

Levy County Board of County Commissioners

Agenda Item Summary

1. NAME/ORGANIZATION/TELEPHONE:

Clancy Mullen, Principal; Duncan Associates
 Heather J. Encinosa, Esquire; Nabors, Giblin & Nickerson

2. MEETING DATE:

2/16/16

3. REQUESTED MOTION/ACTION:

Public Hearing – Impact Fee Update

4. Agenda Presentation

Time Requested: _____
 (Request will be granted if possible)

**ALLOTTED TIME NOT
 MORE THAN 15 MINUTES**

5. IS THIS ITEM BUDGETED (IF APPLICABLE) ? : YES

BUDGET ACTION:

FINANCIAL IMPACT SUMMARY STATEMENT:

DETAILED ANALYSIS ATTACHED?: YES ___ NO ___ BUDGET OFFICER APPROVAL ___ DATE

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, AND WHAT ACTION WILL BE ACCOMPLISHED)

An ordinance amending Chapter 47 of the Levy County Code of Ordinances pertaining to impact fees, amending sections 47-2, 47-3, 47-5, 47-46, 47-66, 47-68, 47-69, and 47-70 concerning impact fees in general, Emergency Medical Systems impact fees, and Road Impact fees specifically, including a new rate schedule for Road impact fees; adopting new provisions for Fire Protection impact fees and definitions and legislative findings related thereto; providing for alternate Fire Protection impact fee calculations; providing for payment and use of Fire Protection impact fees; providing for individual calculations of Fire Protection impact fees; providing for codification; providing for severability; and providing an effective date.

7. RECOMMENDED APPROVAL AND DATE (YES & NO BLOCK INDICATE IF APPROVAL IS/IS NOT REQUIRED)

DEPARTMENT DIRECTOR	OTHER	OTHER	OTHER	COUNTY ATTORNEY	COUNTY COORDINATOR
YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO

8. COMMISSION ACTION:

APPROVED

DENIED

DEFERRED DATE TO BRING BACK:

OTHER SPECIFY:

NOTICE OF ENACTMENT OF ORDINANCE 2016-01

BY THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA.
NOTICE IS HEREBY GIVEN the proposed Ordinance amending Chapter 47, of the Levy County Code of Ordinances pertaining to Impact Fees; amending sections 47-2, 47-3, 47-5, 47-46, 47-66, 47-68, 47-69, and 47-70, will be considered for enactment by the Levy County Board of County Commissioners, at a public hearing on Tuesday, February 16, 2016 at 11:00 a.m., or as soon thereafter as the same may be heard, in the Board of County Commissioners Meeting Room, Levy County Courthouse, 355 S. Court Street, Bronson, Florida. Copies of said Ordinance may be inspected by any member of the public at the Office of the Board of County Commissioners located at 355 S. Court Street, Bronson, Florida, during regular business hours or contact by phone at (352) 486-5217. On the date, time and place first above-mentioned, all interested persons may appear and be heard with respect to the proposed Ordinance.

2016-01

AN ORDINANCE AMENDING CHAPTER 47 OF THE LEVY COUNTY CODE OF ORDINANCES PERTAINING TO IMPACT FEES; AMENDING SECTIONS 47-2, 47-3, 47-5, 47-46, 47-66, 47-68, 47-69, AND 47-70 CONCERNING IMPACT FEES IN GENERAL, EMERGENCY MEDICAL SYSTEMS IMPACT FEES, AND ROAD IMPACT FEES SPECIFICALLY, INCLUDING A NEW RATE SCHEDULE FOR ROAD IMPACT FEES; ADOPTING NEW PROVISIONS FOR FIRE PROTECTION IMPACT FEES AND DEFINITIONS AND LEGISLATIVE FINDINGS RELATED THERETO; PROVIDING FOR ALTERNATIVE FIRE PROTECTION IMPACT FEE CALCULATIONS; PROVIDING FOR PAYMENT AND USE OF FIRE PROTECTION IMPACT FEES; PROVIDING FOR INDIVIDUAL CALCULATION OF FIRE PROTECTION IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

All persons are advised that, if they decide to appeal any decisions made at this public hearing, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring reasonable accommodations to participate in this meeting should contact the County Commissioners Administration Office at (352) 486-5218.

John Meeks, Chairman
Levy Co. Board of County Commissioners

ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING CHAPTER 47 OF THE LEVY COUNTY CODE OF ORDINANCES PERTAINING TO IMPACT FEES; AMENDING SECTIONS 47-2, 47-3, 47-5, 47-46, 47-66, 47-68, 47-69, AND 47-70 CONCERNING IMPACT FEES IN GENERAL, EMERGENCY MEDICAL SYSTEMS IMPACT FEES, AND ROAD IMPACT FEES SPECIFICALLY, INCLUDING A NEW RATE SCHEDULE FOR ROAD IMPACT FEES; ADOPTING NEW PROVISIONS FOR FIRE PROTECTION IMPACT FEES AND DEFINITIONS AND LEGISLATIVE FINDINGS RELATED THERETO; PROVIDING FOR ALTERNATIVE FIRE PROTECTION IMPACT FEE CALCULATIONS; PROVIDING FOR PAYMENT AND USE OF FIRE PROTECTION IMPACT FEES; PROVIDING FOR INDIVIDUAL CALCULATION OF FIRE PROTECTION IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the Board of County Commissioners ("Board") of Levy County adopted Ordinance No. 05-08, which was subsequently codified as Chapter 47 of the Levy County Code of Ordinances, imposing impact fees within the County; and

WHEREAS, pursuant to Section 47-121 of the Levy County Code of Ordinances, the County has reviewed Chapter 47 and examined the impact fee studies, considering all the components of the impact fee studies underlying and supporting the fees to ensure that the adopted impact fees do not exceed reasonably anticipated costs associated with growth necessitated capital improvements;

WHEREAS, pursuant to that review, the County has determined that the Impact Fees for Parks and Recreational Facilities and the Emergency Medical System do not exceed the reasonably anticipated costs associated with growth necessitated capital improvements and do not need to be amended at this time;

WHEREAS, pursuant to that review, the County recently updated and revised its road impact fee study and rate calculations and performed a new impact fee study for fire protection facilities; and

WHEREAS, the Board has determined that, at this time, it will not impose a Fire Protection Impact Fee, but will adopt the related code provisions; and

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WHEREAS, the Board determines that certain amendments to Chapter 47 of the Levy County Code of Ordinances are required to comply with the updated impact fee studies; and

WHEREAS, the Board further finds and determines that adoption of the amendments provided for herein is necessary and in the best interest of the citizens of Levy County, Florida.

THEREFORE, BE IT NOW ORDAINED by the Board of County Commissioners of Levy County, Florida, that:

ARTICLE 1. INCORPORATION OF RECITALS. The above recitals are hereby incorporated herein by reference.

ARTICLE 2. AMENDMENT OF SECTION 47-2 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "GENERAL DEFINITIONS." The Board hereby amends Section 47-2 of the Levy County Code of Ordinances, by amending the definitions therein as follows. Any definitions contained in such Section 47-2 not amended herein shall remain unchanged:

Sec. 47-2. - General definitions.

When used in this chapter, the following terms shall have the following meanings, unless the context otherwise clearly requires:

* * *

Building permit shall mean an official document or certificate issued by the county, under the authority of ordinance or law, authorizing the construction or siting of any building. "Building permit" shall also include tie-down permits for those structures or buildings, such as a mobile home, that may not require a building permit and development permits for mobile home parks and RV parks.

Capital equipment means equipment with a life expectation of one year or more.

* * *

Impact fee shall mean collectively and individually; as the context may require, the park impact fee, the emergency medical system impact fee, the fire protection impact fee, and the road impact fee.

Impact fee study shall mean collectively the park impact fee study as defined in section 47-26 hereof, the emergency medical system impact fee study as defined in section 47-46 hereof, ~~and the road impact fee study as defined in section 47-66 hereof,~~ and the fire protection impact fee study as defined in section 47-76 hereof.

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(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 3. AMENDMENT OF SECTION 47-3 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "LEGISLATIVE FINDINGS." The Board hereby amends Section 47-3(f) and (g) of the Levy County Code of Ordinances, and adds Section 47-3(h) and (i) to the Levy County Code of Ordinances, as follows:

Sec. 47-3. - Legislative findings.

It is hereby ascertained, determined and declared:

* * *

(f) Based upon the studies prepared by Government Services Group and Nabors, Giblin & Nickerson, P.A. entitled "Levy County Parks and Recreation Facilities Impact Fee Study" dated October 2005 and "Levy County Emergency Medical Services Impact Fee Study" dated July 2005, ~~the study prepared by James C. Nicholas, Ph.D. entitled Technical Memorandum on the Methods of Calculating Roads Impact Fees" dated September 25, 2005,~~ the study prepared by Duncan Associates entitled "Impact Fee Study for Roads and Fire Rescue Facilities" dated May 2014, the board now desires to adopt an amended comprehensive impact fee ordinance, including provisions for the imposition of park impact fees, emergency medical system impact fees, fire protection impact fees, and road impact fees.

(g) The board has determined that the adoption of a comprehensive impact fee ordinance and the implementation of impact fees for parks and recreational facilities, emergency medical system, fire protection facilities, and roads are in the best interests of the citizens of Levy County, Florida.

(h) The data set forth in the impact fee studies which were employed in the calculation of the impact fee rates imposed herein is the most recent and localized data available for the county at the time the studies were developed. Based upon subsequent cost trends, existing levels of service in the county, and the county's current funding abilities, the board determines that the data set forth in studies is still relevant and valid for purposes of the impact fees and results in a conservative rate to ensure that capital facilities impact construction is not paying more than its fair share of the costs of providing the necessary improvements and additions that are necessitated by growth.

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(i) The administrative fees set forth herein constitute the county's actual costs for collection of the impact fees including the actual costs related to the administration and the collection process.

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 4. AMENDMENT OF SECTION 47-5 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "MUNICIPAL PARTICIPATION." The Board hereby amends Section 47-5 of the Levy County Code of Ordinances, as follows:

Sec. 47-5. - ~~Municipal participation~~Applicability.

The provisions of this chapter shall apply to capital facilities impact construction within the county as provided more fully herein for each impact fee. ~~Provided, however, the provisions of this chapter shall not be enforced within a municipality unless the county and the municipality enter into an interlocal agreement setting forth the terms and conditions under which the provisions of this chapter shall be implemented within the municipality.~~

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 5. AMENDMENT OF SECTION 47-46 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "DEFINITIONS APPLICABLE TO EMERGENCY MEDICAL SYSTEM IMPACT FEES." The Board hereby amends Section 47-46 of the Levy County Code of Ordinances, by adding definitions to such Section 47-46 as follows. Any definitions contained in such Section 47-46 not amended herein shall remain unchanged:

Sec. 47-46. - Definitions applicable to emergency medical system impact fees.

In addition to the general definitions contained in section 47-2 of this chapter, the following terms shall have the following meaning in the application of the emergency medical system impact fee.

* * *

Commercial shall mean an establishment engaged in the selling or rental of goods, executive, management, administrative, or professional services, lodging or entertainment to the general public, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities.

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Commercial shall also include an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, activities involving significant movement and storage of products or equipment. Typical uses include, but are not limited to, wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations, and major mail processing centers, real estate, banking, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics and kennels; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations, shopping centers, discount stores, supermarkets, home improvement stores, building, material and lumber stores, garden centers, gasoline service stations, car dealerships, convenience markets, furniture stores, pharmacies, restaurants, bars, nightclubs, automobile sales and service, retail banking facilities, including banks, savings and loans and credit unions, movie theaters, amusement arcades, bowling alleys, golf courses open to the public, marinas, movie theaters, barber shops, laundromats, funeral homes, private vocational or technical schools, dance studios, health clubs, racquet clubs, banquet halls and conference facilities, hotels, motels and boarding houses.

* * *

Institutional shall mean a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center. Typical uses include, but are not limited to, elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, assisted living facilities, fire stations, city halls, courthouses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, and recreational buildings.

* * *

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 6. AMENDMENT OF SECTION 47-49 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "IMPOSITION OF EMERGENCY MEDICAL SYSTEM IMPACT FEES." The Board hereby amends Section 47-49(a) of the Levy County Code of Ordinances, to clarify that Emergency Medical System Impact Fees are imposed countywide, as follows:

Sec. 47-49. - Imposition of emergency medical system impact fees.

(a) All emergency medical system impact construction occurring within all unincorporated and incorporated areas of the county shall pay the emergency medical

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system impact fee, as established in this article, at the time of issuance of a building permit for such emergency medical system impact construction.

* * *

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 7. AMENDMENT OF SECTION 47-66 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "DEFINITIONS APPLICABLE TO ROAD IMPACT FEES." The Board hereby amends Section 47-66 of the Levy County Code of Ordinances, by adding and amending the definitions therein as follows. Any definitions contained in such Section 47-66 not amended herein shall remain unchanged:

Sec. 47-66. - Definitions applicable to road impact fees.

In addition to the general definitions contained in section 47-2 of this chapter, the following terms shall have the following meaning in the application of the road impact fee.

* * *

County road system shall mean the road system of the county as defined in F.S. § 334.03(8), or its statutory successor in function, including arterial and collector roads, local roads within the unincorporated area, and all arterial roads, but shall be limited to the "C" roads as identified in the road impact fee study and shall not include any roads within the city street system or the state highway system.

External trip shall mean any trip which either has its origins from or its destination to the road impact construction and which impacts the county road system.

Local road shall mean a route providing service which is of relatively low average traffic volume and short average trip length, as more particularly described in F.S. § 334.03(15), or its statutory successor in function.

Mini-warehouse shall mean an enclosed storage facility containing independent, fully enclosed bays that are leased to persons for storage of their household goods or personal property.

* * *

Mobile home park shall mean a lot or parcel of land use designed or used for the rental of spaces for mobile homes or recreational vehicles.

New net trip vehicle-miles of travel shall mean the new vehicle-miles of travel generated by the proposed development during an average weekday, which includes consideration

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of trip generation, new trips and average trip lengths, compared to the vehicle-miles of travel generated by the previous use of the site average daily external trips, as adjusted by the road impact fee study.

* * *

Office shall mean a building not located in a shopping center and exclusively containing establishments providing executive, management, administrative, or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. Typical uses include, but are not limited to, real estate, banking, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics and kennels; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.

Public/institutional shall mean a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center. Typical uses include, but are not limited to, elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, assisted living facilities, fire stations, city halls, courthouses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, and recreational buildings.

Recreational vehicle park shall mean a lot or parcel of land use designed or used for the rental of spaces for recreational vehicles or mobile homes.

Retail/commercial shall mean an establishment engaged in the selling or rental of goods, services, lodging or entertainment to the general public. Typical uses include, but are not limited to, shopping centers, discount stores, supermarkets, home improvement stores, building, material and lumber stores, garden centers, gasoline service stations, car dealerships, convenience markets, furniture stores, pharmacies, restaurants, bars, nightclubs, automobile sales and service, retail banking facilities, including banks, savings and loans and credit unions, movie theaters, amusement arcades, bowling alleys, golf courses open to the public, marinas, movie theaters, barber shops, laundromats, funeral homes, private vocational or technical schools, dance studios, health clubs, racquet clubs, banquet halls and conference facilities, hotels, motels and boarding houses.

* * *

Road impact construction shall mean land construction designed or intended to permit a use of the land which will contain more dwelling units, buildings or square footage than

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the existing use of land, or to otherwise change the use of the land in a manner that increases the generation of vehicular traffic or the number of ~~external trips~~ net new vehicle-miles of travel.

Road impact construction land use category shall mean those categories of land use incorporated in the road impact fee rate schedule adopted in section 47-69 and ~~set forth in appendix D*~~ attached to Ordinance Number 2005-08.

Road impact fee rate shall mean a road impact fee imposed for a particular road impact construction under the applicable road impact fee land use category established in the ~~schedules listed in appendix D* which are attached to Ordinance Number 2005-08 for road impact fees~~ section 47-69 hereof.

* * *

~~State highway system~~ shall mean the road system of the State of Florida that lies within the county, as defined in F.S. § 334.03(25), or its statutory successor in function.

* * *

~~Trip generation or trip generator rate~~ shall mean the ~~maximum average daily trip generation rates for the applicable trip generation land use category, as adjusted by the road impact fee study. In the event certain land use categories are not addressed in Trip Generation, 7th edition, then Trip Generation, 6th edition was used.~~

~~Trip generation land use category~~ shall mean the ~~trip generation land use categories established in Trip Generation, 7th edition, 2004 published by the Institute of Transportation Engineers.~~

Warehouse shall mean an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, activities involving significant movement and storage of products or equipment. Typical uses include, but are not limited to, wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations, and major mail processing centers.

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 8. AMENDMENT OF SECTION 47-67 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "LEGISLATIVE FINDINGS APPLICABLE TO ROAD IMPACT FEES." The Board hereby amends Section 47-67(a) of the Levy County Code of Ordinances, as follows:

Sec. 47-67. - Legislative findings applicable to road impact fees.

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The Board of County Commissioners of Levy County, Florida, hereby finds, determines and declares that:

- (a) The county road system benefits all residents of the county and, therefore, the road impact fee shall be imposed in all unincorporated and incorporated areas of the county.

* * *

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 9. AMENDMENT OF SECTION 47-68 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "ADOPTION OF ROAD IMPACT FEE STUDY." The Board hereby amends Section 47-68 of the Levy County Code of Ordinances, as follows:

Sec. 47-68. - Adoption of road impact fee study.

The county hereby adopts and incorporates by reference, the study entitled "Levy County Impact Fee Study for Roads and Fire Rescue Facilities," dated May 2014, prepared by Duncan Associates, including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the additions to the county road system required to accommodate growth. The study is attached hereto as Appendix A.

~~"Technical Memorandum on the Methods of Calculating Roads Impact Fees," dated September 25, 2005, prepared by James C. Nicholas, Ph.D., including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of capital improvements and additions to the county road system required to accommodate traffic generated by growth. The road impact fee study is attached to Ordinance Number 2005-08 as appendix C*.~~

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 10. AMENDMENT OF SECTION 47-69 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "IMPOSITION OF ROAD IMPACT FEE." The Board hereby deletes the existing Section 47-69(a) and replaces it with the following Section 47-69(a) of the Levy County Code of Ordinances, to read in its entirety as follows:

Sec. 47-69. - Imposition of road impact fee.

- (a) The board hereby adopts the following schedule of road impact fees, which are imposed upon all road impact construction occurring within all unincorporated and incorporated areas of the county at a rate established under the applicable road impact fee land use category.

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LAND USE TYPE (UNIT)	IMPACT FEE
RESIDENTIAL:	
Single family detached dwelling unit	\$1,500
Multi-family dwelling unit	925
Mobile home park space/RV Park space	486
NON-RESIDENTIAL:	
Retail/Commercial per 1,000 ft ²	\$1,818
Office per 1,000 ft ²	1,575
Industrial/Manufacturing per 1,000 ft ²	680
Warehouse per 1,000 ft ² :	634
Mini-Warehouse per 1,000 ft ²	445
Institutional per 1,000 ft ²	957

* * *

ARTICLE 11. AMENDMENT OF SECTION 47-70 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "ALTERNATIVE ROAD IMPACT FEE CALCULATION." The Board hereby amends Section 47-70 of the Levy County Code of Ordinances, as follows:

Sec. 47-70. Alternative road impact fee calculation.

(a) In the event an applicant believes that the impact to the county road system necessitated by its road impact construction is less than the new net trips vehicle-miles of travel that are assumed under the applicable road impact fee land use category specified in section 47-69 appendix D*, such applicant may, prior to issuance of a building permit for such road impact construction file an alternative road impact fee study with the county coordinator. The county coordinator shall review the alternative calculations of the new net trips vehicle-miles of travel and make a determination within 60 days of submittal as to whether such calculation complies with the requirements of this section.

(b) For purposes of any alternative road impact fee calculation, the road impact construction shall be presumed to have the maximum impact on the county major road system for the trip-generation land use category contemplated under the road impact fee rate.

(c) The alternative road impact fee calculation of new net trips vehicle-miles of travel shall be based on data, information or assumptions contained in this article and the road impact fee study or an independent source, provided that:

(1) The independent source is a generally accepted standard source of transportation engineering or planning information, or

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(2) The independent source is a local study supported by a database adequate for the conclusions contained in such study performed by a professional engineer pursuant to a generally accepted methodology of transportation planning or engineering.

(3) If a previously approved road impact construction project submitted, during its approval process, a traffic impact study substantially consistent with the criteria required by this section, and if such study is determined by the county coordinator to be current, the traffic impacts of such previously approved road impact construction shall be presumed to be as described in the prior study. In such circumstances, an alternative road impact fee shall be established reflecting the traffic impact described in the prior study. There shall be a rebuttable presumption that a traffic impact study conducted more than two years earlier is invalid.

~~(4) It is acknowledged that the Road Impact Fee Rates are based upon the applicable trip generator rates for the trip generation land use categories corresponding to the impact fee land use categories set forth in section 4.04. In recognition of such acknowledgment, the trip generator rates for the trip generation land use categories shall be considered an independent source for the purpose of an alternative road impact fee calculation without the necessity of a study as required by subsections (e)(1) and (2) of this section.~~

(d) If the county coordinator determines that the data, information and assumptions utilized by the applicant comply with the requirements of this section and that the calculation of the alternative road impact fee was by a generally accepted methodology, then the alternative road impact fee shall be paid in lieu of the fee adopted in section 47-69.

(e) If the county coordinator determines that the data, information and assumptions utilized by the applicant to compute an alternative new net trips vehicle-miles of travel number do not comply with the requirements of this section, then the county coordinator shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection of the alternative road impact fee and the reasons therefor.

(~~striken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 12. AMENDMENT OF SECTION 47-73 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "INDIVIDUAL CALCULATION OF ROAD IMPACT FEES." The Board hereby amends Section 47-73 of the Levy County Code of Ordinances, as follows:

Sec. 47-73. Individual calculation of road impact fees.

(a) In the event a road impact construction involves a land use not contemplated under the road impact fee land use categories set forth in section 47-69, the county

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coordinator shall determine the number of new net ~~trips~~ vehicle-miles of travel to be generated by the proposed road impact construction and shall calculate the appropriate road impact fee, utilizing the methodology contained in the road impact fee study adopted by section 47-68. The county coordinator shall utilize as a standard in this determination the ~~trips~~ vehicle-miles of travel generation rates in the most similar ~~trip-generation~~ land use category or any other generally accepted standard source of transportation engineering or planning.

(b) In the event a road impact construction involves a mixed use road impact construction, the county coordinator shall calculate the road impact fee based upon the number of new net ~~trips~~ vehicle-miles of travel to be generated by each separate road impact fee land use category included in the proposed mixed use road impact construction.

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 13. ADOPTION OF ARTICLE V OF CHAPTER 47 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "FIRE PROTECTION IMPACT FEES." The Board hereby adopts a new Article V of Chapter 47 of the Levy County Code of Ordinances, to read as follows:

ARTICLE V. FIRE PROTECTION IMPACT FEES

Sec. 47-76. Definitions applicable to Fire Protection Impact Fees.

In addition to the general definitions contained in section 47-2 of this chapter, the following terms shall have the following meaning in the application of the fire protection impact fee.

Alternative fire protection system impact fee shall mean any alternative fee calculated by an applicant and approved by the county coordinator pursuant to section 47-80 hereof.

Alternative fire protection impact fee study shall mean a study prepared by an applicant and submitted to the impact fee coordinator pursuant to section 47-80 hereof.

Fire Protection impact construction shall mean land development assigned or intended to permit a use of the land which will contain more dwelling units, buildings or floor space than the existing use of the land, or to otherwise change the use of the land in a manner that increases the impact upon the county's fire protection system.

Fire protection impact fee shall mean the fire protection impact fee imposed by the county pursuant to section 47-79 hereof.

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Fire protection impact fee land use category shall mean those categories of land use incorporated in the fire protection impact fee rate schedule in section 47-79 hereof.

Fire protection impact fee study shall mean the study adopted by the county pursuant to section 47-78, as amended and supplemented pursuant to section 47-121.

Fire Protection System shall mean the buildings, land, apparatus and capital equipment provided by the county that are used primarily for suppression and prevention of fires or other disasters and the handling of incidents involving hazardous materials.

Industrial shall mean an establishment primarily engaged in the fabrication, assembly or processing of goods. Typical uses include manufacturing plants, welding shops, wholesale bakeries, dry cleaning plants, bottling works and research and development centers.

Mobile home park shall mean a lot or parcel of land use designed or used for the rental of spaces for mobile homes or recreational vehicles.

Office shall mean a building not located in a shopping center and exclusively containing establishments providing executive, management, administrative, or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. Typical uses include real estate, banking, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics and kennels; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.

Public/institutional shall mean a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center. Typical uses include elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, assisted living facilities, fire stations, city halls, courthouses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, and recreational buildings.

Recreational Vehicle Park shall mean a lot or parcel of land use designed or used for the rental of spaces for recreational vehicles or mobile homes.

Retail/commercial shall mean an establishment engaged in the selling or rental of goods, services, lodging or entertainment to the general public. Such uses include, but are not limited to, shopping centers, discount stores, supermarkets, home improvement stores, building, material and lumber stores, garden centers, gasoline service stations, car dealerships, convenience markets, furniture stores, pharmacies, restaurants, bars,

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nightclubs, automobile sales and service, retail banking facilities, including banks, savings and loans and credit unions, movie theaters, amusement arcades, bowling alleys, golf courses open to the public, marinas, movie theaters, barber shops, laundromats, funeral homes, private vocational or technical schools, dance studios, health clubs, racquet clubs, banquet halls and conference facilities, hotels, motels and boarding houses.

Warehouse shall mean an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, activities involving significant movement and storage of products or equipment, and self-storage facilities. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations, major mail processing centers and mini-warehouses.

Sec. 47-77. - Legislative findings applicable to fire protection impact fees.

The Board of County Commissioners of Levy County, Florida, hereby finds, determines and declares that:

(a) The county fire protection system benefits all residents of the unincorporated area of county and the incorporated area of the Town of Yankeetown, which is served by the County's fire protection system; therefore, the fire protection impact fee, if any, shall be imposed throughout the unincorporated area of the county and within the boundaries of the Town of Yankeetown for so long as the County is providing fire protection services within the Town of Yankeetown.

(b) Development necessitated by growth contemplated in the comprehensive plan and the fire protection impact fee study will require improvements and additions to the county fire protection system to accommodate the new development generated by such growth and maintain the standards of service provided by the fire protection system; however, at this time, the Board has determined to not impose a Fire Protection Impact Fee on new growth.

Sec. 47-78. - Adoption of fire protection impact fee study.

The county hereby adopts and incorporates by reference, the study entitled "Levy County Impact Fee Study for Roads and Fire Rescue Facilities," dated May 2014, prepared by Duncan Associates, including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the additions to the county fire protection system required to accommodate growth. The study is attached hereto as Appendix A.

Sec. 47-79. - Imposition of fire protection impact fees.

(a) All fire protection impact construction occurring within the unincorporated area of the county and the Town of Yankeetown shall pay the fire

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protection impact fee, as established in this article, at the time of issuance of a building permit for such fire protection impact construction.

(b) All fire protection impact construction occurring within the county shall pay the following fire protection impact fees:

LAND USE TYPE (UNIT)	IMPACT FEE
RESIDENTIAL:	
Single family detached dwelling unit	\$0
Multi-family dwelling unit	0
Mobile home park space/RV Park space	0
NON-RESIDENTIAL:	
Retail/Commercial per 1,000 ft ²	\$0
Office per 1,000 ft ²	0
Industrial/Manufacturing per 1,000 ft ²	0
Warehouse per 1,000 ft ² :	0
Institutional per 1,000 ft ²	0

Sec. 47-80. - Alternative fire protection impact fee.

(a) In the event an applicant believes that the impact to the fire protection system caused by fire protection impact construction is less than the impact established under the applicable fire protection impact fee land use category specified in section 47-79 such applicant may, prior to issuance of a building permit for such fire protection impact construction, file an alternative fire protection impact fee study with the county coordinator. The county coordinator shall review the alternative calculations and make a determination within 60 days of submittal as to whether such calculations comply with the requirements of this section.

(b) For purposes of any alternative fire protection impact fee calculation, the fire protection impact construction shall be presumed to have the maximum impact on the county fire protection system for the appropriate fire protection impact fee land use category.

(c) The alternative fire protection impact fee calculation shall be based on data, information or assumptions contained in this article and the fire protection impact fee study, or independent sources, provided that:

(1) The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the fire protection impact fee study; or

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(2) The independent source is a local study supported by a database adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the fire protection impact fee study.

(d) If the county coordinator determines that the data, information and assumptions utilized by the applicant comply with the requirements of this section and that the calculation of the alternative fire protection impact fee was by a generally accepted methodology, then the alternative fire protection impact fee shall be paid in lieu of the fees adopted in section 47-79.

(e) If the county coordinator determines that the data, information and assumptions utilized by the applicant to compute an alternative fire protection impact fee do not comply with the requirements of this section, then the county coordinator shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection and the reasons therefor.

Sec. 47-81. - Payment.

(a) Except as otherwise provided in this chapter, prior to the issuance of a building permit for fire protection impact construction, an applicant shall pay the fire protection impact fees set forth in section 47-79 directly to the county.

(b) The payment of the fire protection impact fee shall be in addition to all other fees, charges or assessments due for the issuance of a building permit.

(c) The obligation for payment of the fire protection impact fees shall run with the land.

(d) In the event that a building permit issued for any fire protection impact construction expires prior to completion of the building for which it was issued, the applicant may, within 90 days of the expiration of the building permit, apply for a refund of the fire protection impact fee. Failure to timely apply for a refund of the fire protection impact fee shall waive any right to a refund.

(1) The application for refund shall be filed with the county coordinator and contain the following:

- a. The name and address of the applicant;
- b. The location of the property which was the subject of the building permit;

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- c. The date the fire protection impact fee was paid;
- d. A copy of the receipt of payment for the fire protection impact fee; and
- e. The date the building permit was issued and the date of expiration.

(2) After verifying that the building permit has expired and that the fire protection impact construction has not been completed, the county coordinator shall refund the fire protection impact fee paid for such fire protection impact construction. The county shall retain one percent of the fire protection impact fee to offset the costs of administering the refund.

(3) A building permit which is subsequently issued for fire protection impact construction on the same property which was the subject of a refund shall pay the fire protection impact fee as required herein.

Sec. 47-82. - Use of monies.

(a) The board hereby creates the "fire protection impact fee trust account" which shall be maintained separate and apart from all other county accounts.

(b) Fire protection impact fees shall be deposited into the fire protection impact fee trust account immediately upon receipt.

(c) Funds on deposit in the fire protection impact fee trust account, as established in paragraph (a) above, shall be used solely for the purpose of providing growth-necessitated capital improvements to the fire protection including, but not limited to:

- (1) Land acquisition, including any cost of acquisition or condemnation;
- (2) Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
- (3) Design and construction plan preparation;
- (4) Site development and on-site and off-site improvements incidental to the construction thereto;
- (5) Any permitting or application fees necessary for the construction;
- (6) Design and construction of new fire protection facilities;

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- (7) Design and construction of new drainage facilities required by the construction of fire protection facilities or improvements thereto;
- (8) Relocating utilities required by the construction of fire protection facilities or improvements or additions thereto;
- (9) Landscaping;
- (10) Construction management and inspection;
- (11) Surveying, soils, and materials testing;
- (12) Acquisition of capital equipment for the fire protection;
- (13) Repayment of monies borrowed from any budgetary fund of the county which were used to fund growth necessitated capital improvements to the fire protection as provided herein;
- (14) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the county to fund growth-necessitated improvements and additions to the fire protection subsequent to the effective date of this chapter; and
- (15) Costs related to the administration, collection, and implementation of the fire protection impact fees.

(e) The monies deposited into the fire protection impact fee trust account shall be used solely to provide capital improvements to the fire protection system as necessitated by growth as projected in the fire protection impact fee study and shall not be used for any expenditure that would be classified as a maintenance or repair expense.

(f) Any fire protection impact fee funds on deposit which are not immediately necessary for expenditure shall be invested by the county. All income derived from such investments shall be deposited in the fire protection impact fee trust account and used as provided herein.

(g) The county may retain up to one percent of all fire protection impact fees received as an administrative fee to defray the costs of administering the fire protection impact fees.

(h) The fire protection impact fees collected pursuant to this chapter shall be returned to the then current owner of the property on behalf of which such fee was paid, if such fees have not been expended or encumbered prior to the end of the fiscal year immediately following the eighth anniversary of the date upon which such fees were paid. Refunds shall be made only in accordance with the following procedure:

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(1) The then present owner shall petition the county for the refund within six months following the end of the calendar quarter immediately following eight years from the date on which the fee was received.

(2) The petition for refund shall be submitted to the county coordinator and shall contain:

- a. A notarized sworn statement that the petitioner is the present owner of the property on behalf of which the fire protection impact fee was paid;
- b. A copy of the dated receipt issued for payment of the fire protection impact fee or such other record as would evidence payment; and
- c. A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.

(3) Within 60 days from the date of receipt of a petition for refund, the county coordinator will advise the petitioner and the board of the status of the fire protection impact fee requested for refund, and if such fire protection impact fee has not been expended or encumbered within the applicable time period, then it shall be returned to the petitioner. For the purposes of this section, fees collected shall be deemed to be spent or Encumbered on the basis of the first fee in shall be the first fee out.

Sec. 47-83. - Individual calculation of fire protection impact fees.

(a) In the event fire protection impact construction involves a land use not contemplated under the fire protection impact fee land use categories set forth in section 47-79 herein, the county coordinator shall determine the impact to be generated by the proposed fire protection impact construction and shall calculate the appropriate fire protection impact fees utilizing the methodology contained in the fire protection impact fee study. The county coordinator shall utilize as a standard in this determination the impact assumed in the most similar fire protection impact fee land use category or any other generally accepted standard source of planning and cost impact analysis.

(b) In the event any fire protection impact construction involves more than one fire protection impact fee land use category, the county coordinator shall calculate the fire protection impact fees based upon the impact to be generated by each separate fire protection impact fee land use category included in the proposed fire protection impact construction.

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ARTICLE 14. ADOPTION OF NEW SECTION 47-123 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "ACCOUNTING AND REPORTING OF IMPACT FEES." The Board hereby adopts a new Section 47-123 of the Levy County Code of Ordinances, to read as follows:

Sec. 47-123. ACCOUNTING AND REPORTING OF IMPACT FEES.

The revenues realized from Impact Fees imposed pursuant to this Chapter 47 shall be identified in the County's budget as a separate account required by section 163.31801(3)(b), Florida Statutes. The County shall maintain adequate records to justify all expenditures from any Impact Fee trust fund and any accounts established within such trust fund. The County shall prepare an annual report reflecting the collection and expenditures during the previous year of the Impact Fees imposed pursuant to this Chapter.

ARTICLE 15. ADOPTION OF NEW SECTION 47-124 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "NOTICE OF IMPACT FEE RATES." The Board hereby adopts a new Section 47-124 of the Levy County Code of Ordinances, to read as follows:

Sec. 47-124. NOTICE OF IMPACT FEE RATES.

Upon adoption of this Chapter or any amendment hereto imposing revised Impact Fee rates or revising the Impact Fee Land Use Categories for any Impact Fee, the County Coordinator shall publish a notice once in a newspaper of general circulation within the County which notice shall include: (A) a brief and general description of the affected Impact Fee, (B) a description of the geographic area in which the Impact Fee will be collected; (C) the Impact Fee Rates to be imposed for each land use category for the applicable Impact Fee; and (D) the date of implementation of the Impact Fee rates set forth in the notice, which date shall not be earlier than ninety (90) days after the date of publication of the notice.

ARTICLE 16. ADOPTION OF NEW SECTION 47-125 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "ENFORCEMENT." The Board hereby adopts a new Section 47-125 of the Levy County Code of Ordinances, to read as follows:

Sec. 47-125. ENFORCEMENT.

(a) Enforcement of this Ordinance shall be done pursuant to section 125.69, Florida Statutes.

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(b) Violations include, but are not limited to, failing, neglecting, or refusing to pay an Impact Fee as required by this section and/or furnishing untrue, incomplete, false, or misleading information on any document, or to any County employee, concerning the calculation, exemption, or payment of an Impact Fee or concerning the entitlement to, or calculation of, an Impact Fee credit.

(c) The owner, tenant, or occupant of any land or part thereof for which an Impact Fee is owed and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this section, or who fails, neglects, or refuses to pay an Impact Fee, or who furnishes any untrue, incomplete, false, or misleading information concerning the calculation, exemption, or payment of an Impact Fee or concerning the entitlement to, or calculation of, an Impact Fee credit, may be held responsible for the violation and be subject to the penalties and remedies provided for in this Code and/or the Levy County Code of Ordinances.

(d) Failure to pay an Impact Fee required by this section is a violation that is continuous with respect to time, and each day the violation continues, or the Impact Fee remains unpaid, is hereby declared to be a separate offense.

ARTICLE 17. CODIFICATION IN THE CODE OF ORDINANCES.

It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Levy County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

ARTICLE 18. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

ARTICLE 19. EFFECTIVE DATE.

(a) A certified copy of this Ordinance shall be effective 10 days after its enactment by the Board and filing with the Department of State.

(b) This Ordinance and the new and amended obligations shall apply to all Capital Facilities Impact Construction that submits a complete application for a Building Permit on or after _____; provided the notice period set forth in Article 13 hereof has expired by this date. If the notice period set forth in Article 13 hereof has not expired by _____, then the Effective Date of this Ordinance shall be automatically delayed until the expiration of said notice period.

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PASSED AND DULY ENACTED by the Board of County Commissioners of Levy County, Florida in regular session, this ____ day of _____, 2016.

LEVY COUNTY
BOARD OF COUNTY COMMISSIONERS

John Meeks, Chairman

ATTEST:

Clerk of Court

APPROVED AS TO FORM AND CONTENT:

County Attorney

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APPENDIX A

Levy County Impact Fee Study for Roads and Fire Rescue Facilities

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ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING CHAPTER 47 OF THE LEVY COUNTY CODE OF ORDINANCES PERTAINING TO IMPACT FEES; AMENDING SECTIONS 47-2, 47-3, 47-5, 47-46, 47-66, 47-68, 47-69, AND 47-70 CONCERNING IMPACT FEES IN GENERAL, EMERGENCY MEDICAL SYSTEMS IMPACT FEES, AND ROAD IMPACT FEES SPECIFICALLY, INCLUDING A NEW RATE SCHEDULE FOR ROAD IMPACT FEES; ADOPTING NEW PROVISIONS FOR FIRE PROTECTION IMPACT FEES AND DEFINITIONS AND LEGISLATIVE FINDINGS RELATED THERETO; PROVIDING FOR ALTERNATIVE FIRE PROTECTION IMPACT FEE CALCULATIONS; PROVIDING FOR PAYMENT AND USE OF FIRE PROTECTION IMPACT FEES; PROVIDING FOR INDIVIDUAL CALCULATION OF FIRE PROTECTION IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the Board of County Commissioners ("Board") of Levy County adopted Ordinance No. 05-08, which was subsequently codified as Chapter 47 of the Levy County Code of Ordinances, imposing impact fees within the County; and

WHEREAS, pursuant to Section 47-121 of the Levy County Code of Ordinances, the County has reviewed Chapter 47 and examined the impact fee studies, considering all the components of the impact fee studies underlying and supporting the fees to ensure that the adopted impact fees do not exceed reasonably anticipated costs associated with growth necessitated capital improvements;

WHEREAS, pursuant to that review, the County has determined that the Impact Fees for Parks and Recreational Facilities and the Emergency Medical System do not exceed the reasonably anticipated costs associated with growth necessitated capital improvements and do not need to be amended at this time;

WHEREAS, pursuant to that review, the County recently updated and revised its road impact fee study and rate calculations and performed a new impact fee study for fire protection facilities; and

WHEREAS, the Board has determined that, at this time, it will not impose a Fire Protection Impact Fee, but will adopt the related code provisions; and

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WHEREAS, the Board determines that certain amendments to Chapter 47 of the Levy County Code of Ordinances are required to comply with the updated impact fee studies; and

WHEREAS, the Board further finds and determines that adoption of the amendments provided for herein is necessary and in the best interest of the citizens of Levy County, Florida.

THEREFORE, BE IT NOW ORDAINED by the Board of County Commissioners of Levy County, Florida, that:

ARTICLE 1. INCORPORATION OF RECITALS. The above recitals are hereby incorporated herein by reference.

ARTICLE 2. AMENDMENT OF SECTION 47-2 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "GENERAL DEFINITIONS." The Board hereby amends Section 47-2 of the Levy County Code of Ordinances, by amending the definitions therein as follows. Any definitions contained in such Section 47-2 not amended herein shall remain unchanged:

Sec. 47-2. - General definitions.

When used in this chapter, the following terms shall have the following meanings, unless the context otherwise clearly requires:

* * *

Building permit shall mean an official document or certificate issued by the county, under the authority of ordinance or law, authorizing the construction or siting of any building. "Building permit" shall also include tie-down permits for those structures or buildings, such as a mobile home, that may not require a building permit and development permits for mobile home parks and RV parks.

Capital equipment means equipment with a life expectation of one year or more.

* * *

Impact fee shall mean collectively and individually; as the context may require, the park impact fee, the emergency medical system impact fee, the fire protection impact fee, and the road impact fee.

Impact fee study shall mean collectively the park impact fee study as defined in section 47-26 hereof, the emergency medical system impact fee study as defined in section 47-46 hereof, and the road impact fee study as defined in section 47-66 hereof, and the fire protection impact fee study as defined in section 47-76 hereof.

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* * *

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 3. AMENDMENT OF SECTION 47-3 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "LEGISLATIVE FINDINGS." The Board hereby amends Section 47-3(f) and (g) of the Levy County Code of Ordinances, and adds Section 47-3(h) and (i) to the Levy County Code of Ordinances, as follows:

Sec. 47-3. - Legislative findings.

It is hereby ascertained, determined and declared:

* * *

(f) Based upon the studies prepared by Government Services Group and Nabors, Giblin & Nickerson, P.A. entitled "Levy County Parks and Recreation Facilities Impact Fee Study" dated October 2005 and "Levy County Emergency Medical Services Impact Fee Study" dated July 2005, ~~the study prepared by James C. Nicholas, Ph.D. entitled Technical Memorandum on the Methods of Calculating Roads Impact Fees" dated September 25, 2005,~~ the study prepared by Duncan Associates entitled "Impact Fee Study for Roads and Fire Rescue Facilities" dated May 2014, the board now desires to adopt an amended comprehensive impact fee ordinance, including provisions for the imposition of park impact fees, emergency medical system impact fees, fire protection impact fees, and road impact fees.

(g) The board has determined that the adoption of a comprehensive impact fee ordinance and the implementation of impact fees for parks and recreational facilities, emergency medical system, fire protection facilities, and roads are in the best interests of the citizens of Levy County, Florida.

(h) The data set forth in the impact fee studies which were employed in the calculation of the impact fee rates imposed herein is the most recent and localized data available for the county at the time the studies were developed. Based upon subsequent cost trends, existing levels of service in the county, and the county's current funding abilities, the board determines that the data set forth in studies is still relevant and valid for purposes of the impact fees and results in a conservative rate to ensure that capital facilities impact construction is not paying more than its fair share of the costs of providing the necessary improvements and additions that are necessitated by growth.

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(i) The administrative fees set forth herein constitute the county's actual costs for collection of the impact fees including the actual costs related to the administration and the collection process.

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 4. AMENDMENT OF SECTION 47-5 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "MUNICIPAL PARTICIPATION." The Board hereby amends Section 47-5 of the Levy County Code of Ordinances, as follows:

Sec. 47-5. - ~~Municipal participation~~Applicability.

The provisions of this chapter shall apply to capital facilities impact construction within the county as provided more fully herein for each impact fee. ~~Provided, however, the provisions of this chapter shall not be enforced within a municipality unless the county and the municipality enter into an interlocal agreement setting forth the terms and conditions under which the provisions of this chapter shall be implemented within the municipality.~~

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 5. AMENDMENT OF SECTION 47-46 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "DEFINITIONS APPLICABLE TO EMERGENCY MEDICAL SYSTEM IMPACT FEES." The Board hereby amends Section 47-46 of the Levy County Code of Ordinances, by adding definitions to such Section 47-46 as follows. Any definitions contained in such Section 47-46 not amended herein shall remain unchanged:

Sec. 47-46. - Definitions applicable to emergency medical system impact fees.

In addition to the general definitions contained in section 47-2 of this chapter, the following terms shall have the following meaning in the application of the emergency medical system impact fee.

* * *

Commercial shall mean an establishment engaged in the selling or rental of goods, executive, management, administrative, or professional services, lodging or entertainment to the general public, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities.

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Commercial shall also include an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, activities involving significant movement and storage of products or equipment. Typical uses include, but are not limited to, wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations, and major mail processing centers, real estate, banking, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics and kennels; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations, shopping centers, discount stores, supermarkets, home improvement stores, building, material and lumber stores, garden centers, gasoline service stations, car dealerships, convenience markets, furniture stores, pharmacies, restaurants, bars, nightclubs, automobile sales and service, retail banking facilities, including banks, savings and loans and credit unions, movie theaters, amusement arcades, bowling alleys, golf courses open to the public, marinas, movie theaters, barber shops, laundromats, funeral homes, private vocational or technical schools, dance studios, health clubs, racquet clubs, banquet halls and conference facilities, hotels, motels and boarding houses.

* * *

Institutional shall mean a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center. Typical uses include, but are not limited to, elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, assisted living facilities, fire stations, city halls, courthouses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, and recreational buildings.

* * *

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 6. AMENDMENT OF SECTION 47-49 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "IMPOSITION OF EMERGENCY MEDICAL SYSTEM IMPACT FEES." The Board hereby amends Section 47-49(a) of the Levy County Code of Ordinances, to clarify that Emergency Medical System Impact Fees are imposed countywide, as follows:

Sec. 47-49. - Imposition of emergency medical system impact fees.

(a) All emergency medical system impact construction occurring within all unincorporated and incorporated areas of the county shall pay the emergency medical

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system impact fee, as established in this article, at the time of issuance of a building permit for such emergency medical system impact construction.

* * *

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 7. AMENDMENT OF SECTION 47-66 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "DEFINITIONS APPLICABLE TO ROAD IMPACT FEES." The Board hereby amends Section 47-66 of the Levy County Code of Ordinances, by adding and amending the definitions therein as follows. Any definitions contained in such Section 47-66 not amended herein shall remain unchanged:

Sec. 47-66. - Definitions applicable to road impact fees.

In addition to the general definitions contained in section 47-2 of this chapter, the following terms shall have the following meaning in the application of the road impact fee.

* * *

County road system shall mean the road system of the county as defined in F.S. § 334.03(8), or its statutory successor in function, including arterial and collector roads, local roads within the unincorporated area, and all arterial roads, but shall be limited to the "C" roads as identified in the road impact fee study and shall not include any roads within the city street system or the state highway system.

External trip shall mean any trip which either has its origins from or its destination to the road impact construction and ~~which impacts the county road system.~~

Local road shall mean ~~a route providing service which is of relatively low average traffic volume and short average trip length, as more particularly described in F.S. § 334.03(15), or its statutory successor in function.~~

Mini-warehouse shall mean an enclosed storage facility containing independent, fully enclosed bays that are leased to persons for storage of their household goods or personal property.

* * *

Mobile home park shall mean a lot or parcel of land use designed or used for the rental of spaces for mobile homes or recreational vehicles.

New net trip vehicle-miles of travel shall mean the new vehicle-miles of travel generated by the proposed development during an average weekday, which includes consideration

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of trip generation, new trips and average trip lengths, compared to the vehicle-miles of travel generated by the previous use of the site average daily external trips, as adjusted by the road impact fee study.

* * *

Office shall mean a building not located in a shopping center and exclusively containing establishments providing executive, management, administrative, or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. Typical uses include, but are not limited to, real estate, banking, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics and kennels; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.

Public/institutional shall mean a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center. Typical uses include, but are not limited to, elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, assisted living facilities, fire stations, city halls, courthouses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, and recreational buildings.

Recreational vehicle park shall mean a lot or parcel of land use designed or used for the rental of spaces for recreational vehicles or mobile homes.

Retail/commercial shall mean an establishment engaged in the selling or rental of goods, services, lodging or entertainment to the general public. Typical uses include, but are not limited to, shopping centers, discount stores, supermarkets, home improvement stores, building, material and lumber stores, garden centers, gasoline service stations, car dealerships, convenience markets, furniture stores, pharmacies, restaurants, bars, nightclubs, automobile sales and service, retail banking facilities, including banks, savings and loans and credit unions, movie theaters, amusement arcades, bowling alleys, golf courses open to the public, marinas, movie theaters, barber shops, laundromats, funeral homes, private vocational or technical schools, dance studios, health clubs, racquet clubs, banquet halls and conference facilities, hotels, motels and boarding houses.

* * *

Road impact construction shall mean land construction designed or intended to permit a use of the land which will contain more dwelling units, buildings or square footage than

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the existing use of land, or to otherwise change the use of the land in a manner that increases the generation of vehicular traffic or the number of ~~external trips~~ net new vehicle-miles of travel.

~~Road impact construction land use category~~ shall mean those categories of land use incorporated in the road impact fee rate schedule adopted in section 47-69 and set forth in appendix D* attached to Ordinance Number 2005-08.

~~Road impact fee rate~~ shall mean a road impact fee imposed for a particular road impact construction under the applicable road impact fee land use category established in the schedules listed in appendix D* which are attached to Ordinance Number 2005-08 for road impact fees section 47-69 hereof.

* * *

~~State highway system~~ shall mean the road system of the State of Florida that lies within the county, as defined in F.S. § 334.03(25), or its statutory successor in function.

* * *

~~Trip generation or trip generator rate~~ shall mean the maximum average daily trip generation rates for the applicable trip generation land use category, as adjusted by the road impact fee study. In the event certain land use categories are not addressed in Trip Generation, 7th edition, then Trip Generation, 6th edition was used.

~~Trip generation land use category~~ shall mean the trip generation land use categories established in Trip Generation, 7th edition, 2004 published by the Institute of Transportation Engineers.

Warehouse shall mean an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, activities involving significant movement and storage of products or equipment. Typical uses include, but are not limited to, wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations, and major mail processing centers.

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 8. AMENDMENT OF SECTION 47-67 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "LEGISLATIVE FINDINGS APPLICABLE TO ROAD IMPACT FEES." The Board hereby amends Section 47-67(a) of the Levy County Code of Ordinances, as follows:

Sec. 47-67. - Legislative findings applicable to road impact fees.

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The Board of County Commissioners of Levy County, Florida, hereby finds, determines and declares that:

(a) The county road system benefits all residents of the county and, therefore, the road impact fee shall be imposed in all unincorporated and incorporated areas of the county.

* * *

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 9. AMENDMENT OF SECTION 47-68 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "ADOPTION OF ROAD IMPACT FEE STUDY." The Board hereby amends Section 47-68 of the Levy County Code of Ordinances, as follows:

Sec. 47-68. - Adoption of road impact fee study.

The county hereby adopts and incorporates by reference, the study entitled "Levy County Impact Fee Study for Roads and Fire Rescue Facilities," dated May 2014, prepared by Duncan Associates, including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the additions to the county road system required to accommodate growth. The study is attached hereto as Appendix A.

~~"Technical Memorandum on the Methods of Calculating Roads Impact Fees," dated September 25, 2005, prepared by James C. Nicholas, Ph.D., including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of capital improvements and additions to the county road system required to accommodate traffic generated by growth. The road impact fee study is attached to Ordinance Number 2005-08 as appendix C*.~~

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 10. AMENDMENT OF SECTION 47-69 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "IMPOSITION OF ROAD IMPACT FEE." The Board hereby deletes the existing Section 47-69(a) and replaces it with the following Section 47-69(a) of the Levy County Code of Ordinances, to read in its entirety as follows:

Sec. 47-69. - Imposition of road impact fee.

(a) The board hereby adopts the following schedule of road impact fees, which are imposed upon all road impact construction occurring within all unincorporated and incorporated areas of the county at a rate established under the applicable road impact fee land use category.

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LAND USE TYPE (UNIT)	IMPACT FEE
RESIDENTIAL:	
Single family detached dwelling unit	\$1,410
Multi-family dwelling unit	870
Mobile home park space/RV Park space	457
NON-RESIDENTIAL:	
Retail/Commercial per 1,000 ft ²	\$1,710
Office per 1,000 ft ²	1,481
Industrial/Manufacturing per 1,000 ft ²	640
Warehouse per 1,000 ft ² :	596
Mini-Warehouse per 1,000 ft ²	419
Institutional per 1,000 ft ²	900

* * *

ARTICLE 11. AMENDMENT OF SECTION 47-70 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "ALTERNATIVE ROAD IMPACT FEE CALCULATION." The Board hereby amends Section 47-70 of the Levy County Code of Ordinances, as follows:

Sec. 47-70. Alternative road impact fee calculation.

(a) In the event an applicant believes that the impact to the county road system necessitated by its road impact construction is less than the new net trips vehicle-miles of travel that are assumed under the applicable road impact fee land use category specified in section 47-69 appendix D*, such applicant may, prior to issuance of a building permit for such road impact construction file an alternative road impact fee study with the county coordinator. The county coordinator shall review the alternative calculations of the new net trips vehicle-miles of travel and make a determination within 60 days of submittal as to whether such calculation complies with the requirements of this section.

(b) For purposes of any alternative road impact fee calculation, the road impact construction shall be presumed to have the maximum impact on the county major road system for the trip-generation land use category contemplated under the road impact fee rate.

(c) The alternative road impact fee calculation of new net trips vehicle-miles of travel shall be based on data, information or assumptions contained in this article and the road impact fee study or an independent source, provided that:

(1) The independent source is a generally accepted standard source of transportation engineering or planning information, or

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(2) The independent source is a local study supported by a database adequate for the conclusions contained in such study performed by a professional engineer pursuant to a generally accepted methodology of transportation planning or engineering.

(3) If a previously approved road impact construction project submitted, during its approval process, a traffic impact study substantially consistent with the criteria required by this section, and if such study is determined by the county coordinator to be current, the traffic impacts of such previously approved road impact construction shall be presumed to be as described in the prior study. In such circumstances, an alternative road impact fee shall be established reflecting the traffic impact described in the prior study. There shall be a rebuttable presumption that a traffic impact study conducted more than two years earlier is invalid.

~~_____ (4) It is acknowledged that the Road Impact Fee Rates are based upon the applicable trip generator rates for the trip generation land use categories corresponding to the impact fee land use categories set forth in section 4.04. In recognition of such acknowledgment, the trip generator rates for the trip generation land use categories shall be considered an independent source for the purpose of an alternative road impact fee calculation without the necessity of a study as required by subsections (e)(1) and (2) of this section.~~

(d) If the county coordinator determines that the data, information and assumptions utilized by the applicant comply with the requirements of this section and that the calculation of the alternative road impact fee was by a generally accepted methodology, then the alternative road impact fee shall be paid in lieu of the fee adopted in section 47-69.

(e) If the county coordinator determines that the data, information and assumptions utilized by the applicant to compute an alternative new net trips vehicle-miles of travel number do not comply with the requirements of this section, then the county coordinator shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection of the alternative road impact fee and the reasons therefor.

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 12. AMENDMENT OF SECTION 47-73 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "INDIVIDUAL CALCULATION OF ROAD IMPACT FEES." The Board hereby amends Section 47-73 of the Levy County Code of Ordinances, as follows:

Sec. 47-73. Individual calculation of road impact fees.

(a) In the event a road impact construction involves a land use not contemplated under the road impact fee land use categories set forth in section 47-69, the county

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coordinator shall determine the number of new net ~~trips~~ vehicle-miles of travel to be generated by the proposed road impact construction and shall calculate the appropriate road impact fee, utilizing the methodology contained in the road impact fee study adopted by section 47-68. The county coordinator shall utilize as a standard in this determination the ~~trips~~ vehicle-miles of travel generation rates in the most similar ~~trip-generation~~ land use category or any other generally accepted standard source of transportation engineering or planning.

(b) In the event a road impact construction involves a mixed use road impact construction, the county coordinator shall calculate the road impact fee based upon the number of new net ~~trips~~ vehicle-miles of travel to be generated by each separate road impact fee land use category included in the proposed mixed use road impact construction.

(~~stricken~~ words indicate deletions, underlined words indicate additions)

ARTICLE 13. ADOPTION OF ARTICLE V OF CHAPTER 47 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "FIRE PROTECTION IMPACT FEES." The Board hereby adopts a new Article V of Chapter 47 of the Levy County Code of Ordinances, to read as follows:

ARTICLE V. FIRE PROTECTION IMPACT FEES

Sec. 47-76. Definitions applicable to Fire Protection Impact Fees.

In addition to the general definitions contained in section 47-2 of this chapter, the following terms shall have the following meaning in the application of the fire protection impact fee.

Alternative fire protection system impact fee shall mean any alternative fee calculated by an applicant and approved by the county coordinator pursuant to section 47-80 hereof.

Alternative fire protection impact fee study shall mean a study prepared by an applicant and submitted to the impact fee coordinator pursuant to section 47-80 hereof.

Fire Protection impact construction shall mean land development assigned or intended to permit a use of the land which will contain more dwelling units, buildings or floor space than the existing use of the land, or to otherwise change the use of the land in a manner that increases the impact upon the county's fire protection system.

Fire protection impact fee shall mean the fire protection impact fee imposed by the county pursuant to section 47-79 hereof.

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Fire protection impact fee land use category shall mean those categories of land use incorporated in the fire protection impact fee rate schedule in section 47-79 hereof.

Fire protection impact fee study shall mean the study adopted by the county pursuant to section 47-78, as amended and supplemented pursuant to section 47-121.

Fire Protection System shall mean the buildings, land, apparatus and capital equipment provided by the county that are used primarily for suppression and prevention of fires or other disasters and the handling of incidents involving hazardous materials.

Industrial shall mean an establishment primarily engaged in the fabrication, assembly or processing of goods. Typical uses include manufacturing plants, welding shops, wholesale bakeries, dry cleaning plants, bottling works and research and development centers.

Mobile home park shall mean a lot or parcel of land use designed or used for the rental of spaces for mobile homes or recreational vehicles.

Office shall mean a building not located in a shopping center and exclusively containing establishments providing executive, management, administrative, or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. Typical uses include real estate, banking, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics and kennels; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.

Public/institutional shall mean a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center. Typical uses include elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, assisted living facilities, fire stations, city halls, courthouses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, and recreational buildings.

Recreational Vehicle Park shall mean a lot or parcel of land use designed or used for the rental of spaces for recreational vehicles or mobile homes.

Retail/commercial shall mean an establishment engaged in the selling or rental of goods, services, lodging or entertainment to the general public. Such uses include, but are not limited to, shopping centers, discount stores, supermarkets, home improvement stores, building, material and lumber stores, garden centers, gasoline service stations, car dealerships, convenience markets, furniture stores, pharmacies, restaurants, bars,

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nightclubs, automobile sales and service, retail banking facilities, including banks, savings and loans and credit unions, movie theaters, amusement arcades, bowling alleys, golf courses open to the public, marinas, movie theaters, barber shops, laundromats, funeral homes, private vocational or technical schools, dance studios, health clubs, racquet clubs, banquet halls and conference facilities, hotels, motels and boarding houses.

Warehouse shall mean an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, activities involving significant movement and storage of products or equipment, and self-storage facilities. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations, major mail processing centers and mini-warehouses.

Sec. 47-77. - Legislative findings applicable to fire protection impact fees.

The Board of County Commissioners of Levy County, Florida, hereby finds, determines and declares that:

(a) The county fire protection system benefits all residents of the unincorporated area of county and the incorporated area of the Town of Yankeetown, which is served by the County's fire protection system; therefore, the fire protection impact fee, if any, shall be imposed throughout the unincorporated area of the county and within the boundaries of the Town of Yankeetown for so long as the County is providing fire protection services within the Town of Yankeetown.

(b) Development necessitated by growth contemplated in the comprehensive plan and the fire protection impact fee study will require improvements and additions to the county fire protection system to accommodate the new development generated by such growth and maintain the standards of service provided by the fire protection system; however, at this time, the Board has determined to not impose a Fire Protection Impact Fee on new growth.

Sec. 47-78. - Adoption of fire protection impact fee study.

The county hereby adopts and incorporates by reference, the study entitled "Levy County Impact Fee Study for Roads and Fire Rescue Facilities," dated May 2014, prepared by Duncan Associates, including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the additions to the county fire protection system required to accommodate growth. The study is attached hereto as Appendix A.

Sec. 47-79. - Imposition of fire protection impact fees.

(a) All fire protection impact construction occurring within the unincorporated area of the county and the Town of Yankeetown shall pay the fire

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protection impact fee, as established in this article, at the time of issuance of a building permit for such fire protection impact construction.

(b) All fire protection impact construction occurring within the county shall pay the following fire protection impact fees:

LAND USE TYPE (UNIT)	IMPACT FEE
RESIDENTIAL:	
Single family detached dwelling unit	\$0
Multi-family dwelling unit	0
Mobile home park space/RV Park space	0
NON-RESIDENTIAL:	
Retail/Commercial per 1,000 ft ²	\$0
Office per 1,000 ft ²	0
Industrial/Manufacturing per 1,000 ft ²	0
Warehouse per 1,000 ft ² :	0
Institutional per 1,000 ft ²	0

Sec. 47-80. - Alternative fire protection impact fee.

(a) In the event an applicant believes that the impact to the fire protection system caused by fire protection impact construction is less than the impact established under the applicable fire protection impact fee land use category specified in section 47-79 such applicant may, prior to issuance of a building permit for such fire protection impact construction, file an alternative fire protection impact fee study with the county coordinator. The county coordinator shall review the alternative calculations and make a determination within 60 days of submittal as to whether such calculations comply with the requirements of this section.

(b) For purposes of any alternative fire protection impact fee calculation, the fire protection impact construction shall be presumed to have the maximum impact on the county fire protection system for the appropriate fire protection impact fee land use category.

(c) The alternative fire protection impact fee calculation shall be based on data, information or assumptions contained in this article and the fire protection impact fee study, or independent sources, provided that:

(1) The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the fire protection impact fee study; or

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(2) The independent source is a local study supported by a database adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the fire protection impact fee study.

(d) If the county coordinator determines that the data, information and assumptions utilized by the applicant comply with the requirements of this section and that the calculation of the alternative fire protection impact fee was by a generally accepted methodology, then the alternative fire protection impact fee shall be paid in lieu of the fees adopted in section 47-79.

(e) If the county coordinator determines that the data, information and assumptions utilized by the applicant to compute an alternative fire protection impact fee do not comply with the requirements of this section, then the county coordinator shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection and the reasons therefor.

Sec. 47-81. - Payment.

(a) Except as otherwise provided in this chapter, prior to the issuance of a building permit for fire protection impact construction, an applicant shall pay the fire protection impact fees set forth in section 47-79 directly to the county.

(b) The payment of the fire protection impact fee shall be in addition to all other fees, charges or assessments due for the issuance of a building permit.

(c) The obligation for payment of the fire protection impact fees shall run with the land.

(d) In the event that a building permit issued for any fire protection impact construction expires prior to completion of the building for which it was issued, the applicant may, within 90 days of the expiration of the building permit, apply for a refund of the fire protection impact fee. Failure to timely apply for a refund of the fire protection impact fee shall waive any right to a refund.

(1) The application for refund shall be filed with the county coordinator and contain the following:

- a. The name and address of the applicant;
- b. The location of the property which was the subject of the building permit;

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- c. The date the fire protection impact fee was paid;
- d. A copy of the receipt of payment for the fire protection impact fee; and
- e. The date the building permit was issued and the date of expiration.

(2) After verifying that the building permit has expired and that the fire protection impact construction has not been completed, the county coordinator shall refund the fire protection impact fee paid for such fire protection impact construction. The county shall retain one percent of the fire protection impact fee to offset the costs of administering the refund.

(3) A building permit which is subsequently issued for fire protection impact construction on the same property which was the subject of a refund shall pay the fire protection impact fee as required herein.

Sec. 47-82. - Use of monies.

(a) The board hereby creates the "fire protection impact fee trust account" which shall be maintained separate and apart from all other county accounts.

(b) Fire protection impact fees shall be deposited into the fire protection impact fee trust account immediately upon receipt.

(c) Funds on deposit in the fire protection impact fee trust account, as established in paragraph (a) above, shall be used solely for the purpose of providing growth-necessitated capital improvements to the fire protection including, but not limited to:

- (1) Land acquisition, including any cost of acquisition or condemnation;
- (2) Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
- (3) Design and construction plan preparation;
- (4) Site development and on-site and off-site improvements incidental to the construction thereto;
- (5) Any permitting or application fees necessary for the construction;
- (6) Design and construction of new fire protection facilities;

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(7) Design and construction of new drainage facilities required by the construction of fire protection facilities or improvements thereto;

(8) Relocating utilities required by the construction of fire protection facilities or improvements or additions thereto;

(9) Landscaping;

(10) Construction management and inspection;

(11) Surveying, soils, and materials testing;

(12) Acquisition of capital equipment for the fire protection;

(13) Repayment of monies borrowed from any budgetary fund of the county which were used to fund growth necessitated capital improvements to the fire protection as provided herein;

(14) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the county to fund growth-necessitated improvements and additions to the fire protection subsequent to the effective date of this chapter; and

(15) Costs related to the administration, collection, and implementation of the fire protection impact fees.

(e) The monies deposited into the fire protection impact fee trust account shall be used solely to provide capital improvements to the fire protection system as necessitated by growth as projected in the fire protection impact fee study and shall not be used for any expenditure that would be classified as a maintenance or repair expense.

(f) Any fire protection impact fee funds on deposit which are not immediately necessary for expenditure shall be invested by the county. All income derived from such investments shall be deposited in the fire protection impact fee trust account and used as provided herein.

(g) The county may retain up to one percent of all fire protection impact fees received as an administrative fee to defray the costs of administering the fire protection impact fees.

(h) The fire protection impact fees collected pursuant to this chapter shall be returned to the then current owner of the property on behalf of which such fee was paid, if such fees have not been expended or encumbered prior to the end of the fiscal year immediately following the eighth anniversary of the date upon which such fees were paid. Refunds shall be made only in accordance with the following procedure:

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(1) The then present owner shall petition the county for the refund within six months following the end of the calendar quarter immediately following eight years from the date on which the fee was received.

(2) The petition for refund shall be submitted to the county coordinator and shall contain:

- a. A notarized sworn statement that the petitioner is the present owner of the property on behalf of which the fire protection impact fee was paid;
- b. A copy of the dated receipt issued for payment of the fire protection impact fee or such other record as would evidence payment; and
- c. A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.

(3) Within 60 days from the date of receipt of a petition for refund, the county coordinator will advise the petitioner and the board of the status of the fire protection impact fee requested for refund, and if such fire protection impact fee has not been expended or encumbered within the applicable time period, then it shall be returned to the petitioner. For the purposes of this section, fees collected shall be deemed to be spent or Encumbered on the basis of the first fee in shall be the first fee out.

Sec. 47-83. - Individual calculation of fire protection impact fees.

(a) In the event fire protection impact construction involves a land use not contemplated under the fire protection impact fee land use categories set forth in section 47-79 herein, the county coordinator shall determine the impact to be generated by the proposed fire protection impact construction and shall calculate the appropriate fire protection impact fees utilizing the methodology contained in the fire protection impact fee study. The county coordinator shall utilize as a standard in this determination the impact assumed in the most similar fire protection impact fee land use category or any other generally accepted standard source of planning and cost impact analysis.

(b) In the event any fire protection impact construction involves more than one fire protection impact fee land use category, the county coordinator shall calculate the fire protection impact fees based upon the impact to be generated by each separate fire protection impact fee land use category included in the proposed fire protection impact construction.

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ARTICLE 14. ADOPTION OF NEW SECTION 47-123 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "ACCOUNTING AND REPORTING OF IMPACT FEES." The Board hereby adopts a new Section 47-123 of the Levy County Code of Ordinances, to read as follows:

Sec. 47-123. ACCOUNTING AND REPORTING OF IMPACT FEES.

The revenues realized from Impact Fees imposed pursuant to this Chapter 47 shall be identified in the County's budget as a separate account required by section 163.31801(3)(b), Florida Statutes. The County shall maintain adequate records to justify all expenditures from any Impact Fee trust fund and any accounts established within such trust fund. The County shall prepare an annual report reflecting the collection and expenditures during the previous year of the Impact Fees imposed pursuant to this Chapter.

ARTICLE 15. ADOPTION OF NEW SECTION 47-124 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "NOTICE OF IMPACT FEE RATES." The Board hereby adopts a new Section 47-124 of the Levy County Code of Ordinances, to read as follows:

Sec. 47-124. NOTICE OF IMPACT FEE RATES.

Upon adoption of this Chapter or any amendment hereto imposing revised Impact Fee rates or revising the Impact Fee Land Use Categories for any Impact Fee, the County Coordinator shall publish a notice once in a newspaper of general circulation within the County which notice shall include: (A) a brief and general description of the affected Impact Fee, (B) a description of the geographic area in which the Impact Fee will be collected; (C) the Impact Fee Rates to be imposed for each land use category for the applicable Impact Fee; and (D) the date of implementation of the Impact Fee rates set forth in the notice, which date shall not be earlier than ninety (90) days after the date of publication of the notice.

ARTICLE 16. ADOPTION OF NEW SECTION 47-125 OF THE LEVY COUNTY CODE OF ORDINANCES, ENTITLED "ENFORCEMENT." The Board hereby adopts a new Section 47-125 of the Levy County Code of Ordinances, to read as follows:

Sec. 47-125. ENFORCEMENT.

(a) Enforcement of this Ordinance shall be done pursuant to section 125.69, Florida Statutes.

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(b) Violations include, but are not limited to, failing, neglecting, or refusing to pay an Impact Fee as required by this section and/or furnishing untrue, incomplete, false, or misleading information on any document, or to any County employee, concerning the calculation, exemption, or payment of an Impact Fee or concerning the entitlement to, or calculation of, an Impact Fee credit.

(c) The owner, tenant, or occupant of any land or part thereof for which an Impact Fee is owed and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this section, or who fails, neglects, or refuses to pay an Impact Fee, or who furnishes any untrue, incomplete, false, or misleading information concerning the calculation, exemption, or payment of an Impact Fee or concerning the entitlement to, or calculation of, an Impact Fee credit, may be held responsible for the violation and be subject to the penalties and remedies provided for in this Code and/or the Levy County Code of Ordinances.

(d) Failure to pay an Impact Fee required by this section is a violation that is continuous with respect to time, and each day the violation continues, or the Impact Fee remains unpaid, is hereby declared to be a separate offense.

ARTICLE 17. CODIFICATION IN THE CODE OF ORDINANCES.

It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Levy County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

ARTICLE 18. SEVERABILITY.

Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

ARTICLE 19. EFFECTIVE DATE.

(a) A certified copy of this Ordinance shall be effective 10 days after its enactment by the Board and filing with the Department of State.

(b) This Ordinance and the new and amended obligations shall apply to all Capital Facilities Impact Construction that submits a complete application for a Building Permit on or after _____; provided the notice period set forth in Article 13 hereof has expired by this date. If the notice period set forth in Article 13 hereof has not expired by _____, then the Effective Date of this Ordinance shall be automatically delayed until the expiration of said notice period.

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PASSED AND DULY ENACTED by the Board of County Commissioners of Levy County, Florida in regular session, this ____ day of _____, 2016.

LEVY COUNTY
BOARD OF COUNTY COMMISSIONERS

John Meeks, Chairman

ATTEST:

Clerk of Court

APPROVED AS TO FORM AND CONTENT:

County Attorney

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APPENDIX A

Levy County Impact Fee Study for Roads and Fire Rescue Facilities

