

ORDINANCE NO.: 2005-05

1
2
3 AN ORDINANCE AMENDING CHAPTER 23, ARTICLE III, OF THE
4 HERNANDO COUNTY CODE OF ORDINANCES RELATING TO IMPACT
5 FEES; AMENDING TERMS RELATING TO PREPAYMENT OF IMPACT
6 FEES; IMPOSING ADDITIONAL REQUIREMENTS ON IMPACT FEES
7 THAT WERE PREVIOUSLY PREPAID IN ADVANCE; PROVIDING A CUT-
8 OFF DATE FOR PARCEL OWNERS TO UTILIZE PREPAID IMPACT FEES
9 UNDER PRIOR RATE STRUCTURE; AMENDING SECTION 23-46 BY
10 REVISING THE FIRE PROTECTION AND EMERGENCY MEDICAL
11 SERVICES CAPITAL FACILITIES IMPACT FEE; AMENDING SECTION
12 23-69 BY REVISING THE EDUCATIONAL FACILITIES IMPACT FEE;
13 AMENDING SECTION 23-91 BY REVISING THE PUBLIC CAPITAL
14 FACILITIES IMPACT FEE; AMENDING SECTION 23-114 BY REVISING
15 THE PARKS IMPACT FEE; AMENDING SECTION 23-138 BY REVISING
16 THE ROADS IMPACT FEE; PROVIDING FOR SEVERABILITY;
17 PROVIDING FOR FULL FORCE AND EFFECT OF REMAINDER;
18 PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN
19 EFFECTIVE DATE.

20
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

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STATE OF FLORIDA

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 to
22 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

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

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 said
7 parcel within this period. In the event that the parcel owner does not obtain, or chooses not to obtain,
8 a valid building permit by June 2, 2006, then all impact fees previously prepaid against said parcel
9 shall become refundable to the current parcel owner of record, together with interest at the County's
10 average annual rate of return (and calculated from the date the impact fee was paid to the County
11 through the date the County issues a refund check, but no later than June 2, 2006). The current
12 parcel owner of record must file a written request with the County Building Department as a
13 prerequisite to obtaining this refund. Following June 2, 2006, all amounts previously prepaid under
14 this division together with afore-described interest (and not otherwise refunded) shall continue to
15 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 from
32 the filing of a complete building permit application shall no longer be grand-fathered under the prior
33 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,

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interior, rentable, noncommon 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 and eighty (180) days from the date said building permit application was accepted for filing.

SCHEDULE OF FIRE AND EMS IMPACT FEES

Land Use Type	<i>Township 22</i>		Spring Hill	Hernando Beach	Hernando County	Hernando County EMS
	<i>City of Brooksville</i>					
<i>Residential, per unit:</i>						
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>	
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>	
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>	
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>	
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>	
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>	
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>	
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>	
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>	
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>	
<i>Industrial & warehousing, per 1,000 sq. ft.</i>						
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>	
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>	
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>	
Warehouse--30,000 sq. ft. and 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>	
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>	
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>	
<i>Office, financial, retail & restaurant, per 1,000 sq. ft.</i>						
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>	
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>	
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>	
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>	
Retail--Under 30,000 sq. ft. and 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>	
Retail--30,000 sq. ft. or 36 ft. and 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>	
Restaurant--Under 30,000 sq. ft. 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>	
Restaurant--30,000 sq. ft. or 36 ft. 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 based
11 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).

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

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 and
5 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

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

1 (b) Any funds not expended or encumbered by the end of the calendar quarter immediately
2 following six (6) years from the date the fire protection and emergency medical services capital
3 facilities impact fee was ~~paid~~ recorded as revenue by the County shall, upon application of the
4 current parcel owner of record within one hundred eighty (180) days of the expiration of the six-year
5 period, be returned to the current parcel owner of record with interest at the ~~rate of six (6) percent~~
6 per annum County's average annual rate of return.

7
8 **SECTION 6. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 2**
9 **(Educational Facilities Impact Fee), Section 23-64 (Short title, authority and applicability).**
10 Section 23-64 is hereby amended to read as follows, with underlined matter added and struck-
11 through matter deleted:

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

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

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

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

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

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

36
37 ~~(c) This division is intended to implement the policies established in Florida Statutes, section~~
38 ~~235.193.~~

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

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

1 (a) Any person who, after the effective date of this division, seeks to make any improvement to land
2 by applying for a building permit for a residential unit shall be required to pay an educational
3 facilities impact fee in the amount set forth in this division. No such building permit shall be issued
4 unless and until the educational facilities impact fee hereby imposed has been paid pursuant to
5 section 23-70 of this division. For a building permit for which a complete application is submitted
6 prior to the effective date of this division, the educational facilities impact fee ordinance in effect on
7 the date of the complete application governs.
8

9 (b) 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 educational
13 facilities impact fee through the period ending June 2, 2006 and further provided that a valid building
14 permit has been issued by the Building Department for said parcel within this period. In the event
15 that the parcel owner does not obtain, or chooses not to obtain, a valid building permit by June 2,
16 2006 then all impact fees previously prepaid against said parcel shall become refundable to the
17 current parcel owner of record, together with interest at the County's average annual rate of return
18 (and calculated from the date the impact fee was paid to the County through the date the County
19 issues a refund check, but no later than June 2, 2006). The current parcel owner of record must file
20 a written request with the County Building Department as a prerequisite to obtaining this refund
21 from or on behalf of the Hernando County School Board. Following June 2, 2006, all amounts
22 previously prepaid under this division together with afore-described interest (and not otherwise
23 refunded) shall continue to remain as a credit against future impact fees requirements (the prevailing
24 impact fee rate structure at time of building permitting) as to said parcel, or until such time as a
25 request for refund has been received; however, interest shall no longer accrue after June 2, 2006.
26 No refunds shall be made for any prepaid impact fees except as otherwise provided for in this
27 division.
28

29 (c) The County recognizes that certain parcel owners and duly licensed contractors have entered
30 into bona fide contracts for the construction of improvements covered under this division prior to
31 June 2, 2005. Any parcel owner or contractor who files a true copy of such construction contract,
32 together with a notarized affidavit on a form supplied by the County (swearing under penalty of
33 perjury as to the authenticity and execution date of said construction contract), with the County
34 Building Department no later than July 5, 2005 shall be deemed grand-fathered under the impact fee
35 rate structure in effect immediately prior to adoption of this Ordinance through the period ending
36 December 2, 2005, and further provided that a complete building permit application pertaining to
37 said parcel has been accepted for filing by the Building Department within this period. Any parcel
38 owner or contractor who has filed their construction contract and building permit application with
39 the Building Department under this provision and who has not obtained a building permit issued by
40 the Building Department during one additional one hundred and eighty (180 day period running from
41 the filing of a complete building permit application shall no longer be grand-fathered under the prior
42 impact fee rate structure and shall be subject to the prevailing impact fee rates.
43

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1 **SECTION 9. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 2**
 2 **(Educational Facilities Impact Fee), Section 23-69 (Computation of the amount of educational**
 3 **facilities impact fee).** Section 23-69 is hereby amended to read as follows, with underlined matter
 4 added and struck-through matter deleted:
 5

6 (a) At the option of the feepayer, the amount of the fee may be determined by the following fee
 7 schedule. The fees set forth in the schedule below shall take effect on July 5, 2005. Any parcel
 8 owner or contractor who has a complete building permit application accepted for filing by the
 9 Building Department prior to the new impact fee rate structure taking effect under this provision
 10 shall be deemed grand-fathered under the existing impact fee rate structure, provided that a building
 11 permit is obtained within one hundred and eighty (180) days from the date said building permit
 12 application was accepted for filing.
 13

14 **SCHEDULE OF EDUCATIONAL FACILITIES IMPACT FEES**

<i>Land Use Type</i>	<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
 23
 24 If the type of residential development activity a building permit is applied for is not specified on
 25 the above fee schedule, the county administrator shall use the fee applicable to the most nearly
 26 comparable type of land use on the above fee schedule.
 27

28 (b) If a feepayer contends the fees in the schedule contained in paragraph (a) above do not
 29 accurately reflect the impact of his/her development on the need for educational facilities in the
 30 county, the feepayer may present evidence in support of his/her contention to the school board of the
 31 county, which may vary the fee by the amount necessary to properly reflect the true impact of the
 32 proposed development. Upon receipt of written notice of any such action by the school board, the
 33 county or the respective municipality shall adjust the fee payable accordingly. Any such adjustment
 34 to the fees in the schedule contained in subsection (a) may only be based upon impact or use
 35 characteristics that are expected to exist throughout the expected life of the structure and may not
 36 be based upon temporary or transitory use characteristics.
 37

38 **SECTION 10. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 2**
 39 **(Educational Facilities Impact Fee), Section 23-72 (Refund of fees paid).** Section 23-72 is hereby
 40 amended to read as follows, with underlined matter added and struck-through matter deleted:
 41

42 ~~(a) If a building permit expires, then the feepayer, his/her heirs, successors or assigns shall be~~
 43 ~~entitled to a refund of the impact fee paid as a condition for its issuance, except that the school board~~
 44 ~~shall retain three (3) percent of the fee to offset the costs of refunding. If a building permit or~~

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1 certificate of use expires, is revoked or is voluntarily surrendered and is, therefore, voided, and no
2 construction or improvement of land (including moving a mobile home or recreational vehicle on
3 to land) has been commenced, then the current parcel owner of record, upon application to the
4 County, shall be entitled to a refund of the educational facilities impact fee paid as a condition for
5 its issuance, except that three (3) percent of the fee paid shall be retained as an administrative fee to
6 offset the cost of processing the refund. The current parcel owner of record shall be entitled to a
7 refund equal to ninety-seven (97) percent of the educational facilities impact fee paid. No interest
8 shall be paid on refunds under this section.

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

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

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

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

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

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

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

1 (3) An alteration or change of use involving an addition to a nonresidential building will be
2 subject to impact fees for the area of the building addition.
3

4 (d) Impact fees under this division may not be prepaid ~~for any legally existing parcel~~ after June 2,
5 2005. ~~Prepaid Impact fees shall run with the land and~~ are not transferable from one parcel to
6 another. Prepaid Impact fees that were prepaid on or prior to June 2, 2005 under this division shall
7 vest the parcel for the land use for which the fees are paid from any increase in the public capital
8 facilities impact fee through the period ending June 2, 2006 and further provided that a valid building
9 permit has been issued by the Building Department for said parcel within this period. In the event
10 that the parcel owner does not obtain, or chooses not to obtain, a valid building permit by June 2,
11 2006 then all impact fees previously prepaid against said parcel shall become refundable to the
12 current parcel owner of record, together with interest at the County's average annual rate of return
13 (and calculated from the date the impact fee was paid to the County through the date the County
14 issues a refund check, but no later than June 2, 2006). The current parcel owner of record must file
15 a written request with the County Building Department as a prerequisite to obtaining this refund.
16 Following June 2, 2006, all amounts previously prepaid under this division together with afore-
17 described interest (and not otherwise refunded) shall continue to remain as a credit against future
18 impact fees requirements (the prevailing impact fee rate structure at time of building permitting) as
19 to said parcel, or until such time as a request for refund has been received; however, interest shall
20 no longer accrue after June 2, 2006. No refunds shall be made for any prepaid impact fees except
21 as otherwise provided for in this division.
22

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

38 **SECTION 12. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 3 (Public**
39 **Capital Facilities Impact Fee), Section 23-91 (Computation of public capital facilities impact**
40 **fee).** Section 23-91 is hereby amended to read as follows, with underlined matter added and struck-
41 through matter deleted:
42

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

(a) At the option of the fee payer, 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 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.

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

1 (3) In the case of change of use, redevelopment, or modification or expansion of an existing use
2 which may or may not require the issuance of a building permit, the impact fee shall be based
3 upon the net increase in impact for the new use as compared to the previous use.
4

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

14 **SECTION 13. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 3 (Public**
15 **Capital Facilities Impact Fee), Section 23-95 (Refund of fees paid).** Section 23-95 is hereby
16 amended to read as follows, with underlined matter added and struck-through matter deleted:
17

18 (a) ~~If a building permit expires, then the feepayer, his/her heirs, successors or assigns shall be~~
19 ~~entitled to a refund of the impact fee paid as a condition for its issuance, except that the county shall~~
20 ~~retain three (3) percent of the fee to offset the costs of refunding.~~ If a building permit or certificate
21 of use expires, is revoked or is voluntarily surrendered and is, therefore, voided, and no construction
22 or improvement of land (including moving a mobile home or recreational vehicle on to land) has
23 been commenced, then the current parcel owner of record, upon application to the County, shall be
24 entitled to a refund of the public capital facilities impact fee paid as a condition for its issuance,
25 except that three (3) percent of the fee paid shall be retained as an administrative fee to offset the
26 cost of processing the refund. The current parcel owner of record shall be entitled to a refund equal
27 to ninety-seven (97) percent of the capital facilities impact fee paid. No interest shall be paid on
28 refunds under this section.
29

30 (b) Any funds not expended or encumbered by the end of the calendar quarter immediately
31 following six (6) years from the date the public capital facilities impact fee was ~~paid~~ recorded as
32 revenue by the County shall, upon application of the current parcel owner of record within one
33 hundred eighty (180) days of the expiration of the six-year period, be returned to the current parcel
34 owner of record with interest at the ~~rate of six (6) percent per annum~~ County's average annual rate
35 of return.
36

37 **SECTION 14. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 4 (Parks**
38 **Impact Fee), Section 23-113 (Imposition of parks impact fee).** Section 23-113 is hereby amended
39 to read as follows, with underlined matter added and struck-through matter deleted:
40

41 (a) Any person who, after the effective date of this division, seeks to develop land within the county
42 by applying for a building permit for a residential building is hereby required to pay a parks impact
43 fee in the manner and amount set forth in this division. The impact fees established by this division

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

1 shall not be effective within the boundaries of any municipality which issues building permits until
2 such municipality has executed an interlocal agreement with the county to collect such fees. For a
3 building permit for which a complete application is submitted prior to the effective date of this
4 division, the parks impact fee ordinance in effect on the date of the complete application governs.
5

6 (b) No new residential building permit for any activity requiring payment of an impact fee pursuant
7 to section ~~23-115~~ 23-114 of this division shall be issued unless and until the parks impact fee hereby
8 required has been paid.
9

10 (c) No extension of a residential building permit issued prior to the effective date of this division
11 for any activity requiring payment of an impact fee pursuant to section ~~23-115~~ 23-114 of this division
12 shall be granted unless and until the parks impact fee hereby required has been paid.
13

14 (d) Impact fees under this division may not be prepaid for any legally existing parcel after June 2,
15 2005. Prepaid Impact fees shall run with the land and are not transferable from one parcel to
16 another. Prepaid Impact fees that were prepaid on or prior to June 2, 2005 under this division shall
17 vest the parcel for the land use for which the fees are paid from any increase in the parks impact fee
18 through the period ending June 2, 2006 and further provided that a valid building permit has been
19 issued by the Building Department for said parcel within this period. In the event that the parcel
20 owner does not obtain, or chooses not to obtain, a valid building permit by June 2, 2006 then all
21 impact fees previously prepaid against said parcel shall become refundable to the current parcel
22 owner of record, together with interest at the County's average annual rate of return (and calculated
23 from the date the impact fee was paid to the County through the date the County issues a refund
24 check, but no later than June 2, 2006). The current parcel owner of record must file a written request
25 with the County Building Department as a prerequisite to obtaining this refund. Following June 2,
26 2006, all amounts previously prepaid under this division together with afore-described interest (and
27 not otherwise refunded) shall continue to remain as a credit against future impact fees requirements
28 (the prevailing impact fee rate structure at time of building permitting) as to said parcel, or until such
29 time as a request for refund has been received; however, interest shall no longer accrue after June
30 2, 2006. No refunds shall be made for any prepaid impact fees except as otherwise provided for in
31 this division.
32

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

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

1 the Building Department during one additional one hundred and eighty (180 day period running from
2 the filing of a complete building permit application shall no longer be grand-fathered under the prior
3 impact fee rate structure and shall be subject to the prevailing impact fee rates.

4
5 **SECTION 15. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 4 (Parks**
6 **Impact Fee), Section 23-114 (Computation of the amount of parks impact fee).** Section 23-114
7 is hereby amended to read as follows, with underlined matter added and struck-through matter
8 deleted:

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

17
18 **PARKS IMPACT FEE SCHEDULE**

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

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

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

1 positive increase in the impact fee for the new use as compared to the previous use. The
2 county administrator shall be guided in this determination by the sources and agencies listed
3 above.
4

5 (b) If a feepayer opts not to have the impact fee determined according to paragraph (a) of this
6 section, then the feepayer shall prepare and submit to the county administrator an independent fee
7 calculation study for the land development activity for which a building permit is sought. The
8 independent fee calculation study shall follow the prescribed methodologies and formats for the
9 study established by the Guidelines and Procedures Manual adopted by motion of the board of
10 county commissioners of the county. The documentation submitted shall show the basis upon which
11 the independent fee calculation was made. The county administrator shall consider the
12 documentation submitted by the feepayer, but is not required to accept such documentation as he/she
13 shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer
14 to submit additional or different documentation for consideration. If an acceptable independent fee
15 calculation study is not presented, the feepayer shall pay parks impact fees based upon the schedule
16 shown in paragraph (a) of this section. If an acceptable independent fee calculation study is
17 presented, the county administrator may adjust the fee to that appropriate to the particular
18 development. The adjustment may include a credit against the fee otherwise payable up to fifty (50)
19 percent for private recreational facilities constructed or deed restricted or otherwise set aside for
20 recreational purposes by the feepayer, which serve the same purposes and functions as set forth for
21 public parks in the county comprehensive plan. Any such adjustment to the fees in the schedule
22 contained in subsection (a) may only be based upon impact or use characteristics that are expected
23 to exist throughout the expected life of the structure and may not be based upon temporary or
24 transitory use characteristics.
25

26 **SECTION 16. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 4 (Parks**
27 **Impact Fee), Section 23-119 (Refunds of fees paid).** Section 23-119 is hereby amended to read
28 as follows, with underlined matter added and struck-through matter deleted:
29

30 ~~(a) If a residential building permit expires without commencement of construction, then the~~
31 ~~feepayer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its~~
32 ~~issuance, except that the county shall retain three (3) percent of the fee to offset a portion of the costs~~
33 ~~of collection and refund. The feepayer must submit an application for such a refund to the county~~
34 ~~administrator within thirty (30) days of the expiration of the permit. If a building permit or certificate~~
35 ~~of use expires, is revoked or is voluntarily surrendered and is, therefore, voided, and no construction~~
36 ~~or improvement of land (including moving a mobile home or recreational vehicle on to land) has~~
37 ~~been commenced, then the current parcel owner of record, upon application to the County, shall be~~
38 ~~entitled to a refund of the parks impact fee paid as a condition for its issuance, except that three (3)~~
39 ~~percent of the fee paid shall be retained as an administrative fee to offset the cost of processing the~~
40 ~~refund. The current parcel owner of record shall be entitled to a refund equal to ninety-seven (97)~~
41 ~~percent of the parks impact fee paid. No interest shall be paid on refunds under this section.~~
42

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

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

9
10 **SECTION 17. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 5 (Roads**
11 **Impact Fee), Section 23-137 (Imposition of road impact fees).** Section 23-137 is hereby amended
12 to read as follows, with underlined matter added and struck-through matter deleted:
13

14 (a) Except as provided in section 23-144 of this division, any person who after the effective date
15 of this division seeks to develop land by applying to the county or any participating municipality for
16 the issuance of a building permit or certificate of use to make an improvement to land for one of the
17 uses which is specified in section 23-138 of this division and which will generate or attract additional
18 traffic shall be required to pay a roads impact fee in the manner and amount set forth in this division.
19 For a building permit for which a complete application is submitted prior to the effective date of this
20 division, the roads impact fee ordinance in effect on the date of the complete application governs.
21

22 (b) No building permit or certificate of use for any activity requiring payment of an impact fee
23 pursuant to section 23-138 of this division shall be issued by the county or any participating
24 municipality unless and until the roads impact fee hereby required has been paid.
25

26 (c) In the case of structures, mobile homes, or recreational vehicles which are moved from one
27 location to another, a roads impact fee shall be collected for the new location if the structure, mobile
28 home, or recreational vehicle is a type of land development listed in section 23-138 of this division,
29 regardless of whether roads impact fees had been paid at the old location, unless the use at the new
30 location is a replacement of an equivalent use. If the structure or mobile home so moved is replaced
31 by an equivalent use, no roads impact fee shall be owed for the replacement use. In every case, the
32 burden of proving past payment of roads impact fees or equivalency of use rests with the fee payer.
33

34 (d) Impact fees for existing nonresidential buildings. No impact fees shall be charged for existing
35 nonresidential buildings except as provided below:
36

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

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

1 (3) An alteration or change of use involving an addition to a nonresidential building will be
2 subject to impact fees for the area of the building addition.
3

4 (e) Impact fees under this division may not be prepaid for any legally existing parcel after June 2,
5 2005. Prepaid Impact fees shall run with the land and are not transferable from one parcel to
6 another. Prepaid Impact fees that were prepaid on or prior to June 2, 2005 under this division shall
7 vest the parcel for the land use for which the fees are paid from any increase in the roads impact fee
8 through the period ending June 2, 2006 and further provided that a valid building permit has been
9 issued by the Building Department for said parcel within this period. In the event that the parcel
10 owner does not obtain, or chooses not to obtain, a valid building permit by June 2, 2006 then all
11 impact fees previously prepaid against said parcel shall become refundable to the current parcel
12 owner of record, together with interest at the County's average annual rate of return (and calculated
13 from the date the impact fee was paid to the County through the date the County issues a refund
14 check, but no later than June 2, 2006). The current parcel owner of record must file a written request
15 with the County Building Department as a prerequisite to obtaining this refund. Following June 2,
16 2006, all amounts previously prepaid under this division together with afore-described interest (and
17 not otherwise refunded) shall continue to remain as a credit against future impact fees requirements
18 (the prevailing impact fee rate structure at time of building permitting) as to said parcel, or until such
19 time as a request for refund has been received; however, interest shall no longer accrue after June
20 2, 2006. No refunds shall be made for any prepaid impact fees except as otherwise provided for in
21 this division.
22

23 (f) The County recognizes that certain parcel owners and duly licensed contractors have entered into
24 bona fide contracts for the construction of improvements covered under this division prior to June
25 2, 2005. Any parcel owner or contractor who files a true copy of such construction contract, together
26 with a notarized affidavit on a form supplied by the County (swearing under penalty of perjury as
27 to the authenticity and execution date of said construction contract), with the County Building
28 Department no later than July 5, 2005 shall be deemed grand-fathered under the impact fee rate
29 structure in effect immediately prior to adoption of this Ordinance through the period ending
30 December 2, 2005, and further provided that a complete building permit application pertaining to
31 said parcel has been accepted for filing by the Building Department within this period. Any parcel
32 owner or contractor who has filed their construction contract and building permit application with
33 the Building Department under this provision and who has not obtained a building permit issued by
34 the Building Department during one additional one hundred and eighty (180 day period running from
35 the filing of a complete building permit application shall no longer be grand-fathered under the prior
36 impact fee rate structure and shall be subject to the prevailing impact fee rates.
37

38 **SECTION 18. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 5 (Roads**
39 **Impact Fee), Section 23-138 (Computation of the amount of road impact fees). Section 23-138**
40 **is hereby amended to read as follows, with underlined matter added and struck-through matter**
41 **deleted:**
42

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

(a) At the option of the feepayer, the amount of the fee may be determined by the schedule set forth below. 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 and eighty (180) days from the date said building permit application was accepted for filing.

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,

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

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

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

- 30 (1) Traffic engineering studies:
31
32 a. Documentation of trip generation rates appropriate for the proposed land
33 development activity;
34
35 b. Documentation of trip length appropriate for the proposed land development
36 activity; and
37
38 c. Documentation of trip data appropriate for the proposed land development
39 activity.
40
41 (2) Cost documentation studies. Documentation of the cost per lane per mile for roadway
42 construction and right-of-way costs appropriate for the proposed land development
43 activity, including, but not limited to, the costs of mitigating environmental impacts;

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

1 the construction of access roads, where required by the county, bridges, interchanges,
2 intersections, and drainage facilities; and the costs of design, engineering and
3 planning.
4

5 This documentation shall be prepared and presented by qualified professionals in their respective
6 fields and shall follow best professional practices and methodologies. The following formula shall
7 be used by the county administrator to determine the roads impact fee per unit of development:
8

- 9 1. New Lane Miles = [(Generation rate × average trip length × % new trips)/lane service
10 volume at level of service d]/2
- 11
- 12 2. Cost = New lane miles × cost per lane mile
- 13
- 14 3. Net Cost = Cost-gas tax credit
- 15
- 16 4. Impact Fee = Net cost
- 17

18 **SECTION 19. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 5 (Roads**
19 **Impact Fee), Section 23-143 (Refund of fees paid).** Section 23-143 is hereby amended to read as
20 follows, with underlined matter added and struck-through matter deleted:
21

22 (a) If a building permit or certificate of use expires, is revoked or is voluntarily surrendered and
23 is, therefore, voided, and no construction or improvement of land (including moving a mobile
24 home or recreational vehicle on to land) has been commenced, then the ~~feepayer~~ current parcel
25 owner of record, upon application to the County, shall be entitled to a refund of the roads impact
26 fee paid as a condition for its issuance, except that three (3) percent of the fee paid shall be
27 retained as an administrative fee to offset the cost of processing the refund. The ~~feepayer~~ current
28 parcel owner of record shall be entitled to a refund equal to ninety-seven (97) percent of the roads
29 impact fee paid. No interest shall be paid ~~to the feepayer~~ on refunds ~~due to noncommencement~~
30 under this section.
31

32 (b) Any funds not expended or encumbered by the end of the calendar quarter immediately
33 following six (6) years from the date the roads impact fee was ~~paid~~ recorded as revenue by the
34 County shall, upon application of the ~~feepayer~~ current parcel owner of record within one hundred
35 eighty (180) days of ~~that date~~ the expiration of the six-year period, be returned to the ~~feepayer~~
36 current parcel owner of record with interest at the ~~rate of six (6) percent per annum~~ County's
37 average annual rate of return.
38

39 **SECTION 20. 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.
43

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

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

5
6 **SECTION 22. 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 23. Effective date.** This ordinance shall take effect immediately upon filing with
14 the office of the Secretary of State of Florida.

15
16 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
17 **HERNANDO COUNTY** in Regular Session this 2nd day of June, 2005.

18
19 **BOARD OF COUNTY COMMISSIONERS**
20 **HERNANDO COUNTY, FLORIDA**



21
22
23 Attest: *Sherry L. Creem, Deputy Clerk*
24 **KAREN NICOLAI**
25 **CLERK**

26
27
28 By: *Robert C. Schenck*
29 **ROBERT C. SCHENCK**
30 **CHAIRMAN**

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

34
35 By: *Geoffrey T. Kirk*
Geoffrey T. Kirk
Assistant County Attorney

June 2, 2005 (4:04pm)