

ORDINANCE 87-17

AN ORDINANCE ADOPTING IMPACT FEES FOR LAW ENFORCEMENT, EDUCATION, ROAD SYSTEMS, FIRE, RESCUE, PARKS AND RECREATION AND ADMINISTRATION ON NEW CONSTRUCTION WITHIN NASSAU COUNTY, STATING THE APPLICABILITY OF SUCH FEES TO ALL NEW CONSTRUCTION SUBJECT TO CERTAIN EXCEPTIONS; CREATING ZONES FOR TRANSPORTATION IMPACT FEES; PROVIDING FOR DETERMINATION AND REVIEW OF THE IMPACT FEE AMOUNTS ANNUALLY AND FOR ADJUSTMENTS BASED ON COST INCREASES; ESTABLISHING A SCHEDULE FOR IMPACT FEES; PROVIDING THAT THE IMPACT FEES FOR EDUCATION BE IMPOSED IN THE INCORPORATED AND UNINCORPORATED AREAS OF NASSAU COUNTY; PROVIDING THAT THE TRANSPORTATION IMPACT FEE BE IMPOSED WITHIN THE INCORPORATED AND UNINCORPORATED AREAS OF THE RESPECTIVE ZONES WHERE APPLICABLE; PROVIDING THAT IMPACT FEES FOR LAW ENFORCEMENT, FIRE, PARKS AND RECREATION AND ADMINISTRATION BE IMPOSED IN THE UNINCORPORATED AREAS; PROVIDING THAT IMPACT FEES FOR RESCUE BE IMPOSED IN THE INCORPORATED AND UNINCORPORATED AREAS; PROVIDING FOR PAYMENT OF SUCH FEES IN CASH UNLESS AN IN-KIND CONTRIBUTION IS ACCEPTED BY THE COUNTY COMMISSION; PROVIDING THAT UP TO HALF OF THE PARKS AND RECREATIONAL SERVICES IMPACT FEE MAY BE WAIVED BY THE COUNTY COMMISSION IN CERTAIN CIRCUMSTANCES; CREATING BENEFIT DISTRICTS; CREATING CAPITAL EXPANSION TRUST FUNDS FOR POLICE PROTECTION, EDUCATION, FIRE PROTECTION, RESCUE, ROADWAY SYSTEMS, PARKS AND RECREATIONAL SERVICES, AND ADMINISTRATIVE SERVICES; REQUIRING DEPOSIT OF IMPACT FEES IN THE APPROPRIATE TRUST FUND; LIMITING THE USE OF AMOUNT IN SUCH TRUSTS FUNDS; REQUIRING THE PREPARATION AND MAINTENANCE OF A CAPITAL EXPANSION PLAN FOR EACH SUCH FUND; ESTABLISHING TIME FOR PAYMENTS OF SUCH FEES; REPEALING CONFLICTING PROVISIONS OF OTHER ORDINANCES; PROVIDING FOR SEVERABILITY IN THE EVENT OF PARTIAL INVALIDITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida has determined that the growth rate which the County is experiencing is increasing demand on various County services which will require greatly increased capital investment for the expansion of the County service system, and

WHEREAS, the Board of County Commissioners of Nassau County has legal authority to enact impact fees in order to allocate the cost of such capital investments among future customers of the service systems, so long as revenues from impact fees are segregated in a separate account and used only for the expansion of said systems,

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS AND DECLARATIONS

1. The Board of County Commissioners finds that new development in the County requires additional governmental services and facilities, including law enforcement, education, road systems, fire and rescue, parks and recreation and administrative capital and equipment attributable to new construction. It is the policy of the Board that new development should be permitted to occur only where an adequate level of governmental services and facilities can be provided.

2. It is the policy of the Board that new development should pay its pro-rata share of the capital costs related to the additional governmental services and facilities to accommodate that new development.

3. A transportation study and Impact Fee Analysis was undertaken for Amelia Island and presented to the Board of County Commissioners.

4. The Board of County Commissioners has received information from its staff relative to anticipated expansion of various systems and the capital costs thereof.

5. The Board conducted workshop sessions and public hearings as to the specific impact fees and received specific reports as to the fees which have been adopted by the board.

6. The Board received testimony, pursuant to the transportation study, which indicates that the transportation impact fee must be island wide, for both the incorporated and unincorporated areas on the Island.

7. The Board received testimony, pursuant to the transportation study, which indicates that at this time, the

transportation impact fee should be imposed on Amelia Island only.

8. It is the purpose of this ordinance to require new development to bear its pro-rata share of the capital costs related to the additional governmental services made necessary by such new development and to avoid paying those costs from the County's General Fund.

9. The Board hereby finds that impact fees provide a reasonable method of regulating new development in Nassau County to ensure that such new development pays its share of the capital costs of governmental services and facilities necessary to accommodate the new development.

10. The Board received testimony from the Nassau County School Board and Superintendent as to the need for an Education Impact Fee and the School Board and Superintendent requested that the Board of County Commissioners impose an education impact fee. In addition, the Superintendent's office provided the Board with a proposed impact fee. The Board finds that the fees and study, utilized by the School Board require modification and the Board has requested that the School Board conduct a further study and hold a public hearing or hearings regarding said study and proposed fees. The fee for an education impact fee shall be indicated as 0 in the attached Exhibit "B" and no fees shall be imposed as of the date of this Ordinance. Upon receipt of the study and recommendation, the Board shall evaluate the study and the fee schedule attached thereto.

11. The Board received testimony, from the School Board, that indicates that the Education Impact Fee, if adopted, must be County wide for both the incorporated and unincorporated areas.

12. The Board finds that, as of the date of this Ordinance, there is not sufficient data regarding parks and recreation or

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administrative impact fees and therefore a zero (0) amount will be indicated on the attached Exhibit "A".

13. The additional impact imposed by new development upon the capital costs of providing governmental services occurs at the time that development of the property, as defined herein, takes place.

14. It is the intent of the Board that the impact fees imposed pursuant to this ordinance be used to pay for those capital costs related to the additional governmental services required for new development in Nassau County.

15. The Board hereby finds that there exists a rational relationship between the capital costs of providing governmental services and the impact fees imposed on new development by this ordinance.

16. This Ordinance is intended to implement and be consistent with the Nassau County Comprehensive Plan.

17. The cities shall collect the applicable fees as set forth herein and said fees shall be paid to the Board to be deposited in the required accounts. The fees shall be collected as set forth herein.

18. The impact fee figures set forth in Schedule "A" shall, at this time, be zero (0) for all categories set forth in said schedule. The Board, pending further study, may address specific figures at the time of the mandatory six (6) months review.

SECTION 2. APPLICABILITY

This Article shall apply to all new construction within the unincorporated and incorporated limits of Nassau County where applicable, except the following:

1. Expansion of a residential dwelling unit where no additional units are created and the use is not changed;

2. Remodeling or rebuilding of any structure where no additional units are created and the use is not changed;

3. Any accessory building for a subordinate or incidental use to a dwelling unit or residential property which building does not constitute a dwelling unit.

4. Construction of any public-purpose structure by Federal, State or local governments or any agency, subdivision or instrumentality thereof.

5. Any reconstruction of a destroyed or partially destroyed building, provided that the destruction of the building occurred other than by willful razing or demolition.

6. Expansions of or additions to existing structures provided that such expansion or addition does not require the issuance of a Certificate of Occupancy or when such expansion or addition does not create additional impacts.

7. Agricultural structures designed to protect farm equipment and live stock.

8. The replacement of a building or structure with a new building or structure of the same use provided that no additional impacts will be produced over and above those produced by the original use of the land.

SECTION 3. AUTHORITY

1. The Board of County Commissioners of Nassau County has the authority to adopt this Ordinance pursuant to Article VIII of the constitution of the State of Florida and Florida Statutes, Chapter 125 and 163.

2. This Ordinance shall apply to the unincorporated area of Nassau County where applicable, and to the incorporated areas of Nassau County where applicable, to the extent permitted by Article VIII, Section 1(f) of the Constitution of the State of Florida.

SECTION 4. DEFINITIONS

1. Arterial Road - a road which is a main traffic artery carrying relatively high traffic volumes for relatively long distances. Generally an arterial road is greater than two lands in width, and longer than two miles in distance.

2. Benefit District - Those districts as set forth in Exhibit "C" attached hereto and made a part hereof.

3. Board - The Board of County Commissioners of Nassau County, Florida.

4. Building - Any structure either temporary or permanent having a roof and used or built for the enclosure or shelter of persons, vehicles, goods, merchandise, equipment, materials or property of any kind excluding agricultural building as stated in this Ordinance.

5. Capital Cost - Any expenditure which, under generally accepted accounting principles for local governments, would be considered a capital expense.

6. Capital Improvement for Roads - includes transportation planning and the right-of-way acquisition, engineering and construction of any project eligible for inclusion as a road project in a construction plan under 334.21, Florida Statutes, but does not include maintenance as defined in 334.03(18) or (13), Florida Statutes.

7. Certificate of Occupancy - a certificate issued by the Nassau County Building or applicable City Departments upon completion of a building after final inspection of a building, stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, the allowable load per square foot for each floor in accordance with the Standard Building Code. If no certificate of occupancy is required for the construction or occupancy of a structure then the term shall

be deemed to include the building permit or other form of county or city final approval for the construction or occupancy of a structure. The term "Certificate of Occupancy", as used in this Ordinance shall be deemed to include a "mobile home move-on permit".

8. Collector Road - a road which carries traffic from local roads to arterial roads. Collector roads have more continuity, carry higher traffic volumes, and may provide less access than local roads. Generally, collector roads are two-lane facilities and generally operate at lower capacity and operating speeds than do arterial roads.

9. Development - any improvement to real property for which the issuance of a permit is required and as a condition legally to occupying it, a certificate of occupancy must first be obtained from Nassau County, Florida, or Cities within Nassau County, on or after the effective date of this Ordinance.

10. Dwelling Unit - Single family and multifamily residential units, attached and detached dwellings, houses of conventional construction, mobile homes, manufactured housing, and all other structures used for permanent residents or for dwelling purposes, regardless of whether occupied by an owner or tenant. The term shall not include hotel, motels, tourist, trailer camps or condominiums allowing a rental of less than three (3) months.

11. Feepayer - a person commencing impact generating land development activity who is obligated to pay an impact fee in accordance with the terms of this ordinance.

12. Generation of traffic - shall include both the production and attraction of traffic.

13. Land - shall have the same meaning as set forth in Section 380.031(6), Florida Statutes.

14. Person - an individual, corporation, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity.

15. Road - shall have the same meaning as set forth in Section 334.03(17), Florida Statutes.

16. Site Related Improvements - are capital improvements and right-of-way dedications for direct access improvements to the development in question. Direct access improvements include but are not limited to the following: (1) site driveways and roads; (2) right and left turn lanes leading to those driveways; (3) traffic control measures for those driveways; (4) frontage roads; and (5) roads necessary to provide direct access to the development.

17. Trip - A one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end). For the purposes of this ordinance trip shall have a meaning which it has in commonly accepted traffic engineering practice.

SECTION 5. IMPOSITION OF IMPACT FEES; SEMI-ANNUAL ADJUSTMENTS; TIME OF PAYMENT:

1. Fees: The following impact fees are hereby imposed upon all new development in Nassau County, Florida:

See Schedule "A" and "B" attached hereto and made a part hereof.

2. Semi-Annual Adjustments: The fee imposed in subsection (1) shall be reviewed semi-annually and may be adjusted semi-annually by Resolution of the Board based on actual growth in the incorporated and unincorporated areas of the County, whichever is applicable, and increases or decreases in the capital costs of providing governmental services to accommodate such growth.

3. Time of Payment: Impact fees imposed on all new development shall be paid to the County as a condition to the issuance of a certificate of occupancy by the County or cities, or at an earlier stage pursuant to agreement by the County. No certificate of occupancy shall be issued by the County or the Cities without collecting said fees. The County Commission may accept an in-kind contribution of land or capital facilities for public use. Credit for any in-kind contribution shall be on a fair market value basis as of the date the County Commission accepts the offer of such contribution. The fair market value of any land accepted as an in-kind contribution shall be based upon an appraisal of its highest and best use then allowed under its current land use designation. Such appraisal shall be paid for by the donor.

4. Any person who prior to the effective date of this Ordinance agreed with the Board, as a condition of development approval to pay impact fees, shall be responsible for the payment of the fees under the terms of such agreement, and the payment of such fees by the developer will be offset against any impact fees otherwise due at later stages of the land development activity for which the fee was paid.

5. The cities shall, each month, tender the requisite amount to the Board to be deposited in the specific accounts. The cities and the Board may, upon mutual agreement, alter the procedures for the payment of impact fees.

SECTION 6. INDEPENDENT IMPACT ANALYSIS

1. The impact fee shall be computed by the use of an independent impact analysis if: (1) the type of land development being commenced is not one of those types listed on the fee schedule in the attached Exhibit "A" or "B"; or (2) the fee payer chooses to have the amount of the fee determined by the use of an

independent impact analysis; or (3) the development requires a site plan or development of regional impact approval and the county staff's analysis of the proposal concludes that the nature, timing or location of the proposed development make it likely to generate impacts costing substantially more to remediate than the amount of the fee that would be generated by the use of the fee schedule.

2. The developer or undivided owner shall be responsible for preparation of the independent impact analysis if he chooses to conduct the analysis. The county staff shall be responsible for preparation of the independent impact analysis if the type of land development being proposed is not one of those types listed in the fee schedule or the staff analysis of the site plan or development of regional impact application concludes that the nature, timing or location of the proposed development make it likely to generate impacts costing substantially more than the amount of the fee generated by the use of the fee schedule. The individual or company that prepares the independent impact analysis shall be a qualified professional in the preparation of impact analysis.

3. The independent analysis for the transportation impact fee shall be calculated by the use of the formula set forth below or other acceptable formula.

$$\text{IMPACT FEE} = \frac{(\text{ADT}) (\text{X}) (\text{TL}) (\text{COST})}{(\text{CAP}) (2)} - \text{CREDIT}$$

- ADT = Number of average daily trips/ends generated
- X = Diversion capture factor
- TL = Trip lengths for each proposed use
- CAP = Typical new capacity per lane mile in vehicles per day (7500)
- COST = Cost of right-of-way acquisition, if any, plus construction costs
- CREDIT = Allowance for gas tax payments and motor vehicle license tag payments

A. The fee calculations shall be based on data, information or assumptions contained in this ordinance or independent sources, provided that:

1) the independent source is an accepted standard source of transportation engineering or planning data or information, or

2) the independent source is a local study carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering.

B. The diversion and capture factor used in the independent analysis shall be based on actual surveys conducted in Nassau County. For the purposes of this analysis, the diversion and capture figure shall be the percentage of average daily trips that a proposed use will generate that constitute new or additional trips added to the County's road network system. Those trips that do not represent additional trip ends shall not be counted as new or additional trips.

4.) The independent analysis for park, law enforcement, fire and rescue, education and administrative facilities shall use the components of the fee applicable to the most nearly comparable type of land development on the fee schedule or such independent analysis may be prepared by qualified individuals using information including projected use of and need for such facilities based on local, state or national empirical data and standard acceptable methodological procedures.

5. An independent impact analysis shall be undertaken through the submission of an Application for Independent Impact Analysis which shall include the relevant information outlined herein for the facility component for which an independent impact analysis is requested. A developer may submit such an application for any proposed land development activity

interpreted as not one of those types listed on the fee schedule, and for any site plan or development of regional impact application.

6. Within thirty (30) days of receipt of an Application for Independent Impact Analysis, the County Engineer or his designee shall determine if the application is complete. If the County Engineer or his designee determines that the application is not complete, he shall send a written statement specifying the deficiencies by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The County Engineer shall take no further action on the Application for Independent Impact Analysis until it is deemed complete.

7. When the County Engineer or his designee determines the application for independent analysis is complete, he shall review it and render a written recommendation, within sixty (60) days, to the Board, on whether the fee should be modified, and if so, what the amount should be. The County Engineer shall also forward a copy to the fee payer for his/her review. The fee payer may submit written comments to the County Engineer regarding his/her recommendation and the Engineer shall promptly forward them to the Board.

8. The Board shall notify the fee payer as to the date and time it will formally consider the County Engineer's recommendations. The feepayer shall have a right to be present and to be heard as to the recommendations and may submit testimony or material regarding the independent analysis.

9. If, after considering the recommendation of the County Engineer or his Designee and receiving testimony or material from the fee payer, if applicable, it is determined by the Board that the Application for Independent Analysis for transportation,

parks, law enforcement, fire and rescue and education or administrative facilities that the county's cost to accommodate the proposed land development activity is substantially different than the fee established in the attached Exhibit's "A" and "B", the fee shall be varied from that established in the fee schedule to an amount consistent with the impact determined in the Application for Independent Analysis. This adjustment shall be set forth in a Fee Agreement by the County Attorney to be entered into by the Board and the Fee payer.

10. In reviewing the County Engineer's or his designees recommendation and receiving testimony and material from the feepayer, the Board of County Commissioners may make written findings of fact and conclusions of law.

SECTION 7. CREDIT AGAINST PART OF FIRE, AND ROADWAYS

1. The Board may give credit for part of the fire impact fee on a project if it determines that a development provides fire protection, sprinkling systems and said fire protection or sprinkling systems reduce substantially the project's impact upon the County's capital needs for expansion of fire services. The amount credited under this section shall be the actual cost of such private fire protection or sprinkler systems or 50 percent of the fire services impact fee, respectively, whichever is less.

2. The Board may give credit for part of the roadway system impact fee on a project if the feepayer elects to construct part of a major road network system which is in addition to the site work improvement. The feepayer shall submit the proposed construction which he intends to do along with a certified cost estimate to the County Engineer. The County Engineer shall review the proposed construction and advise the Board if the proposed construction is an appropriate substitution for the road impact fee and the amount of credit to be given and the time

table for completion. The procedures for review of said proposal, by the Board, shall be the same as those set forth in Section 9.

3. No credit shall be given for site related improvements.

SECTION 8. BENEFIT DISTRICTS

1. For purposes of this Ordinance only, the County has been divided into Benefit Districts. Said Benefit Districts are set forth on Exhibit "C", attached hereto and made a part hereof.

2. The boundaries of said benefit districts shall be reviewed Semi-annually and may be changed by the Board by Resolution.

SECTION 9. USE OF FUNDS

1. Any fees collected under this ordinance are expressly designated for the accommodation of impacts reasonably attributable to the proposed development as hereinafter provided in this section.

2. There is hereby established the Nassau County Impact Fee Ordinance Trust Fund for the purpose of insuring that the fees collected pursuant to this ordinance are designated for the accommodation of impacts reasonably attributable to the proposed land development activity. The Trust Fund shall be divided into six (6) trust accounts, one for the transportation component, one for the park component, one for the law enforcement component, one for the fire and rescue component, one for the education component and one for the administrative facilities component of the fee. Said impact fee trust fund shall be administered by the Clerk.

3. The Board shall be entitled to retain five (5%) percent of all impact fee funds it collects as an administrative fee to offset the costs of administering this Ordinance. An accounting

of retained fees shall be provided to the Board for review and appropriation every six (6) months.

4. Proceeds collected from the road impact component of the fee and all interest accrued on such funds shall be used solely for the purpose of capital improvements to and expansion of transportation facilities associated with the arterial, major collector and minor collector road network in Nassau County, within the benefit district from which the fees have been collected, and in a manner consistent with the principle set forth in Contractors & Builders Association v. City of Dunedin, 329 So.2d 314 (Fla. 1976), Hollywood, Inc. v. Broward County, 431 So.12d 606 (Fla. 4th DCA 1983) cert. denied 440 So.2d 352 (Fla. 1983) and Homebuilders and Contractors Association of Palm Beach v. Board of County Commissioners of Palm Beach County, 446 So. 2d 140 (Fla. 4th DCA 1984) cert. denied, 451 So.2d 848 (Fla. 1984) and otherwise consistent with all requirements of the Constitution of the United States and State of Florida and all applicable laws. The Benefit Districts are shown in Exhibit C, which is attached hereto and incorporated herein by reference.

A. No funds shall be used for periodic or routine maintenance as defined in Florida Statutes Section 334.03(13) and (18).

B. The transportation fee shall be applicable and collected within benefit district "A" as delineated on the attached Exhibit "C". The fee shall be collected within the incorporated and unincorporated areas of benefit district A. The City shall collect the fee pursuant to the requirements of the Ordinance and said fees shall be paid to the Board.

5. The education impact fee if adopted, shall be collected in the incorporated and unincorporated areas within Benefit

Districts A, B, and C. The cities shall collect said fees as set forth in the Ordinance and said fees shall be paid to the Board.

6. The rescue impact fee shall be collected in the incorporated and unincorporated areas with benefit districts A, B and C. The City shall collect said fees as set forth in this Ordinance and said money shall be paid to the Board.

7. Proceeds collected from the park impact component of the fee and all interest accrued on such funds shall be used for park and recreation capital facilities of benefit to the benefit district in unincorporated area in which the development is located. In locating and constructing recreation facilities within each benefit district, the county shall be guided by the standards of the Nassau County Comprehensive Plan. The benefit districts are those shown on the map attached hereto as Exhibit "C" and made a part hereof.

8. Proceeds collected from the law enforcement, fire and rescue, education and administrative facilities components of the fee and all interest accrued on such proceeds shall be used for capital facilities intended to meet law enforcement, fire and rescue, education and administrative facilities needs respectively within each benefit district from which the fee is collected. Benefit districts are those shown on Exhibit "C".

9. The law enforcement, fire and administrative impact fees shall be collected from the respective benefit district and said funds shall be used for law enforcement, fire and administrative costs within the benefit districts in which the development is located. These fees shall be collected within the unincorporated areas within the respective benefit district.

10. Any proceeds in each of the trust accounts on deposit, not immediately necessary for expenditure, shall be invested in

interest bearing assets. All income derived from these investments shall be retained in the applicable trust account.

11. Each year, at the time the annual County budget is reviewed, the Clerk, and the County Engineer, after consultation with the various agencies, including the cities, shall propose appropriations to be spent from the trust accounts to the Board of County Commissioners. The proposal for appropriations shall be in written form and a copy of said proposal shall be submitted to the appropriate official or officials in the cities. Said written proposal shall be submitted to the appropriate officials prior to the Clerk and County Engineer submitting the proposal to the Board. The City officials shall be notified as to when the Board will formally consider the proposal and they shall have a right to be heard as to the proposal and submit independent analysis. After review of the Clerk's and the County Engineer's recommendations, the Board of County Commissioners shall either approve, modify, or deny the recommended expenditures of the trust account monies. Any amounts not appropriated from the trust accounts together with any interest earnings shall be carried over in the specific trust account to the following fiscal period.

12. Any fees collected shall be returned to the feepayer or his successor in interest if the fees have not been spent within six (6) years from the date the certificate of occupancy for the development was issued, along with interest of six (6%) percent a year. Provided, however, that the Board of County Commissioners may by resolution extend for up to three (3) years the date at which fees must be refunded. Such an extension shall be made upon a finding that within such three year period, specified capital improvements are planned and evidenced by the adoption and incorporation into a capital improvement plan, that the

improvements are reasonably attributable to the feepayer's land development activity, and that the fees collected which have not been spent are committed for capital improvements which shall be constructed within the next three (3) years. Fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent. The refund of fees shall be undertaken through the following process:

A. A Refund Application shall be submitted within one (1) year following the end of the sixth (6th) year from the date on which the building permit was issued on the proposed development. If the time of refund has been extended pursuant to Section Five H, the Refund Application shall be submitted within one (1) year following the end of this extension. the Refund Application shall include the following information.

- (1) a copy of the dated receipt issued for payment of the fee;
- (2) a copy of the building permits;
- (3) a copy of the receipt issued by the County for payment of the fee; and if applicable
- (4) evidence that the applicant is the successor in interest to the feepayer.

B. Within twenty (20) days of receipt of the Refund Application, the Clerk or his designee shall determine if it is complete. If the Clerk determines the application is not complete, he shall send a written statement specifying the deficiencies by mail to the person submitting the application. Unless the deficiencies are corrected, the Clerk shall take no further action on the Refund Application.

C. When the Clerk or his designee determines the Refund Application is complete, he shall review it within twenty (20) days, and shall approve the proposed refund if he determines the

feepayer or his successor in interest has paid a fee which the County has not spent within the period of time permitted under this Section. The refund shall include the fee paid plus interest of six (6%) percent a year.

D. Any feepayer or his successor in interest may appeal the Clerk's decision on a Refund Application by filing a petition with the Board of County Commissioners within thirty (30) days of a decision by the Clerk.

SECTION 10. ADDITIONAL CREDITS.

1. Any person who shall initiate any impact generating activity may apply for a credit against any fee for transportation, education, park, law enforcement, fire and rescue or administrative facility impacts proposed to be paid pursuant to the provisions of this ordinance for any contribution, payment, construction, or dedication of land accepted and received by Nassau County for education, transportation, park, law enforcement, fire and rescue, or administrative facilities, including, but not limited to any contribution, payment, construction or dedication made pursuant to a development order issued by Nassau County pursuant to its local development regulations or Section 380.06, Florida Statutes, any development agreement entered into by Nassau County, or any additional development requirement imposed by the Florida Land and Water Adjudicatory Commission on a development of regional impact. Credits shall be made for any contribution or payment for studies used to access the need for fees imposed by this Ordinance.

2. For any credit against any transportation fee proposed to be paid, the contribution, payment, construction or dedication shall be credited if the contribution, payment, construction or land meets a roadway facility need or expansion as recommended by the County Engineer and approved by the Board or provides a

capital road improvement which expands the capacity of the County's road network which is necessitated by the proposed land development.

3. For any credit against any park fee proposed to be paid, the contribution, payment, construction or dedication shall be credited under the following conditions:

A. A credit of one hundred percent (100%) of the fair market value shall be provided for any contribution, payment, construction or dedication for a park facility.

B. A credit of thirty percent (30%) of the fair market value shall be provided for any contribution, payment, construction or dedication of an on-site private recreation facility which substantially reduces the development's impact upon the County's capital needs for parks.

4. For any credit against any law enforcement fee proposed to be paid, the contribution, payment, construction or dedication shall be granted if it substantially reduces the development's impact upon the County's capital needs for law enforcement.

5. For any credit against any fire services proposed to be paid, the contribution, payment, construction or dedication of land shall be granted if it substantially reduces the development's impact upon the County's capital needs for fire facilities.

6. For any credit against any administrative facilities fee proposed to be paid, the contribution, payment, contribution or dedication shall be granted if it substantially reduces the development's impact upon the County's capital needs for administrative facilities.

7. Notwithstanding the provisions of this Section, if a development order issued by Nassau County pursuant to its local development regulations or Section 380.06, Florida Statutes, or a

development agreement entered into by Nassau County contains provisions governing credit available for any contribution, payment, construction, or dedication of land accepted and received by Nassau County for education, transportation, park, law enforcement, fire and rescue, or administrative facilities, the provisions of such development order or agreement shall prevail over the provisions of this ordinance in the case of any conflict.

8. The credit shall be in an amount equal to the market value of the land or the estimated costs of the contribution, payment or construction at the time a building permit is proposed to be issued for the impact generating activity.

9. The determination of any credit shall be undertaken through the submission of an Application for Credit Agreement, which shall be submitted to the County Engineer or his designee. The Application for Credit Agreement shall include the following information:

1. If the proposed Application for Credit Agreement involves credit for the dedication of land:

- (a) A drawing and legal description of the land;
- (b) The appraised fair market value of the land at the date a building permit is proposed to be issued for the impact generating activity, prepared by a professional Real Estate Appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA), and if applicable;
- (c) A certified copy of the development order in which the land was agreed to be dedicated.

2. If the proposed Application for Credit Agreement involves construction:

(a) The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Florida engineer, architect or contractor;

(b) The projected costs for the suggested improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction and for one (1) year after completion of construction; cost of plans and specifications, surveys of estimates of costs and of revenues, cost of professional services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.

3. If the proposed Application for Credit Agreement involves a credit for any other contribution or payment:

(a) If applicable, a certified copy of the development order in which the contribution or payment was agreed;

(b) If payment has been made, proof of payment; or

(c) If payment has not been made, the proposed method of payment.

10. Within thirty (30) days of receipt of the proposed Application for Credit Agreement, the County Engineer or his designee shall determine if the application is complete. If it is determined that the proposed Agreement is not complete, the County Engineer or his designee shall send a written statement to

the applicant outlining the deficiencies. The County Engineer or his designee shall take no further action on the proposed Application for Credit Agreement until all deficiencies have been corrected or otherwise settled.

11. Once the County Engineer or his designee determines the proposed Application for Credit is complete, he shall review it within thirty (30) days with the County Attorney and they shall advise the Board as to whether the proposed credit meets the standards of the Ordinance. The Engineer shall also provide the applicant with a copy of the recommendations and the applicant may provide the Board with written comments or appear before the Board or both. The Board shall make a determination within thirty (30) days of receipt of the recommendations. The fair market value of the credit shall be established pursuant to the standards set forth herein.

12. If the Application for Credit Agreement is approved by the Board, a Credit Agreement shall be prepared by the County Attorney and signed by the applicant and the County. It shall specifically outline the contribution, payment, construction or land dedication, the time by which it shall be completed, dedicated, or paid and any extensions thereof, and the dollar credit the applicant shall receive for the contribution, payment, construction or land.

SECTION 11. SEVERABILITY

If any section, sentence, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this ordinance, and it shall be construed to have been the intent of the County Commission to adopt this ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this

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Ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not be included herein. If this ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

ARTICLE 12. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its final passage.

PASSED and ADOPTED this 10th day of February, 1987.

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA.

ATTEST:

BY: Gene Blackwelder
GENE BLACKWELDER, CHAIRMAN

BY: T. J. Greeson
T. J. GREESON
Its: Ex-Officio Clerk

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SCHEDULE "A"

<u>TYPE OF CONSTRUCTION</u>	<u>LAW ENFORCEMENT</u>	<u>FIRE</u>	<u>RESCUE</u>
<u>Household</u>			
High Rise Studio	0	0	0
1 Bedroom	0	0	0
2 Bedrooms	0	0	0
3 Bedrooms	0	0	0
4 Bedrooms	0	0	0
5 or More Bedrooms	0	0	0

For All Non-Household Units

0 0 0

(Commercial, Industrial, Condominium, (allowing a rental of less than tree (3) months), etc.) All figures are cents per square foot.

<u>EDUCATION</u>	<u>PARKS-RECREATION</u>	<u>ADMINISTRATIVE</u>
0	0	0

- 1.) The fees shown on the schedule include a 30% discount from actual impact to encourage use of the schedule and reduce the administrative time needed to process independent impact analysis.
- 2.) In instances when an expansion of an addition to an existing structure occurs and said expansion or addition results in additional impacts upon public services, the impact fees shall be calculated on the increase in impact as compared to the previous use.

SCHEDULE "B"
TRANSPORTATION

<u>Land Use Type (Unit)</u>	<u>Impact Fee</u>
Residential:	
Single Family, Detached and Mobile Home	\$ 698.60
Single Family, Attached	545.30
Multi-Family	426.30
Hotel/Motel - Room	733.60
All Other	698.60
Industrial and Warehouse per 1,000 sq. ft.	
Industrial	231.70
Warehouse	207.20
Storage	122.50
Office and Financial Per 1,000 Sq. ft.	
Medical Office	2,653.00
General Office	530.60
Retail Per 1,000 Sq. ft.	1,688.40
Restaurant Per 1,000 Sq. ft.	2,667.00

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- 1.) The fees shown on the schedule include a 30% discount from actual impact to encourage use of the schedule and reduce the administrative time needed to process independent impact analysis.
 - 2.) In instances when an expansion of an addition to an existing structure occurs and said expansion or addition results in additional impacts upon public services, the impact fees shall be calculated on the increase in impact as compared to the previous use.
 - 3.) Condominium (s), (allowing a rental of less than three (3) months), etc.) Shall be classified as a Hotel/Motel - Room.

