

ATTACHMENT A

ORDINANCE # 01- 021

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE V "IMPACT FEES"; AMENDING DIVISION 2 "EMERGENCY SERVICES FACILITIES" TO RENAME DIVISION TO "FIRE/RESCUE FACILITIES"; AMENDING SECTION 62-721 "SHORT TITLE; STATUTORY AUTHORITY; APPLICABILITY" TO RENAME SHORT TITLE; AMENDING SECTION 62-722 "INTENT AND PURPOSE" TO REVISE REFERENCE TO TITLE; AMENDING SECTION 62-723 "FINDINGS" TO REVISE REFERENCE TO TITLE AND REVISE LEVEL OF SERVICE STANDARD; AMENDING SECTION 62-724 "RULES OF CONSTRUCTION" TO REVISE TITLE OF COUNTY ADMINISTRATOR; AMENDING SECTION 62-725 "DEFINITIONS" TO REVISE REFERENCE TO TITLE; AMENDING SECTION 62-728 "IMPOSITION" TO REVISE REFERENCE TO TITLE; AMENDING SECTION 62-729 "COMPUTATION" TO REVISE THE IMPACT FEE RATE SCHEDULE; AMENDING SECTION 62-730 "PAYMENT" TO REVISE REFERENCE TO TITLE; AMENDING SECTION 62-731 "DISTRICTS ESTABLISHED" TO REVISE DISTRICT BOUNDARIES; AMENDING SECTION 62-732 "TRUST FUNDS" TO REVISE REFERENCE TO TITLE; AMENDING SECTION 62-733 "USE OF FUNDS" TO REVISE REFERENCE TO TITLE AND TITLE OF COUNTY ADMINISTRATOR; AMENDING SECTION 62-734 "REFUND OF FEES PAID" TO REVISE REFERENCE TO TITLE; AMENDING SECTION 62-735 "EXEMPTIONS AND CREDITS" TO REPEAL EXEMPTIONS FOR COMMERCIAL LAND USES; AMENDING DIVISION 3 "CORRECTIONAL FACILITIES"; AMENDING SECTION 62-763 "FINDINGS" TO REVISE LEVEL OF SERVICE STANDARD; AMENDING SECTION 62-764 "RULES OF CONSTRUCTION" TO REVISE TITLE OF COUNTY ADMINISTRATOR; AMENDING SECTION 62-769 "COMPUTATION" TO REVISE IMPACT FEE RATE SCHEDULE; AMENDING SECTION 62-770 "PAYMENT" TO REVISE TITLE OF COUNTY ADMINISTRATOR; AMENDING SECTION 62-773 "USE OF FUNDS" TO REVISE TITLE OF COUNTY ADMINISTRATOR; AMENDING SECTION 62-775 "EXEMPTIONS AND CREDITS" TO REPEAL EXEMPTIONS FOR COMMERCIAL LAND USES; AMENDING SECTION 62-804 "RULES OF CONSTRUCTION" TO REVISE TITLE OF COUNTY ADMINISTRATOR; AMENDING SECTION 62-809 "COMPUTATION" TO REVISE TITLE OF COUNTY ADMINISTRATOR AND UPDATE EDITION OF TRIP GENERATION MANUAL; AMENDING SECTION 62-810 "PAYMENT" TO REVISE TITLE OF COUNTY ADMINISTRATOR; AMENDING SECTION 62-811 "DISTRICTS ESTABLISHED" TO REVISE DISTRICT BOUNDARIES; AMENDING SECTION 62-813 TO REVISE TITLE OF COUNTY ADMINISTRATOR; AMENDING SECTION 62-815 "EXEMPTIONS AND CREDITS" TO REPEAL EXEMPTIONS FOR COMMERCIAL LAND USES; AMENDING SECTION 62-817 "DISTRICT BOUNDARIES" TO REVISE DISTRICT BOUNDARIES; AMENDING SECTION 62-818 "FEE SCHEDULE" TO REVISE THE IMPACT FEE RATE SCHEDULE; CREATING DIVISION 5

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Secretary of State  
April 30, 2001

"EMERGENCY MEDICAL SERVICES FACILITIES" TO ESTABLISH A SEPARATE IMPACT FEE FOR EMERGENCY MEDICAL SERVICES FACILITIES; CREATING SECTION 62-841 "SHORT TITLE; STATUTORY AUTHORITY; APPLICABILITY"; CREATING SECTION 62-842 "INTENT AND PURPOSE"; CREATING SECTION 62-843 "FINDINGS"; CREATING SECTION 62-844 "RULES OF CONSTRUCTION"; CREATING SECTION 62-845 "DEFINITIONS"; CREATING SECTION 62-846 "PENALTIES; ADDITIONAL REMEDIES"; CREATING SECTION 62-847 "SEVERABILITY"; CREATING SECTION 62-848 "IMPOSITION"; CREATING SECTION 62-849 "COMPUTATION"; CREATING SECTION 62-850 "PAYMENT"; CREATING SECTION 62-851 "DISTRICTS ESTABLISHED"; CREATING SECTION 62-852 "TRUST FUNDS"; CREATING SECTION 62-853 "USE OF FUNDS"; CREATING SECTION 62-854 "REFUNDS OF FEES PAID"; CREATING SECTION 62-855 "EXEMPTIONS AND CREDITS"; CREATING SECTION 62-856 "REVIEW"; CREATING SECTION 62-857 "APPEALS"; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AREA ENCOMPASSED; PROVIDING FOR CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Brevard County Comprehensive Plan establishes the objective of providing essential public services and facilities that are effective, efficient, and adequate to meet the needs of the projected population and that support and reinforce the growth management and land development guidelines; and

WHEREAS, the Brevard County Comprehensive Plan provides that a building moratorium on the issuance of development permits could be instituted if an essential service is found to be inadequate or below minimum acceptable levels; and

WHEREAS, the Brevard County Comprehensive Plan establishes the guideline that new development provide the essential services needed by the new development either through actual construction of the applicable facilities or through specific revenue producing mechanisms; and

WHEREAS, the Brevard County Comprehensive Plan states that the imposition of impact fees is one of the land use control devices that assures that new development would help finance additional facilities required as a result of the new development to provide a minimum level of capital facilities; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida has determined that Brevard County must expand its fire/rescue, correctional, transportation, and emergency medical services systems in order to maintain current level of service standards if new development is to be accommodated without decreasing current standards, and in order to promote and protect the public health, safety and welfare; and

WHEREAS, the Florida Legislature, through the enactment of Section 163.3202(3), Florida Statutes, has sought to encourage local governments to enact impact fees as land development regulations; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida has authorized an independent study to broadly review its impact fee programs; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida received this independent study in April of 2000; and

WHEREAS, this independent study recommended that exemptions for commercial land uses be eliminated; and

WHEREAS, this independent study recommended that the current emergency services impact fee program be separated into individual impact fee programs for fire/rescue facilities and emergency medical services; and

WHEREAS, this independent study recommended that several of the impact fee benefit districts be consolidated for administrative efficacy; and

WHEREAS, this independent study recommended new level of service standards for fire/rescue facilities, emergency medical services facilities, and correctional facilities; and

WHEREAS, this independent study calculated the maximum impact fees that could be imposed for transportation, fire/rescue facilities, emergency medical services facilities, and correctional facilities based on currently available data and analysis;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

Section 1. Chapter 62, Article V, Division 2 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. DIVISION 2. ~~EMERGENCY SERVICES~~ FIRE/RESCUE FACILITIES\*

Section 2. Section 62-721 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-721. Short title; statutory authority; applicability.

(a) This division shall be known and may be cited as the Brevard County ~~Emergency Services~~ Fire/Rescue Facilities Impact Fee Ordinance.

(b) The board of county commissioners has the authority to adopt this division pursuant to Fla. Const. art. VIII and F.S. chs. 125 and 163.

(c) This division shall apply to the unincorporated area of the county and to the incorporated areas of the county to the extent permitted by Fla. Const. art. VIII, § 1(f).

Section 3. Section 62-722 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-722. Intent and purpose.

(a) This division is intended to implement and be consistent with the county comprehensive plan.

(b) The purpose of this division is to regulate the use and development of land so as to ensure that new development bears a proportionate share of the cost of the capital expenditures necessary to provide ~~emergency service~~ fire/rescue facilities in the county as contemplated by the board of county commissioners.

Section 4. Section 62-723 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-723. Findings.

The board of county commissioners makes the following findings and determinations:

- (1) The existing ~~emergency services~~ fire/rescue system is not sufficient to accommodate anticipated new development without decreasing the levels of service.
- (2) The ~~emergency services~~ fire/rescue facilities level of services standards for the county is determined to be ~~a six minute maximum response time and one ambulance per 7,000 people~~ one fire/rescue station per 10,000 people.
- (3) Existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development.
- (4) New development should contribute its fair share of the costs of providing new facilities necessary to accommodate the new development.
- (5) Impact fees provide a reasonable method of regulating new development in the county to ensure that such new development pays its fair share of the capital costs of governmental services and facilities necessary to accommodate the new development.
- (6) The impact fees set forth in this division are not established at a rate to correct existing deficiencies.
- (7) The impact fees set forth in this division establish a fair and conservative method of assessing new development its fair share costs.
- (8) The impact fees will not fully pay for the costs of ~~emergency services~~ fire/rescue capital improvements necessitated by new development, and the county recognizes that the shortfall will have to come from other revenue sources.
- (9) The impact fee districts established in this division ensure that capital improvements to the ~~emergency services~~ fire/rescue system will benefit the development located within the district.

Section 5. Section 62-724 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-724. Rules of construction.

- (a) The provisions of this division shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.
- (b) For the purposes of administration and enforcement of this division, unless otherwise stated in this division, the following rules of construction shall apply to the text of this division:
  - (1) In case of any difference of meaning or implication between the text of this division and any caption, illustration, summary table or illustrative table, the text shall control.

- (2) The term ``shall" is always mandatory and not discretionary; the term ``may" is permissive.
- (3) Words used in the present tense shall include the future; and words in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (4) The term ``used for" includes the term ``arranged for," ``designed for," ``maintained for" or ``occupied for."
- (5) The term ``person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (6) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction ``and," ``or" or ``either . . . or," the conjunction shall be interpreted as follows:
  - a. The term ``and" indicates that all the connected terms, conditions, provisions or events shall apply.
  - b. The term ``or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - c. The term ``either . . . or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- (7) The term ``includes" shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (8) The term ``county ~~administrator~~ manager" means the county ~~administrator~~ manager or the county officials he or she may designate to carry out the administration of this division.
- (9) The land use types listed in section 62-729 shall have the same meaning as under article VI of this chapter.

Section 6. Section 62-725 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-725. Definitions.

As used in this division, the following words shall have the following meanings, unless some other meaning is plainly intended:

*Basic employment* means the such jobs are substantially associated with the production of goods and/or the provision of services that are exported to consumers outside of the county, and as a result, derive revenues that support the local economy from outside the county.

*Capital improvement* includes ~~emergency services~~ fire/rescue facilities planning, ~~emergency services~~ fire/rescue impact fee consultant studies, land acquisition, site improvements, buildings, vehicles and equipment, but excludes maintenance and operation.

*Commercial* land use means those structures and facilities used by institutional and/or business enterprises that are engaged in the provision of goods and/or services to domestic and wholesale consumers whether for profit or not, such as the wholesale trade of both durable and nondurable goods; retail trade; finance, insurance and real estate services; business and personal services such as accounting, advertising and other business services, lodging, repair services, amusement and recreation services, legal services, medical services, educational services and other similar services; social services for individuals and families, including those providing residential care for children, the aged, the destitute and the physically, mentally and/or emotionally challenged; and membership organizations such as business and professional associations, civic, social and fraternal organizations and religious organizations. Commercial includes those institutional and/or business enterprises described in the Standard Industrial Classification Manual, 1987 edition, under Division A - Agriculture; Division F - Wholesale Trade; Division G - Retail Trade; Division H - Finance, Insurance and Real Estate; Division I - Services, except Major Group 88; Private Households; and Division K - Nonclassifiable Establishments.

*Feepayer* means is a person commencing a land development activity by applying for a building permit.

*Industrial* land use means those structures and facilities used by business enterprises engaged in mining, manufacturing, warehousing or the provision of industrial services. Industrial includes those business enterprises described in the Standard Industrial Classification Manual, 1987 edition, under Division B - Mining; Division C - Construction; Division D - Manufacturing; and Division E - Transportation, Communications, Electric, Gas and Sanitary Services.

*Manufacturing* means industrial operations that are engaged in the mechanical or chemical transformation of materials or substances into new products, characteristically using power driven machines and materials handling equipment. Manufacturing also means operations engaged in assembling component parts of manufactured products, if the new product is neither a structure nor other fixed improvement. Also included is the blending of material, such as lubricating oils, plastics, resins or liquors. A new product may be finished as in ready for utilization or consumption, or it may be semifinished to become a raw material for use in further manufacturing activities. Manufacturing products are not for direct sale to the domestic consumer.

*Residential* means a structure or structures solely dedicated to the housing of a person or persons to live, cook and/or sleep within on a permanent basis, as either owner, renter or lessee provided, however, that adult congregate living facilities, retirement homes, nursing

homes and other structures operated by a social service organization to provide residential care to children, the aged, the destitute and the physically, mentally and/or emotionally challenged shall be considered to be commercial land uses as defined herein.

Section 7. Section 62-728 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-728. Imposition.

(a) Any person who, after the effective date of the ordinance from which this division is derived, seeks to develop land by applying for a building permit shall be assessed an ~~Emergency Services~~ Fire/Rescue facilities impact fee and shall be required to pay the ~~Emergency Services~~ Fire/Rescue facilities impact fee in the manner and amount set forth in this division.

(b) No building permit for any activity requiring payment of an impact fee pursuant to section 62-729 shall be issued unless and until the ~~emergency-services~~ fire/rescue facilities impact fee required by this section has been assessed and a notice of assessment has been signed by the person applying for the issuance of the building permit. Payment of the ~~emergency-services~~ fire/rescue facilities impact fee shall be as specified in section 62-730.

Section 8. Section 62-729 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-729. Computation.

(a) At the option of the feepayer, the amount of the fee imposed by this division may be determined by the following fee schedule:

SCHEDULE OF ~~EMERGENCY SERVICES~~ FIRE/RESCUE  
FACILITIES IMPACT FEES

Land Use Type		Unit	Impact Fee
<i><del>Residential:</del></i>			
	Single-family detached	Dwelling	\$57.72
	Multifamily	Dwelling	\$47.00
	Mobile home	Dwelling	\$47.00
<i><del>Industrial:</del></i>			
	Industrial or warehouse	1,000-square feet	\$19.97
<i><del>Commercial:</del></i>			



	Hotel or motel	Room	-\$16.97
	General office	1,000 square feet	-\$18.60
<i>Retail:</i>			
	Under 100,000 square feet	1,000 square feet	\$106.94
	100,000 to 299,999 square feet	1,000 square feet	\$101.35
	300,000 square feet and over	1,000 square feet	\$226.29
<i>Recreation</i>		Acre	-\$4.89
	Civic center	1,000 square feet	\$174.73
	Schools	Student	-\$4.31

*Industrial/Manufacturing: (Note: these uses are exempt under Section 62-735(a)(6))*

	<u>General Industrial</u>	<u>1,000 square feet</u>	<u>\$13.05</u>
	<u>Manufacturing</u>	<u>1,000 square feet</u>	<u>\$10.24</u>
	<u>Warehouse</u>	<u>1,000 square feet</u>	<u>\$7.21</u>
	<u>Mini-warehouse</u>	<u>1,000 square feet</u>	<u>\$0.36</u>

*Commercial:*

	<u>Hotel or motel</u>	<u>Room</u>	<u>\$15.19</u>
	<u>Office under 10,000 GSF</u>	<u>1,000 square feet</u>	<u>\$38.20</u>
	<u>Office 10,000 GSF &amp; over</u>	<u>1,000 square feet</u>	<u>\$22.39</u>
	<u>Medical Office</u>	<u>1,000 square feet</u>	<u>\$23.07</u>
	<u>Bank</u>	<u>1,000 square feet</u>	<u>\$18.68</u>
	<u>Bank with drive-through</u>	<u>1,000 square feet</u>	<u>\$18.74</u>
	<u>Retail</u>	<u>1,000 square feet</u>	<u>\$47.43</u>
	<u>Quality Restaurant</u>	<u>1,000 square feet</u>	<u>\$193.29</u>
	<u>Restaurant</u>	<u>1,000 square feet</u>	<u>\$244.19</u>
	<u>Restaurant w/ Drive-through</u>	<u>1,000 square feet</u>	<u>\$194.97</u>
	<u>Auto Repair</u>	<u>1,000 square feet</u>	<u>\$20.09</u>
	<u>New &amp; Used Auto Sales</u>	<u>1,000 square feet</u>	<u>\$26.69</u>
	<u>Gas Station</u>	<u>Fuel position</u>	<u>\$44.48</u>
	<u>Car Wash</u>	<u>Wash stall</u>	<u>\$261.19</u>
	<u>Supermarket</u>	<u>1,000 square feet</u>	<u>\$82.05</u>
	<u>Convenience Store with Gas &amp; Fast Food</u>	<u>1,000 square feet</u>	<u>\$59.54</u>
	<u>Furniture Store</u>	<u>1,000 square feet</u>	<u>\$4.85</u>

<u>Recreation</u>			
	<u>Marina</u>	<u>Berth</u>	<u>\$1.85</u>
	<u>Golf Course</u>	<u>Hole</u>	<u>\$24.66</u>
	<u>Racquet Club/Health Spa</u>	<u>1,000 square feet</u>	<u>\$4.71</u>
	<u>Movie Theater with matinee</u>	<u>Screen</u>	<u>\$181.20</u>

<u>Institutional</u>			
	<u>Church</u>	<u>1,000 square feet</u>	<u>\$6.15</u>
	<u>ACLF or retirement home</u>	<u>Dwelling</u>	<u>\$45.46</u>
	<u>Nursing Home</u>	<u>Bed</u>	<u>\$35.31</u>
	<u>Day Care Center</u>	<u>1,000 square feet</u>	<u>\$39.01</u>
	<u>Elementary School</u>	<u>Student</u>	<u>\$0.44</u>
	<u>Middle School</u>	<u>Student</u>	<u>\$0.41</u>
	<u>High School</u>	<u>Student</u>	<u>\$0.50</u>
	<u>Junior College</u>	<u>Student</u>	<u>\$1.41</u>
	<u>College</u>	<u>Student</u>	<u>\$0.36</u>
	<u>Hospital</u>	<u>1,000 square feet</u>	<u>\$25.45</u>

If the type of development activity for which a building permit is applied for is not specified on the fee schedule set out in this subsection, the county ~~administrator~~ manager shall use the fee applicable to the most nearly comparable type of land use on the fee schedule.

(b) If a feepayer opts not to have the impact fees determined according to subsection (a) of this section, then the feepayer shall prepare and submit to the county ~~administrator~~ manager 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 such a study established by the county ~~administrator~~ manager.

Section 9. Section 62-730 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-730. Payment.

(a) The person applying for the issuance of a building permit shall pay the fee assessed pursuant this division to the county ~~administrator~~ manager prior to the issuance of a certificate of occupancy. No certificate of occupancy shall be issued until all assessed impact fees are paid. The obligation to pay the fee shall run with the land.

(b) All funds collected shall be properly identified by ~~emergency-services~~ fire/rescue facilities impact fee district and promptly transferred for deposit in the appropriate ~~emergency-services~~ fire/rescue facilities impact fee trust fund, to be held in separate accounts as determined in section 62-732 and used solely for the purposes specified in this division.

(c) In lieu of all or part of the ~~emergency-services~~ fire/rescue impact fees, the board of county commissioners may accept the offer by a feepayer to donate land or construct all or part of an ~~emergency-services~~ fire/rescue capital improvement project shown in the county comprehensive plan or appropriate to the implementation thereof. This offer shall not include the construction of any site-related improvements. Such construction must be in accordance with county, municipal or state design standards, whichever are applicable. The feepayer shall submit a project description in sufficient detail, including competitive bids if so requested, to allow the county ~~administrator~~ manager to establish an engineering and construction cost estimate. The county ~~administrator~~ manager shall credit this estimated cost or the actual cost of this construction, whichever is lower, against the ~~emergency-services~~ fire/rescue impact fee otherwise due. The offer shall not constitute payment of the ~~emergency-services~~ fire/rescue impact fee unless and until it is accepted by the board of county commissioners and the feepayer has dedicated or conveyed any and all land pursuant to the offer as accepted and has posted security, as provided in this subsection, for the construction of any and all other capital improvements pursuant to the offer as accepted. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with the board of county commissioners in an amount approved by the board equal to 110 percent of the full cost of such construction. If the ~~emergency-services~~ fire/rescue construction project will not be constructed within one year of the acceptance of the offer by the board of county commissioners, the amount of the security shall be increased by ten percent compounded for each year or fraction thereof of the life of the security. The security shall be reviewed and approved by the county attorney's office prior to acceptance of the security by the board.

Section 10. Section 62-731 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-731. Districts established.

There are hereby established ~~eight~~ two ~~emergency-services~~ fire/rescue facilities impact fee districts as shown in appendix I attached to Ordinance No. 89-02 01-, which is incorporated in this division by reference.

Section 11. Section 62-732 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-732. Trust funds.

(a) There are hereby established separate ~~emergency services~~ fire/rescue facilities impact fee trust funds, one for each ~~emergency services~~ fire/rescue facilities impact fee district established by section 62-731.

(b) Funds withdrawn from this account must be used in accordance with the provisions of section 62-733.

Section 12. Section 62-733 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-733. Use of funds.

(a) The collecting and administering governmental units shall be entitled to up to but not more than eight percent of the funds collected under this division to compensate them for the administrative expense of collecting the fee and administering this division. All remaining funds collected from ~~emergency services~~ fire/rescue facilities impact fees shall be used for the purpose of capital improvements to ~~emergency services~~ fire/rescue facilities under the jurisdiction of the county or the state, or community and regional ~~emergency services~~ fire/rescue facilities under the jurisdiction of the county, and not for maintenance or operations. Such acquisitions and improvements shall be the type as are made necessary by new growth and development in the county.

(b) Funds shall be used exclusively for capital improvements within the ~~emergency services~~ fire/rescue facilities impact fee district, as identified in appendix I of Ordinance No. ~~89-02~~ 01-, from which the funds were collected. Funds shall be expended in the order in which they are collected.

(c) Each fiscal period, the county ~~administrator~~ manager shall present to the board of county commissioners a proposed capital improvement program for ~~emergency services~~ fire/rescue facilities, assigning funds, including any accrued interest, from the several ~~emergency services~~ fire/rescue facilities impact fee trust funds to specific ~~emergency services~~ fire/rescue facilities improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same ~~emergency services~~ fire/rescue facilities impact fee trust funds until the next fiscal period, except as provided by the refund provisions of this division.

Section 13. Section 62-734 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-734. Refund of fees paid.

(a) If a building permit expires, then the feepayer, or his heirs, successors or assigns, shall be entitled to a refund of the ~~emergency services~~ fire/rescue facilities impact fee paid as a condition for its issuance, except that the county shall retain five percent of the fee to offset the costs of refunding.

(b) Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the ~~emergency services~~ fire/rescue facilities impact fee payment was received shall, upon application of the current owner, within 180 days of expiration of the six-year period, be returned to the current owner with interest at the rate of six percent per annum.

Section 14. Section 62-735 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-735. Exemptions and credits.

(a) *Exemptions.* The following shall be exempted from payment of the ~~emergency services~~ fire/rescue facilities impact fee:

- (1) Alteration or expansion of an existing building where no additional units are created and where the use is not changed.
- (2) The construction of accessory buildings or structures where no additional units are created.
- (3) The new replacement of a residential land use with a new unit of the same type and use.
- (4) The replacement of a nonresidential building or structure with a new building or structure of the same size and use.
- (5) The construction of publicly owned government buildings which are utilized in their entirety for public purposes.
- (6) All industrial land uses as defined herein and described in the Standard Industrial Classification manual, 1987 Edition, under Division B - Mining; Division C - Construction; Division D - Manufacturing; and Division E - Transportation, Communications, Electric, Gas and Sanitary Services provided, however, that when such uses are conducted in a structure also used as a private residence there shall be no exemption from any residential impact fee that otherwise may be due.
- ~~(7) All commercial land uses as defined herein and described in the Standard Industrial Classification Manual, 1987 Edition, under Division A - Agriculture; Division F - Wholesale trade; Division G - Retail Trade; Division H - Finance, Insurance and Real Estate; Division I - Services, except Major Group 88: Private Households; and Division K - Nonclassifiable Establishments provided, however, that when such uses are conducted in a structure also used as a private residence there shall be no exemption from any residential impact fee that otherwise may be due.~~

An exemption must be claimed by the feepayer at the time of the issuance of a building permit or mobile home permit. Any exemption not so claimed shall be deemed to be waived by the feepayer.

(b) *Credits*. No credit shall be given for site-related improvements.

Section 15. Section 62-763 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-763. Findings.

The board of county commissioners makes the following findings and determinations:

- (1) The existing correctional facilities are not sufficient to accommodate anticipated new development without decreasing the levels of service.
- (2) The correctional facilities standard for the county is determined to be ~~0.002~~ 0.0023 inmate beds per capita population.
- (3) Existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development.
- (4) New development should contribute its fair share of the costs of providing new facilities necessary to accommodate the new development.
- (5) Impact fees provide a reasonable method of regulating new development in the county to ensure that such new development pays its fair share of the capital costs of governmental services and facilities necessary to accommodate the new development.
- (6) The impact fees set forth in this division are not established at a rate to correct existing deficiencies.
- (7) The impact fees set forth in this division establish a fair and conservative method of assessing new development its fair share costs.
- (8) The impact fees will not fully pay for the costs of correctional facilities capital improvements necessitated by new development, and the county that the shortfall will have to come from other revenue sources.
- (9) The impact fee district established in this division ensures that capital improvements to the correctional facilities will benefit the development located within the district.

Section 16. Section 62-764 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-764. Rules of construction.

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

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

- (1) In case of any difference of meaning or implication between the text of this division and any caption, illustration, summary table or illustrative table, the text shall control.
- (2) The term ``shall" is always mandatory and not discretionary; the term ``may" is permissive.
- (3) Words used in the present tense shall include the future; and words in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (4) The term ``used for" includes the term ``arranged for," ``designed for," ``maintained for" or ``occupied for."
- (5) The term ``person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (6) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction ``and," ``or" or ``either . . . or," the conjunction shall be interpreted as follows:
  - a. The term ``and" indicates that all the connected terms, conditions, provisions or events shall apply.
  - b. The term ``or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - c. The term ``either . . . or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- (7) The word ``includes" shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (8) The term ``county ~~administrator~~ manager" means the county ~~administrator~~ manager or the county or municipal officials he may designate to carry out the administration of this division.
- (9) The land use types listed in section 62-769 shall have same meaning as under article VI of this chapter.

Section 17. Section 62-769 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-769. Computation.

At the option of the feepayer, the amount of the fee imposed by this division may be determined by the following fee schedule:

SCHEDULE OF CORRECTIONAL FACILITIES IMPACT FEES

Land Use		Unit	Impact Fee
<u>Residential:</u>			
	Single-family detached	Dwelling	\$33.81
	Multifamily	Dwelling	\$27.49
	Mobile home	Dwelling	\$27.49
<u>Industrial:</u>			
	Industrial or Warehouse	1,000 square feet	\$15.03
<u>Commercial:</u>			
	Hotel or motel	Room	\$11.35
	General office	1,000 square feet	\$15.53
<u>Retail:</u>			
	Under 100,000 square feet	1,000 square feet	\$59.83
	100,000 to 299,999 square feet	1,000 square feet	\$56.60
	300,000 square feet and over	1,000 square feet	\$119.59
<u>Recreation</u>			
	Civic center	1,000 square feet	\$94.74
	Schools	Student	\$3.08

<u>Industrial/Manufacturing:</u> (Note: these uses are exempt under Section 62-775(a)(6))			
	<u>General Industrial</u>	1,000 square feet	\$17.37
	<u>Manufacturing</u>	1,000 square feet	\$13.63
	<u>Warehouse</u>	1,000 square feet	\$9.60
	<u>Mini-warehouse</u>	1,000 square feet	\$0.48

<u>Commercial:</u>			
	<u>Hotel or motel</u>	<u>Room</u>	\$20.22
	<u>Office under 10,000 GSF</u>	1,000 square feet	\$50.85
	<u>Office 10,000 GSF &amp; over</u>	1,000 square feet	\$29.80
	<u>Medical Office</u>	1,000 square feet	\$30.71
	<u>Bank</u>	1,000 square feet	\$24.86
	<u>Bank with drive-through</u>	1,000 square feet	\$24.95
	<u>Retail</u>	1,000 square feet	\$63.13
	<u>Quality Restaurant</u>	1,000 square feet	\$257.28



<u>Restaurant</u>	<u>.000 square feet</u>	<u>\$325.04</u>
<u>Restaurant w/ Drive-through</u>	<u>1,000 square feet</u>	<u>\$259.52</u>
<u>Auto Repair</u>	<u>1,000 square feet</u>	<u>\$26.75</u>
<u>New &amp; Used Auto Sales</u>	<u>1,000 square feet</u>	<u>\$35.53</u>
<u>Gas Station</u>	<u>Fuel position</u>	<u>\$59.20</u>
<u>Car Wash</u>	<u>Wash stall</u>	<u>\$347.67</u>
<u>Supermarket</u>	<u>1,000 square feet</u>	<u>\$109.22</u>
<u>Convenience Store with Gas &amp; Fast Food</u>	<u>1,000 square feet</u>	<u>\$79.26</u>
<u>Furniture Store</u>	<u>1,000 square feet</u>	<u>\$6.46</u>

<u>Recreation</u>			
	<u>Marina</u>	<u>Berth</u>	<u>\$2.46</u>
	<u>Golf Course</u>	<u>Hole</u>	<u>\$32.83</u>
	<u>Racquet Club/Health Spa</u>	<u>1,000 square feet</u>	<u>\$6.27</u>
	<u>Movie Theater with matinee</u>	<u>Screen</u>	<u>\$241.20</u>

<u>Institutional</u>			
	<u>Church</u>	<u>1,000 square feet</u>	<u>\$8.19</u>
	<u>ACLF or retirement home</u>	<u>Dwelling</u>	<u>\$60.52</u>
	<u>Nursing Home</u>	<u>Bed</u>	<u>\$47.00</u>
	<u>Day Care Center</u>	<u>1,000 square feet</u>	<u>\$51.93</u>
	<u>Elementary School</u>	<u>Student</u>	<u>\$0.58</u>
	<u>Middle School</u>	<u>Student</u>	<u>\$0.54</u>
	<u>High School</u>	<u>Student</u>	<u>\$0.67</u>
	<u>Junior College</u>	<u>Student</u>	<u>\$1.94</u>
	<u>College</u>	<u>Student</u>	<u>\$0.47</u>
	<u>Hospital</u>	<u>1,000 square feet</u>	<u>\$33.88</u>

If the type of development activity for which a building permit is applied for is not specified on the fee schedule set out in this subsection, the county ~~administrator~~ manager shall use the fee applicable to the most nearly comparable type of land use on the fee schedule.

If a feepayer opts not to have the impact fees determined according to subsection (a) of this section, then the feepayer shall prepare and submit to the county ~~administrator~~ manager 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 such a study established by the county ~~administrator~~  
manager.

Section 18. Section 62-770 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-770. Payment.

(a) The person applying for the issuance of a building permit shall pay the fee assessed pursuant to this division to the county ~~administrator~~ manager prior to the issuance of a certificate of occupancy. No certificate of occupancy shall be issued until all assessed impact fees are paid. The obligation to pay the fee shall run with the land.

(b) All funds collected shall be properly identified and promptly transferred for deposit in the correctional facilities impact fee trust fund, to be used solely for the purposes specified in this division.

(c) In lieu of all or part of the correctional facilities impact fees, the board of county commissioners may accept the offer by a feepayer to donate land or construct all or part of a correctional facilities capital improvement project shown in the county comprehensive plan or appropriate to the implementation thereof. This offer shall not include the construction of any site-related improvements. Such construction must be in accordance with county, municipal or state design standards, whichever are applicable. The feepayer shall submit a project description in sufficient detail, including competitive bids if so requested, to allow the county ~~administrator~~ manager to establish an engineering and construction cost estimate. The county ~~administrator~~ manager shall credit this estimated cost or the actual cost of this construction, whichever is lower, against the correctional facilities impact fee otherwise due. The offer shall not constitute payment of the correctional facilities impact fee unless and until it is accepted by the board of county commissioners and the feepayer has dedicated or conveyed any and all land pursuant to the offer as accepted and has posted security, as provided in this subsection, for the construction of any and all other capital improvements pursuant to the offer as accepted. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with the board of county commissioners in an amount approved by the board equal to 110 percent of the full cost of such construction. If the correctional facilities construction project will not be constructed within one year of the acceptance of the offer by the board of county commissioners, the amount of the security shall be increased by ten percent compounded for each year or fraction thereof of the life of the security. The security shall be reviewed and approved by the county attorney's office prior to acceptance of the security by the board.

Section 19. Section 62-773 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-773. Use of funds.

(a) The collecting and administering governmental units shall be entitled to up to but not more than eight percent of the funds collected under this division to compensate them for the administrative expense of collecting the fee and administering this division. All remaining funds collected from correctional facilities impact fees shall be used for the purpose of capital improvements to correctional facilities under the jurisdiction of the county and not for maintenance or operations. Such acquisitions and improvements shall be the type as are made necessary by new growth and development in the county.

(b) Funds shall be used exclusively for capital improvements within the correctional facilities impact fee district, as identified in appendix I of Ordinance No. 89-03, from which the funds were collected. Funds shall be expended in the order in which they are collected.

(c) Each fiscal period, the county ~~administrator~~ manager shall present to the board of county commissioners a proposed capital improvement program for correctional facilities, assigning funds, including any accrued interest, from the correctional facilities impact fee trust fund to specific correctional facilities improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the correctional facilities impact fee trust fund until the next fiscal period, except as provided by the refund provisions of this division.

Section 20. Section 62-775 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-775. Exemptions and credits.

(a) *Exemptions.* The following shall be exempted from payment of the correctional facilities impact fee:

- (1) Alteration or expansion of an existing building where no additional units are created and where the use is not changed.
- (2) The construction of accessory buildings or structures where no additional units are created.
- (3) The new replacement of a residential land use with a new unit of the same type and use.
- (4) The replacement of a nonresidential building or structure with a new building or structure of the same size and use.
- (5) The construction of publicly owned government buildings which are utilized in their entirety for public purposes.
- (6) All industrial land uses as defined herein and described in the Standard Industrial Classification manual, 1987 Edition, under Division B - Mining; Division C - Construction; Division D - Manufacturing; and Division E - Transportation, Communications, Electric, Gas and Sanitary Services provided, however, that when such uses are conducted in a structure also

used as a private residence there shall be no exemption from any residential impact fee that otherwise may be due.

~~(7) All commercial land uses as defined herein and described in the Standard Industrial Classification Manual, 1987 Edition, under Division A Agriculture, Division F Wholesale trade, Division G Retail Trade, Division H Finance, Insurance and Real Estate, Division I Services, except Major Group 88: Private Households, and Division K Nonclassifiable Establishments provided, however, that when such uses are conducted in a structure also used as a private residence there shall be no exemption from any residential impact fee that otherwise may be due.~~

An exemption must be claimed by the feepayer at the time of the issuance of a building permit or mobile home permit. Any exemption not so claimed shall be deemed to be waived by the feepayer.

(b) *Credits*. No credit shall be given for site-related improvements.

Section 21. Section 62-804 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-804. Rules of construction.

- (a) The provisions of this division shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.
- (b) For the purposes of administration and enforcement of this division, unless otherwise stated in this division, the following rules of construction shall apply to the text of this division:
  - (1) In case of any difference of meaning, or implication between the text of this division and any caption, illustration, summary table or illustrative table, the text shall control.
  - (2) The term ``shall'' is always mandatory and not discretionary; the term ``may'' is permissive.
  - (3) Words used in the present tense shall include the future; and words in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
  - (4) The term ``used for'' includes the term ``arranged for,'' ``designed for,'' ``maintained for'' or ``occupied for.''
  - (5) The term ``person'' includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.

- (6) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction ``and," ``or" or ``either . . . or," the conjunction shall be interpreted as follows:
  - (a) The term ``and" indicates that all the connected terms, conditions, provisions or events shall apply.
  - (b) The term ``or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - (c) The term ``either . . . or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- (7) The term ``includes" shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (8) The term ``county ~~administrator~~ manager" means the county ~~administrator~~ manager and the county or municipal officials he may designate to carry out the administration of this division.
- (9) A road right-of-way used to delineate transportation impact fee district boundaries may be considered within any district it bounds.
- (10) The land use types listed in section 62-818 shall have the same meaning as under article VI of this chapter.

Section 22. Section 62-809 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-809. Computation.

(a) At the option of the feepayer, the amount of the fee required by this division may be determined by the fee schedule set out in section 62-818. If a building permit is requested for mixed uses, then the fee shall be determined through using the fee schedule in section 62-818 by apportioning the space committed to uses specified on the schedule. If the applicant for a building permit neglects or fails to describe such uses, or fails to do so with sufficient specificity in the opinion of the county ~~administrator~~ manager, or if the basis for calculating the transportation impact fee is unclear, then the county ~~administrator~~ manager shall assume maximum impact by imposing the fee from section 62-818 assuming the highest uses for the proposed improvement for which the building permit is sought. If the

type of development activity for which a building permit is applied for is not specified on the fee schedule in section 62-818, the county ~~administrator~~ manager shall use the fee applicable to the most nearly comparable type of land use on the fee schedule. The county ~~administrator~~ manager shall be guided in the selection of a comparable type by the report entitled "Trip Generation" (~~fourth~~ sixth edition) prepared by the Institute of Transportation Engineers. If the county ~~administrator~~ manager determines that there is no comparable type of land use on the fee schedule in section 62-818, then the county ~~administrator~~ manager shall determine the fee by:

- (1) Using traffic generation statistics contained in the report entitled "Trip Generation" (~~fourth~~ sixth edition), prepared by the Institute of Transportation Engineers; and
- (2) Applying the formula set forth in subsection (b) of this section.

In the case of change of use, redevelopment or modification of an existing use which requires the issuance of a building permit, the impact fee shall be based upon the net increase in the impact fee for the new use as compared to the previous use. The county ~~administrator~~ manager shall be guided in this determination by the report entitled "Trip Generation" (~~fourth~~ sixth edition) prepared by the Institute of Transportation Engineers.

(b) If a feepayer opts not to have the impact fees determined according to subsection (a) of this section, then the feepayer shall prepare and submit to the county ~~administrator~~ manager 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 such a study established by the county ~~administrator~~ manager. The traffic engineering study and economic documentation submitted 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.
  - (c) Documentation of trip data appropriate for the proposed land development activity.
- (2) *Economic documentation studies.*
  - (a) Documentation of the cost per lane per mile for roadway construction appropriate for the proposed land development activity.
  - (b) Documentation of credits attributable to the proposed land development activity which can be expected to be available to replace the portion of the service

volume used by the traffic generated by the proposed land development activity. This documentation shall be prepared and presented by qualified professionals in their respective fields.

- (c) The following formula shall be used by the county ~~administrator~~ manager to determine the impact fee per unit of development:
- (1) New travel = Trips per day per unit x trip length x percent new travel.
  - (2) New road capacity = New travel / 2 / lane capacity.
  - (3) Total cost = New road capacity x cost per lane mile.
  - (4) Credits = (Dollars per gallon x (annual travel) / (miles per gallon)) x present value factor.
  - (5) Net cost = Total cost - credits.
  - (6) Impact fee = Net cost.

Section 23. Section 62-810 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-810. Payment.

- (a) The person applying for the issuance of a building permit shall pay the fee assessed pursuant to this division to the county ~~administrator~~ manager prior to the issuance of a certificate of occupancy. No certificate of occupancy shall be issued until all assessed impact fees are paid. The obligation to pay the fee shall run with the land.
- (b) All funds collected shall be properly identified by transportation impact fee district and promptly transferred for deposit in the appropriate transportation impact fee trust fund, to be held in separate accounts as determined in section 62-812 and used solely for the purposes specified in this division.
- (c) In lieu of all or part of the transportation impact fees, the board of county commissioners may accept the offer by a feepayer to construct all or part of a road improvement project, including right-of-way, shown in the county comprehensive plan or appropriate to the implementation thereof. This offer shall not include the construction of site-related improvements. Such construction must be in accordance with county, municipal or state design standards, whichever are applicable. The feepayer shall submit a project description in sufficient detail, including competitive bids if so requested, to allow the county ~~administrator~~ manager to establish an engineering and construction cost estimate. The county ~~administrator~~ manager shall credit this estimated cost or the actual cost of the construction, whichever is the lower, against the transportation impact fee otherwise due. The portion of the fee represented by the road construction shall be deemed paid when the

construction is completed and accepted by the county or state for maintenance or when the feepayer posts security as provided in this subsection for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with the board of county commissioners in an amount approved by the board equal to 110 percent of the full cost of such construction. If the transportation construction project will not be constructed within one year of the acceptance of the offer by the board of county commissioners, the amount of the security shall be increased by ten percent compounded for each year or fraction thereof of the life of the security. The security shall be reviewed and approved by the county attorney's office prior to acceptance of the security by the board.

Section 24. Section 62-811 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-811. Districts established.

There are hereby established ~~ten~~ six transportation impact fee districts as shown in section 62-817.

Section 25. Section 62-813 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-813. Use of funds.

(a) The collecting and administering governmental units shall be entitled to up to but not more than eight percent of the funds collected pursuant to this division to compensate them for the administrative expense of collecting the fee and administering this division. All remaining funds collected from transportation impact fees shall be used for the purpose of capital improvements to and expansion of transportation facilities associated with the arterial and collector network in the county. Such improvements shall be of the type made necessary by new growth and development in the county. Funds may also be used to retire bonded indebtedness incurred in the construction of projects made necessary by new growth and development.

(b) No funds shall be used for periodic or routine maintenance, as defined in F.S. §§ 334.03(13) and 334.03(18).

(c) Funds shall be used exclusively for capital improvements or expansion within the transportation impact fee district, as identified in section 62-817, from which the funds were collected. Funds shall be expended in the order in which they are collected.

(d) Each fiscal period the county ~~administrator~~ manager shall present to the board of county commissioners a proposed capital improvement schedule for roads, consistent with the capital improvement element of the county comprehensive plan, assigning funds, including any accrued interest, from the several transportation impact fee trust funds to specific road



improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same transportation impact fee trust funds until the next fiscal period, except as provided by the refund provisions of this division.

Section 26. Section 62-815 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-815. Exemptions and credits.

(a) *Exemptions.* The following shall be exempted from payment of the transportation impact fee:

- (1) Alteration or expansion of an existing building where no additional units are created, where the use is not changed and where no additional vehicular trips will be produced over and above those produced by the existing use.
- (2) The construction of accessory buildings or structures which will not produce additional vehicular trips over and above those produced by the principal building or use of the land.
- (3) The new replacement of a residential land use with a new unit of the same type and use, provided that no additional trips will be produced over and above those produced by the original use of the land.
- (4) The replacement of a nonresidential building or structure with a new building or structure of the same size and use, provided that no additional trips will be produced over and above those produced by the original use of the land.
- (5) The construction of publicly owned government buildings which are utilized in their entirety for public purposes.
- (6) All industrial land uses as defined herein and described in the Standard Industrial Classification manual, 1987 Edition, under Division B - Mining; Division C - Construction; Division D - Manufacturing; and Division E - Transportation, Communications, Electric, Gas and Sanitary Services provided, however, that when such uses are conducted in a structure also used as a private residence there shall be no exemption from any residential impact fee that otherwise may be due.
- ~~(7) All commercial land uses as defined herein and described in the Standard Industrial Classification Manual, 1987 Edition, under Division A - Agriculture; Division F - Wholesale trade; Division G - Retail Trade; Division H - Finance, Insurance and~~

~~Real Estate; Division I—Services, except Major Group 88: Private Households; and Division K—Nonclassifiable Establishments provided, however, that when such uses are conducted in a structure also used as a private residence there shall be no exemption from any residential impact fee that otherwise may be due.~~

An exemption must be claimed by the feepayer at the time of the issuance of a building permit or mobile home permit. Any exemption not so claimed shall be deemed to be waived by the feepayer.

(b) *Credits.*

- (1) No credit shall be given for site-related improvements.
- (2) All capital improvements to arterial and collector roads required under a county- or city-approved development order for land development activity generating traffic, except for those improvements deemed site-related, may be credited against the transportation impact fee assessed against the land development activity if approved by the board of county commissioners. The board of county commissioners reserves the right to determine the amount to be credited by preparing engineering and construction cost estimates or real estate appraisals for those improvements by using the methodology described in section 62-810. No credit given to land development activity generating traffic shall exceed the assessed transportation impact fee for the land development activity.

Section 27. Section 62-817 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-817. Boundaries of districts.

The boundaries of the transportation impact fee districts are as follows:

District	Boundaries	
1 <u>North Mainland</u>	North	Volusia County line
	East	Indian River
	<u>South</u>	<u>South boundary of T 21 S</u>
	<u>West</u>	<u>Volusia County line</u>
	North	North boundary of T 22 S
	East	Indian River
	South	South boundary of Sections 23, 24, T 23 S, <u>25, T 24 S, R 34 E</u> Sections 49, 20, 21, 22, 23, 24, <u>T 23 S, 1, 9, 10, 11, 29, 30, T 24 S, R 35 E</u> Sections 49, T 23 S, <u>5, 6, T 24 S</u> R 36 E
2		

	West	Volusia County line Orange County line
3 <u>Central Mainland</u>	North	North boundary of Sections 25, 26, T 23 S, 36, T 24 S, R 34 E Sections 25, 26, 27, 28, 29, 30, T 23 S, 12, 14, 15, 16, 31, 32, T 24 S, R 35 E Sections 30, T 23 S, 7, 8, T 24 S, R 36 E
	East	Indian River
	South	SR 520 Lake Drive
	West	Orange County line
	North	SR 520 Lake Drive
	East	Indian River
	South	South boundary of Sections 7, 8, 9, 10, 11, 12, 31, 32, 33, 34, 35, 36, T 26 S, R 35 E Sections 7, 8, 9, 10, 11, 12, 31, 32, 33, 34, 35, 36, T 26 S, R 36 E Sections 7, 31, 32, T 26 S, R 37 E
4	West	Orange County line Osceola County line
5 <u>South Mainland</u>	North	North boundary of Sections 13, 14, 15, 16, 17, 18, 1, 2, 3, 4, 5, 6, T 26 27 S, R 35 E Sections Sections 13, 14, 15, 16, 17, 18, 1, 2, 3, 4, 5, 6, T 26 27 S, R 36 E Sections 18, 5, 6, T 27 S, R 37 E
	East	Indian River
	South	U.S. 192/SR 500
	West	Osceola County line
6	North	U.S. 192/SR 500
	East	Indian River
	South	South boundary of T 28 S
	West	Osceola County line
7	North	North boundary of T 29 S
	East	Indian River
	South	Indian River County line
	West	Osceola County line

<u>8 South Beaches</u>	North	SR 518 SR 404
	East	Atlantic Ocean
	South	Indian River County line
	West	Banana River Indian River
<u>9 Merritt Island &amp; North Beaches</u>	North	South boundary of Kennedy Space Center
	East	Atlantic Ocean Banana River
	South	SR 518 SR 404
	West	Indian River
<u>10 Kennedy Space &amp; Cape Canaveral Air Force Station</u>	North	Volusia County line
	East	Atlantic Ocean
	South	South boundary of Kennedy Space Center
	West	Indian River

Section 28. Section 62-817 shall be revised as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-818. Fee schedule.

The schedule of transportation impact fees is listed as follows according to the categories of residential, industrial and commercial:

Land Use Type	Unit	Impact Fee
<i><u>Residential:</u></i>		
Single-family detached	Dwelling	\$855.00
<i><u>Multifamily:</u></i>		
1 to 2 stories	Dwelling	\$535.00
3 stories and over	Dwelling	\$277.00
Mobile home	Dwelling	\$351.00
<i><u>Industrial:</u></i>		
General industry	1,000 square feet	\$1,010.00
Warehouse	1,000 square feet	\$662.00
Miniwarehouse	1,000 square feet	\$280.00
Marina	Acre	\$2,268.00
<i><u>Commercial:</u></i>		
Hotel or motel	Room	\$796.00
General office	1,000 square feet	\$1,337.00
ACLF or retirement home	dwelling	\$193.00

Nursing home	Bed	\$230.00
Hospital	1,000 square feet	\$1,728.00
General retail:		
Under 50,000 square feet	1,000 square feet	\$2,401.00
50,000 to 99,999 square feet	1,000 square feet	\$1,843.00
100,000 to 299,999 square feet	1,000 square feet	\$1,146.00
300,000 to 499,000 square feet	1,000 square feet	\$1,669.00
500,000 square feet and over	1,000 square feet	\$2,214.00
Wholesale	1,000 square feet	\$523.00
Restaurant	1,000 square feet	\$3,746.00
Restaurant with drive through	1,000 square feet	\$6,419.00
Bank	1,000 square feet	\$5,680.00
Bank with drive through	1,000 square feet	\$8,876.00
Savings and loan	1,000 square feet	\$1,603.00
Day care center	1,000 square feet	\$3,692.00
Service station	1,000 square feet	\$5,531.00
Elementary school	Student	\$111.00
Middle school	Student	\$110.00
High school	Student	\$156.00
Junior college	Student	\$168.00
College	Student	\$265.00
Church	1,000 square feet	\$939.00
Civic center	1,000 square feet	\$2,945.00
General recreation	Acre	\$385.00
Golf course	Acre	\$900.00
Racquet club or health spa	1,000 square feet	\$1,449.00

<u>Industrial/Manufacturing (These uses are exempt under Section 62-815a.(6))</u>		
<u>General Industrial</u>	<u>1,000 square feet</u>	<u>\$859.10</u>
<u>Manufacturing</u>	<u>1,000 square feet</u>	<u>\$470.80</u>
<u>Warehouse</u>	<u>1,000 square feet</u>	<u>\$611.33</u>
<u>Mini-warehouse</u>	<u>1,000 square feet</u>	<u>\$149.33</u>

<u>Commercial:</u>		
<u>Hotel</u>	<u>Room</u>	<u>\$752.13</u>
<u>Motel</u>	<u>Room</u>	<u>\$407.00</u>
<u>Resort Hotel</u>	<u>Room</u>	<u>\$1,793.55</u>
<u>Office under 10,000 GSF</u>	<u>1,000 square feet</u>	<u>\$2,373.25</u>
<u>Office 10,000 GSF &amp; over</u>	<u>1,000 square feet</u>	<u>\$1,390.95</u>
<u>Office Park</u>	<u>1,000 square feet</u>	<u>\$1,712.70</u>
<u>Medical Office</u>	<u>1,000 square feet</u>	<u>\$3,581.60</u>

<u>Bank</u>	<u>1,000 square feet</u>	<u>\$3,785.65</u>
<u>Bank with drive-through</u>	<u>1,000 square feet</u>	<u>\$6,416.03</u>
<i><u>Retail</u></i>		
<u>under 50,000 GSF</u>	<u>1,000 square feet</u>	<u>\$1,596.10</u>
<u>50,000 to 99,999 GSF</u>	<u>1,000 square feet</u>	<u>\$1,758.90</u>
<u>100,000 to 299,999 GSF</u>	<u>1,000 square feet</u>	<u>\$1,449.25</u>
<u>300,000 to 499,999 GSF</u>	<u>1,000 square feet</u>	<u>\$1,604.08</u>
<u>500,000 GSF &amp; over</u>	<u>1,000 square feet</u>	<u>\$1,604.35</u>
<u>Service Station</u>	<u>Fuel Position</u>	<u>\$1,173.98</u>
<u>New &amp; Used Auto Sales</u>	<u>1,000 square feet</u>	<u>\$3,006.58</u>
<u>Quality Restaurant</u>	<u>1,000 square feet</u>	<u>\$4,646.95</u>
<u>Restaurant</u>	<u>1,000 square feet</u>	<u>\$6,383.58</u>
<u>Restaurant w/ Drive-through</u>	<u>1,000 square feet</u>	<u>\$9,842.53</u>
<u>Supermarket</u>	<u>1,000 square feet</u>	<u>\$3,095.95</u>
<u>Car Wash</u>	<u>1,000 square feet</u>	<u>\$3,170.75</u>
<u>Auto Repair</u>	<u>1,000 square feet</u>	<u>\$2,118.33</u>
<u>Convenience Market</u>	<u>1,000 square feet</u>	<u>\$9,499.05</u>
<u>Convenience Market with Gas &amp; Fast Food</u>	<u>1,000 square feet</u>	<u>\$6,204.83</u>
<u>Furniture Store</u>	<u>1,000 square feet</u>	<u>\$366.30</u>

<i><u>Recreation</u></i>		
<u>Marina</u>	<u>acre</u>	<u>\$1,768.25</u>
<u>Golf Course</u>	<u>Hole</u>	<u>\$3,162.78</u>
<u>Tennis Court</u>	<u>Court</u>	<u>\$2,622.13</u>
<u>Racquet Club/Health Spa</u>	<u>1,000 square feet</u>	<u>\$1,584.28</u>
<u>Movie Theater with matinee</u>	<u>Seat</u>	<u>\$12.10</u>

<i><u>Institutional</u></i>		
<u>Church</u>	<u>1,000 square feet</u>	<u>\$696.30</u>
<u>ACLF or retirement home</u>	<u>Dwelling</u>	<u>\$103.95</u>
<u>Nursing Home</u>	<u>Bed</u>	<u>\$129.80</u>
<u>Day Care Center</u>	<u>1,000 square feet</u>	<u>\$3,236.48</u>
<u>Elementary School</u>	<u>Student</u>	<u>\$75.08</u>
<u>Middle School</u>	<u>Student</u>	<u>\$84.43</u>

<u>High School</u>	<u>Student</u>	<u>\$118.25</u>
<u>Junior College</u>	<u>Student</u>	<u>\$231.55</u>
<u>College</u>	<u>Student</u>	<u>\$347.33</u>
<u>Veterinary Clinic</u>	<u>1,000 square feet</u>	<u>\$976.80</u>
<u>Hospital</u>	<u>1,000 square feet</u>	<u>\$1,472.35</u>

On January 1<sup>st</sup> of each year, the impact fee rate for each land use category shown in the Table above shall be increased by the amount shown in the Table below.

<i><u>Industrial/Manufacturing: (Note: these uses are exempt under Section 62-815(a)(6))</u></i>		
<u>General Industrial</u>	<u>1,000 square feet</u>	<u>\$31.24</u>
<u>Manufacturing</u>	<u>1,000 square feet</u>	<u>\$17.12</u>
<u>Warehouse</u>	<u>1,000 square feet</u>	<u>\$22.23</u>
<u>Mini-warehouse</u>	<u>1,000 square feet</u>	<u>\$54.30</u>

<i><u>Commercial:</u></i>		
<u>Hotel</u>	<u>Room</u>	<u>\$27.35</u>
<u>Motel</u>	<u>Room</u>	<u>\$14.80</u>
<u>Resort Hotel</u>	<u>Room</u>	<u>\$65.22</u>
<u>Office under 10,000 GSF</u>	<u>1,000 square feet</u>	<u>\$86.30</u>
<u>Office 10,000 GSF &amp; over</u>	<u>1,000 square feet</u>	<u>\$50.58</u>
<u>Office Park</u>	<u>1,000 square feet</u>	<u>\$62.28</u>
<u>Medical Office</u>	<u>1,000 square feet</u>	<u>\$130.24</u>
<u>Bank</u>	<u>1,000 square feet</u>	<u>\$137.66</u>
<u>Bank with drive-through</u>	<u>1,000 square feet</u>	<u>\$233.31</u>
<i><u>Retail</u></i>		
<u>under 50,000 GSF</u>	<u>1,000 square feet</u>	<u>\$58.04</u>
<u>50,000 to 99,999 GSF</u>	<u>1,000 square feet</u>	<u>\$63.96</u>
<u>100,000 to 299,999 GSF</u>	<u>1,000 square feet</u>	<u>\$52.70</u>
<u>300,000 to 499,999 GSF</u>	<u>1,000 square feet</u>	<u>\$58.33</u>
<u>500,000 GSF &amp; over</u>	<u>1,000 square feet</u>	<u>\$58.34</u>
<u>Service Station</u>	<u>Fuel Position</u>	<u>\$42.69</u>
<u>New &amp; Used Auto Sales</u>	<u>1,000 square feet</u>	<u>\$109.33</u>
<u>Quality Restaurant</u>	<u>1,000 square feet</u>	<u>\$168.98</u>
<u>Restaurant</u>	<u>1,000 square feet</u>	<u>\$232.13</u>
<u>Restaurant w/ Drive-through</u>	<u>1,000 square feet</u>	<u>\$357.91</u>

<u>Supermarket</u>	<u>1,000 square feet</u>	<u>\$112.58</u>
<u>Car Wash</u>	<u>1,000 square feet</u>	<u>\$115.30</u>
<u>Auto Repair</u>	<u>1,000 square feet</u>	<u>\$77.03</u>
<u>Convenience Market</u>	<u>1,000 square feet</u>	<u>\$345.42</u>
<u>Convenience Market with Gas &amp; Fast Food</u>	<u>1,000 square feet</u>	<u>\$225.63</u>
<u>Furniture Store</u>	<u>1,000 square feet</u>	<u>\$13.32</u>

<u>Recreation</u>		
<u>Marina</u>	<u>acre</u>	<u>\$64.30</u>
<u>Golf Course</u>	<u>Hole</u>	<u>\$115.01</u>
<u>Tennis Court</u>	<u>Court</u>	<u>\$95.35</u>
<u>Racquet Club/Health Spa</u>	<u>1,000 square feet</u>	<u>\$57.61</u>
<u>Movie Theater with matinee</u>	<u>Seat</u>	<u>\$7.34</u>

<u>Institutional</u>		
<u>Church</u>	<u>1,000 square feet</u>	<u>\$25.32</u>
<u>ACLF or retirement home</u>	<u>Dwelling</u>	<u>\$3.78</u>
<u>Nursing Home</u>	<u>Bed</u>	<u>\$4.72</u>
<u>Day Care Center</u>	<u>1,000 square feet</u>	<u>\$117.69</u>
<u>Elementary School</u>	<u>Student</u>	<u>\$2.73</u>
<u>Middle School</u>	<u>Student</u>	<u>\$3.07</u>
<u>High School</u>	<u>Student</u>	<u>\$4.30</u>
<u>Junior College</u>	<u>Student</u>	<u>\$8.42</u>
<u>College</u>	<u>Student</u>	<u>\$12.63</u>
<u>Veterinary Clinic</u>	<u>1,000 square feet</u>	<u>\$35.52</u>
<u>Hospital</u>	<u>1,000 square feet</u>	<u>\$53.54</u>

Section 29. Division 5 "Emergency Medical Services Facilities" shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" as shown herein with deletions shown stricken through and additions shown underlined.

A. DIVISION 5. EMERGENCY MEDICAL SERVICES FACILITIES\*



Section 30. Section 62-841 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-841. Short title; statutory authority; applicability.

(a) This division shall be known and may be cited as the Brevard County Emergency Medical Services Facilities Impact Fee Ordinance.

(b) The board of county commissioners has the authority to adopt this division pursuant to Fla. Const. art. VIII and F.S. chs. 125 and 163.

(c) This division shall apply to the unincorporated area of the county and to the incorporated areas of the county to the extent permitted by Fla. Const. art. VIII, § 1(f).

Section 31. Section 62-842 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-842. Intent and purpose.

(a) This division is intended to implement and be consistent with the county comprehensive plan.

(b) The purpose of this division is to regulate the use and development of land so as to ensure that new development bears a proportionate share of the cost of the capital expenditures necessary to provide emergency medical service facilities in the county as contemplated by the board of county commissioners.

Section 32. Section 62-843 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-843. Findings.

The board of county commissioners makes the following findings and determinations:

(1) The existing emergency medical services system is not sufficient to accommodate anticipated new development without decreasing the levels of service.

- (2) The emergency medical services facilities level of service standards for the county is determined to be one emergency medical services station per 21,000 people.
- (3) Existing revenue sources are not sufficient to fund capital improvements necessary to accommodate new development.
- (4) New development should contribute its fair share of the costs of providing new facilities necessary to accommodate the new development.
- (5) Impact fees provide a reasonable method of regulating new development in the county to ensure that such new development pays its fair share of the capital costs of governmental services and facilities necessary to accommodate the new development.
- (6) The impact fees set forth in this division are not established at a rate to correct existing deficiencies.
- (7) The impact fees set forth in this division establish a fair and conservative method of assessing new development its fair share costs.
- (8) The impact fees will not fully pay for the costs of emergency medical services capital improvements necessitated by new development, and the county recognizes that the shortfall will have to come from other revenue sources.
- (9) The impact fee districts established in this division ensure that capital improvements to the emergency medical services system will benefit the development located within the district.

Section 33. Section 62-844 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-844. Rules of construction.

- (a) The provisions of this division shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.
- (b) For the purposes of administration and enforcement of this division, unless otherwise stated in this division, the following rules of construction shall apply to the text of this division:
  - (1) In case of any difference of meaning or implication between the text of this division and any caption, illustration, summary table or illustrative table, the text shall control.
  - (2) The term ``shall" is always mandatory and not discretionary; the term ``may" is permissive.

- (3) Words used in the present tense shall include the future; and words in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (4) The term ``used for" includes the term ``arranged for," ``designed for," ``maintained for" or ``occupied for."
- (5) The term ``person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (6) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction ``and," ``or" or ``either . . . or," the conjunction shall be interpreted as follows:
  - a. The term ``and" indicates that all the connected terms, conditions, provisions or events shall apply.
  - b. The term ``or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - c. The term ``either . . . or" indicates that the connected items, conditions, provisions or vents shall apply singularly but not in combination.
- (7) The term ``includes" shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (8) The term ``county manager" means the county manager or the county officials he or she may designate to carry out the administration of this division.
- (9) The land use types listed in section 62-849 shall have the same meaning as under article VI of this chapter.

Section 34. Section 62-845 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-845. Definitions.

As used in this division, the following words shall have the following meanings, unless some other meaning is plainly intended:

Basic employment means the such jobs are substantially associated with the production of goods and/or the provision of services that are exported to consumers outside of the

county, and as a result, derive revenues that support the local economy from outside the county.

Capital improvement includes emergency medical services facilities planning, emergency medical services impact fee consultant studies, land acquisition, site improvements, buildings, vehicles and equipment, but excludes maintenance and operation.

Commercial land use means those structures and facilities used by institutional and/or business enterprises that are engaged in the provision of goods and/or services to domestic and wholesale consumers whether for profit or not, such as the wholesale trade of both durable and nondurable goods; retail trade; finance, insurance and real estate services; business and personal services such as accounting, advertising and other business services, lodging, repair services, amusement and recreation services, legal services, medical services, educational services and other similar services; social services for individuals and families, including those providing residential care for children, the aged, the destitute and the physically, mentally and/or emotionally challenged; and membership organizations such as business and professional associations, civic, social and fraternal organizations and religious organizations. Commercial includes those institutional and/or business enterprises described in the Standard Industrial Classification Manual, 1987 edition, under Division A - Agriculture; Division F - Wholesale Trade; Division G - Retail Trade; Division H - Finance, Insurance and Real Estate; Division I - Services, except Major Group 88; Private Households; and Division K - Nonclassifiable Establishments.

Feepayer means is a person commencing a land development activity by applying for a building permit.

Industrial land use means those structures and facilities used by business enterprises engaged in mining, manufacturing, warehousing or the provision of industrial services. Industrial includes those business enterprises described in the Standard Industrial Classification Manual, 1987 edition, under Division B - Mining; Division C - Construction; Division D - Manufacturing; and Division E - Transportation, Communications, Electric, Gas and Sanitary Services.

Manufacturing means industrial operations that are engaged in the mechanical or chemical transformation of materials or substances into new products, characteristically using power driven machines and materials handling equipment. Manufacturing also means operations engaged in assembling component parts of manufactured products, if the new product is neither a structure nor other fixed improvement. Also included is the blending of material, such as lubricating oils, plastics, resins or liquors. A new product may be finished as in ready for utilization or consumption, or it may be semifinished to become a raw material for use in further manufacturing activities. Manufacturing products are not for direct sale to the domestic consumer.

Residential means a structure or structures solely dedicated to the housing of a person or persons to live, cook and/or sleep within on a permanent basis, as either owner, renter or lessee provided, however, that adult congregate living facilities, retirement homes, nursing homes and other structures operated by a social service organization to provide residential

care to children, the aged, the destitute and the physically, mentally and/or emotionally challenged shall be considered to be commercial land uses as defined herein.

Section 35. Section 62-846 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-846. Penalty; additional remedies.

A violation of this division shall be an offense punishable according to law; however, in addition to or in lieu of any criminal prosecution, the county or any feepayer shall have the power to sue in civil court to enforce the provisions of this division.

Section 36. Section 62-847 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-847. Severability.

If any section, phrase, sentence or portion of this division is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this division.

Section 37. Section 62-848 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-848. Imposition.

(a) Any person who, after the effective date of the ordinance from which this division is derived, seeks to develop land by applying for a building permit shall be assessed an emergency medical services facilities impact fee and shall be required to pay the emergency medical services facilities impact fee in the manner and amount set forth in this division.

(b) No building permit for any activity requiring payment of an impact fee pursuant to section 62-729 shall be issued unless and until the emergency medical services facilities impact fee required by this section has been assessed and a notice of assessment has been signed by the person applying for the issuance of the building permit. Payment of the emergency medical services facilities impact fee shall be as specified in section 62-730.

Section 38. Section 62-849 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-849. Computation.

(a) At the option of the feepayer, the amount of the fee imposed by this division may be determined by the following fee schedule:

SCHEDULE OF EMERGENCY MEDICAL SERVICES  
FACILITIES IMPACT FEES

<u>Land Use Type</u>	<u>Unit</u>	<u>Impact Fee</u>
<i><u>Industrial/Manufacturing: (Note: these uses are exempt under Section 62-855(a)(6))</u></i>		
<u>General Industrial</u>	<u>1,000 square feet</u>	<u>\$9.32</u>
<u>Manufacturing</u>	<u>1,000 square feet</u>	<u>\$7.32</u>
<u>Warehouse</u>	<u>1,000 square feet</u>	<u>\$5.15</u>
<u>Mini-warehouse</u>	<u>1,000 square feet</u>	<u>\$0.26</u>

<i><u>Commercial:</u></i>		
<u>Hotel or motel</u>	<u>Room</u>	<u>\$10.86</u>
<u>Office under 10,000 GSF</u>	<u>1,000 square feet</u>	<u>\$27.30</u>
<u>Office 10,000 GSF &amp; over</u>	<u>1,000 square feet</u>	<u>\$16.00</u>
<u>Medical Office</u>	<u>1,000 square feet</u>	<u>\$16.49</u>
<u>Bank</u>	<u>1,000 square feet</u>	<u>\$13.35</u>
<u>Bank with drive-through</u>	<u>1,000 square feet</u>	<u>\$13.39</u>
<u>Retail</u>	<u>1,000 square feet</u>	<u>\$33.89</u>
<u>Quality Restaurant</u>	<u>1,000 square feet</u>	<u>\$138.12</u>
<u>Restaurant</u>	<u>1,000 square feet</u>	<u>\$174.50</u>
<u>Restaurant w/ Drive-through</u>	<u>1,000 square feet</u>	<u>\$139.33</u>
<u>Auto Repair</u>	<u>1,000 square feet</u>	<u>\$14.36</u>
<u>New &amp; Used Auto Sales</u>	<u>1,000 square feet</u>	<u>\$19.07</u>
<u>Gas Station</u>	<u>Fuel position</u>	<u>\$31.78</u>
<u>Car Wash</u>	<u>Wash stall</u>	<u>\$186.65</u>
<u>Supermarket</u>	<u>1,000 square feet</u>	<u>\$58.64</u>
<u>Convenience Store with Gas &amp; Fast Food</u>	<u>1,000 square feet</u>	<u>\$42.55</u>
<u>Furniture Store</u>	<u>1,000 square feet</u>	<u>\$3.47</u>

<u>Recreation</u>		
<u>Marina</u>	<u>Berth</u>	<u>\$1.32</u>
<u>Golf Course</u>	<u>Hole</u>	<u>\$17.62</u>
<u>Racquet Club/Health Spa</u>	<u>1,000 square feet</u>	<u>\$3.37</u>
<u>Movie Theater with matinee</u>	<u>Screen</u>	<u>\$129.49</u>

<u>Institutional</u>		
<u>Church</u>	<u>1,000 square feet</u>	<u>\$4.40</u>
<u>ACLF or retirement home</u>	<u>Dwelling</u>	<u>\$32.49</u>
<u>Nursing Home</u>	<u>Bed</u>	<u>\$25.23</u>
<u>Day Care Center</u>	<u>1,000 square feet</u>	<u>\$27.88</u>
<u>Elementary School</u>	<u>Student</u>	<u>\$0.31</u>
<u>Middle School</u>	<u>Student</u>	<u>\$0.29</u>
<u>High School</u>	<u>Student</u>	<u>\$0.36</u>
<u>Junior College</u>	<u>Student</u>	<u>\$1.04</u>
<u>College</u>	<u>Student</u>	<u>\$0.25</u>
<u>Hospital</u>	<u>1,000 square feet</u>	<u>\$18.19</u>

If the type of development activity for which a building permit is applied for is not specified on the fee schedule set out in this subsection, the county manager shall use the fee applicable to the most nearly comparable type of land use on the fee schedule.

(b) If a feepayer opts not to have the impact fees determined according to subsection (a) of this section, then the feepayer shall prepare and submit to the county manager 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 such a study established by the county manager.

Section 39. Section 62-850 shall be created in Chapter 62 "Land Development Regulations"

Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-850. Payment.

(a) The person applying for the issuance of a building permit shall pay the fee assessed pursuant this division to the county manager prior to the issuance of a certificate of occupancy. No certificate of occupancy shall be issued until all assessed impact fees are paid. The obligation to pay the fee shall run with the land.

(b) All funds collected shall be properly identified by emergency medical services facilities impact fee district and promptly transferred for deposit in the appropriate emergency medical services facilities impact fee trust fund, to be held in separate accounts as determined in section 62-732 and used solely for the purposes specified in this division.

(c) In lieu of all or part of the emergency medical services impact fees, the board of county commissioners may accept the offer by a feepayer to donate land or construct all or part of an emergency medical services capital improvement project shown in the county comprehensive plan or appropriate to the implementation thereof. This offer shall not include the construction of any site-related improvements. Such construction must be in accordance with county, municipal or state design standards, whichever are applicable. The feepayer shall submit a project description in sufficient detail, including competitive bids if so requested, to allow the county manager to establish an engineering and construction cost estimate. The county manager shall credit this estimated cost or the actual cost of this construction, whichever is lower, against the emergency medical services impact fee otherwise due. The offer shall not constitute payment of the emergency medical services impact fee unless and until it is accepted by the board of county commissioners and the feepayer has dedicated or conveyed any and all land pursuant to the offer as accepted and has posted security, as provided in this subsection, for the construction of any and all other capital improvements pursuant to the offer as accepted. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with the board of county commissioners in an amount approved by the board equal to 110 percent of the full cost of such construction. If the emergency medical services construction project will not be constructed within one year of the acceptance of the offer by the board of county commissioners, the amount of the security shall be increased by ten percent compounded for each year or fraction thereof of the life of the security. The security shall be reviewed and approved by the county attorney's office prior to acceptance of the security by the board.

Section 40. Section 62-851 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-851. Districts established.

There are hereby established two emergency medical services facilities impact fee districts as shown in appendix II attached to Ordinance No. 01- , which is incorporated in this division by reference.

Section 41. Section 62-852 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-852. Trust funds.



(a) There are hereby established separate emergency medical services facilities impact fee trust funds, one for each emergency medical services facilities impact fee district established by section 62-851.

(b) Funds withdrawn from this account must be used in accordance with the provisions of section 62-853.

Section 42. Section 62-853 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-853. Use of funds.

(a) The collecting and administering governmental units shall be entitled to up to but not more than eight percent of the funds collected under this division to compensate them for the administrative expense of collecting the fee and administering this division. All remaining funds collected from emergency medical services facilities impact fees shall be used for the purpose of capital improvements to emergency medical services facilities under the jurisdiction of the county or the state, or community and regional emergency medical services facilities under the jurisdiction of the county, and not for maintenance or operations. Such acquisitions and improvements shall be the type as are made necessary by new growth and development in the county.

(b) Funds shall be used exclusively for capital improvements within the emergency medical services facilities impact fee district, as identified in appendix I of Ordinance No. 01-\_\_\_, from which the funds were collected. Funds shall be expended in the order in which they are collected.

(c) Each fiscal period, the county manager shall present to the board of county commissioners a proposed capital improvement program for emergency medical services facilities, assigning funds, including any accrued interest, from the several emergency medical services facilities impact fee trust funds to specific emergency medical services facilities improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same emergency medical services facilities impact fee trust funds until the next fiscal period, except as provided by the refund provisions of this division.

Section 43. Section 62-854 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-854. Refund of fees paid.

(a) If a building permit expires, then the feepayer, or his heirs, successors or assigns, shall be entitled to a refund of the emergency medical services facilities impact fee paid as a condition for its issuance, except that the county shall retain five percent of the fee to offset the costs of refunding.

(b) Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the emergency medical services facilities impact fee payment was received shall, upon application of the current owner, within 180 days of expiration of the six-year period, be returned to the current owner with interest at the rate of six percent per annum.

Section 44. Section 62-855 shall be created in Chapter 62 "Land Development Regulations"

Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-855. Exemptions and credits.

(a) Exemptions. The following shall be exempted from payment of the emergency medical services facilities impact fee:

(1) Alteration or expansion of an existing building where no additional units are created and where the use is not changed.

(2) The construction of accessory buildings or structures where no additional units are created.

(3) The new replacement of a residential land use with a new unit of the same type and use.

(4) The replacement of a nonresidential building or structure with a new building or structure of the same size and use.

(5) The construction of publicly owned government buildings which are utilized in their entirety for public purposes.

(6) All industrial land uses as defined herein and described in the Standard Industrial Classification manual, 1987 Edition, under Division B - Mining; Division C - Construction; Division D - Manufacturing; and Division E - Transportation, Communications, Electric, Gas and Sanitary Services provided, however, that when such uses are conducted in a structure also used as a private residence there shall be no exemption from any residential impact fee that otherwise may be due.

An exemption must be claimed by the feepayer at the time of the issuance of a building permit or mobile home permit. Any exemption not so claimed shall be deemed to be waived by the feepayer.

(b) Credits. No credit shall be given for site-related improvements.

Section 45. Section 62-856 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-856. Review.

The fee schedule contained in section 62-849 shall be reviewed by the board of county commissioners at least once each fiscal biennium.

Section 46. Section 62-857 shall be created in Chapter 62 "Land Development Regulations" Article V "Impact Fees" Division 5 "Emergency Medical Services Facilities" as shown herein with deletions shown stricken through and additions shown underlined.

A. Sec. 62-857. Appeals.

The board of county commissioners shall hear appeals relating to the grant or denial of an exemption to an impact fee. In applying for an appeal, the applicant shall provide adequate documentation to confirm the basis for the appeal, including whether the proposed institutional or business enterprise meets the industrial and commercial land use definitions contained herein, when applicable.

Secs. 62-858–62-1100. Reserved.

Section 47. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 48. Conflicting Provisions. In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

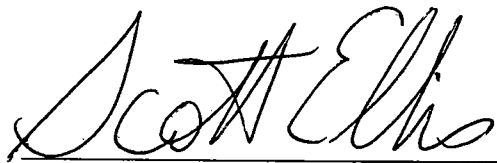
Section 49.      Area Encompassed. This ordinance shall apply to the unincorporated area of Brevard County and to the incorporated areas of Brevard County to the extent permitted by Article VIII, Section 1(f), of the Constitution of the State of Florida.


Section 50.      Effective Date. This ordinance shall become effective on June 2, 2001. Commercial property, as defined in Section 62-725, Section 62-765, or Section 62-805, Code of Ordinances of Brevard County, Florida that has sought approval under Chapter 62, Land Development Regulations, Article VIII, Site Plans, Code of Ordinances of Brevard County, Florida applying to site development plans, or Chapter 22, Code of Ordinances of Brevard County, Florida applying to the construction of buildings, by submitting a complete application with all fees paid prior to the effective date of this ordinance shall be entitled to claim exemption from payment of fire/rescue, correctional, transportation, and emergency medical services impact fees, as imposed by this ordinance, provided that when work or activities are authorized, they are pursued in the timely manner required by Chapter 62, Article VIII or Chapter 22.

DONE AND ADOPTED in regular session, this twenty-fourth day of April, 2001.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Scott Ellis, Clerk

By:   
\_\_\_\_\_  
Susan Carlson, Chairman

Approved by the Board on April 24, 2001



# APPENDIX I

## FIRE/RESCUE IMPACT FEE DISTRICTS

District	Boundaries	
1 (includes all of Brevard County except Districts 2 and 3 shown below)	North	Volusia County line
	East	Atlantic Ocean
	South	Indian River County line
	West	Volusia County line Orange County line Osceola County line

2 (Includes Kennedy Space Center & Cape Canaveral Air Force Station)	North	Volusia County line
	East	Atlantic Ocean
	South	South boundary of Kennedy Space Center
	West	Indian River

3	North	North boundary of Sections 25, 26, T 23 S, R 34 E Sections 25, 26, 27, 28, 29, 30, T 23 S, R 35 E Section 30, T 23 S, R 36 E
	East	Indian River
	South	South boundary of Sections 7, 8, 9, 10, 11, 12, T 26 S, R 35 E Sections 7, 8, 9, 10, 11, 12, T 26 S, R 36 E Section 7, T 26 S, R 37 E
	West	Orange County line Osceola County line

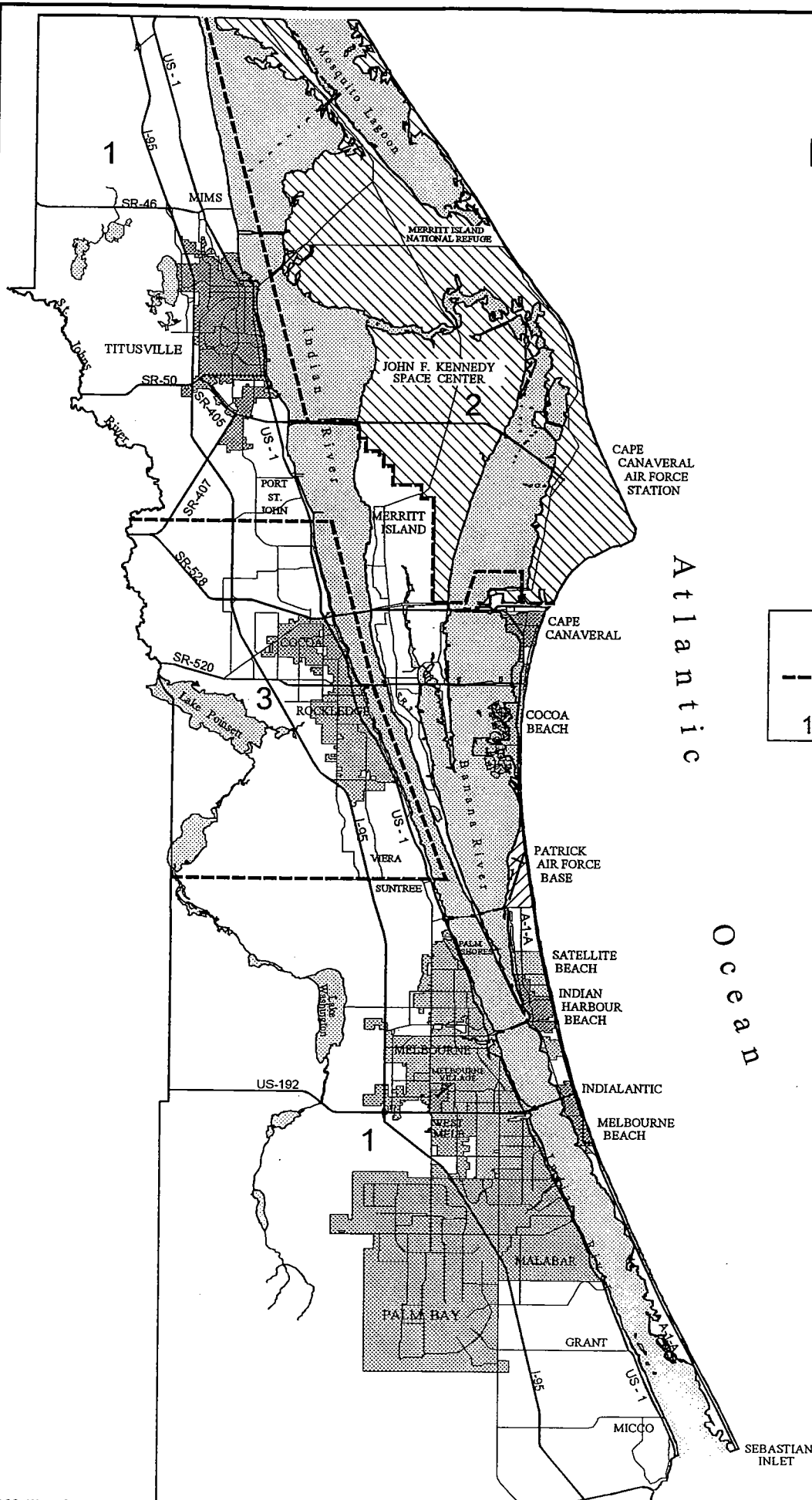
# APPENDIX I FIRE/ RESCUE IMPACT FEE DISTRICTS



Brevard County  
Florida

## LEGEND

- Impact Fee District Line
- 1 Impact Fee District Number



## APPENDIX II

### EMERGENCY MEDICAL SERVICES IMPACT FEE DISTRICTS

District	Boundaries	
1 (includes all of Brevard County except Districts 2 and 3 shown below)	North	Volusia County line
	East	Atlantic Ocean
	South	Indian River County line
	West	Volusia County line Orange County line Osceola County line
2 (Includes Kennedy Space Center & Cape Canaveral Air Force Station)	North	Volusia County line
	East	Atlantic Ocean
	South	South boundary of Kennedy Space Center
	West	Indian River
3	North	North boundary of Sections 25, 26, T 23 S, R 34 E Sections 25, 26, 27, 28, 29, 30, T 23 S, R 35 E Section 30, T 23 S, R 36 E
	East	Indian River
	South	South boundary of Sections 7, 8, 9, 10, 11, 12, T 26 S, R 35 E Sections 7, 8, 9, 10, 11, 12, T 26 S, R 36 E Section 7, T 26 S, R 37 E
	West	Orange County line Osceola County line

# APPENDIX II EMERGENCY MEDICAL SERVICE IMPACT FEE DISTRICTS



Brevard County  
Florida

### LEGEND

----- Impact Fee District Line  
1 Impact Fee District Number

