

ORDINANCE NO.: 2009-14

AN ORDINANCE AMENDING CHAPTER 23, ARTICLE III OF THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO IMPACT FEES; AMENDING DIVISION 1 RELATING TO FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES CAPITAL FACILITIES IMPACT FEES; RECOGNIZING SPRING HILL FIRE RESCUE AND EMERGENCY MEDICAL SERVICES DISTRICT AS AN INDEPENDENT SPECIAL DISTRICT ESTABLISHED PURSUANT TO CHAPTER 2009-261, LAWS OF FLORIDA FOR PURPOSES OF RECEIVING, HOLDING AND SPENDING FIRE PROTECTION AND EMS IMPACT FEES; AMENDING DIVISIONS 1 THRU 5 REGARDING REDUCTION OF CERTAIN IMPACT FEE RATES TO SPECIFIED AMOUNTS; PROVIDING FOR FUTURE INCREASE OF CERTAIN IMPACT FEE RATES TO OCCUR AT A DATE CERTAIN; RECOGNIZING OPTIONAL PAYMENT OF CERTAIN IMPACT FEES TO OCCUR AT TIME OF CERTIFICATE OF OCCUPANCY FOR TRIAL PERIOD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

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PL 14 20

WHEREAS, the Florida Legislature, pursuant to Chapter 2009-261, Laws of Florida, established the Spring Hill Fire Rescue and Emergency Medical Services District, an independent special district ("Spring Hill Fire"); and,

WHEREAS, the Hernando County Board of County Commissioners ("BOCC") recognizes Spring Hill Fire as an independent special district with its own authority to receive, hold and spend impact fees relating to fire protection and emergency medical services within the boundaries of said district; and,

WHEREAS, due to the establishment of Spring Hill Fire as an independent special district, the Board needs to amend its fire protection and emergency medical services capital facilities impact fee ordinance; and,

WHEREAS, due to the continued downturn in the local economy and specifically the local construction and homebuilding industries, the Board desires to boost economic development and new construction by reducing impact fees in whole or part; and,

WHEREAS, at its meeting on November 27, 2009, the BOCC discussed the local economy and the costs to buy land and construct projects and made the general finding of fact that it costs the County less money now for new acquisition and construction relative to when the last change in fees occurred.

1 **Sec. 23-43. Rules of construction.**
2

3 (a) The provisions of this division shall be liberally construed so as to effectively carry
4 out its purpose in the interest of the public health, safety, and welfare.
5

6 (b) For the purposes of administration and enforcement of this division, unless otherwise
7 stated in this division, the following rules of construction shall apply to the text of this division:
8

9 (1) In case of any difference of meaning or implication between the text of this
10 division and any caption, illustration, summary table, or illustrative table, the
11 text shall control.
12

13 (2) The word "shall" is always mandatory and not discretionary; the word "may"
14 is permissive.
15

16 (3) Words used in the present tense shall include the future; and words used in
17 the singular number shall include the plural, and the plural the singular,
18 unless the context clearly indicates the contrary.
19

20 (4) The phrase "used for" includes "arranged for", "designed for", "maintained
21 for", or "occupied for."
22

23 (5) The word "person" includes an individual, a corporation, a partnership, an
24 incorporated association, or any other similar entity.
25

26 (6) Unless the context clearly indicates the contrary, where a regulation involves
27 two (2) or more items, conditions provisions, or events connected by the
28 conjunction "and", "or", or "either; ellipse; or", the conjunction shall be
29 interpreted as follows:
30

31 (a) "And" indicates that all the connected terms, conditions, provisions,
32 or events shall apply.
33

34 (b) "Or" indicates that the connected items, conditions, provisions, or
35 events may apply singly or in any combination.
36

37 (c) "Either; ellipse; or" indicates that the connected items, conditions,
38 provisions, or events shall apply singly but not in combination.
39

40 (7) The word "includes" shall not limit a term to the specific example but is
41 intended to extend its meaning to all other instances or circumstances of like
42 kind or character.
43

1 (8) The land use types listed in section 23-46 shall have the same meaning as
2 under the county zoning regulations.

3
4 (Ord. No. 86-31, § 3, 12-16-86; Ord. No. 93-11, § 3, 5-4-93; Ord. No. 96-12, § 3, 7-16-96; Ord. No.
5 97-17, § 3, 7-7-97; Ord. No. 2001-01, § 3, 1-9-01)

6
7 **Sec. 23-44. Definitions.**

8
9 The following definitions shall apply to this division:

10
11 *Building permit* means an official document or official certification which authorizes the
12 construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation,
13 erection, demolition, moving or repair of a building or structure. In the case of a change in use or
14 occupancy of an existing building or structure, the term shall specifically include Certificates of
15 Occupancy, Certificates of Completion, and Occupancy Permits, as those terms are defined by the
16 Hernando County land development regulations. The terms "building permit" and "certificate of
17 occupancy permit" also mean those municipal permits which are equivalent to these County permits,
18 regardless of the names by which they are called within a municipality. Building permits shall
19 include those permits which allow the installation or location of a mobile home or recreational
20 vehicle on a site or lot.

21
22 *Capital equipment* is equipment with an expected use life of three (3) years or more.

23
24 *Certificate of use* means a certificate, required by appropriate authority under the provisions
25 of the Zoning Ordinance, which authorizes the occupancy of a structure or premises and is required
26 prior to the occupancy, change in use and under other specific conditions as outlined in the Zoning
27 Ordinance.

28
29 *County administrator* means the county administrator and/or the county ~~or municipal~~ officials
30 he or she may designate to administer the various provisions of this division.

31
32 *Fee payer* is a person commencing a land development activity by applying for the issuance
33 of a building permit or certificate of use.

34
35 *Fire protection and emergency medical services capital facilities* are buildings, building
36 sites, motor vehicles, communications capital equipment and other capital equipment related to fire
37 protection and emergency medical facilities.

38
39 *Independent fee calculation study* means the impact documentation prepared by a fee payer
40 to allow the determination of the impact fee other than by the use of the table in subsection 23-46(a)
41 of this division.
42

1 Spring Hill Fire shall refer to the Spring Hill Fire Rescue and Emergency Medical Services
2 District, an independent special district created by the Florida Legislature pursuant to Chapter 2009-
3 261, Laws of Florida, and Chapter 191, Florida Statutes.
4

5 (Ord. No. 86-31, § 4, 12-16-86; Ord. No. 93-11, § 4, 5-4-93; Ord. No. 96-12, § 4, 7-16-96; Ord. No.
6 97-17, § 4, 7-7-97; Ord. No. 2001-01, § 4, 1-9-01; Ord. No. 2009-)
7

8 **Sec. 23-45. Imposition of fire protection and emergency medical services capital facilities**
9 **impact fee.**
10

11 (a) Any person who, after the effective date of this division, seeks to develop land located
12 in Hernando County by applying for a building permit or certificate of use to make an improvement
13 to land shall be required to pay a fire protection and/or emergency medical services capital facilities
14 impact fee or fees in the manner and amount set forth in this division.
15

16 (b) No building permit or certificate of use for any activity requiring payment of the fire
17 protection and/or emergency medical services capital facilities impact fees pursuant to section 23-46
18 of this division shall be issued unless and until the impact fee or fees hereby required has been paid
19 as provided in section 23-47 of this division.
20

21 (c) Impact fees for existing nonresidential buildings. No impact fees shall be charged for
22 existing nonresidential buildings except as provided below:
23

24 (1) Where a change in the use of all or a portion of a nonresidential building less
25 than five (5) years old results in the requirement for an additional impact fee,
26 such change of use of the building shall be subject to impact fees as required
27 under the provisions of this division.
28

29 (2) Nonresidential buildings over five (5) years old shall be subject to impact
30 fees if the cost of their alteration or conversion for a change of use exceeds
31 twenty-five (25) percent of the assessed value of the building.
32

33 (3) An alteration or change of use involving an addition to a nonresidential
34 building of any age will be subject to impact fees for the area of the building
35 addition.
36

37 (d) Impact fees under this division may not be prepaid after June 2, 2005. Impact fees are
38 not transferable from one parcel to another. Impact fees that were prepaid on or prior to June 2, 2005
39 under this division shall vest the parcel for the land use for which the fees are paid from any increase
40 in the fire protection and emergency medical services capital facilities impact fee through the period
41 ending June 2, 2010 and further provided that a valid building permit has been issued by the building
42 department for said parcel within this period. In the event that the parcel owner does not obtain, or
43 chooses not to obtain, a valid building permit by June 2, 2010, then all impact fees previously
44 prepaid against said parcel shall become refundable to the current parcel owner of record, together

1 with interest at the county's average annual rate of return (and calculated from the date the impact
2 fee was paid to the county through the date the county issues a refund check, but no later than June
3 2, 2010); however, nothing herein shall prevent the parcel owner from requesting this refund at any
4 time after June 2, 2005. The current parcel owner of record must file a written request with the
5 county building department as a prerequisite to obtaining this refund. Following June 2, 2010, all
6 amounts previously prepaid under this division together with afore-described interest (and not
7 otherwise refunded) shall continue to remain as a credit against future impact fees requirements (the
8 prevailing impact fee rate structure at time of building permitting) as to said parcel, or until such
9 time as a request for refund has been received; however, interest shall no longer accrue after June
10 2, 2010. No refunds shall be made for any prepaid impact fees except as otherwise provided for in
11 this division.
12

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

29 (Ord. No. 86-31, § 5, 12-16-86; Ord. No. 93-11, § 5, 5-4-93; Ord. No. 96-12, § 5, 7-16-96; Ord. No.
30 97-17, § 5, 7-7-97; Ord. No. 2001-01, § 5, 1-9-01; Ord. No. 2005-05, § 1, 6-2-05; Ord. No. 2005-16,
31 § 1, 9-20-05; Ord. No. 2008-09, § 1, 4-9-08; Ord. No. 2009-)
32

33 **Sec. 23-46. Computation of the amount of fire protection and emergency medical services**
34 **impact fee.**
35

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

SCHEDULE OF FIRE AND EMS IMPACT FEES

Land Use Type	City of		Brooks Spring Hill Fire		Hernando Beach		Hernando County		Hernando County EMS				
	ville												
Residential, per unit:			<u>effective'</u> <u>12 01 09</u>	<u>effective'</u> <u>11 30 10</u>									
Single-family, detached	202.00	128.00	<u>66.00</u>	<u>128.00</u>	211.00	<u>79.00</u>	<u>211.00</u>	211.00	<u>96.00</u>	<u>211.00</u>	\$18.00	<u>16.00</u>	<u>18.00</u>
Single-family, attached	154.00	98.00	<u>55.00</u>	<u>98.00</u>	161.00	<u>66.00</u>	<u>161.00</u>	161.00	<u>80.00</u>	<u>161.00</u>	14.00	<u>13.00</u>	<u>14.00</u>
Multifamily, 1 & 2 story	159.00	101.00	<u>51.00</u>	<u>101.00</u>	167.00	<u>60.00</u>	<u>167.00</u>	167.00	<u>74.00</u>	<u>167.00</u>	14.00	<u>12.00</u>	<u>14.00</u>
Multifamily, 3 story & up	229.00	107.00	<u>57.00</u>	<u>107.00</u>	175.00	<u>88.00</u>	<u>175.00</u>	175.00	<u>82.00</u>	<u>175.00</u>	14.00	<u>12.00</u>	<u>14.00</u>
Mobile home, 1 acre	202.00	128.00	<u>66.00</u>	<u>128.00</u>	211.00	<u>79.00</u>	<u>211.00</u>	211.00	<u>96.00</u>	<u>211.00</u>	18.00	<u>16.00</u>	<u>18.00</u>
Mobile home, other	181.00	115.00	<u>60.00</u>	<u>115.00</u>	189.00	<u>70.00</u>	<u>189.00</u>	189.00	<u>86.00</u>	<u>189.00</u>	17.00	<u>14.00</u>	<u>17.00</u>
Recreational vehicle-lot	98.00	62.00	<u>31.00</u>	<u>62.00</u>	102.00	<u>37.00</u>	<u>102.00</u>	102.00	<u>45.00</u>	<u>102.00</u>	9.00	<u>7.00</u>	<u>9.00</u>
Hotel/motel, 1 & 2 story	98.00	62.00	<u>31.00</u>	<u>62.00</u>	102.00	<u>37.00</u>	<u>102.00</u>	102.00	<u>45.00</u>	<u>102.00</u>	9.00	<u>7.00</u>	<u>9.00</u>
Hotel/motel, 3 story & up	141.00	66.00	<u>35.00</u>	<u>66.00</u>	107.00	<u>54.00</u>	<u>107.00</u>	107.00	<u>50.00</u>	<u>107.00</u>	9.00	<u>7.00</u>	<u>9.00</u>
Residential--Other	202.00	128.00	<u>66.00</u>	<u>128.00</u>	211.00	<u>79.00</u>	<u>211.00</u>	211.00	<u>96.00</u>	<u>211.00</u>	18.00	<u>16.00</u>	<u>18.00</u>
Industrial & warehousing, per 1,000 sq. ft.													
Industrial--Under 30,000 sq. ft.	76.00	48.00	<u>24.00</u>	<u>48.00</u>	80.00	<u>29.00</u>	<u>80.00</u>	80.00	<u>35.00</u>	<u>80.00</u>	7.00	<u>6.00</u>	<u>7.00</u>
Industrial--30,000 sq. ft. and over	110.00	51.00	<u>27.00</u>	<u>51.00</u>	83.00	<u>42.00</u>	<u>83.00</u>	83.00	<u>39.00</u>	<u>83.00</u>	7.00	<u>6.00</u>	<u>7.00</u>
Warehouse--Under 30,000 sq. ft.	56.00	35.00	<u>18.00</u>	<u>35.00</u>	59.00	<u>21.00</u>	<u>59.00</u>	59.00	<u>26.00</u>	<u>59.00</u>	5.00	<u>4.00</u>	<u>5.00</u>
Warehouse--30,000 sq. ft. and over	80.00	38.00	<u>20.00</u>	<u>38.00</u>	62.00	<u>31.00</u>	<u>62.00</u>	62.00	<u>29.00</u>	<u>62.00</u>	5.00	<u>4.00</u>	<u>5.00</u>
Storage--Under 30,000 sq. ft.	32.00	20.00	<u>10.00</u>	<u>20.00</u>	34.00	<u>12.00</u>	<u>34.00</u>	34.00	<u>15.00</u>	<u>34.00</u>	3.00	<u>2.00</u>	<u>3.00</u>
Storage--30,000 sq. ft. and over	47.00	22.00	<u>12.00</u>	<u>22.00</u>	35.00	<u>18.00</u>	<u>35.00</u>	35.00	<u>17.00</u>	<u>35.00</u>	3.00	<u>2.00</u>	<u>3.00</u>
Office, financial, retail & restaurant, per 1,000 sq. ft.													
Medical--Under 30,000 sq. ft.	260.00	165.00	<u>83.00</u>	<u>165.00</u>	272.00	<u>98.00</u>	<u>272.00</u>	272.00	<u>120.00</u>	<u>272.00</u>	23.00	<u>20.00</u>	<u>23.00</u>
Medical--30,000 sq. ft. and over	374.00	176.00	<u>93.00</u>	<u>176.00</u>	286.00	<u>144.00</u>	<u>286.00</u>	286.00	<u>134.00</u>	<u>286.00</u>	23.00	<u>20.00</u>	<u>23.00</u>
General--Under 30,000 sq. ft.	152.00	96.00	<u>48.00</u>	<u>96.00</u>	158.00	<u>57.00</u>	<u>158.00</u>	158.00	<u>70.00</u>	<u>158.00</u>	14.00	<u>12.00</u>	<u>14.00</u>
General--30,000 sq. ft. and over	218.00	103.00	<u>54.00</u>	<u>103.00</u>	167.00	<u>84.00</u>	<u>167.00</u>	167.00	<u>78.00</u>	<u>167.00</u>	14.00	<u>12.00</u>	<u>14.00</u>
Retail--Under 30,000 sq. ft. and 36 ft.	294.00	187.00	<u>94.00</u>	<u>187.00</u>	308.00	<u>111.00</u>	<u>308.00</u>	308.00	<u>135.00</u>	<u>308.00</u>	27.00	<u>22.00</u>	<u>27.00</u>
Retail--30,000 sq. ft. or 36 ft. and over	424.00	199.00	<u>105.00</u>	<u>199.00</u>	323.00	<u>163.00</u>	<u>323.00</u>	323.00	<u>151.00</u>	<u>323.00</u>	27.00	<u>22.00</u>	<u>27.00</u>
Restaurant--Under 30,000 sq. ft. and 36 ft.	457.00	290.00	<u>146.00</u>	<u>290.00</u>	477.00	<u>173.00</u>	<u>477.00</u>	477.00	<u>210.00</u>	<u>477.00</u>	41.00	<u>35.00</u>	<u>41.00</u>
Restaurant--30,000 sq. ft. or 36 ft. and over	658.00	309.00	<u>164.00</u>	<u>309.00</u>	503.00	<u>253.00</u>	<u>503.00</u>	503.00	<u>235.00</u>	<u>503.00</u>	41.00	<u>35.00</u>	<u>41.00</u>

1/ The new impact fee rates shall apply to all building permits and certificates of use issued after the stated effective date; building permit and certificate of use applications which are in process but not yet issued shall be subject to the impact fee rates in effect at the time the building permit or certificate of use is actually issued by the county.

2/ These impact fee rates shall apply to Spring Hill Fire until such time the county and Spring Hill Fire enter into an interlocal agreement to provide for the amendment or repeal of this division as pertaining to Spring Hill Fire and which interlocal agreement otherwise complies with the provisions contained in Chapter 2009-261, Laws of Florida, and section 191.009, Florida Statutes, as such section may be amended or renumbered from time to time.

- 1 (1) If a building permit or certificate of use is requested for mixed uses, then the
2 fee shall be determined according to the above schedule by apportioning the
3 space committed to uses specified on the schedule.
4
5 (2) If the type of development activity a building permit or certificate of use is
6 applied for is not specified on the above fee schedule, the county
7 administrator or his designee shall use the fee applicable to the most nearly
8 comparable type of land use on the above fee schedule.
9
10 (3) In the case of change of use, redevelopment, or modification or expansion of
11 an existing use which may or may not require the issuance of a building
12 permit, the impact fee shall be based upon the net increase in impact for the
13 new use as compared to the previous use.
14

15 (b) If a fee payer opts not to have the impact fee or fees determined according to
16 paragraph (a) of this section, then the fee payer shall prepare and submit to the an independent fee
17 calculation study for the land development activity for which a building permit is sought. The
18 independent fee calculation study shall follow the prescribed calculation methodologies and formats
19 established by the . Any adjustment to the fees in the schedule contained in paragraph (a) may only
20 be based upon impact or use characteristics that are expected to exist throughout the expected life
21 of the structure and may not be based upon temporary or transitory use characteristics.
22

23 (Ord. No. 86-31, § 6, 12-16-86; Ord. No. 93-11, § 6, 5-4-93; Ord. No. 96-12, § 6, 7-16-96; Ord. No.
24 97-17, § 6, 7-7-97; Ord. No. 2001-01, § 6, 1-9-01; Ord. No. 2005-05, § 2, 6-2-05; Ord. No. 2009-)
25

26 **Sec. 23-47. Payment of fee.**
27

28 (a) ~~The person applying for the issuance of a building permit or certificate of use shall~~
29 ~~pay the fee or fees to the county administrator prior~~ Prior to the issuance of a building permit or
30 certificate of use: , the property owner shall provide the building department:
31

- 32 (1) Payment of all impact fees due; or,
33
34 (2) A valid and unexpired development agreement between the property owner
35 and the county which specifically addresses the payment of impact fees in
36 some other manner than at the time of the issuance of the building permit or
37 certificate of use; or,
38
39 (3) A letter of credit or payment and performance bond which satisfies the
40 requirements set forth in code sec. 11.5-31 as pertaining to certain eligible
41 commercial/industrial developments; or,
42
43 (4) An acknowledgment, on such form supplied by the county and signed by the
44 property owner of record, wherein the property owner agrees to pay all impact

1 fees prior to, and as a precondition of, the county issuing the certificate of
2 occupancy or the certificate of completion (as applicable):

3
4 (i) Any occupancy of the premises without the requisite certificate of
5 occupancy or certificate of completion shall constitute a violation of
6 this code to be enforced pursuant to chapter 2, article III, of the
7 county code of ordinances, or in accordance with any other applicable
8 provisions of law.

9
10 (ii) Pursuant to this option, all unpaid impact fees shall constitute a lien
11 against the real property which may be enforced by the county as
12 allowed by law.

13
14 (iii) This option (4) shall only be valid between December 1, 2009 and
15 November 30, 2010 unless extended by the governing body.

16
17 (b) ~~Pursuant to Florida Statutes, section 380.06(16), the~~ The value of any fire protection
18 and emergency services capital facilities required pursuant to a county- or city- approved DRI
19 development order, except those deemed site related, shall be credited against the fire protection
20 and/or emergency medical services capital facilities impact fee as required by section 380.06, Florida
21 Statutes, as such section may be amended or renumbered from time to time.

22
23 (Ord. No. 86-31, § 7, 12-16-86; Ord. No. 93-11, § 7, 5-4-93; Ord. No. 96-12, § 7, 7-16-96; Ord. No.
24 97-17, § 7, 7-7-97; Ord. No. 2001-01, § 7, 1-9-01; Ord. No. 2009-__)

25
26 **Sec. 23-48. Fire protection and emergency medical facilities impact fee benefit districts**
27 **created.**

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

31
32 (a) Those areas contained within the Spring Hill Fire and Rescue Municipal Service
33 Taxing Unit (MSTU), the boundaries of which shall conform, to the extent
34 practicable, to the boundaries of the Spring Hill Fire Rescue and Emergency Services
35 District established by the Florida Legislature pursuant to Chapter 2009-261, Laws
36 of Florida;

37
38 (b) Those areas contained within the Hernando County Fire Protection Services Unit;

39
40 (c) Those areas contained within the City of Brooksville;

41
42 (d) Those areas contained within the Hernando Beach Municipal Fire Service Unit; and
43

1 (e d) Those areas contained within the Hernando County Emergency Medical Services
2 District (those land areas of the County lying outside of the Spring Hill Fire and
3 Rescue Municipal Service Taxing Unit (MSTU).
4

5 (Ord. No. 86-31, § 8, 12-16-86; Ord. No. 93-11, § 8, 5-4-93; Ord. No. 96-12, § 8, 7-16-96; Ord. No.
6 97-17, § 8, 7-7-97; Ord. No. 2001-01, § 8, 1-9-01; Ord. No. 2005-05, § 3, 6-2-05)
7

8 **Sec. 23-49. Fire Protection and Emergency Medical Services Capital Facilities Impact Fee**
9 **Trust Fund established.**
10

11 (a) A Fire Protection and Emergency Medical Services Capital Facilities Impact Fees
12 Trust Fund is hereby established for each benefit district established in section 23-48 of this division:
13

14 (1) The City of Brooksville Fire Protection Impact Fee Trust Fund (which shall
15 be held and administered by the City of Brooksville absent an interlocal
16 agreement between the county and the City which provides for some other
17 arrangement);
18

19 (2) The Spring Hill Fire Protection Rescue and Emergency Medical Services
20 Impact Fee Trust Fund (which shall be held and administered by the Board
21 of Fire Commissioners who oversee the Spring Hill Fire Rescue and
22 Emergency Services District);
23

24 (3) The Hernando County Fire Protection Impact Fee Trust Fund;
25

26 (4) The Hernando Beach Fire Protection Impact Fee Trust Fund; and
27

28 (5) The Hernando County Emergency Medical Services Impact Fee Trust Fund.
29

30 The fees collected from each benefit district shall be deposited in the appropriate trust fund.
31

32 (b) Funds withdrawn from these accounts must be used in accordance with the provisions
33 of section 23-50 of this division.
34

35 (Ord. No. 86-31, § 9, 12-16-86; Ord. No. 93-11, § 9, 5-4-93; Ord. No. 96-12, § 9, 7-16-96; Ord. No.
36 97-17, § 9, 7-7-97; Ord. No. 2001-01, § 9, 1-9-01; Ord. No. 2005-05, § 4, 6-2-05; Ord. No. 2009-__)
37

38 **Sec. 23-50. Use of funds.**
39

40 (a) The collecting governmental unit shall be entitled to up to but not more than three (3)
41 percent of the funds collected to compensate them for the administrative expense of collecting and
42 administering the Fire Protection and Emergency Medical Services Capital Facilities Impact Fee
43 Ordinance. All remaining funds collected from fire protection and emergency medical services
44 capital facilities impact fees shall be used exclusively for the purpose of capital improvements which

1 are of direct benefit to the benefit district from which the funds were collected in Hernando County.
2 Fire districts under the control of the county shall be administered by the county; under the control
3 of the City of Brooksville shall be administered by the City; and under the control of the Spring Hill
4 Fire Rescue and Emergency Services District shall be administered by the district (absent a duly
5 enacted interlocal agreement between the affected entities which provides for some other
6 arrangement).

7
8 (b) Funds shall be expended in the order in which they are collected.

9
10 (c) (1) Each fiscal period the county administrator or his designee, after consultation
11 with the affected fire districts under the county's control, shall present to the
12 board of county commissioners proposed capital improvement expenditures
13 for fire protection and emergency medical services, assigning funds,
14 including any accrued interest, from the Fire Protection and Emergency
15 Medical Services Capital Facilities Impact Fees Trust Fund to capital
16 facilities projects and related expenses. Monies, including any accrued
17 interest, not assigned in any fiscal period shall be retained in the trust funds
18 until the next fiscal period except as provided by the refund provisions of this
19 division.

20
21 (2) The use of funds collected from those properties within the boundaries of the
22 City of Brooksville shall be determined by the City Council of the City of
23 Brooksville consistent with this division or as otherwise provided in a duly
24 enacted interlocal agreement between the county and the City of Brooksville.

25
26 (3) The use of funds collected from those properties within the boundaries of the
27 Spring Hill Fire Rescue and Emergency Services District (as set forth in
28 Chapter 2009-261, Laws of Florida) shall be determined by the Board of Fire
29 Commissioners who oversee Spring Hill Fire consistent with this division or
30 as otherwise provided in a duly enacted interlocal agreement between the
31 county and Spring Hill Fire.

32
33 (d) In the event that bonds or similar debt instruments are issued for advanced provision
34 of capital facilities for which fire protection and emergency medical services capital facilities impact
35 fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt
36 instruments to the extent that the facilities provided are of the type described in paragraph (a) above
37 and are located within the appropriate impact fee districts created by section 23-48 of this division.

38
39 (Ord. No. 86-31, § 10, 12-16-86; Ord. No. 93-11, § 10, 5-4-93; Ord. No. 96-12, § 10, 7-16-96; Ord.
40 No. 97-17, § 10, 7-7-97; Ord. No. 2001-01, § 10, 1-9-01; Ord. No. 2009-__)

1 **Sec. 23-51. Refund of fees paid.**

2
3 (a) If a building permit or certificate of use expires, is revoked or is voluntarily
4 surrendered and is, therefore, voided, and no construction or improvement of land (including moving
5 a mobile home or recreational vehicle on to land) has been commenced, then the current parcel
6 owner of record, ~~upon application to the county,~~ shall be entitled to request a refund of the fire
7 protection and emergency medical services capital facilities impact fee paid as a condition for its
8 issuance, except that three (3) percent of the fee paid shall be retained an administrative fee to offset
9 the cost of processing the refund. ~~The ; accordingly, the current parcel owner of record shall be~~
10 entitled to request a refund equal to ninety-seven (97) percent of the fire protection and emergency
11 medical services capital facilities impact fee paid by making application to either the county where
12 the subject parcel is located within one of the three fire districts under the county's control, or to the
13 City of Brooksville where the subject parcel is located within the boundaries of the City of
14 Brooksville, or to Spring Hill Fire where the subject parcel is located within the Spring Hill Fire
15 District. No interest shall be paid on refunds under this section.

16
17 (b) Any funds not expended or encumbered by the end of the calendar quarter
18 immediately following six (6) years from the date the fire protection and emergency medical services
19 capital facilities impact fee was recorded as revenue by the county shall, upon application of the
20 current parcel owner of record within one hundred eighty (180) days of the expiration of the six-year
21 period, be returned to the current parcel owner of record with interest at the county's average annual
22 rate of return.

23
24 (Ord. No. 86-31, § 11, 12-16-86; Ord. No. 93-11, § 11, 5-4-93; Ord. No. 96-12, § 11, 7-16-96; Ord.
25 No. 97-17, § 11, 7-7-97; Ord. No. 2001-01, § 11, 1-9-01; Ord. No. 2005-05, § 5, 6-2-05; Ord. No.
26 2009-__)

27
28 **Sec. 23-52. Exemptions.**

29
30 (a) The following shall be exempted from payment of the fire protection and/or
31 emergency medical services capital facilities impact fee:

- 32
33 (1) Alteration or expansion of an existing residential building where no
34 additional units are created and where the use is not changed.
35
36 (2) The construction of accessory buildings or structures.
37
38 (3) The replacement of a residential land use unit with a new unit of the same
39 type and use.
40
41 (4) The replacement of a nonresidential building or structure with a new building
42 or structure of the same size and use.
43

- 1 (5) The replacement of a lawfully permitted building, mobile home, or structure,
2 the building permit for which was issued on or before the effective date of
3 this division or the replacement of a building, mobile home or structure that
4 was constructed subsequent thereto and for which the correct fire protection
5 and emergency medical impact fee, which was owed at the time the building
6 permit was applied for, was paid or otherwise provided for, with a new
7 building, mobile home, or structure of the same use and at the same location.
8
- 9 (6) A building permit or certificate of use for which the fire protection and
10 emergency medical impact thereof has been or will be paid or otherwise
11 provided for pursuant to a written agreement, zoning approval or
12 development order which, by the written terms thereof, clearly and
13 unequivocally was intended to provide for the full mitigation of such impact
14 by enforcement of the agreement, zoning approval or development order, and
15 not by the application of this division.
16
- 17 (7) A building permit or certificate of use which does not result in any additional
18 impact on fire protection and/or emergency medical services.
19

20 An exemption must be claimed by the fee payer at the time of the issuance of a building permit or
21 certificate of use. Any exemption not so claimed shall be deemed waived by the fee payer.
22

23 (h) Credits:

- 24
- 25 (1) All mandatory or required land dedications and/or fire and emergency
26 medical services facility improvements made by a fee payer subsequent to the
27 effective date of this division shall be credited on a pro rata basis against fire
28 and emergency medical services facilities impact fees otherwise due or to
29 become due for the development that prompted the county or the municipality
30 to require such dedications or fire and emergency medical services facility
31 improvements.
32
- 33 (2) A fee payer may obtain credit against all or a portion of fire and emergency
34 medical services facilities impact fees otherwise due or to become due by
35 offering to dedicate needed sites and/or construct needed fire and emergency
36 medical services facility improvements. This offer must specifically request
37 or provide for a fire and emergency medical services facilities impact fee
38 credit. Such construction must be in accordance with applicable design
39 standards. If the county accepts such an offer, whether the acceptance is
40 before or after the effective date of this division, the credit shall be
41 determined and provided in the following manner:
42
- 43 a. Credit for the dedication of land shall be valued at;
44

- 1 (i) One hundred fifteen (115) percent of the most recent assessed
2 value by the Hernando County Property Appraiser; or
3
4 (ii) By such other appropriate method as the county may have
5 accepted prior to the effective date of this division for
6 particular land dedications and/or facility improvements; or
7
8 (iii) At the option of the fee payer, by fair market value
9 established by private appraisers acceptable to the county.
10 Credit for the dedication of land shall be provided when the
11 property has been conveyed at no charge to, and accepted by,
12 the county in a manner satisfactory to the county.
13
14 b. Applicants for credit for construction of facility improvements shall
15 submit acceptable engineering drawings and specifications, and
16 construction cost estimates to the county. The shall determine credit
17 for fire and emergency medical services facility improvements based
18 upon either these cost estimates or upon alternative engineering
19 criteria and construction cost estimates if the county determines that
20 such estimates submitted by the applicant are either unreliable or
21 inaccurate. The shall provide the applicant with a letter or certificate
22 setting forth the dollar amount of the credit, the reason for the credit,
23 and the legal description or other adequate description of the project
24 or development to which the credit may be applied. The applicant
25 must sign and date a duplicate copy of such letter or certificate
26 indicating his/her agreement to the terms of the letter or certificate
27 and return such signed document to the before credit will be given.
28 The failure of the applicant to sign, date, and return such document
29 within sixty (60) days shall nullify the credit.
30
31 c. Except as provided in subparagraph (d), credit against impact fees
32 otherwise due will not be provided until:
33
34 (i) The construction is completed and accepted by the county;
35
36 (ii) A suitable maintenance and warranty bond is received and
37 approved by the county when applicable; and
38
39 (iii) All design, construction, inspection, testing, bonding and
40 acceptance procedures are in strict compliance with the then-
41 current requirements of Hernando County.
42
43 d. Credit may be provided before completion of specified facility
44 improvements if adequate assurances are given by the applicant that

1 the standards set out in subparagraph (c) will be met and if the fee
2 payer posts security as provided below for the costs of such
3 construction. Security in the form of a performance bond, irrevocable
4 letter of credit or escrow agreement shall be posted with and
5 approved by Hernando County in an amount determined by the
6 county. If the construction will not be constructed within one year of
7 the acceptance of the offer by the county, the amount of the security
8 may be increased in an amount as determined by the county
9 consistent with its policies and procedures.

- 10
11 (3) Any claim for credit must be made no later than the time of application for
12 a building permit or certificate of use. Any claim not so made shall be
13 deemed waived.
14
15 (4) Credits shall not be transferable from one project or development to another
16 without the approval of the .
17

18 (Ord. No. 86-31, § 12, 12-16-86; Ord. No. 93-11, § 12, 5-4-93; Ord. No. 96-12, § 12, 7-16-96; Ord.
19 No. 97-17, § 12, 7-7-97; Ord. No. 2001-01, § 12, 1-9-01)

20
21 **Sec. 23-53. Review of fee schedule.**
22

23 The fee schedule contained in subsection 23-46(a) hereof shall be reviewed by the board of
24 county commissioners at least once each fiscal biennium as to those fees under its jurisdiction. The
25 Board of Fire Commissioners who oversee the Spring Hill Fire Rescue and Emergency Services
26 District and the Brooksville City Council who oversee the City of Brooksville Fire District,
27 respectively, may review their fees and make recommendations for changes as needed.
28

29 (Ord. No. 86-31, § 13, 12-16-86; Ord. No. 93-11, § 13, 5-4-93; Ord. No. 96-12, § 13, 7-16-96; Ord.
30 No. 97-17, § 13, 7-7-97; Ord. No. 2001-01, § 13, 1-9-01; Ord. No. 2009-__)
31

32 **Sec. 23-54. Penalty and enforcement provision.**
33

34 A violation of this division shall be a misdemeanor punishable according to law; however,
35 in addition to or in lieu of any criminal prosecution, Hernando County, or any fire and emergency
36 medical services facilities impact fee payer, shall have the power to sue for relief in civil court to
37 enforce the provisions of this division. Knowingly furnishing false information to the county
38 administrator; or his/her designee, or any municipal official who is charged with the administration
39 of this division on any matter relating to the administration of this division shall constitute a
40 violation thereof.
41

42 (Ord. No. 86-31, § 15, 12-16-86; Ord. No. 93-11, § 15, 5-4-93; Ord. No. 96-12, § 15, 7-16-96; Ord.
43 No. 97-17, § 15, 7-7-97; Ord. No. 2001-01, § 15, 1-9-01)
44

1 **Sec. 23-55. Appeal.**

2
3 Any decision made by the county administrator or his/her designee in the course of
4 administering this division may be appealed to the board of county commissioners by filing a notice
5 of appeal within ten days after the decision. The county administrator or his designee shall schedule
6 the appeal before the board of county commissioners within thirty (30) days after receiving the notice
7 of appeal.

8
9 (Ord. No. 93-11, § 14, 5-4-93; Ord. No. 96-12, § 14, 7-16-96; Ord. No. 97-17, § 14, 7-7-97; Ord. No.
10 2001-01, § 14, 1-9-01)

11
12 **Secs. 23-56--23-63. Reserved.**

13
14 **SECTION 2. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 2**
15 **(Educational Facilities Impact Fee), Section 23-69 (Computation of the amount of educational**
16 **facilities impact fee).** Section 23-69 is hereby amended to read as follows, with underlined matter
17 added and struck-through matter deleted:

18
19 **Sec. 23-69. Computation of the amount of educational facilities impact fee.**

20
21 (a) At the option of the feepayer, the amount of the fee may be determined by the
22 following fee schedule. ~~The fees set forth in the schedule below shall take effect on July 5, 2005.~~
23 ~~Any parcel owner or contractor who has a complete building permit application accepted for~~
24 ~~filing by the building department prior to the new impact fee rate structure taking effect under~~
25 ~~this provision shall be deemed grand-fathered under the existing impact fee rate structure;~~
26 ~~provided that a building permit is obtained within one hundred eighty (180) days from the date~~
27 ~~said building permit application was accepted for filing.~~

28
29 **SCHEDULE OF EDUCATIONAL FACILITIES IMPACT FEES**

30
31

Land Use Type	Impact Fee	<i>Effective¹</i>	<i>Effective¹</i>
		<u>12/01/09</u>	<u>11/30/10</u>
32			
33 Residential:			
34 Single-family, detached	\$4,266.00	<u>\$2,406.00</u>	<u>\$4,266.00</u>
35 Single-family, attached	3,255.00	<u>2,013.00</u>	<u>3,255.00</u>
36 Multifamily	3,360.00	<u>1,858.00</u>	<u>3,360.00</u>
37 Mobile home, 1 acre	4,266.00	<u>2,406.00</u>	<u>4,266.00</u>
38 Mobile home, other	3,822.00	<u>2,169.00</u>	<u>3,822.00</u>
39 Other residential	4,266.00	<u>2,406.00</u>	<u>4,266.00</u>

40 ^{1/} The new impact fee rates shall apply to all building permits issued after the stated effective
41 date; building permits applications which are in process but not yet issued shall be subject to the
42 impact fee rates in effect at the time the building permit is actually issued by the county.

1 If the type of residential development activity a building permit is applied for is not
2 specified on the above fee schedule, the county administrator or his designee shall use the fee
3 applicable to the most nearly comparable type of land use on the above fee schedule.
4

5 (b) If a feepayer contends the fees in the schedule contained in paragraph (a) above do
6 not accurately reflect the impact of his/her development on the need for educational facilities in
7 the county, the feepayer may present evidence in support of his/her contention to the school
8 board of the county, which may vary the fee by the amount necessary to properly reflect the true
9 impact of the proposed development. Upon receipt of written notice of any such action by the
10 school board, the county or the respective municipality shall adjust the fee payable accordingly.
11 Any such adjustment to the fees in the schedule contained in subsection (a) may only be based
12 upon impact or use characteristics that are expected to exist throughout the expected life of the
13 structure and may not be based upon temporary or transitory use characteristics.
14

15 (Ord. No. 86-26, § 6, 10-28-86; Ord. No. 93-7, § 6, 3-25-93; Ord. No. 96-15, § 6, 7-16-96; Ord.
16 No. 97-15, § 6, 7-7-97; Ord. No. 01-16, § 6, 10-23-01; Ord. No. 2005-05, § 9, 6-2-05; Ord. No.
17 2009-__)
18

19 **SECTION 3. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 2**
20 **(Educational Facilities Impact Fee), Section 23-70 (Payment of fees).** Section 23-70 is hereby
21 amended to read as follows, with underlined matter added and struck-through matter deleted:
22

23 **Sec. 23-70. Payment of fees.**
24

25 (a) ~~The person applying for the issuance of a building permit shall pay the fee to the~~
26 ~~county administrator prior~~ Prior to the issuance of a residential building permit, the property
27 owner shall provide the building department:
28

- 29 (1) Payment of all impact fees due; or,
30
31 (2) A valid and unexpired development agreement between the property
32 owner and the county which specifically addresses the payment of impact
33 fees in some other manner than at the time of the issuance of the building
34 permit; or,
35
36 (3) An acknowledgment, on such form supplied by the county and signed by
37 the property owner of record, wherein the property owner agrees to pay all
38 impact fees prior to, and as a precondition of, the county issuing the
39 certificate of occupancy or the certificate of completion (as applicable):
40
41 (i) Any occupancy of the premises without the requisite certificate of
42 occupancy or certificate of completion shall constitute a violation
43 of this code to be enforced pursuant to chapter 2, article III, of the

1 county code of ordinances, or in accordance with any other
2 applicable provisions of law.

3
4 (ii) Pursuant to this option, all unpaid impact fees shall constitute a
5 lien against the real property which may be enforced by the county
6 as allowed by law.

7
8 (iii) This option (3) shall only be valid between December 1, 2009 and
9 November 30, 2010 unless extended by the governing body.

10
11 (h) In lieu of all or part of an educational impact fee payable pursuant to this division,
12 the school board may accept an offer of a feepayer to dedicate or convey land to the school board
13 for school sites. If the school board accepts such an offer, it shall so inform the county
14 administrator or his designee, who shall credit the amount indicated by the school board against
15 the sum otherwise due. The fee or portion thereof satisfied by the dedicated or conveyance shall
16 be deemed paid when the dedication or conveyance has occurred pursuant to the following
17 procedure:

- 18
19 (1) The delivery to the school board of a title insurance commitment to insure
20 said property in a sum to be agreed upon by the board.
21
22 (2) The delivery to the school board of a deed, with sufficient funds to pay all
23 costs of transfer of title including recording.
24
25 (3) The escrow of taxes for the current year, pursuant to Florida Statutes,
26 section 196.295, as the same may be amended, or the payment of said
27 taxes for the year.
28
29 (4) The issuance of a title insurance policy subsequent to recording of the
30 deed and escrow of taxes.

31
32 (c) ~~Pursuant to Florida Statutes, section 380.06(16), the~~ The value of educational
33 capital facilities required pursuant to a county- or city- approved DRI development order, except
34 those deemed site-related, shall be credited against the educational facilities impact fee as
35 required by section 380.06, Florida Statutes, as such section may be amended or renumbered
36 from time to time.

37
38 (Ord. No. 86-26, § 7, 10-28-86; Ord. No. 93-7, § 7, 3-25-93; Ord. No. 96-15, § 7, 7-16-96; Ord.
39 No. 97-15, § 7, 7-7-97; Ord. No. 01-16, § 7, 10-23-01; Ord. No. 2009-__)

40
41 **SECTION 4. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 3**
42 **(Public Capital Facilities Impact Fee), Section 23-91 (Computation of public capital**
43 **facilities impact fee).** Section 23-91 is hereby amended to read as follows, with underlined
44 matter added and struck-through matter deleted:

Sec. 23-91. Computation of the amount of public capital facilities impact fee.

(a) At the option of the feepayer, the amount of the fee may be determined by the following fee schedule. The reference in the schedule to square feet refers to the gross square footage of each floor of a building measured to the exterior walls, and not usable, interior, rentable, non-common or other forms of net square footage. ~~The fees set forth in the schedule below shall take effect on July 5, 2005. Any parcel owner or contractor who has a complete building permit application 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 eighty (180) days from the date said building permit application was accepted for filing.~~

**SCHEDULES OF CAPITAL FACILITIES
 IMPACT FEES**

Land Use Type	Library		Buildings		Law Enforcement				
	<u>Effective' 12/01/09</u>	<u>Effective' 11/30/10</u>	<u>Effective' 12/01/09</u>	<u>Effective' 11/30/10</u>	<u>Effective' 12/01/09</u>	<u>Effective' 11/30/10</u>			
Residential:									
Single-family, detached	\$154.00	<u>\$95.00</u>	<u>\$154.00</u>	\$362.00	<u>\$192.00</u>	<u>\$362.00</u>	\$99.00	<u>\$99.00</u>	<u>\$99.00</u>
Single-family, attached	118.00	<u>79.00</u>	<u>118.00</u>	276.00	<u>160.00</u>	<u>276.00</u>	76.00	<u>76.00</u>	<u>76.00</u>
Multifamily	122.00	<u>73.00</u>	<u>122.00</u>	285.00	<u>149.00</u>	<u>285.00</u>	78.00	<u>78.00</u>	<u>78.00</u>
Mobile home, 1 acre	154.00	<u>95.00</u>	<u>154.00</u>	362.00	<u>192.00</u>	<u>362.00</u>	99.00	<u>99.00</u>	<u>99.00</u>
Mobile home, other	138.00	<u>85.00</u>	<u>138.00</u>	324.00	<u>173.00</u>	<u>324.00</u>	89.00	<u>89.00</u>	<u>89.00</u>
Recreational vehicle lot	0.00	<u>0.00</u>	<u>0.00</u>	176.00	<u>93.00</u>	<u>176.00</u>	48.00	<u>48.00</u>	<u>48.00</u>
Hotel/motel--room	0.00	<u>0.00</u>	<u>0.00</u>	176.00	<u>93.00</u>	<u>176.00</u>	48.00	<u>48.00</u>	<u>48.00</u>
Residential--Other	154.00	<u>95.00</u>	<u>154.00</u>	362.00	<u>192.00</u>	<u>362.00</u>	99.00	<u>99.00</u>	<u>99.00</u>
Industrial and warehousing, per 1,000 square feet:									
Industrial*	0.00	<u>0.00</u>	<u>0.00</u>	136.00	<u>72.00</u>	<u>136.00</u>	37.00	<u>37.00</u>	<u>37.00</u>
Warehouse*	0.00	<u>0.00</u>	<u>0.00</u>	101.00	<u>53.00</u>	<u>101.00</u>	28.00	<u>28.00</u>	<u>28.00</u>
Storage*	0.00	<u>0.00</u>	<u>0.00</u>	58.00	<u>31.00</u>	<u>58.00</u>	16.00	<u>16.00</u>	<u>16.00</u>
Office, financial, retail and restaurant, per 1,000 square feet									
Medical*	0.00	<u>0.00</u>	<u>0.00</u>	467.00	<u>247.00</u>	<u>467.00</u>	128.00	<u>128.00</u>	<u>128.00</u>
General*	0.00	<u>0.00</u>	<u>0.00</u>	272.00	<u>144.00</u>	<u>272.00</u>	74.00	<u>74.00</u>	<u>74.00</u>
Retail*	0.00	<u>0.00</u>	<u>0.00</u>	527.00	<u>280.00</u>	<u>527.00</u>	145.00	<u>145.00</u>	<u>145.00</u>
Restaurant*	0.00	<u>0.00</u>	<u>0.00</u>	819.00	<u>435.00</u>	<u>819.00</u>	225.00	<u>225.00</u>	<u>225.00</u>

^{1/} The new impact fee rates shall apply to all building permits and certificates of use issued after the stated effective date; building permit and certificate of use applications which are in process but not yet issued shall be subject to the impact fee rates in effect at the time the building permit or certificate of use is actually issued by the county.

- (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.

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

10
11 (b) If a feepayer opts not to have the impact fee determined according to paragraph (a)
12 of this section, then the feepayer shall prepare and submit to the county administrator or his
13 designee an independent fee calculation study for the land development activity for which a
14 building permit is sought. The independent fee calculation study shall follow the prescribed
15 calculation methodologies and formats established by the county administrator or his designee.
16 Any adjustment to the fees in the schedule contained in subsection (a) may only be based upon
17 impact or use characteristics that are expected to exist throughout the expected life of the
18 structure and may not be based upon temporary or transitory use characteristics.

19
20 (Ord. No. 86-27, § 6, 10-28-86; Ord. No. 93-6, § 6, 3-25-93; Ord. No. 96-13, § 6, 7-16-96; Ord.
21 No. 97-16, § 6, 7-7-97; Ord. No. 01-17, § 6, 10-23-01; Ord. No. 2005-05, § 12, 6-2-05; Ord. No.
22 2009-__)

23
24 **SECTION 5. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 3**
25 **(Public Capital Facilities Impact Fee), Section 23-92 (Payment of fee).** Section 23-92 is
26 hereby amended to read as follows, with underlined matter added and struck-through matter
27 deleted:

28
29 **Sec. 23-92. Payment of fee.**

30
31 (a) ~~The person applying for the issuance of a building permit or certificate of use shall~~
32 ~~pay the fee to the county administrator prior~~ Prior to the issuance of a building permit or
33 certificate of use: the property owner shall provide the building department:

- 34
35 (1) Payment of all impact fees due; or,
36
37 (2) A valid and unexpired development agreement between the property
38 owner and the county which specifically addresses the payment of impact
39 fees in some other manner than at the time of the issuance of the building
40 permit or certificate of use; or,
41
42 (3) A letter of credit or payment and performance bond which satisfies the
43 requirements set forth in code sec. 11.5-31 as pertaining to certain eligible
44 commercial/industrial developments; or,

1 (4) An acknowledgment, on such form supplied by the county and signed by
2 the property owner of record, wherein the property owner agrees to pay all
3 impact fees prior to, and as a precondition of, the county issuing the
4 certificate of occupancy or the certificate of completion (as applicable):

5
6 (i) Any occupancy of the premises without the requisite certificate of
7 occupancy or certificate of completion shall constitute a violation
8 of this code to be enforced pursuant to chapter 2, article III, of the
9 county code of ordinances, or in accordance with any other
10 applicable provisions of law.

11
12 (ii) Pursuant to this option, all unpaid impact fees shall constitute a
13 lien against the real property which may be enforced by the county
14 as allowed by law.

15
16 (iii) This option (4) shall only be valid between December 1, 2009 and
17 November 30, 2010 unless extended by the governing body.

18
19 (b) ~~Pursuant to Florida Statutes, section 380.06(16), the~~ The the value of public
20 capital facilities required pursuant to a county- or city- approved DRI development order, except
21 those deemed site related, shall be credited against the public capital facilities impact fee as
22 required by section 380.06, Florida Statutes, as such section may be amended or renumbered
23 from time to time.

24
25 (Ord. No. 86-27, § 7, 10-28-86; Ord. No. 93-6, § 7, 3-25-93; Ord. No. 96-13, § 7, 7-16-96; Ord.
26 No. 97-16, § 7, 7-7-97; Ord. No. 01-17, § 7, 10-23-01; Ord. No. 2009-__)

27
28 **SECTION 6. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 4**
29 **(Parks Impact Fee), Section 23-114 (Computation of the amount of parks impact fee).**

30 Section 23-114 is hereby amended to read as follows, with underlined matter added and struck-
31 through matter deleted:

32
33 **Sec. 23-114. Computation of the amount of parks impact fee.**

34
35 (a) At the option of the feepayer, the amount of the parks impact fee may be
36 determined by the following fee schedule. ~~The fees set forth in the schedule below shall take~~
37 ~~effect on July 5, 2005. Any parcel owner or contractor who has a complete building permit~~
38 ~~application accepted for filing by the building department prior to the new impact fee rate~~
39 ~~structure taking effect under this provision shall be deemed grand-fathered under the existing~~
40 ~~impact fee rate structure, provided that a building permit is obtained within one hundred eighty~~
41 ~~(180) days from the date said building permit application was accepted for filing.~~

PARKS IMPACT FEE SCHEDULE

Land Use Type (Unit)	Fee per Unit	<i>Effective'</i> <u>12/01/09</u>	<i>Effective'</i> <u>11/30/10</u>
Single-family, detached	\$501.00	<u>\$113.00</u>	<u>\$501.00</u>
Single-family, attached	382.00	<u>94.00</u>	<u>382.00</u>
Multifamily	395.00	<u>87.00</u>	<u>395.00</u>
Mobile home--1 acre lot	501.00	<u>113.00</u>	<u>501.00</u>
Mobile home--Other	449.00	<u>102.00</u>	<u>449.00</u>
Recreation vehicle--Lot	182.00	<u>41.00</u>	<u>182.00</u>
Hotel/motel--Room	182.00	<u>41.00</u>	<u>182.00</u>
Other residential	501.00	<u>113.00</u>	<u>501.00</u>

' The new impact fee rates shall apply to all building permits issued after the stated effective date; building permits applications which are in process but not yet issued shall be subject to the impact fee rates in effect at the time the building permit is actually issued by the county.

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

(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 or his designee an independent fee calculation study for the land development activity for which a

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

19
20 (Ord. No. 86-28, § 6, 10-28-86; Ord. No. 93-5, § 6, 3-25-93; Ord. No. 96-14, § 6, 7-16-96; Ord.
21 No. 97-14, § 6, 7-7-97; Ord. No. 01-19, § 6, 10-23-01; Ord. No. 2005-05, § 15, 6-2-05; Ord. No.
22 2009-__)

23
24 **SECTION 7. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 4**
25 **(Parks Impact Fee), Section 23-115 (Payment of fee).** Section 23-115 is hereby amended to
26 read as follows, with underlined matter added and struck-through matter deleted:

27
28 **Sec. 23-115. Payment of fee.**

29
30 (a) ~~The feepayer shall pay the parks impact fee required by this division to the county~~
31 ~~administrator prior~~ Prior to the issuance of a residential building permit: the property owner
32 shall provide the building department:

- 33
34 (1) Payment of all impact fees due; or,
35
36 (2) A valid and unexpired development agreement between the property
37 owner and the county which specifically addresses the payment of impact
38 fees in some other manner than at the time of the issuance of the building
39 permit; or,
40
41 (3) An acknowledgment, on such form supplied by the county and signed by
42 the property owner of record, wherein the property owner agrees to pay all
43 impact fees prior to, and as a precondition of, the county issuing the
44 certificate of occupancy or the certificate of completion (as applicable):

SCHEDULE OF ROADS IMPACT FEES

Land use type	Fee	<u>Effective' 12/01/09</u>	<u>Effective' 11/30/10</u>
Residential:			
Single-family, detached	\$3,627.00	<u>\$1,845.00</u>	<u>\$3,627.00</u>
Single-family, attached	2,222.00	<u>1,130.00</u>	<u>2,222.00</u>
Multifamily	2,498.00	<u>1,270.00</u>	<u>2,498.00</u>
Mobile home – 1 acre lot	3,627.00	<u>1,845.00</u>	<u>3,627.00</u>
Mobile home--Other	1,823.00	<u>927.00</u>	<u>1,823.00</u>
Recreational vehicle--Lot	3,454.00	<u>1,756.00</u>	<u>3,454.00</u>
Hotel/motel--Room	3,454.00	<u>1,756.00</u>	<u>3,454.00</u>
Other residential	3,627.00	<u>1,845.00</u>	<u>3,627.00</u>
Industrial and warehouse, per 1,000 square feet:			
Industrial buildings*	1,838.00	<u>935.00</u>	<u>1,838.00</u>
Warehouse buildings*	1,308.00	<u>665.00</u>	<u>1,308.00</u>
Storage buildings*	644.00	<u>327.00</u>	<u>644.00</u>
Office and financial, per 1,000 square feet:			
Medical offices*	7,316.00	<u>3,721.00</u>	<u>7,316.00</u>
General offices*	2,567.00	<u>1,305.00</u>	<u>2,567.00</u>
Retail, per 1,000 square feet*	5,411.00	<u>2,752.00</u>	<u>5,411.00</u>
Restaurant, per 1,000 square feet*	12,705.00	<u>6,462.00</u>	<u>12,705.00</u>

1' The new impact fee rates shall apply to all building permits and certificates of use issued after the stated effective date; building permit and certificate of use applications which are in process but not yet issued shall be subject to the impact fee rates in effect at the time the building permit or certificate of use is actually issued by the county.

- (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 or his designee shall use the fee applicable to the most nearly comparable type of land use on the above fee schedule. The

1 county administrator or his designee shall be guided in the selection of a
2 comparable type by the reports titled Trip Generation: An Informational
3 Report, Institute of Transportation Engineers (latest edition) and studies or
4 reports done by the United States Department of Transportation, the State
5 of Florida Department of Transportation, the Hernando County Public
6 Works Department, and articles or reports appearing in the ITE Journal. If
7 the county administrator or his designee determines that there is no
8 comparable type of land use on the above fee schedule, then the county
9 administrator or his designee shall determine the fee by (a) using traffic
10 generation statistics from the above-named sources, and (b) applying the
11 formula set forth in paragraph (b) of this section.
12

- 13 (4) In the case of change of use, redevelopment, or modification of an existing
14 use which may or may not require the issuance of a building permit, the
15 roads impact fee shall be based upon the net increase in the impact fee for
16 the new use as compared to the previous use. However, should the change
17 of use, redevelopment or modification result in a net decrease, no refunds
18 or credits for past impact fees paid shall be made or created. The county
19 administrator or his designee shall be guided in this determination by the
20 above-named sources.
21

22 (b) If a feepayer shall opt not to have the impact fee determined according to
23 paragraph (a) of this section, then the feepayer shall prepare and submit to the county
24 administrator or his designee an independent fee calculation study for the land development
25 activity for which a building permit or change of use is sought. The independent fee calculation
26 study shall measure the impact of the development in question on the road system by following
27 the prescribed methodologies and formats for the study established by the county administrative
28 code. Any adjustment to the fees in the schedule contained in subsection (a) may only be based
29 upon impact or use characteristics that are expected to exist throughout the expected life of the
30 structure and may not be based upon temporary or transitory use characteristics. The traffic
31 engineering and/or economic documentation submitted, which will require a pre-application
32 meeting with the county administrator or his designee, shall show the basis upon which the
33 independent fee calculation was made, including, but not limited to, the following:
34

- 35 (1) Traffic engineering studies:
36
37 a. Documentation of trip generation rates appropriate for the
38 proposed land development activity;
39
40 b. Documentation of trip length appropriate for the proposed land
41 development activity; and
42
43 c. Documentation of trip data appropriate for the proposed land
44 development activity.

- 1 (2) Cost documentation studies. Documentation of the cost per lane per mile
2 for roadway construction and right-of-way costs appropriate for the
3 proposed land development activity, including, but not limited to, the costs
4 of mitigating environmental impacts; the construction of access roads,
5 where required by the county, bridges, interchanges, intersections, and
6 drainage facilities; and the costs of design, engineering and planning.
7

8 This documentation shall be prepared and presented by qualified professionals in their respective
9 fields and shall follow best professional practices and methodologies. The following formula
10 shall be used by the county administrator or his designee to determine the roads impact fee per
11 unit of development:
12

- 13 1. New Lane Miles = [(Generation rate × average trip length × % new trips)/lane
14 service volume at level of service d]/2
15
16 2. Cost = New lane miles × cost per lane mile
17
18 3. Net Cost = Cost-gas tax credit
19
20 4. Impact Fee = Net cost
21

22 (Ord. No. 86-29, § 6, 10-28-86; Ord. No. 93-8, § 6, 3-25-93; Ord. No. 96-11, § 6, 7-16-96; Ord.
23 No. 97-3, § 6, 7-7-97; Ord. No. 01-18, § 6, 10-23-01; Ord. No. 2005-05, § 18, 6-2-05; Ord. No.
24 2009-__)
25

26 **SECTION 9. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 5**
27 **(Roads Impact Fee), Section 23-139 (Payment of fees).** Section 23-139 is hereby amended to
28 read as follows, with underlined matter added and struck-through matter deleted:
29

30 **Sec. 23-139. Payment of fee.**
31

32 (a) ~~The feepayer shall pay the roads impact fees required by this division to the~~
33 ~~county administrator prior to the issuance of a building permit or certificate of use for which the~~
34 ~~fee is imposed. No building permit or certificate of use may be issued for any development listed~~
35 ~~in section 23-138(a) of this division by the county or by any participating municipality in the~~
36 ~~county until such fee has been paid. Prior to the issuance of a building permit or certificate of~~
37 ~~use, the property owner shall provide the building department:~~
38

- 39 (1) Payment of all impact fees due; or,
40
41 (2) A valid and unexpired development agreement between the property
42 owner and the county which specifically addresses the payment of impact
43 fees in some other manner than at the time of the issuance of the building
44 permit or certificate of use; or,

1 (3) A letter of credit or payment and performance bond which satisfies the
2 requirements set forth in code sec. 11.5-31 as pertaining to certain eligible
3 commercial/industrial developments; or,

4
5 (4) An acknowledgment, on such form supplied by the county and signed by
6 the property owner of record, wherein the property owner agrees to pay all
7 impact fees prior to, and as a precondition of, the county issuing the
8 certificate of occupancy or the certificate of completion (as applicable):

9
10 (i) Any occupancy of the premises without the requisite certificate of
11 occupancy or certificate of completion shall constitute a violation
12 of this code to be enforced pursuant to chapter 2, article III, of the
13 county code of ordinances, or in accordance with any other
14 applicable provisions of law.

15
16 (ii) Pursuant to this option, all unpaid impact fees shall constitute a
17 lien against the real property which may be enforced by the county
18 as allowed by law.

19
20 (iii) This option (4) shall only be valid between December 1, 2009 and
21 November 30, 2010 unless extended by the governing body.

22
23 (b) In lieu of cash, the roads impact fee may be paid by the use of credits which are
24 created in accordance with the provisions of section 23-144(b) of this division.

25
26 (c) Every participating municipality in the county shall remit roads impact fee
27 collections to the county at least once each month, less any amounts retained pursuant to section
28 23-142(d) of this division, unless another method is specified in an appropriate interlocal
29 agreement.

30
31 (d) All funds collected pursuant to this division shall be properly identified by roads
32 impact fee district and promptly transferred for deposit into the appropriate roads impact fee trust
33 fund to be held in separate accounts as determined in section 23-141 of this division and used
34 solely for the purposes specified in this division.

35
36 (Ord. No. 86-29, § 7, 10-28-86; Ord. No. 93-8, § 7, 3-25-93; Ord. No. 96-11, § 7, 7-16-96; Ord.
37 No. 97-3, § 7, 7-7-97; Ord. No. 01-18, § 7, 10-23-01; Ord. No. 2009-)

38
39 **SECTION 10. Severability.** It is declared to be the intent of the Board of County
40 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
41 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
42 the validity of the remaining portions of this ordinance.

1 **SECTION 11. Full Force and Effect of Remainder.** All sections, subsections, clauses,
2 sentences, phrases, and provisions of Chapter 23, Article III, Division 1, of the Hernando County
3 Code of Ordinances not amended herein shall stay the same and remain in full force and effect
4 until amended, repealed or otherwise acted upon by the Board of County Commissioners.
5

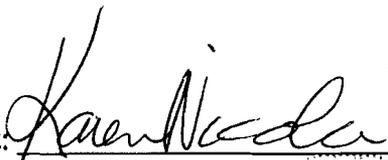
6 **SECTION 12. Inclusion in the Code.** It is the intention of the Board of County
7 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of
8 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
9 Florida. To this end, any section or subsection of this Ordinance may be renumbered or
10 relettered to accomplish such intention, and the word "ordinance" may be changed to "section,
11 "article," or other appropriate designation.
12

13 **SECTION 13. Effective date.** This ordinance shall be filed with the office of the Florida
14 Secretary of State and shall take effect immediately upon filing.
15

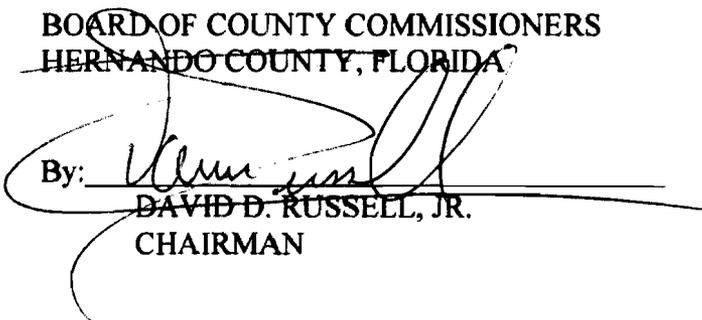
16 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
17 **HERNANDO COUNTY** in Regular Session this 10th day of November, 2009.
18

19 BOARD OF COUNTY COMMISSIONERS
20 HERNANDO COUNTY, FLORIDA

21
22
23 Attest:

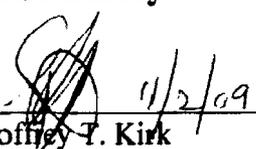
24 
25 KAREN NICOLAI
26 CLERK
27
28
29
30

By:

31 
32 DAVID D. RUSSELL, JR.
33 CHAIRMAN
34
35
36
37

31 **Approved as to Form**
32 **and Legal Sufficiency**
33

34
35 By:

36  11/2/09
37 Geoffrey T. Kirk
Assistant County Attorney