

ORDINANCE NO.: 2011-20

AN ORDINANCE AMENDING CHAPTER 23, ARTICLE III OF THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO IMPACT FEES; AMENDING DIVISIONS 1 THROUGH 5 REGARDING THE REDUCTION OF CERTAIN IMPACT FEE RATES; PROVIDING FOR THE INCREASE OF CERTAIN IMPACT FEE RATES TO OCCUR AT A DATE CERTAIN; AMENDING THE REQUIREMENT FOR THE IMPOSITION OF CERTAIN IMPACT FEES ON EXISTING NON-RESIDENTIAL BUILDINGS OVER FIVE YEARS OLD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

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 providing for an additional reduction of certain impact fees for a specified period of time.

NOW THEREFORE:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

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

Section 23-45. Imposition of fire protection and emergency medical services capital facilities impact fee.

- (2) Non-residential buildings over five (5) years old shall not be subject to impact fees if ~~the cost of their alteration or conversion for a change of use exceeds twenty-five (25) percent of the assessed value of the building.~~

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

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

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CLERK OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

(a) Except as provided in subsection (b) of this section, the amount of the fee or fees shall 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, noncommon or other forms of net square footage.

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

SCHEDULE OF FIRE AND EMS IMPACT FEES

Land Use Type	Spring Hill Fire			Hernando Beach			Hernando County			Hernando County EMS						
	effective -12-01- 09	effective 11-15-11	effective 11-30-11 11-15-12	effective 12-01-09	effective 11-15-11	effective 11-30-11 11-15-12	effective 12-01-09	effective 11-15-11	effective 11-30-11 11-15-12	effective 12-01-09	effective 11-15-11	effective 11-30-11 11-15-12	effective 12-01-09	effective 11-15-11	effective 11-30-11 11-15-12	
Residential, per unit:	See footnote 1			See footnote 1			See footnote 1			See footnote 1			See footnote 1			
Single-family, detached	\$128.00	\$66.00	<u>\$0.00</u>	\$128.00	\$211.00	\$79.00	<u>\$0.00</u>	\$211.00	\$211.00	\$96.00	<u>\$0.00</u>	\$211.00	\$18.00	\$16.00	<u>\$0.00</u>	\$18.00
Single-family, attached	98.00	55.00	<u>0.00</u>	98.00	161.00	66.00	<u>0.00</u>	161.00	161.00	80.00	<u>0.00</u>	161.00	14.00	13.00	<u>0.00</u>	14.00
Multifamily, 1 & 2 story	101.00	51.00	<u>0.00</u>	101.00	167.00	60.00	<u>0.00</u>	167.00	167.00	74.00	<u>0.00</u>	167.00	14.00	12.00	<u>0.00</u>	14.00
Multifamily 3 story & up	107.00	57.00	<u>0.00</u>	107.00	175.00	88.00	<u>0.00</u>	175.00	175.00	82.00	<u>0.00</u>	175.00	14.00	12.00	<u>0.00</u>	14.00
Mobile home, 1 acre	128.00	66.00	<u>0.00</u>	128.00	211.00	79.00	<u>0.00</u>	211.00	211.00	96.00	<u>0.00</u>	211.00	18.00	16.00	<u>0.00</u>	18.00
Mobile home, other	115.00	60.00	<u>0.00</u>	115.00	189.00	70.00	<u>0.00</u>	189.00	189.00	86.00	<u>0.00</u>	189.00	17.00	14.00	<u>0.00</u>	17.00
Recreational vehicle-lot	62.00	31.00	<u>0.00</u>	62.00	102.00	37.00	<u>0.00</u>	102.00	102.00	45.00	<u>0.00</u>	102.00	9.00	7.00	<u>0.00</u>	9.00
Hotel/motel, 1 & 2 story	62.00	31.00	<u>0.00</u>	62.00	102.00	37.00	<u>0.00</u>	102.00	102.00	45.00	<u>0.00</u>	102.00	9.00	7.00	<u>0.00</u>	9.00
Hotel/motel, 3 story & up	66.00	35.00	<u>0.00</u>	66.00	107.00	54.00	<u>0.00</u>	107.00	107.00	50.00	<u>0.00</u>	107.00	9.00	7.00	<u>0.00</u>	9.00
Residential-Other	128.00	66.00	<u>0.00</u>	128.00	211.00	79.00	<u>0.00</u>	211.00	211.00	96.00	<u>0.00</u>	211.00	18.00	16.00	<u>0.00</u>	18.00
Industrial & warehousing, per 1,000 sq. ft.																
Industrial--Under 30,000 sq. ft.	48.00	24.00	<u>0.00</u>	48.00	80.00	29.00	<u>0.00</u>	80.00	80.00	35.00	<u>0.00</u>	80.00	7.00	6.00	<u>0.00</u>	7.00
Industrial--30,000 sq. ft. and over	51.00	27.00	<u>0.00</u>	51.00	83.00	42.00	<u>0.00</u>	83.00	83.00	39.00	<u>0.00</u>	83.00	7.00	6.00	<u>0.00</u>	7.00
Warehouse--Under 30,000 sq. ft.	35.00	18.00	<u>0.00</u>	35.00	59.00	21.00	<u>0.00</u>	59.00	59.00	26.00	<u>0.00</u>	59.00	5.00	4.00	<u>0.00</u>	5.00
Warehouse--30,000 sq. ft. and over	38.00	20.00	<u>0.00</u>	38.00	62.00	31.00	<u>0.00</u>	62.00	62.00	29.00	<u>0.00</u>	62.00	5.00	4.00	<u>0.00</u>	5.00
Storage--Under 30,000 sq. ft.	20.00	10.00	<u>0.00</u>	20.00	34.00	12.00	<u>0.00</u>	34.00	34.00	15.00	<u>0.00</u>	34.00	3.00	2.00	<u>0.00</u>	3.00
Storage--30,000 sq. ft. and over	22.00	12.00	<u>0.00</u>	22.00	35.00	18.00	<u>0.00</u>	35.00	35.00	17.00	<u>0.00</u>	35.00	3.00	2.00	<u>0.00</u>	3.00
Office, financial, retail & restaurant, per 1,000 sq. ft.																
Medical--Under 30,000 sq. ft.	165.00	83.00	<u>0.00</u>	165.00	272.00	98.00	<u>0.00</u>	272.00	272.00	120.00	<u>0.00</u>	272.00	23.00	20.00	<u>0.00</u>	23.00
Medical--30,000 sq. ft. and over	176.00	93.00	<u>0.00</u>	176.00	286.00	144.00	<u>0.00</u>	286.00	286.00	134.00	<u>0.00</u>	286.00	23.00	20.00	<u>0.00</u>	23.00
General--Under 30,000 sq. ft.	96.00	48.00	<u>0.00</u>	96.00	158.00	57.00	<u>0.00</u>	158.00	158.00	70.00	<u>0.00</u>	158.00	14.00	12.00	<u>0.00</u>	14.00
General--30,000 sq. ft. and over	103.00	54.00	<u>0.00</u>	103.00	167.00	84.00	<u>0.00</u>	167.00	167.00	78.00	<u>0.00</u>	167.00	14.00	12.00	<u>0.00</u>	14.00
Retail--Under 30,000 sq. ft. and 36 ft.	187.00	94.00	<u>0.00</u>	187.00	308.00	111.00	<u>0.00</u>	308.00	308.00	135.00	<u>0.00</u>	308.00	27.00	22.00	<u>0.00</u>	27.00
Retail--30,000 sq. ft. or 36 ft. and over	199.00	105.00	<u>0.00</u>	199.00	323.00	163.00	<u>0.00</u>	323.00	323.00	151.00	<u>0.00</u>	323.00	27.00	22.00	<u>0.00</u>	27.00
Restaurant--Under 30,000 sq. ft. and 36 ft.	290.00	146.00	<u>0.00</u>	290.00	477.00	173.00	<u>0.00</u>	477.00	477.00	210.00	<u>0.00</u>	477.00	41.00	35.00	<u>0.00</u>	41.00
Restaurant--30,000 sq. ft. or 36 ft. and over	309.00	164.00	<u>0.00</u>	309.00	503.00	253.00	<u>0.00</u>	503.00	503.00	235.00	<u>0.00</u>	503.00	41.00	35.00	<u>0.00</u>	41.00

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

SCHEDULE OF FIRE AND EMS IMPACT FEES

Land Use Type

City of Brooksville

Residential, per unit:

		effective 11-15-11	effective 11-30-11 11-15-12
	See footnote 1		
Single-family, detached	\$202.00	<u>\$0.00</u>	<u>\$202.00</u>
Single-family, attached	154.00	<u>0.00</u>	<u>154.00</u>
Multifamily, 1 & 2 story	159.00	<u>0.00</u>	<u>159.00</u>
Multifamily 3 story & up	229.00	<u>0.00</u>	<u>229.00</u>
Mobile home, 1 acre	202.00	<u>0.00</u>	<u>202.00</u>
Mobile home, other	181.00	<u>0.00</u>	<u>181.00</u>
Recreational vehicle-lot	98.00	<u>0.00</u>	<u>98.00</u>
Hotel/motel, 1 & 2 story	98.00	<u>0.00</u>	<u>98.00</u>
Hotel/motel, 3 story & up	141.00	<u>0.00</u>	<u>141.00</u>
Residential-Other	202.00	<u>0.00</u>	<u>202.00</u>
Industrial & warehousing, per 1,000 sq. ft.			
Industrial--Under 30,000 sq. ft.	76.00	<u>0.00</u>	<u>76.00</u>
Industrial--30,000 sq. ft. and over	110.00	<u>0.00</u>	<u>110.00</u>
Warehouse--Under 30,000 sq. ft.	56.00	<u>0.00</u>	<u>56.00</u>
Warehouse--30,000 sq. ft. and over	80.00	<u>0.00</u>	<u>80.00</u>
Storage--Under 30,000 sq. ft.	32.00	<u>0.00</u>	<u>32.00</u>
Storage--30,000 sq. ft. and over	47.00	<u>0.00</u>	<u>47.00</u>
Office, financial, retail & restaurant, per 1,000 sq. ft.			
Medical--Under 30,000 sq. ft.	260.00	<u>0.00</u>	<u>260.00</u>
Medical--30,000 sq. ft. and over	374.00	<u>0.00</u>	<u>374.00</u>
General--Under 30,000 sq. ft.	152.00	<u>0.00</u>	<u>152.00</u>
General--30,000 sq. ft. and over	218.00	<u>0.00</u>	<u>218.00</u>
Retail--Under 30,000 sq. ft. and 36 ft.	294.00	<u>0.00</u>	<u>294.00</u>
Retail--30,000 sq. ft. or 36 ft. and over	424.00	<u>0.00</u>	<u>424.00</u>
Restaurant--Under 30,000 sq. ft. and 36 ft.	457.00	<u>0.00</u>	<u>457.00</u>
Restaurant--30,000 sq. ft. or 36 ft. and over	658.00	<u>0.00</u>	<u>658.00</u>

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

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) 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 or his designee shall use the fee applicable to the most nearly comparable type of land use on the above fee schedule.
- (3) In the case of change of use, redevelopment, or modification or expansion of an existing use which may or may not require the issuance of a building permit, the impact fee shall be based upon the net increase in impact for the new use as compared to the previous use.

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

(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. 97-17, § 6, 7-7-97; Ord. No. 2001-01, § 6, 1-9-01; Ord. No. 2005-05, § 2, 6-2-05; Ord. No. 2009-14, § 1, 11-10-09; Ord. No. 2010 -26, § 1, 11-9-10; Ord No. 2011-)

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

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

(a) At the option of the feepayer, the amount of the fee may be determined by the following fee schedule.

SCHEDULE OF EDUCATIONAL FACILITIES IMPACT FEES

Land Use Type	Impact Fee	Effective 1		
		Effective 1	<u>Effective 1</u>	11/30/11
		12/01/09	<u>11/15/11</u>	<u>11/15/12</u>
Residential:				
Single-family, detached	\$4,266.00	\$2,406.00	<u>\$0.00</u>	\$4,266.00
Single-family, attached	3,255.00	2,013.00	<u>\$0.00</u>	3,255.00
Multifamily	3,360.00	1,858.00	<u>\$0.00</u>	3,360.00
Mobile home, 1 acre	4,266.00	2,406.00	<u>\$0.00</u>	4,266.00
Mobile home, other	3,822.00	2,169.00	<u>\$0.00</u>	3,822.00
Other residential	4,266.00	2,406.00	<u>\$0.00</u>	4,266.00

1 /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.

If the type of residential development activity a 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 schedule.

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

(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. 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. 2009-14, § 2, 11-10-09; Ord. No. 2010 -26, § 2, 11-9-10; Ord No. 2011-)

SECTION 4. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 3 (Public Capital Facilities Impact Fee), Section 23-90 (Imposition of public capital facilities impact fee). Section 23-90 is hereby amended to read as follows, with underlined matter added and struck-through matter deleted:

Section 23-90 Imposition of public capital facilities impact fee.

- (2) Non-residential buildings over five (5) years old shall not be subject to impact fees if ~~the cost of their alteration or conversion for a change of use exceeds twenty-five (25) percent of the assessed value of the building.~~

SECTION 5. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 3 (Public Capital Facilities Impact Fee), Section 23-91 (Computation of the amount of public capital facilities impact fee). Section 23-91 is hereby amended to read as follows, with underlined 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.

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

SCHEDULES OF CAPITAL FACILITIES IMPACT FEES

Land Use Type	Library			Buildings			Law Enforcement					
	Effective 1		Effective 1	Effective 1		Effective 1		Effective 1				
	Effective 1	Effective	11/30/11	Effective 1	Effective 1	11/30/11	Effective 1	Effective 1	11/30/11			
	12/01/09	11/15/11	11/15/12	12/01/09	11/15/11	11/15/12	12/01/09	11/15/11	11/15/12			
Residential:												
Single-family, detached	\$154.00	\$95.00	<u>\$0.00</u>	\$154.00	\$362.00	\$192.00	<u>\$0.00</u>	\$362.00	\$99.00	\$99.00	<u>\$0.00</u>	\$99.00
Single-family, detached	118.00	79.00	<u>0.00</u>	118.00	276.00	160.00	<u>0.00</u>	276.00	76.00	76.00	<u>0.00</u>	76.00
Multifamily	122.00	73.00	<u>0.00</u>	122.00	285.00	149.00	<u>0.00</u>	285.00	78.00	78.00	<u>0.00</u>	78.00
Mobile home, 1 acre	154.00	95.00	<u>0.00</u>	154.00	362.00	192.00	<u>0.00</u>	362.00	99.00	99.00	<u>0.00</u>	99.00
Mobile home, other	138.00	85.00	<u>0.00</u>	138.00	324.00	173.00	<u>0.00</u>	324.00	89.00	89.00	<u>0.00</u>	89.00
Recreational vehicle lot	0.00	0.00	<u>0.00</u>	0.00	176.00	93.00	<u>0.00</u>	176.00	48.00	48.00	<u>0.00</u>	48.00
Hotel/motel--room	0.00	0.00	<u>0.00</u>	0.00	176.00	93.00	<u>0.00</u>	176.00	48.00	48.00	<u>0.00</u>	48.00
Residential--Other	154.00	95.00	<u>0.00</u>	154.00	362.00	192.00	<u>0.00</u>	362.00	99.00	99.00	<u>0.00</u>	99.00
Industrial and warehousing, per 1,000 square feet:												
Industrial*	0.00	0.00	<u>0.00</u>	0.00	136.00	72.00	<u>0.00</u>	136.00	37.00	37.00	<u>0.00</u>	37.00
Warehouse*	0.00	0.00	<u>0.00</u>	0.00	101.00	53.00	<u>0.00</u>	101.00	28.00	28.00	<u>0.00</u>	28.00
Storage*	0.00	0.00	<u>0.00</u>	0.00	58.00	31.00	<u>0.00</u>	58.00	16.00	16.00	<u>0.00</u>	16.00
Office, financial, retail and restaurant, per 1,000 square feet												
Medical*	0.00	0.00	<u>0.00</u>	0.00	467.00	247.00	<u>0.00</u>	467.00	128.00	128.00	<u>0.00</u>	128.00
General*	0.00	0.00	<u>0.00</u>	0.00	272.00	144.00	<u>0.00</u>	272.00	74.00	74.00	<u>0.00</u>	74.00
Retail*	0.00	0.00	<u>0.00</u>	0.00	527.00	280.00	<u>0.00</u>	527.00	145.00	145.00	<u>0.00</u>	145.00
Restaurant*	0.00	0.00	<u>0.00</u>	0.00	819.00	435.00	<u>0.00</u>	819.00	225.00	225.00	<u>0.00</u>	225.00

*Indicates square feet of gross building area

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.

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

- (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 or his designee shall use the fee applicable to the most nearly comparable type of land use on the above fee schedule.
- (3) In the case of change of use, redevelopment, or modification or expansion of an existing use which may or may not require the issuance of a building permit, the impact fee shall be based upon the net increase in impact for the new use as compared to the previous use.

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

(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. 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. 2009-14, § 4, 11-10-09; Ord. No. 2010 -26 § 3, 11-9-10; Ord No. 2011-)

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

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

(a) At the option of the feepayer, the amount of the parks impact fee may be determined by the following fee schedule.

Land Use Type (Unit)	Fee per Unit	Effective 1		
		12/01/09	<u>11-15-11</u>	<u>11-15-12</u>
		12/01/09	<u>11-15-11</u>	<u>11-15-12</u>
Single-family, detached	\$501.00	\$113.00	<u>\$0.00</u>	\$501.00
Single-family, attached	382.00	94.00	<u>0.00</u>	382.00
Multifamily	395.00	87.00	<u>0.00</u>	395.00
Mobile home--1 acre lot	501.00	113.00	<u>0.00</u>	501.00
Mobile home--Other	449.00	102.00	<u>0.00</u>	449.00
Recreation vehicle--Lot	182.00	41.00	<u>0.00</u>	182.00
Hotel/motel--Room	182.00	41.00	<u>0.00</u>	182.00
Other residential	501.00	113.00	<u>0.00</u>	501.00

1 /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 building permit is sought. The independent fee calculation study shall follow the prescribed methodologies and formats for the study established by the Guidelines and Procedures Manual adopted by motion of the board of county commissioners of the county. The documentation submitted shall show the basis upon which the independent fee calculation was made. The county administrator or his designee shall consider the documentation submitted by the feepayer, but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the feepayer shall pay parks impact fees based upon the schedule shown in paragraph (a) of this section. If an acceptable independent fee calculation study is presented, the county administrator or his designee may adjust the fee to that appropriate to the particular development. Any such adjustment to the fees in the schedule contained in subsection (a) may only be based upon impact or use characteristics that are expected to exist throughout the expected life of the structure and may not be based upon temporary or transitory use characteristics.

(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. 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. 2009-14, § 6, 11-10-09; Ord. No. 2010 -26, § 4, 11-9-10; Ord No. 2011-)

SECTION 7. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 5 (Roads Impact Fee), Section 23-137 (Imposition of roads impact fee). Section 23-137 is hereby amended to read as follows, with underlined matter added and struck-through matter deleted:

Section 23-137 Imposition of roads impact fee.

- (2) Non-residential buildings over five (5) years old shall not be subject to impact fees ~~if the cost of their alteration or conversion for a change of use exceeds twenty-five (25) percent of the assessed value of the building.~~

SECTION 8. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 5 (Roads Impact Fee), Section 23-138 (Computation of the amount of road impact fees). Section 23-138 is hereby amended to read as follows, with underlined matter added and struck-through matter deleted:

Sec. 23-138. Computation of the amount of roads impact fees.

- (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.

SCHEDULE OF ROADS IMPACT FEES

Land Use Type	Fee	Effective 1		
		Effective 1 12/01/09	<u>Effective 1</u> 11/15/11	<u>11/30/11</u> 11/15/12
Residential:				
Single-family, detached	\$3,627.00	\$1,845.00	<u>\$0.00</u>	\$3,627.00
Single-family, attached	2,222.00	1,130.00	<u>0.00</u>	2,222.00
Multifamily	2,498.00	1,270.00	<u>0.00</u>	2,498.00
Mobile home--1 acre lot	3,627.00	1,845.00	<u>0.00</u>	3,627.00
Mobile home--Other	1,823.00	927.00	<u>0.00</u>	1,823.00
Recreational vehicle--Lot	3,454.00	1,756.00	<u>0.00</u>	3,454.00
Hotel/motel--Room	3,454.00	1,756.00	<u>0.00</u>	3,454.00
Other residential	3,627.00	1,845.00	<u>0.00</u>	3,627.00
Industrial and warehouse, per 1,000 square feet:				
Industrial buildings*	1,838.00	935.00	<u>0.00</u>	1,838.00
Warehouse buildings*	1,308.00	665.00	<u>0.00</u>	1,308.00
Storage buildings*	644.00	327.00	<u>0.00</u>	644.00
Office and financial, per 1,000 square feet:				
Medical offices*	7,316.00	3,721.00	<u>0.00</u>	7,316.00
General offices*	2,567.00	1,305.00	<u>0.00</u>	2,567.00
Retail, per 1,000 square feet*	5,411.00	2,752.00	<u>0.00</u>	5,411.00
Restaurant, per 1,000 square feet*	12,705.00	6,462.00	<u>0.00</u>	12,705.00

*Denotes square feet of gross building area

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 county administrator or his designee shall be guided in the selection of a comparable type by the reports titled Trip Generation: An Informational Report, Institute of Transportation Engineers (latest edition) and studies or reports done by the United States Department of Transportation, the State of Florida Department of Transportation, the Hernando County Public Works Department, and articles or reports appearing in the ITE Journal. If the county administrator 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 fee by (a) using traffic generation statistics from the above-named sources, and (b) applying the formula set forth in paragraph (b) of this section.
- (4) In the case of change of use, redevelopment, or modification of an existing use which may or may not require the issuance of a building permit, the roads impact fee shall be based upon the net increase in the impact fee for the new use as compared to the previous use. However, should the change of use, redevelopment or modification result in a net decrease, no refunds or credits for past impact fees paid shall be made or created. The county administrator or his designee shall be guided in this determination by the above-named sources.
 - (b) If a feepayer shall opt 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 building permit or change of use is sought. The independent fee calculation study shall measure the impact of the development in question on the road system by following the prescribed methodologies and formats for the study established by the county administrative code. Any adjustment to the fees in the schedule contained in subsection (a) may only be based upon impact or use characteristics that are expected to exist throughout the expected life of the structure and may not be based upon temporary or transitory use characteristics. The traffic engineering and/or economic documentation submitted, which will require a pre-application meeting with the county administrator or his designee, shall show the basis upon which the independent fee calculation was made, including, but not limited to, the following:
 - (1) Traffic engineering studies:

- a. Documentation of trip generation rates appropriate for the proposed land development activity;
 - b. Documentation of trip length appropriate for the proposed land development activity; and
 - c. Documentation of trip data appropriate for the proposed land development activity.
- (2) Cost documentation studies. Documentation of the cost per lane per mile for roadway construction and right-of-way costs appropriate for the proposed land development activity, including, but not limited to, the costs of mitigating environmental impacts; the construction of access roads, where required by the county, bridges, interchanges, intersections, and drainage facilities; and the costs of design, engineering and planning.

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

1. $\text{New Lane Miles} = [(\text{Generation rate} \times \text{average trip length} \times \% \text{ new trips}) / \text{lane service volume at level of service d}] / 2$
2. $\text{Cost} = \text{New lane miles} \times \text{cost per lane mile}$
3. $\text{Net Cost} = \text{Cost} - \text{gas tax credit}$
4. $\text{Impact Fee} = \text{Net cost}$

No. 86-29, § 6, 10-28-86; Ord. No. 93-8, § 6, 3-25-93; Ord. No. 96-11, § 6, 7-16-96; Ord. 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. 2009-14, § 8, 11-10-09; Ord. No. 2010 -26, § 5, 11-9-10; Ord No. 2011-__)

SECTION 9. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. Full Force and Effect of Remainder. All sections, subsections, clauses, sentences, phrases, and provisions of Chapter 23, Article III, Division 1, of the Hernando County Code of Ordinances not amended herein shall stay the same and remain in full force and effect until amended, repealed or otherwise acted upon by the Board of County Commissioners.

SECTION 11. Inclusion in the Code. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any section or

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


subsection of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section, "article," or other appropriate designation.

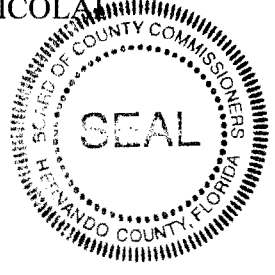
SECTION 12. Effective date. This ordinance shall be filed with the office of the Florida Secretary of State and shall take effect immediately upon filing.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 15th day of November, 2011.


BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest: 
KAREN NICOLAI
CLERK

By: 
JAMES ADKINS
CHAIRMAN



**Approved as to Form
and Legal Sufficiency**

By: 
Garth Coller
County Attorney



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

November 30, 2011

Honorable Karen Nicolai
Clerk of the Circuit Court
Hernando County
Room 131, 20 North Main Street
Brooksville, Florida 34601-2800

Attention: Ms. Jenine Wimer, Deputy Clerk

Dear Ms. Nicolai:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 22, 2011 and certified copies of Hernando County Ordinance Nos. 2011-19 and 2011-20, which were filed in this office on November 23, 2011.

As requested, the date stamped original is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

Enclosure

RECEIVED
HERNANDO COUNTY
2011 DEC -5 AM 11:02

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