

ST. JOHNS COUNTY ORDINANCE 87- 57

ROAD IMPACT FEE ORDINANCE

AN ORDINANCE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE INCORPORATED AND UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA; IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN ST. JOHNS COUNTY FOR PROVIDING NEW ROADS AND RELATED FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; STATING THE AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR THE DETERMINATION OF A ROAD IMPACT FEE PRIOR TO THE ISSUANCE OF A BUILDING PERMIT OR PERMIT FOR MOBILE HOME INSTALLATION; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF A ROAD IMPACT FEE; PROVIDING FOR REVIEW AND ADJUSTMENT OF ROAD IMPACT FEES AND THE FEE SCHEDULES; PROVIDING FOR THE ESTABLISHMENT OF ROAD IMPACT FEE DISTRICTS; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM ROAD IMPACT FEES INTO ROAD IMPACT FEE TRUST FUNDS ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR USE OF FUNDS DERIVED FROM ROAD IMPACT FEES; PROVIDING THAT ROAD IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT INSTRUMENTS; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section One: Legislative Findings

The Board of County Commissioners of St. Johns County finds, determines and declares that:

A. St. Johns County must expand its road system in order to maintain current levels of service if new development is to be accommodated without decreasing current levels of service. This must be done in order to promote and protect the public health, safety and welfare;

B. The Florida Legislature through the enactment of Florida Statutes § 163.3202(3) has sought to encourage St. Johns

County to enact impact fees;

C. The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare;

D. Each of the types of land development described in Section Seven hereof, will generate traffic necessitating the acquisition of rights-of-way, road construction and road improvements.

E. The fees established by Section Seven are derived from, are based upon, and do not exceed the costs of providing additional rights-of-way, road construction and road improvements necessitated by the new land developments for which the fees are levied.

F. The report entitled "St. Johns County, Florida, Impact Fee Methodology", dated August 1987, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional rights-of-way, road construction and road improvements in St. Johns County.

Section Two: Short Title, Authority and Applicability.

A. This ordinance shall be known and may be cited as the "St. Johns County Road Impact Fee Ordinance."

B. The Board of County Commissioners of St. Johns County has the authority to adopt this ordinance pursuant to Article VIII of the Constitution of the State of Florida, and Chapter 125, Section 163.3201, Section 163.3202, and Section 380.06(16) of the Florida Statutes.

C. This ordinance shall apply in the unincorporated area of St. Johns County and in the incorporated areas of St. Johns County to the extent permitted by Article VIII, §1(f) of the Constitution of the State of Florida.

Section Three: Intents and Purposes

A. This ordinance is intended to assist in the implementation of the St. Johns County Comprehensive Plan.

B. The purpose of this ordinance is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide roads in St. Johns County.

Section Four: Rules of Construction

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

B. For the purposes of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

- (1) In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
- (2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (3) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (4) The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".
- (5) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (6) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:

- (a) "And" indicates that all the connected terms, conditions; provisions or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - (c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (7) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (8) "County Administrator" means the County Administrator or the county or municipal officials he/she may designate to carry out the administration of this ordinance. Any municipal official so designated shall be approved by the appropriate municipality before exercising duties hereunder.
- (9) A road right-of-way used to define road impact fee district boundaries may be considered within any district it bounds.

Section Five: Definitions

A. A "feepayer" is a person commencing a land development activity which generates traffic and which requires the issuance of a building permit or permit for mobile home installation.

B. A "capital improvement" includes transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project including, but not limited to: (a) construction of new through lanes, (b) construction of new turn lanes, (c) construction of new bridges, (d) construction of new drainage facilities in conjunction with new roadway construction, (e) purchase and installation of traffic signalization (including new and upgraded signalization), (f) construction of curbs,

medians, and shoulders, and (g) relocating utilities to accommodate new roadway construction.

C. "Expansion" of the capacity of a road applies to all road and intersection capacity enhancements and includes but is not limited to extensions, widening, intersection improvements, upgrading signalization, improving pavement conditions and expansion of bridges.

D. "Land Development Activity Generating Traffic" means any change in land use or any construction of buildings or structures or any change in the use of any structure that attracts or produces vehicular trips.

E. "Road" shall have the same meaning as set forth in §334.03(17) Florida Statutes (1985).

F. "Arterial Road" shall have the same meaning as set forth in §334.03(1) Florida Statutes (1985).

G. "Collector Road" shall have the same meaning as set forth in §334.03(4) Florida Statutes (1985).

H. "Site-related Improvements" are capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Direct access improvements include but are not limited to the following: (1) access roads leading to the development; (2) driveways and roads within the development; (3) acceleration and deceleration lanes, and right and left turn lanes leading to those roads and driveways; and (4) traffic control measures for those roads and driveways.

I. "Independent Fee Calculation Study" means the traffic engineering and/or economic documentation prepared by a fee payer to allow the determination of the impact fee other than by the use of the table in Section Seven (A) of this ordinance.

J. "Level of Service" shall have the same meaning as set forth in the Highway Research Board's Highway Capacity Manual (1965).

K. "Development Order" means a regulatory approval by St. Johns County or a municipality therein.

L. "Mandatory or Required right-of-way dedications and /or roadway improvements" means such non-compensated dedications and/or roadway improvements required by the County or by a municipality within St. Johns County which has not opted out from the effect of this ordinance.

M. "Electrical Energizing" is the initial connection of electrical power to any permanent power panel serving a building or mobile home for which a building permit or permit for mobile home installation has been obtained.

Section Six: Imposition of Road Impact Fee

A. Any person who, after December 31, 1987, seeks to develop land within St. Johns County, Florida, by applying for: a building permit; an extension of a building permit issued prior to January 1, 1988; a permit for mobile home installation; or a extension of a permit for mobile home installation issued prior to January 1, 1988, to make an improvement to land which will generate additional traffic is hereby required to pay a road impact fee in the manner and amount set forth in this ordinance. The impact fees established by this ordinance shall not be effective within the boundaries of any municipality which issues building permits until such municipality has executed an interlocal agreement with the county to collect such fees. The impact fees established by this ordinance shall not be effective within a municipality which has by municipal ordinance repealed the effect of this ordinance within its boundaries.

B. No new building permit or new permit for mobile home installation for any activity requiring payment of an impact fee pursuant to Section Seven of this ordinance shall be issued unless and until the road impact fee hereby required has been determined.

C. No extension of a building permit or permit for mobile home installation issued prior to January 1 1988, for any activity requiring payment of an impact fee pursuant to Section Seven of this ordinance shall be granted unless and until the road impact fee hereby required has been determined.

D. In the event a building permit or permit for mobile home installation is issued pursuant to an application filed after the effective date of this ordinance but prior to January 1, 1988, and if the permit owner has not applied for and received a certificate of occupancy for such building or mobile home prior to: (i) January 1, 1989, then the impact fee established in Section Seven (A) (1) of this ordinance must be paid prior to the issuance of the certificate of occupancy; (ii) July 1, 1989, then the impact fee established in Section Seven (A) (2) of this ordinance must be paid prior to the issuance of the certificate of occupancy; (iii) January 1, 1990, then the impact fee established in Section Seven (A) (3) of this ordinance must be paid prior to the issuance of the certificate of occupancy.

In the event a building permit or permit for mobile home installation is issued pursuant to an application filed after December 31, 1987, but prior to July 1, 1988, and in the further event that the permit owner has not paid the impact fee for such building or mobile home prior to: (i) July 1, 1989, then the impact fee established in Section Seven (A) (2) of this ordinance must be paid prior to the approval of Electrical Energizing; (ii) January 1, 1990, then the impact fee established in Section Seven (A) (3) of this ordinance must be paid prior to the approval of Electrical Energizing.

In the event a building permit or permit for mobile home installation is issued pursuant to an application filed after June 30, 1988, but prior to January 1, 1989, and in the further event that the permit owner has not paid the impact fee for such building or mobile home prior to January 1, 1990, then the impact fee established in Section Seven (A) (3) of this ordinance must be paid prior to the approval of Electrical Energizing.

Section Seven: Computation of the Amount of Road Impact Fee

A. At the option of the feepayer, the amount of the road impact fee may be determined by the following fee schedules. The fee schedules include a credit for future motor fuel tax payments. The fees contained in section Seven A (3) reflect a discount of 15% from net cost to encourage use of this schedule

in order to avoid the expenditure of administrative time on the processing of independent fee calculation studies. The fees in Seven A (2) contain a 15% discount from net cost to encourage use of this schedule in order to avoid the expenditure of administrative time on the processing of independent fee calculation studies and an additional discount of 12%, designed to achieve a total discount of 25%, to phase in the fees established by this ordinance. The fees in Seven A (1) contain a 15% discount from net cost to encourage use of this schedule in order to avoid the expenditure of administrative time on the processing of independent fee calculation studies and an additional discount of 41% designed to achieve a total discount of 50%, to phase in the fees established by this ordinance.

(1) From January 1, 1988, through June 30, 1988, the following schedule shall apply to all applications for: a building permit; an extension of a building permit issued prior to January 1, 1988; a permit for mobile home installation; or an extension of a permit for mobile home installation issued prior to January 1, 1988.

| LAND USE TYPE (UNIT) | <u>FEE SCHEDULE I</u> | | | |
|---|-----------------------|-------------|---------|--------------|
| | CONSTRUCTION | TOTAL COSTS | R.O.W | NET COST FEE |
| RESIDENTIAL UNITS PER STRUCTURE: | | | | |
| ONE UNIT | \$1,252 | \$376 | \$709 | \$355 |
| 2, 3 OR 4 UNITS EACH UNIT | \$977 | \$293 | \$553 | \$277 |
| 5 OR MORE UNITS EACH UNIT | \$764 | \$229 | \$433 | \$216 |
| MOBILE HOME EACH UNIT | \$601 | \$180 | \$340 | \$170 |
| HOTEL/MOTEL ROOM PER ROOM | \$998 | \$299 | \$565 | \$283 |
| OTHER RESIDENTIAL EACH UNIT | \$1,252 | \$376 | \$709 | \$355 |
| INDUSTRIAL AND WAREHOUSE PER 1,000 SQ FT: | | | | |
| INDUSTRIAL BUILDINGS * | \$415 | \$125 | \$235 | \$118 |
| WAREHOUSE BUILDINGS * | \$371 | \$111 | \$210 | \$105 |
| STORAGE BUILDINGS * | \$219 | \$66 | \$124 | \$62 |
| OFFICE AND FINANCIAL PER 1,000 SQ FT: | | | | |
| FINANCIAL OFFICES * | \$2,427 | \$728 | \$1,374 | \$687 |
| GENERAL OFFICES * | \$950 | \$285 | \$538 | \$269 |
| RETAIL PER 1,000 SQ FT * | \$3,026 | \$908 | \$1,713 | \$856 |

* Indicates square feet of gross building area
R.O.W. means Rights of Way

(2) From July 1, 1988, through December 31, 1988, the following schedule shall apply to all applications for: a building permit; an extension of a building permit issued prior to July 1, 1988; a permit for mobile home installation; or an extension of a permit for mobile home installation issued prior to July 1, 1988.

FEE SCHEDULE II

| LAND USE TYPE (UNIT) | -- | | TOTAL COSTS -- | |
|---|--------------|-------|----------------|---------|
| | CONSTRUCTION | R.O.W | NET COST | FEE |
| RESIDENTIAL UNITS PER STRUCTURE: | | | | |
| ONE UNIT | \$1,252 | \$376 | \$709 | \$532 |
| 2, 3 OR 4 UNITS EACH UNIT | \$977 | \$293 | \$553 | \$415 |
| 5 OR MORE UNITS EACH UNIT | \$764 | \$229 | \$433 | \$324 |
| MOBILE HOME EACH UNIT | \$601 | \$180 | \$340 | \$255 |
| HOTEL/MOTEL ROOM PER ROOM | \$998 | \$299 | \$565 | \$424 |
| OTHER RESIDENTIAL EACH UNIT | \$1,252 | \$376 | \$709 | \$532 |
| INDUSTRIAL AND WAREHOUSE PER 1,000 SQ FT: | | | | |
| INDUSTRIAL BUILDINGS * | \$415 | \$125 | \$235 | \$176 |
| WAREHOUSE BUILDINGS * | \$371 | \$111 | \$210 | \$158 |
| STORAGE BUILDINGS * | \$219 | \$66 | \$124 | \$93 |
| OFFICE AND FINANCIAL PER 1,000 SQ FT: | | | | |
| FINANCIAL OFFICES * | \$2,427 | \$728 | \$1,374 | \$1,030 |
| GENERAL OFFICES * | \$950 | \$285 | \$538 | \$404 |
| RETAIL PER 1,000 SQ FT * | \$3,026 | \$908 | \$1,713 | \$1,285 |

* Indicates square feet of gross building area
R.O.W. means Rights of Way

(3) Beginning January 1, 1989, the following schedule shall apply to all applications for: a building permit; an extension of a building permit issued prior to January 1, 1989; a permit for mobile home installation; or an extension of a permit for mobile home installation issued prior to January 1, 1989.

FEE SCHEDULE III

| LAND USE TYPE (UNIT) | -- | | TOTAL COSTS -- | |
|---|--------------|-------|----------------|---------|
| | CONSTRUCTION | R.O.W | NET COST | FEE |
| RESIDENTIAL UNITS PER STRUCTURE: | | | | |
| ONE UNIT | \$1,252 | \$376 | \$709 | \$603 |
| 2, 3 OR 4 UNITS EACH UNIT | \$977 | \$293 | \$553 | \$470 |
| 5 OR MORE UNITS EACH UNIT | \$764 | \$229 | \$433 | \$368 |
| MOBILE HOME EACH UNIT | \$601 | \$180 | \$340 | \$289 |
| HOTEL/MOTEL ROOM PER ROOM | \$998 | \$299 | \$565 | \$480 |
| OTHER RESIDENTIAL EACH UNIT | \$1,252 | \$376 | \$709 | \$603 |
| INDUSTRIAL AND WAREHOUSE PER 1,000 SQ FT: | | | | |
| INDUSTRIAL BUILDINGS * | \$415 | \$125 | \$235 | \$200 |
| WAREHOUSE BUILDINGS * | \$371 | \$111 | \$210 | \$179 |
| STORAGE BUILDINGS * | \$219 | \$66 | \$124 | \$105 |
| OFFICE AND FINANCIAL PER 1,000 SQ FT: | | | | |
| FINANCIAL OFFICES * | \$2,427 | \$728 | \$1,374 | \$1,168 |
| GENERAL OFFICES * | \$950 | \$285 | \$538 | \$457 |
| RETAIL PER 1,000 SQ FT * | \$3,026 | \$908 | \$1,713 | \$1,456 |

* Indicates square feet of gross building area
R.O.W. means Rights of Way

(4) If a building permit is requested for mixed uses, then the fee shall be determined through using the applicable schedule by apportioning the space committed to uses specified on the applicable schedule.

(5) For applications for an extension of a building permit or an extension of a permit for mobile home installation, the amount of the fee is the difference between that fee then applicable and any amount already paid pursuant to this ordinance.

(6) If the type of development activity that a building permit is applied for is not specified on the applicable fee schedule, the County Administrator shall use the fee applicable to the most nearly comparable type of land use on the applicable fee schedule. The County Administrator shall be guided in the selection of a comparable type by the report titled Trip Generation: An Information Report (Third Edition) prepared by Institute of Transportation Engineers. If the County Administrator determines that there is no comparable type of land use on the applicable fee schedule then the County Administrator shall determine the fee by:

(a) using traffic generation statistics provided by the Florida Department of Transportation or contained in a report titled Trip Generation: An Information Report (Third Edition) prepared by Institute of Transportation Engineers and;

(b) applying the formula set forth in Section Seven (B) hereof; and

(c) reducing the fee so determined by the appropriate percentage as indicated in Section 7(A) above.

In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit or permit for mobile home installation, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use. The County Administrator shall be guided in this determination by traffic generation statistics provided by the Florida Department of Transportation or contained in a report titled Trip Generation: An Information Report (Third Edition) prepared by Institute of Transportation Engineers.

B. If a feepayer opts not to have the impact fee determined according to paragraph (A) of this section, then the feepayer shall prepare and submit to the County Administrator an independent fee calculation study for the land development activity for which a building permit or permit for mobile home installation is sought. The independent fee calculation study shall follow the prescribed methodologies and formats for the study

established by the Guidelines and Procedures Manual adopted by motion of the Board of County Commissioners of St. Johns County. The traffic engineering and/or economic documentation submitted shall show the basis upon which the independent fee calculation was made, including but not limited to the following:

1. Traffic Engineering Studies:

(a) Documentation of trip generation rates appropriate for the proposed land development activity.

(b) Documentation of trip length appropriate for the proposed land development activity.

(c) Documentation of any other trip data appropriate for the proposed land development activity.

2. Economic Documentation Studies:

(a) Documentation of the cost per lane per mile for roadway construction appropriate for proposed land development activity.

(b) Documentation of credits attributable to the proposed land development activity which can be expected to be available to replace the portion of the service volume used by the traffic generated by the proposed land development activity.

Independent fee calculation studies shall be prepared and presented by professionals qualified in their respective fields. The County Administrator shall consider the documentation submitted by the feepayer but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the feepayer shall pay road impact fees based upon the schedules shown in paragraph (A) of this section.

Upon acceptance of an independent fee calculation study, the following formula shall be used by the County Administrator to determine the impact fee per unit of development:

1. ATTRIBUTABLE NEW TRAVEL IN VEHICULAR MILES PER DAY =

$$\frac{[(\text{VEHICULAR TRIPS PER DAY} \times \text{AVERAGE TRIP LENGTH}) / 2] \times \% \text{ NEW TRIPS}}{1}$$
2. NEW LANE MILES OF ROADS = ATTRIBUTABLE TRAVEL /
CAPACITY PER LANE MILE IN VEHICLES PER DAY
3. RIGHT OF WAY COST = NEW LANE MILES OF ROADS x
RIGHT OF WAY COST PER LANE MILE
4. CONSTRUCTION COST = NEW LANE MILES OF ROADS x
CONSTRUCTION COST PER LANE MILE
5. TOTAL COST = CONSTRUCTION COST + RIGHT OF WAY COST
6. CREDITS = {[(ATTRIBUTABLE TRAVEL x DAYS PER YEAR) / MILES PER
GALLON] x CAPITAL PORTION OF MOTOR FUELS TAX} x
PRESENT VALUE FACTOR
7. PRESENT VALUE FACTOR = SUM FROM 1 TO 25 OF $(1 / (1.06^n))$
WHERE n IS THE YEAR FROM 1 TO 25
8. NET COST = TOTAL COST - CREDITS
9. IMPACT FEE = NET COST

Section Eight: Payment of Fee

A. The person applying for the issuance of a building permit for accessory structures, additions to and remodeling of existing structures, or a permit for mobile home installation shall pay the fee, less any applicable credits as provided for in Section Thirteen, to the County Administrator or his designee prior to the issuance of a building permit.

B. The person applying for the issuance of a building permit other than for accessory structures, additions and remodeling of existing structures, or a permit for mobile home installation shall pay the fee, less any applicable credits as provided for in Section Thirteen, to the County Administrator or his designee as a prerequisite for approval of Electrical Energizing. The approval shall not be given until the fee is paid.

C. All funds collected shall be properly identified by road impact fee district and promptly transferred for deposit in the appropriate Road Impact Fee Trust Fund to be held in separate accounts as determined in Section Ten of this ordinance and used solely for the purposes specified in this ordinance.

Section Nine: Road Impact Fee Districts

There are hereby established four (4) road impact fee districts as shown in Appendix I attached hereto and incorporated

herein by reference. No district shall include any area within a municipality that issues building permits and that has not entered into an interlocal agreement with the county to collect road impact fees or that that has by ordinance repealed the effect of this ordinance within its boundaries.

Section Ten: Road Impact Fee Trust Funds Established

A. There are hereby established four (4) separate Road Impact Fee Trust Funds, one for each road impact fee district established by Section Nine of this Ordinance.

B. Funds withdrawn from these accounts must be used in accordance with the provisions of Section Eleven of this ordinance.

Section Eleven: Use of Funds

A. Funds collected from road impact fees shall be used for the purpose of capital improvements to and expansion of transportation facilities associated with the Arterial and Collector road network as designated by St. Johns County and under the jurisdiction of St. Johns County, any municipality within St. Johns County which has not opted out from the effect of the ordinance, or the State of Florida.

B. No funds shall be used for periodic or routine maintenance as defined in §334.03(13) and (18) Florida Statutes (1985).

C. Funds shall be used exclusively for capital improvements or expansion within the road impact fee district, including district boundary roads, as identified in Appendix I, hereof, from which the funds were collected or for projects in other road impact districts which are of benefit to the road impact district from which the funds were collected. Funds shall be expended in the order in which they are collected.

D. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which road impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in

paragraph A of this section and are located within the appropriate impact fee districts created by Section Nine of this ordinance or as provided in paragraph C of this section.

E. At least once each fiscal period the County Administrator shall present to the Board of County Commissioners a proposed capital improvement program for roads, assigning funds, including any accrued interest, from the several Road Impact Fee Trust Funds to specific road improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same Road Impact Fee Trust Funds until the next fiscal period except as provided by the refund provisions of this ordinance.

F. Funds may be used to make refunds required under any Development Order heretobefore or hereafter issued or entered into by St. Johns County or participating municipalities as such refunds pertain to the subject matter of this ordinance.

G. Funds may be used to provide refunds as described in Section Twelve.

H. Funds may be used for such other transportation purposes as may be authorized by amendments to this ordinance.

I. The collecting governmental entity shall be entitled to retain not more than three per cent (3%) of the funds collected as compensation for the expense of collecting the fee and administering this ordinance.

Section Twelve: Refund of Fees Paid

A. If a building permit or permit for mobile home installation expires without commencement of construction, then the feepayer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance except that the County shall retain six percent (6%) of the fee to offset a portion of the costs of collection and refund. The feepayer must submit an application for such a refund to the Clerk of Courts of St. Johns County within 30 days of the expiration of the permit.

B. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the road impact fee was paid shall, upon application of the

then current landowner, be returned to such landowner with interest at the rate of six percent (6%) per annum, provided that the landowner submits an application for a refund to the Clerk of Courts of St. Johns County within 180 days of the expiration of the six year period.

Section Thirteen: Exemptions and Credits

A. The following shall be exempted from payment of the impact fee:

1. Alterations or expansion of an existing building where no additional units are created, where the use is not changed, and where no additional vehicular trips will be produced over and above those produced by the existing use.
2. The construction of accessory buildings or structures which will not produce additional vehicular trips over and above those produced by the principal building or use of the land.
3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use provided that no additional trips will be produced over and above those produced by the original use of the land.
4. The installation of a replacement mobile home on a lot or other such site when a road impact fee for such mobile home site has previously been paid pursuant to this ordinance or where a mobile home legally existed on such site on or prior to December 31, 1987, or where a mobile home certificate of occupancy for such site was issued prior to January 1, 1989.

Any claim of exemption must be made no later than the time of application for a building permit or permit for mobile home installation. Any claim not so made shall be deemed waived.

B. Credits:

1. No credit shall be given for Site-related Improvements or right-of-way dedications.
2. All Mandatory or Required right-of-way dedications and/or roadway improvements made by a feepayer, subsequent to the effective date of this ordinance, except for Site-related Improvements, shall be credited on a pro rata basis against road impact fees otherwise due or to become due for the development that prompted the County or the municipality to require such dedications or roadway improvements. Such credits shall be determined and provided as set forth in Section Thirteen B 3 (a), (b), (c) and (d).
3. A feepayer may obtain credit against all or a portion of road impact fees otherwise due or to become due by offering to dedicate non-Site-Related right-of-way and/or construct non-Site Related roadway improvements. This offer must specifically request or provide for a road impact fee credit. Such construction must be in accordance with County, Municipal or State design standards, which ever is applicable. If the County Administrator accepts such an offer, whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner:
 - a. Credit for the dedication of non-Site-Related right-of-way shall be valued at (i) 115% of the most recent assessed value by the St. Johns County Property Appraiser, or (ii) by such other appropriate method as the Board of County Commissioners may have accepted prior to the effective date of this ordinance for particular right-of-way dedications and/or roadway improvements, or (iii) at the option

of the feepayer, by fair market value established by private appraisers acceptable to the County. Credit for the dedication of right-of-way shall be provided when the property has been conveyed at no charge to, and accepted by, the County in a manner satisfactory to the Board of County Commissioners.

- b. Applicants for credit for construction of non-Site-related road improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the County Administrator. The County Administrator shall determine credit for roadway construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the County Administrator determines that such estimates submitted by the applicant are either unreliable or inaccurate. The County Administrator shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his agreement to the terms of the letter or certificate and return such signed document to the County Administrator before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.

c. Except as provided in subparagraph (d), Credit against impact fees otherwise due will not be provided until:

- (1) the construction is completed and accepted by the County, a municipality within the county which has not opted out from the effect of this ordinance, or the State, whichever is applicable;
- (2) a suitable maintenance and warranty bond is received and approved by the Clerk of Courts of St. Johns County, when applicable; and
- (3) all design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the then current County Paving and Drainage ordinance, when applicable.

d. Credit may be provided before completion of specified roadway improvements if adequate assurances are given by the applicant that the standards set out in Subparagraph (c) will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with and approved by the Clerk of Courts of St. Johns County in an amount determined by the County Administrator consistent with the then current County Paving and Drainage Ordinance. If the road construction project will not be constructed within one (1) year of the acceptance of the offer by the County Administrator, the amount of the security shall be increased by ten percent (10%) compounded, for each year of the life of the security.

The security shall be reviewed and approved by the Clerk of the Board of County Commissioners prior to acceptance of the security by the Clerk. If the road construction project is not to be completed within 5 years of the date of the feepayer's offer, the Board of County Commissioners must approve the road construction project and its scheduled completion date prior to the acceptance of the offer by the County Administrator.

4. Any claim for credit must be made no later than the time of application for a building permit or permit for mobile home installation. Any claim not so made shall be deemed waived.
5. Credits shall not be transferable from one project or development to another without the approval of the Board of County Commissioners and may only be transferred to a development in a different impact fee district upon a finding by the Board of County Commissioners that the dedication of right of way or road construction for which the credit was given benefits such different impact fee district.
6. In the event that a municipality within St. Johns County shall pass an ordinance or law that prevents the application of this ordinance within that municipality, there shall be no credit given for right-of-way dedications or roadway construction ordered by that municipality against fees due hereunder because of improvements constructed outside of the boundaries of the municipality.
7. In the event fee schedules are subsequently changed to reflect increases or decreases in construction costs or other relevant factors, then a feepayer may request a recalculation of credits to fairly reflect such changed circumstances.

The enumeration of the above credits shall not be deemed to prohibit credits required by Chapter 380 (16), as amended.

Section Fourteen: Review

The fees specified in Section Seven (A) (3) shall be reviewed by the Board of County Commissioners at least once each fiscal biennium.

Section Fifteen: Penalty Provision

A violation of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution St. Johns County shall have the power to sue in civil court to enforce the provisions of this ordinance.

Section Sixteen: Severability

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

Section Seventeen: Effective Date

This ordinance shall become effective upon receipt by the Clerk of Courts of St. Johns County of notice that it has been filed with the Department of State.

PASSED AND DULY ADOPTED THIS 20 DAY OF October, 1987.

ATTEST: Carl "Bud" Markel, Clerk

By: Cheryl Kent
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

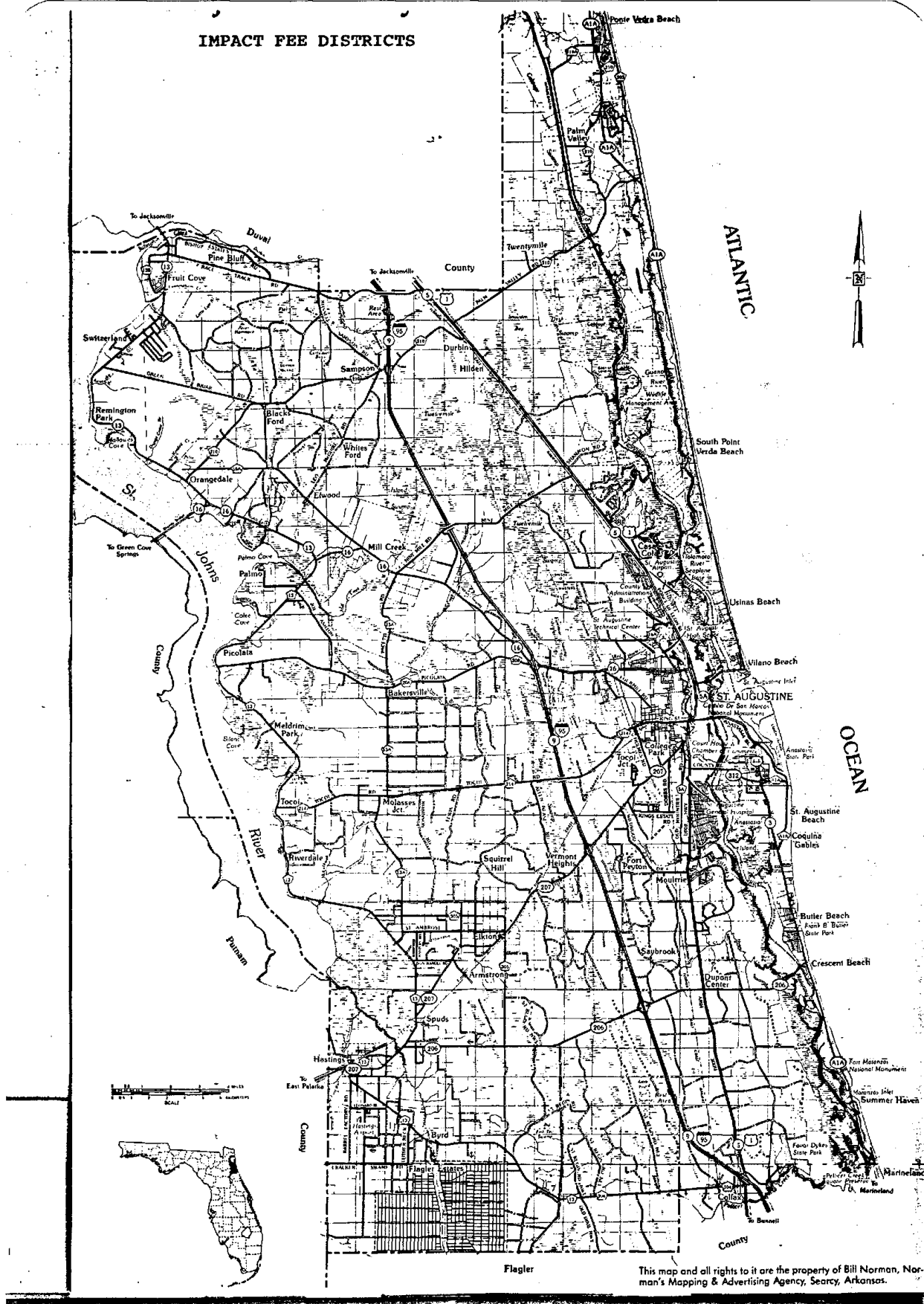
By: Phyllis L. Lydon
Its Chairman

Adopted special meeting 10/20/87

Effective: November 2, 1987

ORDINANCE BOOK 8 PAGE 327

IMPACT FEE DISTRICTS



Flagler

This map and all rights to it are the property of Bill Norman, Norman's Mapping & Advertising Agency, Searcy, Arkansas.

APPENDIX I

The St. Augustine Record
 PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
 ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }
 COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
Kristi Robertson who on oath says that he is
Accounting Clerk of the St. Augustine Record, a
 daily newspaper published at St. Augustine in St. Johns County, Florida;
 that the attached copy of advertisement, being a _____
Special Meeting
 _____ in the matter of _____
Road Impact Fees
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
September 4, 1987

Affiant further says that the St. Augustine Record is a newspaper
 published at St. Augustine, in said St. Johns County, Florida, and that the
 said newspaper has heretofore been continuously published in said St.
 Johns County, Florida, each day, except Sundays, and has been entered
 as second class mail matter at the post office in the City of St. Augustine,
 in said St. Johns County, Florida, for a period of one year next preceding
 the first publication of the attached copy of advertisement; and affiant
 further says that he has neither paid nor promised any person, firm or
 corporation any discount, rebate, commission or refund for the purpose
 of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me Kristi Robertson
 this 4th day of September

A.D. 19 87
[Signature]
 (SEAL) Notary Public
 Notary Public, State of Florida
 My Commission Expires Aug. 4, 1989
 Bonded thru Toy Fair - Insurance, Inc.

Continued to
 September 29, 1987
 at 11:00 a.m. + continued
 to October 20, 1987 at 9:30 a.m.

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS SPECIAL MEETING ON SEPTEMBER 23, 1987 AT 3:00 O'CLOCK P.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

ROAD IMPACT FEE ORDINANCE
 AN ORDINANCE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE INCORPORATED AND UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA; IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN ST. JOHNS COUNTY FOR PROVIDING NEW ROADS AND RELATED FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; STATING THE AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR THE PAYMENT OF A ROAD IMPACT FEE AS A PREREQUISITE FOR ISSUANCE OF A BUILDING PERMIT OR PERMIT FOR MOBILE HOME INSTALLATION; PROVIDING FOR REVIEW AND ADJUSTMENT OF ROAD IMPACT FEES AND THE FEE SCHEDULE; PROVIDING FOR THE ESTABLISHMENT OF ROAD IMPACT FEE DISTRICTS; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM ROAD IMPACT FEES INTO ROAD IMPACT FEE TRUST FUNDS ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR USE OF FUNDS DERIVED FROM ROAD IMPACT FEES; PROVIDING THAT ROAD IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT INSTRUMENTS; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearing. All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing. If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearings, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
 Carl "Bud" Markel, Its Clerk
 By Cheryl Kent
 Deputy Clerk
 11/24 Sept. 4, 1987



FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State

RECEIVED
ST. JOHNS COUNTY, FLORIDA

'87 NOV -2 AIO:04

Dorothy W. Joyce
Division Director

October 27, 1987

Carl Bud Markel
CLERK, COUNTY COMMISSION

Honorable Carl "Bud" Markel
Clerk of Circuit Court
St. Johns County
Post Office Drawer 500
St. Augustine, Florida 32085

Attention: Cheryl Kent, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of October 21, 1987 Mailed 10/23/87
and certified copy/ies of St. Johns
County Ordinance(s) Nos. 87-57, #87-58, #87-59
#87-60, # 87-61, #87-62, #87-63
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed ~~this~~/these ordinances in this office
on October 26, 1987.
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Sincerely,

Liz Cloud
Liz Cloud, Chief
Bureau of Administrative Code

LC/
mb

DIVISION OF ELECTIONS, Room 1801, The Capitol, Tallahassee, Florida 32301
(904) 488-7690