a written request
20 with the County Building Department as a prerequisite to obtaining this refund. Following June 2,
21 2006, all amounts previously prepaid under this division together with afore-described interest (and
22 not otherwise refunded) shall continue to remain as a credit against future impact fees requirements
23 (the prevailing impact fee rate structure at time of building permitting) as to said parcel, or until such
24 time as a request for refund has been received; however, interest shall no longer accrue after June
25 2, 2006. No refunds shall be made for any prepaid impact fees except as otherwise provided for in
26 this division.
27

28 (e) The County recognizes that certain parcel owners and duly licensed contractors have entered
29 into bona fide contracts for the construction of improvements covered under this division prior to
30 June 2, 2005. Any parcel owner or contractor who files a true copy of such construction contract,
31 together with a notarized affidavit on a form supplied by the County (swearing under penalty of
32 perjury as to the authenticity and execution date of said construction contract), with the County
33 Building Department no later than July 5, 2005 shall be deemed grand-fathered under the impact
34 fee rate structure in effect immediately prior to adoption of this Ordinance through the period ending
35 December 2, 2005, and further provided that a complete building permit application pertaining to
36 said parcel has been accepted for filing by the Building Department within this period. Any parcel
37 owner or contractor who has filed their construction contract and building permit application with
38 the Building Department under this provision and who has not obtained a building permit issued by
39 the Building Department during one additional one hundred and eighty (180 day period running
40 from the filing of a complete building permit application shall no longer be grand-fathered under the
41 prior impact fee rate structure and shall be subject to the prevailing impact fee rates.
42

43 **SECTION 15. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 4 (Parks**
44 **Impact Fee), Section 23-114 (Computation of the amount of parks impact fee). Section 23-114**

NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

1 is hereby amended to read as follows, with underlined matter added and struck-through matter
2 deleted:

3
4 (a) At the option of the feepayer, the amount of the parks impact fee may be determined by the
5 following fee schedule. The fees set forth in the schedule below shall take effect on July 5, 2005.
6 Any parcel owner or contractor who has a complete building permit application accepted for filing
7 by the Building Department prior to the new impact fee rate structure taking effect under this
8 provision shall be deemed grand-fathered under the existing impact fee rate structure, provided that
9 a building permit is obtained within one hundred and eighty (180) days from the date said building
10 permit application was accepted for filing.

11
12 PARKS IMPACT FEE SCHEDULE

13 <i>Land Use Type (Unit)</i>	14 <i>Fee per Unit</i>	
14 Single-family, detached	\$113.00	<u>\$501</u>
15 Single-family, attached	94.00	<u>382</u>
16 Multifamily	87.00	<u>395</u>
17 Mobile home--1 acre lot	113.00	<u>501</u>
18 Mobile home--Other	102.00	<u>449</u>
19 Recreation vehicle--Lot	41.00	<u>182</u>
20 Hotel/motel--Room	41.00	<u>182</u>
21 Other residential	113.00	<u>501</u>

- 22
23 (1) If a residential building permit is requested for mixed uses, then the fee shall be determined
24 through using the above schedule by apportioning the space committed to uses specified on
25 the schedule.
26
27 (2) If the type of development activity that a residential building permit is applied for is not
28 specified on the above fee schedule, the county administrator shall use the fee applicable to
29 the most nearly comparable type of land use on the above fee schedules. The county
30 administrator shall be guided in the selection of a comparable type by the county
31 comprehensive plan, supporting documents of the county comprehensive plan, and the
32 county zoning ordinance. If the county administrator determines that there is no comparable
33 type of land use on the above fee schedule, then the county administrator shall determine the
34 appropriately discounted fee by considering demographic or other documentation which is
35 available from state, local and regional authorities.
36
37 (3) In the case of change of use, redevelopment, or expansion or modification of an existing use
38 which requires the issuance of a building permit, the impact fee shall be based upon the net
39 positive increase in the impact fee for the new use as compared to the previous use. The
40 county administrator shall be guided in this determination by the sources and agencies listed
41 above.
42

43 (b) If a feepayer opts not to have the impact fee determined according to paragraph (a) of this
44 section, then the feepayer shall prepare and submit to the county administrator an independent fee
45 calculation study for the land development activity for which a building permit is sought. The

NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

1 independent fee calculation study shall follow the prescribed methodologies and formats for the
2 study established by the Guidelines and Procedures Manual adopted by motion of the board of
3 county commissioners of the county. The documentation submitted shall show the basis upon which
4 the independent fee calculation was made. The county administrator shall consider the
5 documentation submitted by the feepayer, but is not required to accept such documentation as he/she
6 shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the
7 feepayer to submit additional or different documentation for consideration. If an acceptable
8 independent fee calculation study is not presented, the feepayer shall pay parks impact fees based
9 upon the schedule shown in paragraph (a) of this section. If an acceptable independent fee
10 calculation study is presented, the county administrator may adjust the fee to that appropriate to the
11 particular development. The adjustment may include a credit against the fee otherwise payable up
12 to fifty (50) percent for private recreational facilities constructed or deed restricted or otherwise set
13 aside for recreational purposes by the feepayer, which serve the same purposes and functions as set
14 forth for public parks in the county comprehensive plan. Any such adjustment to the fees in the
15 schedule contained in subsection (a) may only be based upon impact or use characteristics that are
16 expected to exist throughout the expected life of the structure and may not be based upon temporary
17 or transitory use characteristics.

18
19 **SECTION 16. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 4 (Parks**
20 **Impact Fee), Section 23-119 (Refunds of fees paid).** Section 23-119 is hereby amended to read
21 as follows, with underlined matter added and struck-through matter deleted:

22
23 (a) ~~If a residential building permit expires without commencement of construction, then the~~
24 ~~feepayer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its~~
25 ~~issuance, except that the county shall retain three (3) percent of the fee to offset a portion of the costs~~
26 ~~of collection and refund. The feepayer must submit an application for such a refund to the county~~
27 ~~administrator within thirty (30) days of the expiration of the permit. If a building permit or certificate~~
28 ~~of use expires, is revoked or is voluntarily surrendered and is, therefore, voided, and no construction~~
29 ~~or improvement of land (including moving a mobile home or recreational vehicle on to land) has~~
30 ~~been commenced, then the current parcel owner of record, upon application to the County, shall be~~
31 ~~entitled to a refund of the parks impact fee paid as a condition for its issuance, except that three (3)~~
32 ~~percent of the fee paid shall be retained as an administrative fee to offset the cost of processing the~~
33 ~~refund. The current parcel owner of record shall be entitled to a refund equal to ninety-seven (97)~~
34 ~~percent of the parks impact fee paid. No interest shall be paid on refunds under this section.~~

35
36 (b) Any funds not expended or encumbered by the end of the calendar quarter immediately
37 following six (6) years from the date the parks impact fee was ~~paid~~ recorded as revenue by the
38 County shall, upon application of the ~~then current landowner~~ current parcel owner of record, within
39 one hundred eighty (180) days of the expiration of the six-year period, be returned to ~~such~~
40 ~~landowner~~ the current parcel owner of record with interest at the rate of six (6) percent per annum
41 County's average annual rate of return. , provided that the landowner submits an application for a
42 ~~refund to the clerk of courts of the county within one hundred eighty (180) days of the expiration~~
43 ~~of the six-year period.~~

44
NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

1 **SECTION 17. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 5 (Roads**
2 **Impact Fee), Section 23-137 (Imposition of road impact fees).** Section 23-137 is hereby amended
3 to read as follows, with underlined matter added and struck-through matter deleted:
4

5 (a) Except as provided in section 23-144 of this division, any person who after the effective date
6 of this division seeks to develop land by applying to the county or any participating municipality for
7 the issuance of a building permit or certificate of use to make an improvement to land for one of the
8 uses which is specified in section 23-138 of this division and which will generate or attract
9 additional traffic shall be required to pay a roads impact fee in the manner and amount set forth in
10 this division. For a building permit for which a complete application is submitted prior to the
11 effective date of this division, the roads impact fee ordinance in effect on the date of the complete
12 application governs.
13

14 (b) No building permit or certificate of use for any activity requiring payment of an impact fee
15 pursuant to section 23-138 of this division shall be issued by the county or any participating
16 municipality unless and until the roads impact fee hereby required has been paid.
17

18 (c) In the case of structures, mobile homes, or recreational vehicles which are moved from one
19 location to another, a roads impact fee shall be collected for the new location if the structure, mobile
20 home, or recreational vehicle is a type of land development listed in section 23-138 of this division,
21 regardless of whether roads impact fees had been paid at the old location, unless the use at the new
22 location is a replacement of an equivalent use. If the structure or mobile home so moved is replaced
23 by an equivalent use, no roads impact fee shall be owed for the replacement use. In every case, the
24 burden of proving past payment of roads impact fees or equivalency of use rests with the feepayer.
25

26 (d) Impact fees for existing nonresidential buildings. No impact fees shall be charged for existing
27 nonresidential buildings except as provided below:
28

- 29 (1) All nonresidential buildings less than five (5) years old shall be subject to impact fees as
30 required under the provisions of this division.
31
32 (2) Nonresidential buildings over five (5) years old shall be subject to impact fees if the cost of
33 their alteration or conversion for a change of use exceeds twenty-five (25) percent of the
34 assessed value of the building.
35
36 (3) An alteration or change of use involving an addition to a nonresidential building will be
37 subject to impact fees for the area of the building addition.
38

39 (e) Impact fees under this division may not be prepaid for any legally existing parcel after June 2,
40 2005. ~~Prepaid Impact fees shall run with the land and~~ are not transferable from one parcel to
41 another. Prepaid Impact fees that were prepaid on or prior to June 2, 2005 under this division shall
42 vest the parcel for the land use for which the fees are paid from any increase in the roads impact fee
43 through the period ending June 2, 2006 and further provided that a valid building permit has been
44 issued by the Building Department for said parcel within this period. In the event that the parcel

1 owner does not obtain, or chooses not to obtain, a valid building permit by June 2, 2006 then all
2 impact fees previously prepaid against said parcel shall become refundable to the current parcel
3 owner of record, together with interest at the County's average annual rate of return (and calculated
4 from the date the impact fee was paid to the County through the date the County issues a refund
5 check, but no later than June 2, 2006). The current parcel owner of record must file a written request
6 with the County Building Department as a prerequisite to obtaining this refund. Following June 2,
7 2006, all amounts previously prepaid under this division together with afore-described interest (and
8 not otherwise refunded) shall continue to remain as a credit against future impact fees requirements
9 (the prevailing impact fee rate structure at time of building permitting) as to said parcel, or until such
10 time as a request for refund has been received; however, interest shall no longer accrue after June
11 2, 2006. No refunds shall be made for any prepaid impact fees except as otherwise provided for in
12 this division.

13
14 (f) The County recognizes that certain parcel owners and duly licensed contractors have entered
15 into bona fide contracts for the construction of improvements covered under this division prior to
16 June 2, 2005. Any parcel owner or contractor who files a true copy of such construction contract,
17 together with a notarized affidavit on a form supplied by the County (swearing under penalty of
18 perjury as to the authenticity and execution date of said construction contract), with the County
19 Building Department no later than July 5, 2005 shall be deemed grand-fathered under the impact fee
20 rate structure in effect immediately prior to adoption of this Ordinance through the period ending
21 December 2, 2005, and further provided that a complete building permit application pertaining to
22 said parcel has been accepted for filing by the Building Department within this period. Any parcel
23 owner or contractor who has filed their construction contract and building permit application with
24 the Building Department under this provision and who has not obtained a building permit issued by
25 the Building Department during one additional one hundred and eighty (180 day period running
26 from the filing of a complete building permit application shall no longer be grand-fathered under the
27 prior impact fee rate structure and shall be subject to the prevailing impact fee rates.

28
29 **SECTION 18. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 5 (Roads**
30 **Impact Fee), Section 23-138 (Computation of the amount of road impact fees).** Section 23-138
31 is hereby amended to read as follows, with underlined matter added and struck-through matter
32 deleted:

33
34 (a) At the option of the feepayer, the amount of the fee may be determined by the schedule set forth
35 below. The reference in the schedule to square feet refers to the gross square footage of each floor
36 of a building measured to the exterior walls and not usable, interior, rentable, non-common or other
37 forms of net square footage. The fees set forth in the schedule below shall take effect on July 5,
38 2005. Any parcel owner or contractor who has a complete building permit application accepted for
39 filing by the Building Department prior to the new impact fee rate structure taking effect under this
40 provision shall be deemed grand-fathered under the existing impact fee rate structure, provided that
41 a building permit is obtained within one hundred and eighty (180) days from the date said building
42 permit application was accepted for filing.

43
NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

SCHEDULE OF ROADS IMPACT FEES

<i>Land use type</i>	<i>Fee</i>	
<i>Residential:</i>		
Single-family, detached	\$1,845.00	<u>\$3,627</u>
Single-family, attached	1,130.00	<u>2,222</u>
Multifamily	1,270.00	<u>2,498</u>
Mobile home--1 acre lot	1,845.00	<u>3,627</u>
Mobile home--Other	927.00	<u>1,823</u>
Recreational vehicle--Lot	1,756.00	<u>3,454</u>
Hotel/motel--Room	1,756.00	<u>3,454</u>
Other residential	1,845.00	<u>3,627</u>
<i>Industrial and warehouse, per 1,000 square feet:</i>		
Industrial buildings*	935.00	<u>1,838</u>
Warehouse buildings*	665.00	<u>1,308</u>
Storage buildings*	327.00	<u>644</u>
<i>Office and financial, per 1,000 square feet:</i>		
Medical offices*	3,721.00	<u>7,316</u>
General offices*	1,305.00	<u>2,567</u>
Retail, per 1,000 square feet*	2,752.00	<u>5,411</u>
Restaurant, per 1,000 square feet*	6,462.00	<u>12,705</u>

*Denotes square feet of gross building area

- (1) If a building permit or certificate of use is requested for a building with mixed uses, then the fee shall be determined according to the above schedule by apportioning the space committed to uses specified on the schedule.
- (2) For applications for an extension of a building permit, the amount of the fee is the difference between the fee then applicable and any amount already paid pursuant to this division.
- (3) If the type of development activity for which a building permit or certificate of use is applied is not specified on the above fee schedule, the county administrator shall use the fee applicable to the most nearly comparable type of land use on the above fee schedule. The county administrator shall be guided in the selection of a comparable type by the reports titled Trip Generation: An Informational Report, Institute of Transportation Engineers (latest edition) and studies or reports done by the United States Department of Transportation, the State of Florida Department of Transportation, the Hernando County Public Works Department, and articles or reports appearing in the ITE Journal. If the county administrator determines that there is no comparable type of land use on the above fee schedule, then the county administrator shall determine the fee by (a) using traffic generation statistics from the above-named sources, and (b) applying the formula set forth in paragraph (b) of this section.
- (4) In the case of change of use, redevelopment, or modification of an existing use which may or may not require the issuance of a building permit, the roads impact fee shall

NOTE: ~~additions/deletions~~ = language proposed for addition/deletion to existing Code provisions.

1 be based upon the net increase in the impact fee for the new use as compared to the
2 previous use. However, should the change of use, redevelopment or modification
3 result in a net decrease, no refunds or credits for past impact fees paid shall be made
4 or created. The county administrator shall be guided in this determination by the
5 above-named sources.
6

7 (b) If a feepayer shall opt not to have the impact fee determined according to paragraph (a) of this
8 section, then the feepayer shall prepare and submit to the county administrator an independent fee
9 calculation study for the land development activity for which a building permit or change of use is
10 sought. The independent fee calculation study shall measure the impact of the development in
11 question on the road system by following the prescribed methodologies and formats for the study
12 established by the county administrative code. Any adjustment to the fees in the schedule contained
13 in subsection (a) may only be based upon impact or use characteristics that are expected to exist
14 throughout the expected life of the structure and may not be based upon temporary or transitory use
15 characteristics. The traffic engineering and/or economic documentation submitted, which will
16 require a pre-application meeting with the county administrator, shall show the basis upon which
17 the independent fee calculation was made, including, but not limited to, the following:
18

- 19 (1) Traffic engineering studies:
 - 20
 - 21 a. Documentation of trip generation rates appropriate for the proposed land
22 development activity;
 - 23
 - 24 b. Documentation of trip length appropriate for the proposed land development
25 activity; and
 - 26
 - 27 c. Documentation of trip data appropriate for the proposed land development
28 activity.
 - 29
- 30 (2) Cost documentation studies. Documentation of the cost per lane per mile for roadway
31 construction and right-of-way costs appropriate for the proposed land development
32 activity, including, but not limited to, the costs of mitigating environmental impacts;
33 the construction of access roads, where required by the county, bridges, interchanges,
34 intersections, and drainage facilities; and the costs of design, engineering and
35 planning.
36

37 This documentation shall be prepared and presented by qualified professionals in their respective
38 fields and shall follow best professional practices and methodologies. The following formula shall
39 be used by the county administrator to determine the roads impact fee per unit of development:
40

- 41 1. $\text{New Lane Miles} = [(\text{Generation rate} \times \text{average trip length} \times \% \text{ new trips}) / \text{lane service}$
42 $\text{volume at level of service d}] / 2$
- 43
- 44 2. $\text{Cost} = \text{New lane miles} \times \text{cost per lane mile}$

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1 3. Net Cost = Cost-gas tax credit

2
3 4. Impact Fee = Net cost

4
5 **SECTION 19. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 5 (Roads**
6 **Impact Fee), Section 23-143 (Refund of fees paid).** Section 23-143 is hereby amended to read as
7 follows, with underlined matter added and struck-through matter deleted:

8
9 (a) If a building permit or certificate of use expires, is revoked or is voluntarily surrendered and
10 is, therefore, voided, and no construction or improvement of land (including moving a mobile
11 home or recreational vehicle on to land) has been commenced, then the feepayer current parcel
12 owner of record, upon application to the County, shall be entitled to a refund of the roads impact
13 fee paid as a condition for its issuance, except that three (3) percent of the fee paid shall be
14 retained as an administrative fee to offset the cost of processing the refund. The feepayer current
15 parcel owner of record shall be entitled to a refund equal to ninety-seven (97) percent of the
16 roads impact fee paid. No interest shall be paid ~~to the feepayer on refunds due to~~
17 noncommencement under this section.

18
19 (b) Any funds not expended or encumbered by the end of the calendar quarter immediately
20 following six (6) years from the date the roads impact fee was ~~paid~~ recorded as revenue by the
21 County shall, upon application of the feepayer current parcel owner of record within one
22 hundred eighty (180) days of ~~that date~~ the expiration of the six-year period, be returned to the
23 feepayer current parcel owner of record with interest at the rate of six (6) percent per annum
24 County's average annual rate of return.

25
26 **SECTION 20. Severability.** It is declared to be the intent of the Board of County
27 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
28 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
29 the validity of the remaining portions of this ordinance.

30
31 **SECTION 21. Full Force and Effect of Remainder.** All sections, subsections, clauses,
32 sentences, phrases, and provisions of Chapter 23, Article III, of the Code not amended herein
33 shall stay the same and remain in full force and effect until amended, repealed or otherwise acted
34 upon by the Board of County Commissioners.

35
36 **SECTION 22. Inclusion in the Code.** It is the intention of the Board of County
37 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of
38 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
39 Florida. To this end, any section or subsection of this Ordinance may be renumbered or
40 relettered to accomplish such intention, and the word "ordinance" may be changed to "section,
41 "article," or other appropriate designation.

42
43 **SECTION 23. Effective date.** This ordinance shall take effect immediately upon filing with
44 the office of the Secretary of State of Florida.

NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

1
2 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
3 **HERNANDO COUNTY** in Regular Session this 2nd day of June, 2005.

4
5 **BOARD OF COUNTY COMMISSIONERS**
6 **HERNANDO COUNTY, FLORIDA**

7
8
9 Attest: _____
10 KAREN NICOLAI
11 CLERK

By: _____
ROBERT C. SCHENCK
CHAIRMAN

12
13
14 **Approved as to Form and**
15 **Legal Sufficiency**

16
17 By: _____
18 Geoffrey T. Kirk
19 Assistant County Attorney

20
21 June 2, 2005 (4:04pm)