

8/27/90

ST. JOHNS COUNTY ORDINANCE 90- 57
PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE

AN ORDINANCE AMENDING ORDINANCE 87-59 REGARDING PUBLIC CAPITAL FACILITIES IMPACT FEES. THIS AMENDMENT REORGANIZES AND DELETES CERTAIN PROVISIONS PERTAINING TO THE APPLICABILITY OF ORDINANCE 87-59; PROVIDES AMENDMENTS TO CERTAIN DEFINITIONS AND ADDS NEW DEFINITIONS; REORGANIZES CERTAIN PROVISIONS PERTAINING TO ASSESSMENT AND PAYMENT OF IMPACT FEES; DELETES CERTAIN OBSOLETE PROVISIONS AND FEE SCHEDULES; ADDS NEW ITEMS TO BE CONSIDERED BY THE COUNTY ADMINISTRATOR AND FEEPAYERS IN DETERMINING IMPACT FEES NOT COVERED BY THE FEE SCHEDULE; AMENDS PROVISIONS PERTAINING TO REFUND OF FEES PAID; ADDS A NEW EXEMPTION; PROVIDES FOR SEVERABILITY; AND PROVIDES AN EFFECTIVE DATE.

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

SECTION ONE. St. Johns County Ordinance #87-59 is hereby amended by deleting subsection F from Section One thereof and by adding and substituting the following therefor:

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 public capital facilities in St. Johns County and is hereby incorporated by reference in its entirety.

SECTION TWO. St. Johns County Ordinance #87-59 is hereby amended by deleting subsection C from Section Two thereof and by adding and substituting the following therefor:

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. The impact fees established by this ordinance shall not be effective within the boundaries of any municipality that issues building permits until such municipality has executed an interlocal agreement with the county to collect such fees.

SECTION THREE. St. Johns County Ordinance #87-59 is hereby amended by deleting Section Five therefrom and by adding and substituting the following therefor:

Section Five: Definitions. For the purpose of this ordinance, the following words shall have the following meanings:

A. A "feepayer" is a person who pays an impact fee or his successor in interest.

B. "Public Capital Facilities" are police and law enforcement buildings, motor vehicles, jails, communications equipment and any other capital equipment related to police and law enforcement; fire protection and emergency medical buildings and capital equipment; other public buildings and capital equipment for public purposes, including but not limited to judicial facilities, county administration and operations facilities, and offices for constitutional officers and their staffs but not including schools and School Boards; acquisition of sites for public buildings; and building design and facility need studies.

C. "Capital Equipment" is equipment with an expected use life of three years or more.

D. "Comprehensive Plan" is the St. Johns County Comprehensive Plan adopted pursuant to Chapter 163 of the Florida Statutes.

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

F. "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.

G. "Encumber" means to legally obligate by contract or otherwise commit to use by appropriation or other official act of a municipality or county.

SECTION FOUR. St. Johns County Ordinance #87-59 is hereby amended by deleting Section Six therefrom and by adding and substituting the following therefor:

Section Six: Imposition of Public Capital Facilities Impact Fee.

Any person who, after December 31, 1987, seeks to develop land within St. Johns County, Florida, by applying for a building permit or permit for mobile home installation, is hereby required to pay a public capital facilities impact fee in the manner and amount set forth in this ordinance.

SECTION FIVE. St. Johns County Ordinance #87-59 is hereby amended by deleting Section Seven therefrom and by adding and substituting the following therefor:

Section Seven: Computation of the Amount of Public Capital Facilities Impact Fee.

A. At the option of the feepayer, the amount of the public capital facilities impact fee may be determined by the following fee schedule or an independent fee calculation study, as provided in paragraph (B) of this Section. The fees contained in this paragraph 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.

(1) 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

LAND USE TYPE (UNIT)	PUBLIC BUILDING	POLICE	FIRE	EMS	TOTAL
RESIDENTIAL UNITS PER STRUCTURE:					
ONE UNIT	64	19	74	76	\$233
2, 3 or 4 UNITS EACH UNIT	52	16	60	62	\$190
5 OR MORE UNITS EACH UNIT	71	21	81	84	\$257
MOBILE HOME EACH UNIT	61	18	71	73	\$223
HOTEL/MOTEL ROOM PER ROOM	40	12	46	48	\$198
OTHER RESIDENTIAL EACH UNIT	64	19	74	76	\$233
INDUSTRIAL AND WAREHOUSE PER 1,000 SQ. FT.:					
INDUSTRIAL BUILDINGS *	30	9	34	35	\$108
WAREHOUSE BUILDINGS *	23	7	26	27	\$83
STORAGE BUILDINGS *	14	4	16	16	\$50
OFFICE AND FINANCIAL PER 1,000 SQ. FT.:					
FINANCIAL OFFICES *	136	41	155	160	\$492
GENERAL OFFICES *	63	19	72	74	\$228
RETAIL PER 1,000 SQ. FT.: *	122	37	139	144	\$442

*Indicates square feet of gross building area

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

(3) If the type of development activity that a building permit is applied for is not specified on the above fee schedule, the County Administrator shall use the fee applicable to the most nearly comparable type of land use on the above fee schedule. The County Administrator shall be guided in the selection of a comparable type by the St. Johns County Comprehensive Plan, supporting documents of the St. Johns County Comprehensive Plan, the St. Johns County, Florida, Impact Fee Methodology, the St. Johns County Impact Fees General Administrative Guidelines and Procedures Manual, and the St. Johns County Zoning Ordinance. If the County Administrator determines that there is no comparable type of land use on the above fee schedules then the County Administrator shall determine the fee by considering demographic or other documentation which is available from the St. Johns County Planning Department, Northeast Florida Regional Planning Council, the Florida Department of Community Affairs, or the Bureau of Economic and Business Research of the University of Florida.

(4) 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 the sources and agencies listed above.

B. If a feepayer opts not to have the impact fee determined according to paragraph (A) of this section, then the feepayer shall prepare and submit to the County Administrator 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 St. Johns County, Florida Impact Fee Methodology and the Guidelines and Procedures Manual adopted by motion of the Board of County Commissioners of St. Johns County. The documentation submitted shall show the basis upon which the independent fee calculation was made. 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 public capital facilities impact fees based upon the schedules shown in paragraph (A) of this section. If an acceptable independent fee calculation study is presented, the County Administrator shall adjust the fee to that appropriate to the particular development.

SECTION SIX. St. Johns County Ordinance #87-59 is hereby amended by deleting Section Eight therefrom and by adding and substituting the following therefor:

Section Eight: Assessment and Payment of Fee

A. 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 public capital facilities impact fee hereby required has been determined.

B. 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 public capital facilities impact fee hereby required has been determined.

C. The person applying for the issuance of a building permit for additions to and remodeling of an existing structure, 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.

D. The person applying for (i) the issuance of a building permit other than for additions and remodeling of existing structures, or (ii) 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.

E. All funds collected shall be properly identified by and promptly transferred for deposit in the appropriate Public Capital Facilities Impact Fee Trust Fund to be held in separate accounts as determined in Section Ten of this ordinance and used solely for the purpose specified in this ordinance.

SECTION SEVEN. St. Johns County Ordinance #87-59 is hereby amended by deleting subsections A, F, and G from Section Ten thereof and by adding and substituting the following therefor:

Section Ten: Use of Funds

A. Funds collected from public capital facility impact fees shall be used solely for the purpose of acquiring, equipping, and/or making capital improvements to public facilities under the jurisdiction of St. Johns County, a municipality within St. Johns County that has chosen to participate in the County's impact fee program or the State of Florida, and shall not be used for maintenance or operations.

F. Funds may be used to provide refunds as described in Section Eleven.

G. The collecting governmental entity shall be entitled to retain not more than three percent (3%) of the funds collected including interest as compensation for the expense of collecting the fee and administering this ordinance. The County shall conduct a study every two years to determine whether the three percent charge continues to reasonably cover the County's cost of administering this Ordinance. The County shall adjust this administrative cost according to the findings to those studies, and shall amend this provision of this Ordinance, as well as Section Eleven (A), if the costs are found to exceed three percent (3%).

SECTION EIGHT. St. Johns County Ordinance #87-59 is hereby amended by deleting subsection A of Section Eleven therefrom and by adding and substituting the following therefor:

Section Eleven: 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 of the impact fee paid as a condition for its issuance except that the County shall retain three percent (3%) of the fee to offset the administrative costs of collection and three percent (3%) of the fee to offset the administrative costs of refunding the fee. The County shall adjust these administrative costs whenever

determined necessary, according to the results of the studies conducted pursuant to Section Ten (G). 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.

SECTION NINE. St. Johns County Ordinance #87-59 is hereby amended by adding the following subsection 5 to subsection A of Section Twelve:

5. Public capital facilities, as defined in Section Five of this ordinance.

SECTION TEN. 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 ELEVEN. This Ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

PASSED by the Board of County Commissioners of St. Johns County, State of Florida this 25th day of September, 1990.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Craig A. Maguire
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl "Bud" Markel
Its Clerk



Adopted Regular Meeting September 25, 1990

Effective October 8, 1990

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____

ANN JACKSON

who on oath says that she 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 _____

NOTICE OF INTENT

_____ in the matter of _____

RF: ORDINANCE 87-59 IMPACT FEES

_____ in the _____ Court,

was published in said newspaper in the issues of _____

SEPTEMBER 4, 1990

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 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 she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me *Ann Jackson*

this 5th day of SEPTEMBER

A.D. 19 90

[Signature]
(SEAL) Notary Public

8122193

\$35.25

NOTICE OF INTENT TO CONSIDER ENACTMENT OF ORDINANCE
NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON TUESDAY, SEPTEMBER 25, 1990, AT 11:30 O'CLOCK A.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, 400 LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:
ST. JOHNS COUNTY ORDINANCE NO. _____ PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE
AN ORDINANCE AMENDING ORDINANCE 87-59 REGARDING PUBLIC CAPITAL FACILITIES IMPACT FEES. THIS AMENDMENT REORGANIZES AND DELETES CERTAIN PROVISIONS PERTAINING TO THE APPLICABILITY OF ORDINANCE 87-59; PROVIDES AMENDMENTS TO CERTAIN DEFINITIONS AND ADDS NEW DEFINITIONS; REORGANIZES CERTAIN PROVISIONS PERTAINING TO ASSESSMENT AND PAYMENT OF IMPACT FEES; DELETES CERTAIN OBSOLETE PROVISIONS AND FEE SCHEDULES; ADDS NEW ITEMS TO BE CONSIDERED BY THE COUNTY ADMINISTRATOR AND FEEPAYERS IN DETERMINING IMPACT FEES NOT COVERED BY THE FEE SCHEDULE; AMENDS PROVISIONS PERTAINING TO REFUND OF FEES PAID; ADDS A NEW EXEMPTION; PROVIDES FOR GENERABILITY; AND PROVIDES 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 hearing, he will need a record of the proceedings, and for such purposes 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, Clerk
By Connie E. McDaniel, Deputy Clerk
LSC Sept. 4, 1990