

ORDINANCE NO. 2005- 27

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE REAFFIRMS, READOPTS, CONSOLIDATES AND INCORPORATES WITHIN THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE THE FOLLOWING ORDINANCES: NO. 87-57 (ROAD IMPACT FEE ORDINANCE), AS PREVIOUSLY AMENDED; NO. 87-58 (PARK IMPACT FEE ORDINANCE), AS PREVIOUSLY AMENDED; NO. 87-59 (PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE), AS PREVIOUSLY AMENDED; AND NO. 87-60 (EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE), AS PREVIOUSLY AMENDED; MAKES CHANGES APPLICABLE TO ALL IMPACT FEES AS CONSOLIDATED, INCLUDING AND RELATING TO: PROVIDING SUPPLEMENTAL AND ADDITIONAL FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; MODIFYING THE DEFINITION OF FEEPAAYER; MODIFYING THE BOUNDARIES OF THE IMPACT FEE DISTRICTS AND RELATED MAPS; MODIFYING THE AMOUNTS PAYABLE PURSUANT TO THE IMPACT FEE SCHEDULE AND CONSOLIDATING THE FIRE AND EMS FUNDS; PROVIDING FOR AUTOMATIC UPDATING OF FEES BASED ON INDEXING; PROVIDING FOR REVIEW AND UPDATING OF IMPACT FEES BY THE BOARD OF COUNTY COMMISSION EVERY FIVE (5) YEARS; MODIFYING IMPACT FEES FOR RESIDENTIAL UNITS BASED ON HEATED AND AIR-CONDITIONED SQUARE FOOTAGE OF EACH UNIT; AMENDING AND READOPTING THE IMPACT FEES GENERAL ADMINISTRATIVE GUIDELINES AND PROCEDURES MANUAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS. The Board of County Commissioners of St. Johns County finds, determines and declares that:

- (a) The imposition of impact fees is one of the preferred and recommended forms of ensuring that new development bears a proportionate share of the cost of roads, parks, schools, and public capital facilities.
- (b) Impact fees have become a widespread and legally acceptable form of funding infrastructure needed for new growth in Florida.
- (c) Chapter 163, Florida Statutes, encourages the use of impact fees as a tool of local government in land use regulations.
- (d) The reports entitled "Technical Memorandum on the Methods of Updating Roads, Fire & Rescue, Law Enforcement and Parks & Recreation Impact Fees" dated November 22, 2004, and "Public Educational Impact Fee Update" dated January 7, 2005, prepared by James C. Nicholas, Ph.D., as discussed, amended, and supplemented at public workshops and meetings of the Board of County Commission and School Board District, set forth a reasonable methodology and analysis for the determination of the impact of new development on the need for, and costs of, additional roads, parks, schools, and public capital facilities in St. Johns County.
- (e) Automatic indexing of impact fees is a reasonable method to achieve a more closely correlated connection between the actual costs necessitated by new development and the funds generated by impact fees over time.
- (f) In order to minimize necessary periodic increases in impact fees, the Board of County Commission finds that a review of the fee schedule should occur every five (5) years.
- (g) Residential impact fees based on heated and air-conditioned square footage for a residential structure is a reasonable and appropriate methodology in assessing the utilization and need for infrastructure and services encompassed by impact fees.
- (h) County structures and services for EMS and Firefighting are now utilized jointly as a merged Fire/EMS function, and separate categories and funds are no longer necessary.
- (i) This ordinance is enacted pursuant to Chapters 125 and 163, Florida Statutes (2004). It is the intent of the Board of County Commission to facilitate the usage of the existing four impact fee ordinances, as previously amended, into one supplemental, enacted and amending appendix to the St. Johns County Land Development Code.

Section 2. St. Johns County Ordinance 99-51, as previously amended, is hereby amended and supplemented by reaffirming, readopting, consolidating and incorporating the following ordinances: No. 87-57 (Road Impact Fee Ordinance), as previously amended, No. 87-

58 (Park Impact Fee Ordinance), as previously amended, No. 87-59 (Public Capital Facilities Impact Fee Ordinance), as previously amended, and No. 87-60 (Educational Facilities Impact Fee Ordinance), as previously amended, (hereinafter referred to as the “Consolidated Impact Fee Ordinances”).

Section 3. St. Johns County Ordinance 99-51, as previously amended, is hereby amended and supplemented by modifying the definition of feepayer in relation to St. Johns County impact fees as follows:

The word *feepayer* in addition to its usage within the Consolidated Impact Fee Ordinances shall also include and mean other persons and entities that commence a land development activity within a project which project generates users and requires the issuance of a building permit or permit for mobile home installation but which land development activity does not require the issuance of a building permit or permit for mobile home installation.

Section 4. St. Johns County Ordinance 99-51, as previously amended, is hereby amended and supplemented by modifying the boundaries of the impact fee districts and related maps found in the Consolidated Impact Fee Ordinances and substituting said district maps with the attached and incorporated by reference Impact Fee District Appendix I maps.

Section 5. St. Johns County Ordinance 99-51, as previously amended, is hereby amended and supplemented by modifying the fee schedule found in the Consolidated Impact Fee Ordinances and substituting the amounts due and payable for each category, and merging the separate categories and funds for Fire and EMS (also known as ‘Rescue’) into one combined Fire/EMS fund category, pursuant to the impact fee schedule as described in the attached and incorporated by reference Exhibit “A”.

Section 6. St. Johns County Ordinance 99-51, as previously amended, is hereby amended and supplemented by adding automatic indexing of the fee schedule hereinabove described in Section 5 of this ordinance as follows:

(a) The impact fee schedule (Exhibit “A”) shall be adjusted by the County Administrator or his or her designee in April of each calendar year. Unless otherwise directed by the Board of County Commissioners, any adjustments to the impact fee schedule, made pursuant to this section, shall be effective on October 1<sup>st</sup> of each calendar year. All adjustments to the impact fees shall be based on the methodology described in paragraph B of this section.

(b) The base for computing any adjustment shall be the Annual Average Construction Cost Index as published by the Engineering News-Record. For the purpose of this Section the initial index to be referenced is the Annual Average Construction Cost Index of the last year when the impact fees were updated with cost or demographic data.

(c) If the index is changed so that the base year is different, the index shall be converted in accordance with the conversion factor published by the Engineering News-Record. If the index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the index had not been discontinued or revised.

Section 7. St. Johns County Ordinance 99-51, as previously amended is hereby amended and supplemented by modifying the periodic review of the impact fee schedule hereinabove described in Section 5 of this ordinance and directs staff to submit to the Board of County Commission a report with suggested revisions no later than every five (5) years commencing from the effective date of this ordinance.

Section 8. St. Johns County Ordinance 99-51, as previously amended is hereby amended and supplemented by modifying the impact fees for residential units found in the Consolidated Impact Fee Ordinances and substituting these residential units of measurement to residential units based on heated and air-conditioned square footage of each unit as described in the attached and incorporated by reference Exhibit "A."

Section 9. St. Johns County Ordinance 99-51, as previously amended is hereby amended and supplemented by modifying the Consolidated Impact Fee Ordinances and providing for an amended and readopted Impact Fees General Administrative Guidelines and Procedures Manual, as described in the attached and incorporated by reference Exhibit "B". Clarification of non-substantive administration and procedures found in the Impact Fees General Administrative Guidelines and Procedures Manual may be allowed by resolution of the Board of County Commissioners of St. Johns County.

Section 10. Severance Clause. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase, provision, or map of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance. Furthermore, it is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if this Ordinance is held to be invalid or unconstitutional, in whole or in part, by a court of competent jurisdiction, Ordinance No. 87-57 (Road Impact Fee Ordinance), as previously amended, No. 87-58 (Park Impact Fee Ordinance), as previously amended, No. 87-59 (Public Capital Facilities Impact Fee Ordinance), as previously amended, and No. 87-60 (Educational Facilities Impact Fee Ordinance), as previously amended, shall each individually be severable from this Ordinance and such invalidity or unconstitutionality of all or part of this Ordinance shall not be construed as to render invalid or unconstitutional these individually enumerated ordinances, which ordinances shall continue to be valid and effective.

Section 11. This ordinance shall take effect on May 2, 2005, upon a certified copy being filed with the Department of State of Florida. In addition and supplemental to the severance clause hereinabove provided for in Section 9. of this ordinance, it is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that Ordinance No. 87-57 (Road Impact Fee Ordinance), as previously amended, Ordinance No. 87-58 (Park Impact Fee Ordinance), as previously amended, Ordinance No. 87-59 (Public Capital Facilities Impact Fee Ordinance), as previously amended, and Ordinance No. 87-60 (Educational Facilities Impact Fee Ordinance), as previously amended, shall each individually remain valid and effective until such time as this ordinance becomes effective.

**PASSED AND ENACTED** by the Board of County Commissioners of St. Johns County, Florida, this 16<sup>th</sup> day of March, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk of Court

Rendition Date: 3/17/05

By: 

Effective Date: May 2, 2005

Deputy Clerk

Filed with the Secretary  
of State: March 21, 2005



EXHIBIT "A"

**IMPACT FEE SCHEDULE**

## EXHIBIT A

### IMPACT FEES BY LAND USE TYPE WITH PAST PAYMENT CREDIT

LAND USE TYPE	Unit of Measurement	Roads	Buildings	Law Enforcement	Fire/Rescue	Parks	Schools	TOTAL
<b>RESIDENTIAL:</b>								
1800 FT <sup>2</sup> & Under	Unit	\$2,997	\$305	\$152	\$405	\$609	\$2,217	\$6,685
Over 1800 FT <sup>2</sup>	Unit	\$3,708	\$378	\$188	\$501	\$753	\$3,771	\$9,299
Hotel/Motel	Room	\$3,237	\$217	\$108	\$66	\$434	\$0	\$4,062
<b>INDUSTRIAL:</b>								
General Industrial	1,000 FT <sup>2</sup>	\$2,548	\$140	\$70	\$15	\$0	\$0	\$2,773
Warehousing	1,000 FT <sup>2</sup>	\$1,813	\$103	\$52	\$10	\$0	\$0	\$1,978
Mini-warehousing	1,000 FT <sup>2</sup>	\$914	\$14	\$7	\$5	\$0	\$0	\$940
<b>OFFICE:</b>								
General Office < 100k FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$6,074	\$400	\$199	\$141	\$0	\$0	\$6,814
General Office 100-200k FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$4,645	\$317	\$158	\$108	\$0	\$0	\$5,228
General Office > 200k FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$4,101	\$246	\$122	\$95	\$0	\$0	\$4,564
<b>COMMERCIAL:</b>								
Commercial < 100K FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$5,247	\$868	\$432	\$15	\$0	\$0	\$6,562
Commercial 100-199K FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$5,362	\$774	\$385	\$10	\$0	\$0	\$6,531
Commercial 200-299K FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$5,856	\$682	\$340	\$8	\$0	\$0	\$6,886
Commercial 300-399K FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$6,252	\$583	\$290	\$7	\$0	\$0	\$7,132
Commercial 400-499K FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$6,264	\$546	\$271	\$7	\$0	\$0	\$7,088
Commercial > 500K FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$7,058	\$508	\$253	\$6	\$0	\$0	\$7,825
Walk in Bank	1,000 FT <sup>2</sup>	\$11,518	\$307	\$153	\$26	\$0	\$0	\$12,004
Drive in Bank	1,000 FT <sup>2</sup>	\$14,111	\$346	\$172	\$41	\$0	\$0	\$14,670
Service Station – all types	Fueling Station	\$5,436	\$397	\$198	\$28	\$0	\$0	\$6,059
Pharmacy w/Drive Thru	1,000 FT <sup>2</sup>	\$6,057	\$303	\$151	\$15	\$0	\$0	\$6,526
Fast Food w/Drive Thru	1,000 FT <sup>2</sup>	\$19,240	\$795	\$395	\$119	\$0	\$0	\$20,549
<b>RECREATIONAL:</b>								
Gen Recreation	Acre	\$1,467	\$28	\$14	\$32	\$0	\$0	\$1,541
Campground/RV Park	Acre	\$28,968	\$3,845	\$1,915	\$788	\$0	\$0	\$35,516
Marina	Berth	\$1,453	\$64	\$32	\$31	\$0	\$0	\$1,580
Health/Fitness Club	1,000 FT <sup>2</sup>	\$3,845	\$328	\$163	\$349	\$0	\$0	\$4,685
<b>INSTITUTIONAL:</b>								
Elementary School	1,000 FT <sup>2</sup>	\$3,883	\$231	\$116	\$20	\$0	\$0	\$4,250
High School	1,000 FT <sup>2</sup>	\$3,886	\$211	\$105	\$17	\$0	\$0	\$4,219
College	1,000 FT <sup>2</sup>	\$14,067	\$210	\$105	\$37	\$0	\$0	\$14,419
<b>MEDICAL:</b>								
Hospital	1,000 FT <sup>2</sup>	\$6,568	\$639	\$317	\$101	\$0	\$0	\$7,625
Nursing Home	1,000 FT <sup>2</sup>	\$997	\$39	\$20	\$35	\$0	\$0	\$1,091
Medical Office	1,000 FT <sup>2</sup>	\$5,910	\$527	\$262	\$207	\$0	\$0	\$6,906

NOTE: Amounts rounded to the nearest dollar.

NOTE (2): Impact Fee credit cannot exceed the amount due by category for the proposed new use.

EXHIBIT "B"

**IMPACT FEES GENERAL ADMINISTRATIVE GUIDELINES  
AND PROCEDURES MANUAL**



**EXHIBIT B**

**IMPACT FEES**

**GENERAL ADMINISTRATIVE**

**GUIDELINES AND PROCEDURES MANUAL**

For Implementation of:

Ordinance 87-57, as amended	Road Impact Fee Ordinance
Ordinance 87-58, as amended	Park Impact Fee Ordinance
Ordinance 87-59, as amended	Public Capital Facilities Impact Fee Ordinance
Ordinance 87-60, as amended	Educational Facilities Impact Fee Ordinance

I. INTENT

The following guidelines and procedures are intended to provide guidance to staff in administering Impact Fees Ordinances 87-57, 87-58, 87-59, and 87-60. Tables and forms are provided for use in determining the amount of the impact fees, for each land development activity. Terminology used herein corresponds to the definitions of words or phrases as defined in Ordinances 87-57, 87-58, 87-59 and 87-60, all as amended.

II. IMPOSITION OF IMPACT FEES

A. Payment Due

The impact fees must be paid as stipulated in each Ordinance.

B. Determination of Fee

The amount of the Impact Fee, whether the method of determination is based on the fee schedules of the ordinances, and administrative determination of the fee or an independent fee calculation study, shall be determined by the County Administrator or his designee prior to the issuance of a building permit or mobile home permit.

C. Impact Fees Review Committee

The Impact Fees Review Committee, which shall consist of the Building Official, Planning Director, Public Works Director and one County Administrator designee, which shall meet pursuant to law in furtherance of their duties pursuant to the Ordinances and this Manual

D. Expiration of Building Permits

If a building permit or mobile home permit expires and no construction has commenced, then the feepayer shall be entitled in accordance with the Ordinances to a refund of the impact fee which was paid as a condition for its issuance. If such a refund has been received by the feepayer, the feepayer must pay the appropriate impact fee if he reapplies for the permit. Conversely, if a building permit or mobile home permit expires and no refund has been issued, a feepayer will not have to pay the fee again if the feepayer reapplies for a permit for an equivalent use on the same lot, parcel or tract, and that there has not been any increase in Impact Fees. The credit must be requested by the feepayer at the time of issuance. Any exemption not requested at the time of reapplication shall be deemed waived by the feepayer. A refund of the impact fee shall not be granted if the building permit or mobile home permit expires, but construction has commenced, (i.e. the foundation for the structure has been poured). In this case, the feepayer would not have to pay an impact fee if the feepayer reapplies for a building permit for an equivalent use.

### III. DETERMINATION OF FEE BASED ON FEE SCHEDULES

#### A. Land-Use Categories

(See Attachment A to this Manual) At the option of the feepayer, the amount of the fee can be determined by the fee schedules within the Ordinance or by the alternate method defined herein.

#### B. Gross Floor Area

The amount of the impact fee for non-residential development shall be based on gross floor area, not leasable floor area. Gross floor area refers to the total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

#### C. Mixed Use Development

If a development includes both residential and non-residential land uses or a combination of non-residential land uses, the impact fees are assessed for each use based on the fee schedules. However, the feepayer has the option of completing an Independent Fee Calculation Study in accordance with the Impact Fee Ordinances and as allowed in the "Impact Fee Methodology" and in the Guidelines and Procedures Manual.

#### D. Mixed Use Structures

In many instances, a particular structure may include auxiliary uses associated with the primary land use. For example, in addition to the actual production of goods, manufacturing facilities usually also have office, warehouse, research and other associated functions. The impact fee generally should be assessed based on the primary land use. If the feepayer can document that a secondary land use accounts for over 2 percent of the gross floor area of the structure, then the impact fee may be assessed based on the square footage of each use in the structure. For example, the impact fee for a large furniture store may be assessed in the following manner:

1. Determine the impact fee for the retail activity based on the gross square footage of the showroom;
2. Determine the impact fee for the warehouse activity based on the gross square footage devoted to storage; and
3. The total impact fee would equal the sum of each of the fees.

This procedure should be followed only when the feepayer can clearly document, to the satisfaction of the County Administrator or his designee, the square footage accounted for by the primary and secondary land uses (see special instructions for shopping centers).

E. Shell Permit

Developers will often apply for a building permit to construct the "shell" of a building. Interior completion permits would be issued later to furnish construction of the interior of the structure. The impact fee shall be paid prior to the issuance of the Certificate of Occupancy or County approval for Electrical Energizing for construction of the shell and/or the individual occupancies whichever comes first. The amount of the fee should be based on the intended land use (as described by the developer). If the intended land use is not known, the impact fees shall be assessed based on that land use which generates the least impact and is allowed under the existing zoning for the lot or parcel. If it is found during review of the application for a remodeling permit that the actual land use differs from the intended land use (as described by the developer), a determination shall be made as to whether or not an additional impact fee is due based on the procedures for Change of Use.

F. Change of Use

In the case of a change of use, redevelopment, or modification of an existing use which requires the issuance of a building permit or mobile home permit, the impact fee shall be based upon the net increase in the impact fee for the new use as compared to the previous use. The amount of the impact fee that is due as a result of the change in land use shall be determined at the same time that the fee payer applies for the building permit or mobile home permit. The impact fee shall be paid prior to the Electrical Energizing for construction or remodeling. If the change of land use does not require the issuance of a building permit or mobile home permit, then there shall be no requirement to pay an impact fee. The County Administrator or his designee shall calculate the impact fee due as a result of a change in use. Under no circumstances will a refund of the impact fee be granted for change of use.

G. Auxiliary Uses

No fee shall be assessed for auxiliary land uses, such as a clubhouse or tennis court in an apartment complex, unless it can be clearly established by the County that the land use serves as an individual attraction. However, structures that meet the definition of a "dwelling" are not exempted as auxiliary uses.

H. Recreational Vehicles (RV's)

1. Developed RV Parks

No impact fees shall be assessed for "move in" of a recreational vehicle in an approved RV park for the number of spaces existing prior to May 2, 2005.

2. New, Phased or Seasonal RV Parks

When a clearance sheet is issued for construction of a New, Phased or Seasonal RV Park, the impact fee shall be assessed pursuant to the Ordinance.

I. Shopping Centers

Shopping Centers shall be assessed in the same manner as shell permits.

J. Model Homes

Model homes on single family lots should be finished (completed). However, the final inspection will not be done until the impact fee for a detached residential dwelling is paid. Model homes on commercial lots shall pay at the same rate as the general commercial land use category on the fee schedule. Single-family model homes placed on multi-family lots shall pay the residential fee.

K. Churches

Churches fit two distinct categories:

1. Churches with active weekday school programs; and
2. Churches without such programs.

Churches which submit a letter for the file documenting that their activities take place at limited times, during off-peak situations (i.e. Sundays) may be assessed an impact fee of zero (0) dollars. Churches with schools are treated as Mixed Use Development (See Section III.C).

L. Fraternal Organizations/Civic Clubs

Civic Clubs are requested to submit a letter documenting that their activities take place at limited times, during off-peak situations. The letter must be provided prior to the issuance of permits. They can obtain a conditional impact fee assessment, meaning that if the fraternal organization does not adhere to the off-peak scheduling, they may be subject to the payment of impact fees.

M. Replacement and Expansion of Pre-Existing Residential Unit

A replacement residential unit will be allowed without payment of an impact fee if an existing residential unit is considered to have been replaced by a new unit within the same square footage category or a smaller category. Any square footage beyond the documented pre-existing square footage of the replaced/remodeled/renovated/expanded residential unit will be assessed the difference in impact fees due between the pre-existing square footage category and the new square footage category.

IV. ADMINISTRATIVE DETERMINATION OF FEES

A. Administrative Determination of Fees

Whenever possible, impact fees shall be assessed in accordance with the land use types in the fee schedules adopted in the Impact Fee Ordinances. If it is determined there is no comparable type of land use in the fee schedule, then the County Administrator or his designee shall administratively determine the fee as described in each of the Ordinances. If the feepayer disagrees with the impact fee determined administratively (or based on the fee schedules in the ordinances), the feepayer may prepare an independent fee calculation study in accordance with each of the Ordinances.

B. Miscellaneous Land Use Types

A list of the fees determined administratively by the Impact Fee Review Committee for miscellaneous land use types shall be maintained.

V. INDEPENDENT FEE CALCULATION STUDY

If a feepayer shall opt not to have the impact fee determined according to the fee schedule in each of the Ordinances or determined administratively, then the feepayer shall prepare and submit an independent fee calculation study in accordance with the procedures set forth in the Ordinances and this Guidelines and Procedures Manual.

VI. CREDITS AGAINST IMPACT FEES

A. Roads

In lieu of all or part of the roads impact fee, the Board of County Commissioners may accept the offer by a feepayer to construct all or part of an arterial or collector road project approved by St. Johns County. This offer shall not include the construction of site-related improvements. Such construction must be in accordance with County, Municipal, or State design standards, whichever is applicable.

1. Documentation

The feepayer shall submit a project description and cost estimate prepared by a registered professional engineer in sufficient detail, to allow the County Administrator or his designee to evaluate the proposal. The Board of County Commissioners shall determine whether or not the offer will be accepted by the County and the amount of credit to be given against the roads impact fee otherwise due.

2. Payment

The portion of the fee represented by the roads construction shall be deemed paid when the construction is completed and accepted by the

County or State, or when the feepayer posts security as provided below for the costs of such construction.

3. Security

Security in the form irrevocable letter of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted in accordance with Article VI of the Land Development Code (LDC) including all revisions. If the road construction project will not be constructed within one (1) year of the acceptance of the offer by the Board of County Commissioners, the amount of the security shall be increased by ten percent (10%) compounded for each year or fraction thereof of the life of the security. The security shall be reviewed and approved by the Clerk of Court's office prior to acceptance of the security by the Board.

B. Parks

Park land and/or other park capital improvements may be offered by the feepayer as a total or partial payment of the required impact fee. The offer shall not constitute payment of the impact fee unless and until it is accepted by the Board of County Commissioners and the feepayer has conveyed any and all land pursuant to the offer as accepted and has posted security for the construction of any and all capital improvements pursuant to the offer as accepted and/or has posted security for the construction of any and all capital improvements pursuant to the offer as accepted.

C. School Sites

In lieu of all or part of an educational impact fee payable pursuant to this ordinance, the School Board may accept an offer of a feepayer to convey land to the School Board of school sites. If the School Board accepts such an offer, it shall so inform the County Administrator who shall credit the amount indicated by the School Board against the sum otherwise due. The fee or portion thereof satisfied by the dedication or conveyance shall be deemed paid when conveyance has occurred pursuant to the following procedure:

1. The delivery to the School Board of a title insurance commitment, to insure said property in a sum to be agreed upon by the Board.
2. The delivery to the Board of a deed, with sufficient funds to pay all costs of transfer of title including recording.
3. The escrow of taxes for the current year, pursuant to Florida Statutes 196.295 as the same may be amended, or the payment of said taxes for the year.
4. The issuance of a title insurance policy subsequent to recording of the deed and escrow of taxes.

## VII. IMPACT FEES CALCULATION/ASSESSMENT PROCESS

The following procedures describe the process whereby the amount of impact fees are calculated.

### A. Zoning Review

The County Administrator's designee shall designate the Impact Fee District and the Impact Fee Category assigned to the project. Information shall be recorded on the St. Johns County clearance sheet for building permits or mobile home permits unless an exemption from impact fees meeting the criteria in Section VIII of this manual is granted to the applicant.

### B. Land Use Determination

The County Administrator's designee shall determine the Impact Fee Category based on land use category outlined in Section III of this manual. If the Land Use Categories found in Chapter III and Attachment A of the manual are not sufficient to accurately categorize a proposed Impact Fee Category, then the County Administrator's designee shall refer the matter to the Impact Fees Review Committee. The Impact Fees Review Committee will establish the appropriate land use category, utilizing the NAICS categories from the current NAICS manual published by the U.S. Office of Management and Budget.

### C. Impact Fees Calculation

For all applications for a building permit or mobile home permit, the County Administrator's designee shall calculate the impact fee from the tables outlined in the Ordinance and record the impact fee on the clearance sheet.

### D. Independent Fee Calculation

If the applicant elects to use the Independent Fee Calculations Study Provision of this manual, the fee shall be calculated following the procedures outlined in the Ordinances, Impact Fee Methodology and this manual. All independent fee calculation studies must be approved by the Impact Fee Review Committee.

## VIII. EXEMPTIONS

### A. Must Be Claimed By Feepayers

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

### B. Total Exemptions

The following shall be exempted from payment of all Impact Fees:



1. Alteration or expansion of an existing residential building where the additional square footage will not place in building in a higher square footage category and where the use is not changed.
2. The construction of residential accessory buildings or structures.
3. The replacement of a residential land use unit with a new unit of the same square footage or within the same square footage category.
4. The replacement of a non-residential building or structure with a new building or structure of the same size and use.

C. Partial Exemptions

The following categories of development (land use types) are not charged the impact fees listed below according to the fee schedules in the ordinances:

LAND USE TYPE CATEGORY	SCHOOLS	PARKS
1. Hotel/Motel	X	NOT EXEMPT
2. Industrial	X	X
3. Office	X	X
4. Commercial	X	X
5. Recreational	X	X
6. Institutional	X	X
7. Medical	X	X

D. Vested Permit Applications

Applicants for building permits or mobile home permits that have submitted a complete application for clearance sheet prior to the May 2, 2005 must meet the following requirements in order to maintain a vesting from the payment of the revised impact fees:

1. Complete Application for a Residential Building Permit or Mobile Home Permit

The applicant must submit to the Building Department a completed application form with all necessary attachments, forms, plans, examples to meet the following requirements:

- a. Applications for Residential Building Permits must meet all of the requirements of the items listed on the clearance sheet and "Residential Sufficiency Checklist".

- b. Applications for Mobile Home Permits must meet all of the requirements of the items identified on the clearance sheet and "Residential Sufficiency Checklist."

The application form must have been accepted by the Building Department and logged in prior to November 2, 2005. Evidence that the applicant has filed for required permits from other agencies must be provided prior to logging in the permit application.

Other Agencies Permit Reviews:

If the applicant has experienced delays in other agencies permit review, then a receipt must be provided from that agency documenting that the applicant has submitted a complete application to the agency prior to November 2, 2005.

2. Complete Application for a Non-Residential Building Permit

Applicants for non-residential building permits must have a Clearance Sheet and have filed a complete application for a building permit. Applications for Commercial/Industrial building permits must meet all of the items identified on the clearance sheet and "Commercial Sufficiency Checklist". The application form must have been accepted by the Building Department and logged in prior to May 2, 2005. Evidence that the applicant has filed for required permits from other agencies must be provided prior to logging in the permit application.

Other Agencies Permit Reviews:

If the applicant has experienced delays in other agencies permit review, then a receipt must be provided from that agency documenting that the applicant has submitted a complete application to the agency prior to May 2, 2005.

3. Applicants Who Request Exemptions and/or Credits from Impact Fees and Are Rejected May Appeal the Decision.

As outlined in the Ordinance and pursuant to law.

4. The Applicant Must Commence Construction and Must Maintain the Validity of the Building Permit according to the Florida Building Code.

## IX. CREDITS

### A. Roads

Credits for road and intersection improvements or right-of-way dedications shall be given in accordance with St. Johns County Ordinance 87-57, as amended, and this manual. No credit shall be given for site-related improvements. The St. Johns County Board of County Commissioners reserves the right to determine the amount to be credited, obtaining input from the County Staff as well as the information required from the feepayer claiming credit, as outlined in Part 1 of this section, below.

1. A feepayer claiming credit for non-site related capital improvements and/or right-of-way dedication shall provide the following information to the County prior to application for the issuance of clearance sheets.
  - a. A letter identifying the capital improvements and/or rights-of-way dedications for which credits are claimed.
  - b. Final payment estimates for construction projects that have been completed and/or approved construction projects.
  - c. Value of right-of-way dedications as determined by a qualified appraiser or as contained in the official records of the St. Johns County Property Appraisers office.
  - d. Maps and plans showing the location and extent of the capital improvements and/or right-of-way dedications for which credits are claimed.

The County shall provide a written determination as to which capital improvements and/or right-of-way dedications are eligible for credits and what the amount of the credit shall be for each. Copies of the written determination shall be sent to the feepayer and the Board of County Commissioners.

2. In order to be eligible for credits, road and intersection improvements or rights-of-way dedications must be related to the mitigation of off site impacts from the development for which the building permits have been applied.
3. The term "site-related improvement" refers to capital improvements and right-of-way dedications for direct access improvements to the development in question, including but not limited to the following:
  - a. Site driveways and roads
  - b. Right and left turn lanes leading to those driveways

- c. Traffic control measures for those driveways and roads
  - d. Roads necessary to provide direct access to the development
4. "Roads necessary to provide direct access to the development" shall refer to capital improvements and right-of-way dedications for any road or intersection improvement whose function at the time of its construction is primarily to provide direct access to the development.
  5. The same guidelines which apply to the use of roads impact fee funds limit those road improvements which are eligible for credits. Credits shall not be given for capital improvements or right-of-way dedications for local roads under any circumstances.
  6. Credits shall not be given for road improvements which do not meet County or State design standards, whichever is applicable.

B. Parks Facilities

In lieu of all or part of a park impact fee payable pursuant to this Ordinance, the County may accept an offer of a feepayer to convey land to the County for Park sites. If the County accepts such an offer, it shall so inform the County Administrator who shall credit the amount approved by the Board of County Commissioners against the sum otherwise due. The fee or portion thereof satisfied by the conveyance shall be deemed paid when the conveyance has occurred pursuant to the following procedure:

1. The delivery to the County of a title insurance commitment, to insure said property in a sum to be agreed upon by the Board.
2. The delivery to the County of a deed, with sufficient funds to pay all costs of transfer of title including recording.
3. The escrow of taxes for the current year, pursuant to Florida Statutes 196.295 as the same may be amended, or the payment of said taxes for the year. The St. Johns County Board of County Commissioners reserves the right to determine the amount to be credited, obtaining input from the County Staff, as well as the information required from the feepayer claiming credit, as outlined below.
4. A feepayer claiming credit for recreational facilities shall provide the following information to the County Administrator during development review or prior to the application for issuance of clearance sheet.
  - a. A letter identifying the recreational facilities for which credits are claimed.

- b. Final payment estimates for construction projects that have been completed and/or signed construction contracts for incomplete construction projects.
- c. Appraisals for park land to be deeded prepared by qualified professionals.
- d. Maps and plans showing the location and extent of the recreational facilities. The County shall provide a written determination as to which recreational facilities are eligible for credits and the amount of the credit shall be for each to the feepayer. Copies shall be sent to the feepayer and the Board of County Commissioners. Pursuant to Florida Statutes Section 380.06(16), as amended, the value of Parks capital facilities required pursuant to an approved DRI Development Order, except those deemed site-related, shall be credited against the Park Impact Fee.

C. Educational Facilities

In lieu of all or part of an educational impact fee payable pursuant to this Ordinance, the School Board may accept an offer of a feepayer to convey land to the School Board for school sites. If the School Board accepts such an offer, it shall so inform the County Administrator who shall credit the amount indicated by an independent, qualified appraisal approved by the School Board against the sum otherwise due. The fee or portion thereof satisfied by the dedication or conveyance shall be deemed paid when the dedication or conveyance has occurred pursuant to the following procedure:

- 1. The delivery to the School Board of a title insurance commitment, to insure said property in a sum to be agreed upon by the Board.
- 2. The delivery to the Board of a deed, with sufficient funds to pay all costs of transfer of title including recording.
- 3. The escrow of taxes for the current year, pursuant to Florida Statutes 196.295 as the same may be amended, or the payment of said taxes for the year.
- 4. The issuance of a title insurance policy subsequent to recording of the deed and escrow of taxes. Pursuant to Florida Statutes Section 380.06(16), as amended, the value of educational capital facilities required pursuant to an approved DRI Development Order, except those deemed site-related, shall be credited against the Educational Facilities Impact Fee. A feepayer claiming credit against the Education Impact Fee shall provide the appropriate documentation for the credit requested prior to the application for issuance of a clearance sheet.

D. Other Impact Fees

Ordinance 87-59, as amended establishes policies for credits against impact fees.

X. COLLECTION OF IMPACT FEES

A. Assessment of Impact Fees

The County Administrator's designee shall fill out the total calculated impact fees on the clearance sheet. The fee shall be based upon one of the three following criteria:

1. The fee schedule included in the Ordinance.
2. The fees approved after recommendation of the Impact Fee Review Committee.
3. An approved independent fee calculation.

Before a building permit or mobile home permit number is assigned by the Building Department, it must verify that the total impact fees have been calculated correctly on the clearance sheet.

B. Payment of Impact Fees

The impact fee shall be paid at the time when the building permit is issued or prior to the electrical energizing as stipulated in the Ordinances.

XI. ENFORCEMENT

A. Misdemeanor

A violation of any of the four (4) Impact Fee Ordinances: Road Impact Fee Ordinance 87-57, as amended; Parks Impact Fee Ordinance 87-58, as amended; Public Capital Facilities Impact Fee (Law Enforcement, Public Buildings, Fire/EMS) Ordinance 87-59, as amended; Educational Facilities Impact Fee Ordinance 87-60, as amended, shall be a misdemeanor punishable according to law. In addition to or in lieu of any criminal prosecution, St. Johns County or any feepayer shall have the power to revoke the building permit, to sue in civil court and to enforce the provisions of the Impact Fee Ordinances listed above.

XII. AMENDMENTS

All additions or changes to the Impact Fees Guidelines and Procedures Manual shall be subject to review and approval by Resolution of the Board of County Commissioners as an agenda item during the Board of County Commissioners meeting. Copies of the manual as revised and approved by the Board shall be made available to all County staff who implement

Impact Fees and shall be made available for review to members of the general public, upon request, at the County Offices. Copies may be purchased for a fee.

ATTACHMENT A

Land Use Categories

I. Residential

A. Single Family, Detached

1. Single Family Detached
2. Manufactured Homes
3. Patio Homes

B. Single Family, Attached

1. Townhouse
2. Villas

C. Multi-Family

1. Duplexes
2. Apartments
3. Condominiums
4. Triplexes
5. Fourplexes
6. Retirement Communities (congregate living quarters, dormitories, rooming house)
7. Labor camps
8. Jails

D. Mobile Home in mobile home parks, subdivisions, etc.

E. Hotel/Motel

1. Hotel
2. Resort hotel
3. Motel

II. Industrial

A. Industrial

1. Light Industrial
2. Manufacturing
3. Mining
4. Assembly Plants
5. Industrial Park
6. Heavy Industrial

B. Warehouse

1. Warehouse
2. Wholesale
3. Distribution Centers
4. Wholesale Plant Nursery
5. Aircraft Hangars

C. Storage

1. Mini-warehouses
2. Storage yards

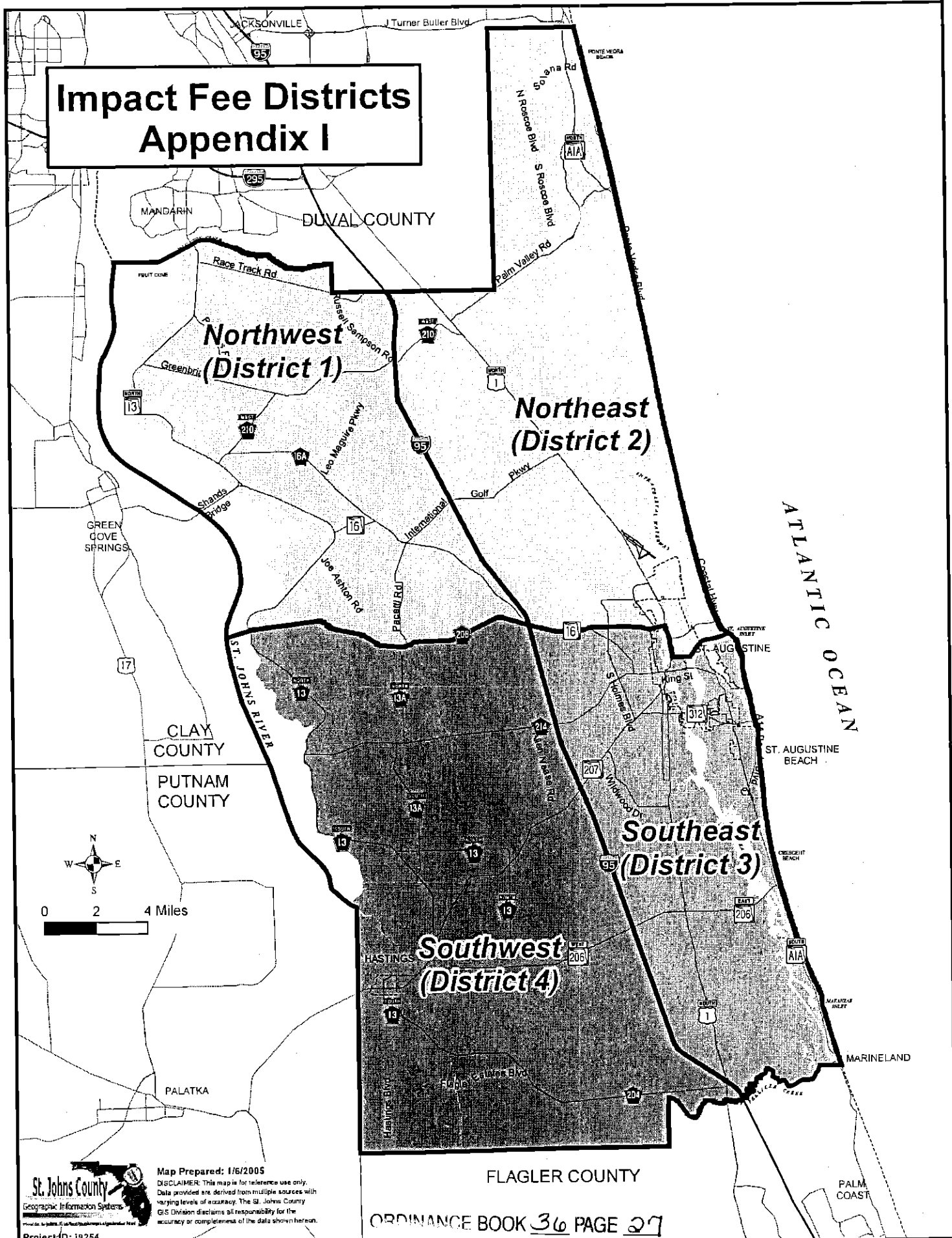


- III. Office
  - A. General Office buildings
  - B. Attorneys
  - C. Accountants
  - D. Real Estate
  - E. Insurance
  - F. Engineering
  - G. Government Offices
  - H. Corporate Offices
  - I. Office Park
  - J. Research Center
  - K. Radio/TV Broadcasting Offices
  - L. Day Care Center, Private School, Child Care Nursery (exempt from Public Buildings)
  - M. Psychics, etc.
  - N. Library

- IV. Commercial
  - A. Retail
    - 1. Convenience food stores
    - 2. Gas Station/Service Station
    - 3. Neighborhood Shopping Centers (25,000 – 100,000 SF)
    - 4. Specialty retail centers
    - 5. Freestanding retail
    - 6. Supermarkets
    - 7. Drug stores
    - 8. Department stores
    - 9. Discount stores
    - 10. Hardware/Paint stores
    - 11. Furniture store
    - 12. Clothing/Apparel/Fabric stores
    - 13. Jewelry/Watch stores
    - 14. Barber shops
    - 15. Beauty salons
    - 16. Shoe repair shops
    - 17. Dry Cleaners
    - 18. New/Used Car sales
    - 19. Community Shopping Centers (100,000 – 300,000 SF)
    - 20. Shopping Center
    - 21. Funeral homes
    - 22. Laundry-drycleaning
    - 23. Theater/Museum/etc.
    - 24. Retail Plant Nursery
    - 25. Fish Camp, Marina
    - 26. Auto/truck repair
    - 27. Dog/horse/auto/etc. racetracks
    - 28. Service establishments
  - B. Financial
    - 1. Financial institutions

- 2. Bank Walk-in
  - 3. Bank Drive-in
  - 4. Savings and loan Walk-in
  - 5. Savings and loan Drive-in
- C. Restaurant
- 1. Fast food restaurants (with drive-through windows)
  - 2. High-turnover sit down restaurants
  - 3. Quality restaurants
  - 4. Bars/Night clubs
- V. Recreational
- A. General Recreation (per Acre)
  - B. Campground (per Acre)
  - C. Marina (per Berth)
  - D. Health/Fitness Club
  - E. Commercial Boarding Stables
  - F. Outdoor Recreation (outdoor tracks, go-carts, dirt tracks, Paintball, and similar activities)
  - G. Tennis Clubhouse
  - H. Racquetball Facilities and similar activities
- VI. Institutional
- A. Elementary School
  - B. Middle School
  - C. High School
  - D. College
- VII. Medical
- A. Hospital
  - B. Nursing Home
  - C. Medical Offices
  - D. Dental Offices
  - E. Ophthalmologists
  - F. Optometrists
  - G. Opticians
  - H. Chiropractors
  - I. Veterinarian offices (except large animal, agricultural services)
  - J. Clinics

# Impact Fee Districts Appendix I



0 2 4 Miles

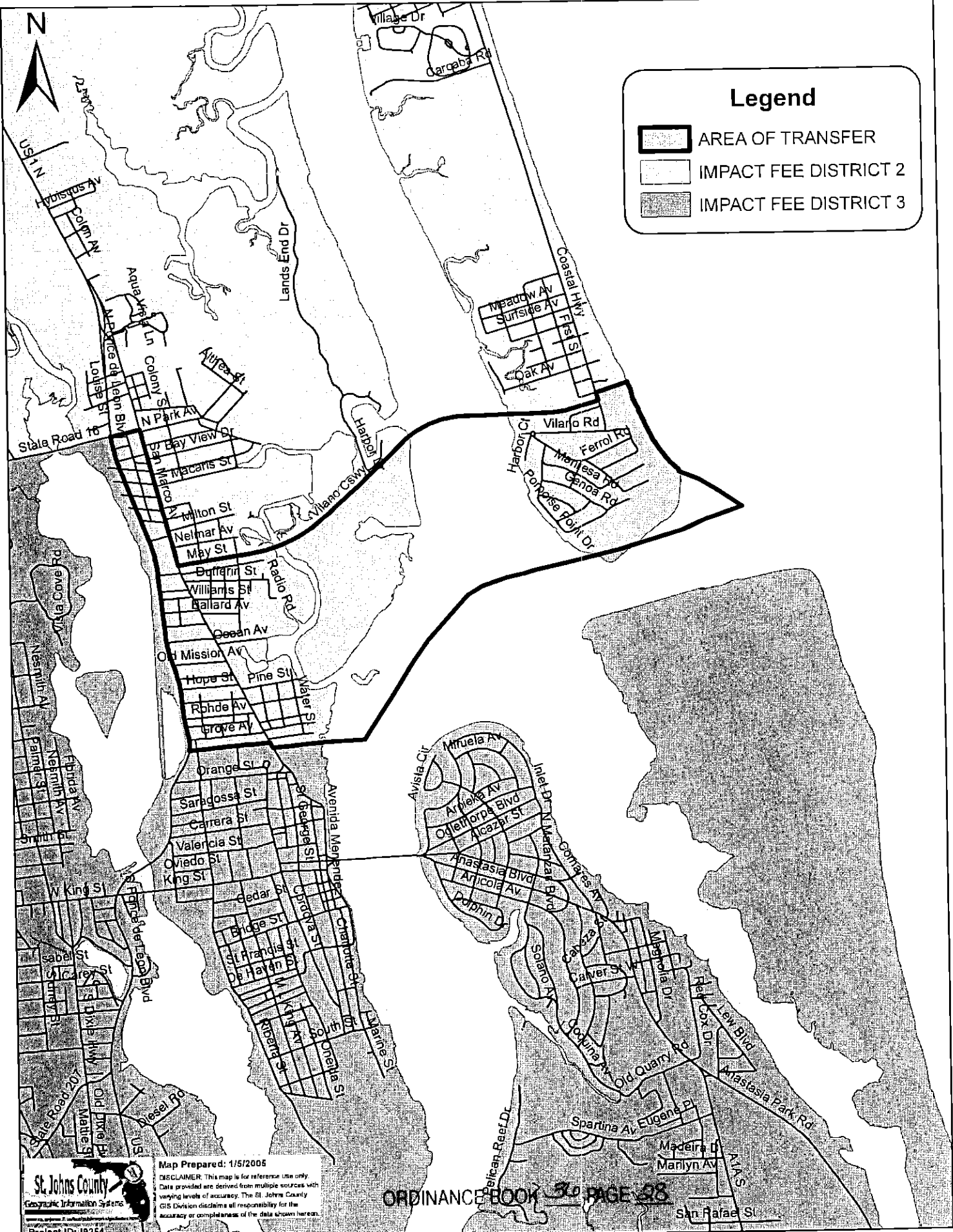
**St. Johns County**  
Geographic Information Systems  
Project ID: J9254

Map Prepared: 1/6/2005  
DISCLAIMER: This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown hereon.



### Legend

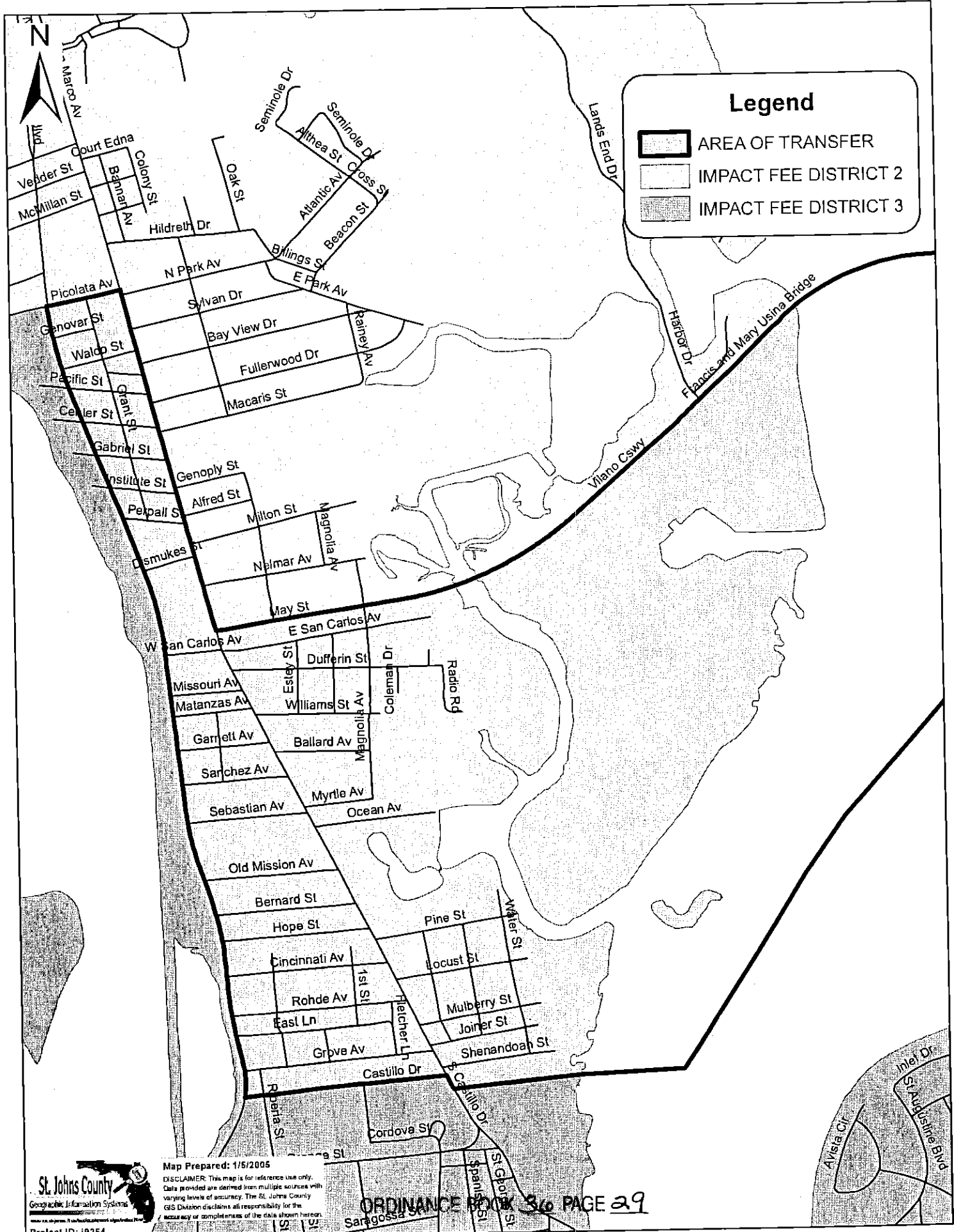
- AREA OF TRANSFER
- IMPACT FEE DISTRICT 2
- IMPACT FEE DISTRICT 3



**St. Johns County**  
 Geographic Information Systems  
 Project ID: J9254

Map Prepared: 1/5/2005  
 DISCLAIMER: This map is for reference use only.  
 Data provided are derived from multiple sources with  
 varying levels of accuracy. The St. Johns County  
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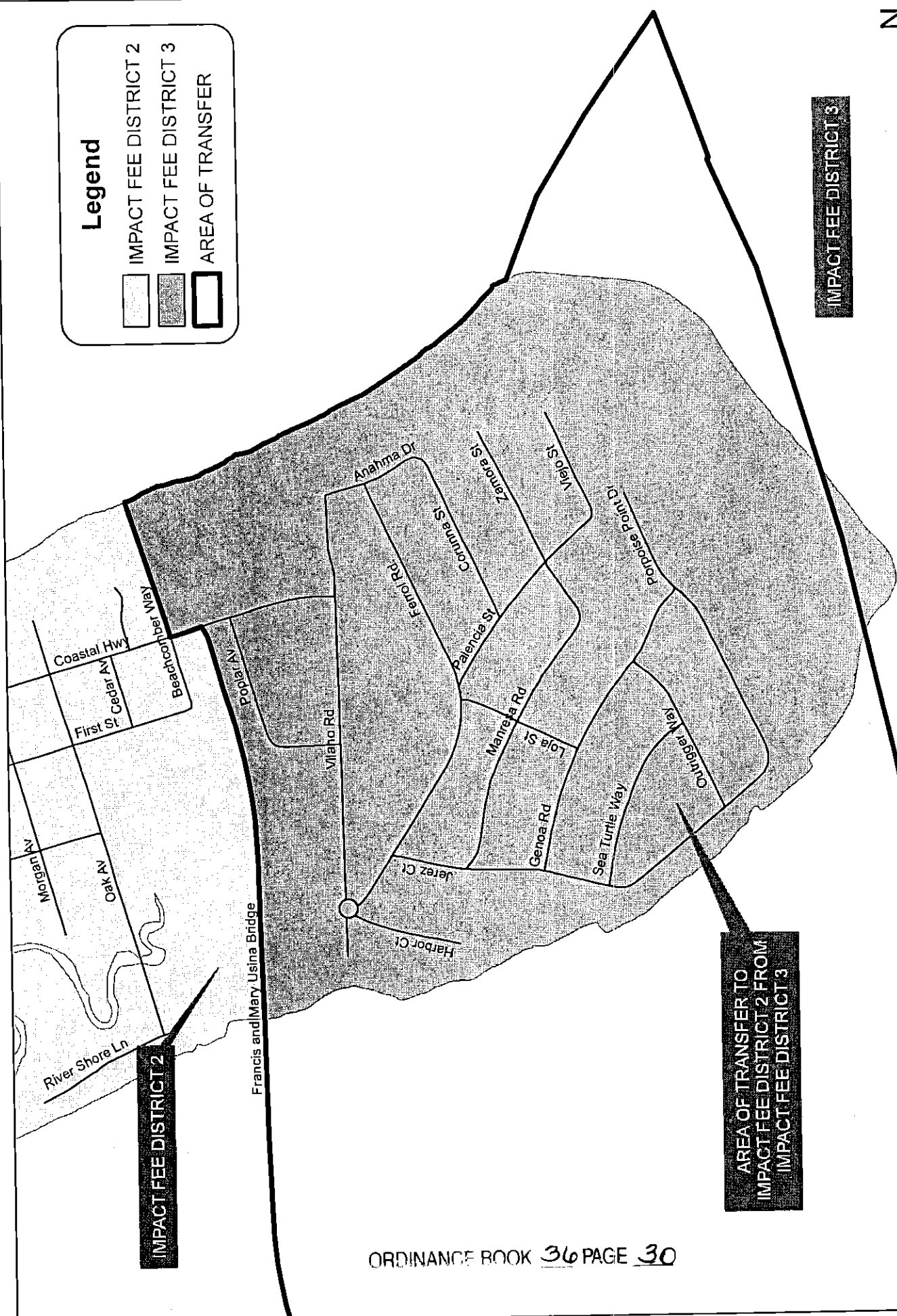
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- AREA OF TRANSFER
- IMPACT FEE DISTRICT 2
- IMPACT FEE DISTRICT 3



### Legend

-  IMPACT FEE DISTRICT 2
-  IMPACT FEE DISTRICT 3
-  AREA OF TRANSFER



IMPACT FEE DISTRICT 3

IMPACT FEE DISTRICT 2

Map Prepared: 1/15/2005

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# **Public Educational Impact Fee Update**

**Prepared for**

**School Board of St Johns County,  
Florida**

by James C. Nicholas, PhD  
January 7, 2005

# 1. Development Impact Fees

Development impact fees have become a commonly used source of revenue to supplement available means of funding capital facility improvements needed to accommodate new development. Impact fees grew out of two rather commonly held notions:

1. Generally, new development does not pay the cost of capital facilities needed to accommodate the residents and businesses from standard sources of revenue, and
2. It would be inequitable to impose the cost of extending facilities to new developments on existing residents and taxpayers.

In Florida, both the courts<sup>1</sup> and the Florida Statutes<sup>2</sup> acknowledge local governments' authority to impose equitable impact fees. Impact fees are not taxes and are governed by a standard that has become known as the "dual rational nexus test." This test has two major components:

1. That the facilities to be charged to new development as impact fees must be needed to serve that new development, and
2. That the funds collected as impact fees must be earmarked and spent for the purposes for which they were collected.

Implied in this test is that any impact fee cannot exceed a *pro rata* or proportionate share of the anticipated costs of providing new developments with capital facilities.

Public schools are in somewhat of a different position than other items of public infrastructure. The responsibility and authority to provide public education in Florida is assigned to school boards. However, the responsibility and authority to regulate the development of land is assigned to general purposes local governments, cities and counties. The jurisdictions that first attempted public educational impact fees brought the two units of government together, that is school boards and county commissions. They entered into agreements that resulted in a cooperative approach to the regulation of the

<sup>1</sup> See *Hollywood, Inc. v. Broward County*, 431 So. 2d 606 (Fla. 4<sup>th</sup> DCA 1983). In this opinion the Court observed:

*[W]e discern the general legal principle that reasonable dedication or impact fee requirements are permissible so long as they offset needs sufficiently attributable to the subdivision and so long as the funds collected are sufficiently earmarked for the substantial benefit of the subdivision residents.*

<sup>2</sup> See Section 163.3202(3), Florida Statutes.



development of land by the counties based on the findings of the school boards. The Florida Supreme Court recognized the authority of general purpose local governments to impose public educational impact fees in *St Johns County v North East Florida Homebuilders*.<sup>3</sup> This seminal case recognized the St Johns County's authority to adopt public educational impact fees provided that the principals of rational nexus were followed and provided that "substantially all of the population [of St Johns County] is subject to the ordinance."<sup>4</sup> A more recent case, *Volusia County v Aberdeen*,<sup>5</sup> explored the application of rational nexus methodology to school impact fee calculation and resulted in a finding that the type of development being assessed a public educational impact fee had to be shown to have a measurable impact on school enrollment.

This memorandum will set out how the proposed public educational impact fees for St Johns County were calculated. The method used complies with the dual rational nexus test, first by establishing or identifying the demand for public educational facility expansions that new development will require, and then calculating the School District's cost of providing those facilities on a *pro rata* basis. After review of these methods and data, if the School Board and the Board of County Commissioners find the data and methods are reasonable, the County should not adopt any impact fees that exceed the amounts set out herein.

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<sup>3</sup> *St. Johns County v Northeast Florida Homebuilders*, 583 So.2d 635 (Fla. 1991)

<sup>4</sup> *St. Johns County v Northeast Florida Homebuilders*, at \_\_\_.

<sup>5</sup> 760 So.2d 126, Fla., 2000.

## 2. Demographic Parameters

Table 1 shows enrollment in the St Johns County public school system from 2000-01 to 2008-09. Over the period 2004-04 to 2008-09, some 6,543 new students are projected to be enrolled in St Johns County public schools. The data in Table 2 are used to project that 4,817 of these new enrollees are attributable to new development and 1,726 are attributable to other causes. The data in Table 2 show that 73.63% of new public school

Table 1  
PUBLIC SCHOOL ENROLLMENT  
ST JOHNS COUNTY

School Year	Enrollment	Change	Attributable to:	
			New Development	Existing Development
2000 - 01	19,504	914	673	241
2001 - 02	20,335	831	612	219
2002 - 03	21,327	992	730	262
2003 - 04	22,542	1,215	895	320
2004 - 05	23,929	1,387	1,021	366
2005 - 06	25,125	1,196	881	315
2006 - 07	26,381	1,256	925	331
2007 - 08	27,700	1,319	971	348
2008 - 09	29,085	1,385	1,020	365

SOURCE: St Johns County School District, December 2004.

NOTE: The projections are of student enrollment.

enrollment may be attributed to new residential development during the period 1990-2000. This means that 26.37% is attributable to other causes, the most significant of which would be the conversion of part-time or vacation homes to permanent residences.

**Table 2**  
**ESTIMATION OF SOURCE OF ADDITIONAL PUBLIC SCHOOL STUDENTS**  
**ST JOHNS COUNTY**

	1990	2000	Change	% Change	Annual %
<b>St Johns County</b>					
Population	83,928	123,135	39,207	46.7%	3.9%
Dwellings	40,712	58,220	17,508	43.0%	3.6%
Percent Occupied	82.10%	85.60%			
Households	33,426	49,839	16,413	49.1%	4.1%
Public School Enrollment	12,036	19,504	7,468	62.0%	4.95%
Enrollment per HH	0.360	0.391	0.031	8.7%	0.84%
Enrollment per DU	0.296	0.335	0.039	13.3%	1.26%
<b>State of Florida</b>					
Population	12,937,926	15,928,378	2,990,452	23.1%	2.10%
Dwellings	6,100,262	7,302,947	1,202,685	19.7%	1.82%
Percent Occupied	84.17%	86.79%			
Households	5,134,869	6,337,928	1,203,059	23.4%	2.13%
Public School Enrollment	1,861,671	2,430,128	568,457	30.5%	2.70%
Enrollment per HH	0.363	0.383	0.021	5.8%	0.56%
Enrollment per DU	0.144	0.153	0.009	6.0%	0.59%

SOURCE: US Bureau of the Census at [www.census.gov](http://www.census.gov).

NOTE: The US Census is taken in April. The equivalent enrollment time would be the following school year.

**Table 2A**  
**SOURCES OF NEW ENROLLMENT**  
**ST JOHNS COUNTY**  
**1990 - 2000**

New Dwellings 1990 - 2000	16,413	
Enrollment per Dwelling 2000	0.335	
New Enrollment from New Units 1990 - 2000	5,498	73.63%
Change in enrollment 1990 - 2000	7,468	100.00%
All other Sources of New Enrollment 1990 - 2000	1,970	26.37%

Table 3  
ST JOHNS COUNTY OCCUPANCIES

	Total Dwelling Units	Resident Population	Public School Attendees	Persons per Unit	Public School Attendees per Unit
Single Family	5,689	16,568	4,353	2.912	0.765
Multi-Family	1167	3,158	734	2.706	0.629
Mobile Home	5,316	16,400	1,846	3.085	0.347
Boat RV	122	84	-	0.689	-
Total	12,294	36,210	6,933	2.945	0.564

SOURCE: US Bureau of the Census, 2000 Census, Public Use Micro Sample.

Table 3  
DWELLING UNIT OCCUPANCIES BY PUBLIC SCHOOL ATTENDEES  
ST JOHNS COUNTY

Unit Type	Students per Unit
<b>Single Family Detached</b>	
1 Bedroom or Less	0.053
2 Bedroom	0.187
3 Bedroom	0.299
4 Bedroom	0.696
5 or More Bedrooms	0.789
<b>Multi-Family</b>	
2 Bedrooms or Less	0.084
3 Bedrooms or More	0.156
<b>Mobile Home</b>	
2 Bedrooms or Less	0.403
3 Bedrooms or More	0.616

SOURCE: US Bureau of the Census, 2000 Census, Public Use Micro-Sample.

Table 3 sets out the primary data for calculating public school impact and impact fees. These data, taken from the 2000 Census of the Population, show unit occupancy by public school attendees by type of dwelling unit and number of bedrooms. These data show that no public school attendees are reported to come from boats, recreational vehicles, campsites and the like, therefore no public educational impact fee could be charged to such types of developments. For the other and more standard type of development, the expected impact on St Johns County public school enrollment. However, developments in which no students can be resident, such as age restricted developments, no public educational impact fee could be assessed.

### 3. Facility Costs

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St Johns County projected school facility cost by grade level are shown in Table 4. The actual facility cost per student is \$16,500. However, a number of students will be housing in relocatable classrooms (15%). The per student station cost is reduced by the extent of portable usage. This is then a cost of \$15,461. Land cost per student amounts to \$354.95. Ancillary facilities (administrative, storage and maintenance facilities) costs can also be added. The revised cost per student station is \$15,815.99.

**Table 4  
COST PER STUDENT STATION  
ST JOHNS COUNTY**

School Facility Cost	
Elementary	\$15,000
Middle	\$16,000
High	\$20,000
Weighted Cost	\$16,780
% in Permanent Facilities	85%
Relocatable	\$8,000
% in Relocatables	15%
Weighted Cost	\$15,461
Land	\$354.95
Ancillary Facilities	
Total	\$15,815.99

SOURCE: St Johns County School District, January 2005.

NOTE: Land cost is \$55,000 per acre.

## 4. State Funding

The State of Florida provides capital funds to all school districts. Table 5 shows the history of state capital funding for the past five years. This amounts to an average of

**Table 5  
STATE CAPITAL FUNDS  
ST JOHNS COUNTY**

Fiscal Year	2003-04	2002-03	2001-02	2000-01	1999-00	Totals
CO & DS	\$162,007	\$217,365	\$144,419	\$123,598	\$121,303	\$768,692
PECO	\$0	\$2,811,623	\$4,435,848	\$8,519,203	\$2,512,459	\$18,279,133
Infrastructure Thrift	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$205,484	\$47,806	\$49,238	\$47,005	\$42,290	\$391,823
Totals	\$367,490	\$3,076,794	\$4,629,506	\$8,689,806	\$2,676,051	\$19,439,648
Enrollment	22,542	21,327	21,327	19,504	18,590	
per Student	\$16.30	\$144.27	\$217.07	\$445.54	\$143.95	\$188.20
Years						20
Discount Rate						4.90%
Credit per Student						\$2,366

SOURCE: St Johns County School District, December 2004.

\$188.20 per student per year. It will be accepted that future state funding will continue at this historic level. A State Funding Credit is calculated by taking the present value of \$188.20 for 20 years at a discount rate of 4.90%. The 4.90% discount rate is the School District's weighted cost of borrowing (Table 6) plus 2%. This State Funding Credit will be deducted from the per student cost to get the local cost per student.

## 5. Local Funding

The St Johns County School District has incurred debt to pay the capital costs of the past. Table 6 summarizes this outstanding debt. The interest rates shown were used to calculate the weighted cost of interest and this weighted cost is used as the discount rate.

**Table 6  
OUTSTANDING DEBT SCHEDULE  
ST JOHNS COUNTY SCHOOL DISTRICT**

Issue Type	Issue Date	Average Interest Rate	Amount Outstanding
General Obligation		2.93%	\$21,575,000
COPs	2003	2.00%	\$6,310,000
COPs	2003a	3.12%	\$22,500,000
Totals			\$50,385,000
Enrollment			22,542
per Student			\$2,235.16

SOURCE: St Johns County School District, December 2004.  
Weighted interest cost is 2.90%

in calculating present values. The outstanding debt amounts to \$2,235.16 per student. This amount will be deducted from the local cost per student.

All school districts are authorized to impose an ad Valorem tax of \$2 per \$1,000 of taxable value (2 mills) for capital improvements. This is known as the Capital Improvement Tax (CIT). There are a number of demands on the proceeds from this tax.

**Table 7  
ALLOCATION OF CIT FUNDS  
ST JOHNS COUNTY**

	5 YEAR TOTAL	%
Full value of the 2-Mill discretionary capital outlay	\$163,410,078	
less amount used to purchase school buses	\$4,571,376	2.80%
less amount used to purchase other vehicles	\$0	0.00%
less amount transferred to op. budget for maintenance/repair	\$39,000,000	23.87%
less amount used for maintenance/repair	\$0	0.00%
less amount used to purchase capital outlay equipment	\$13,522,000	8.27%
less amount used to correct environmental problems	\$13,410,019	8.21%
less amount transferred to operating budget for salaries	\$0	0.00%
less amount used to pay debt service for s.237 loans	\$0	0.00%
less amount to pay debt service for COP's	\$38,388,187	23.49%
less other	\$0	0.00%
Net available 2-mills to construct new stu stations & core facilities	\$54,518,496	33.36%

SOURCE: St Johns County School District, December 2004.

Table 7 shows the commitment of St Johns County School District's CIT funds from the current capital improvement plan. Only 33.36% of the funds are available for additions to capacity. The majority of funds are committed to the maintenance and repair of existing facilities (23.9%) and paying for past capital costs (23.5%). This leaves very little to pay future cost. Nevertheless, the CIT is imposed and some of these funds are available for capacity expansion and credit is due for such payments. This also will be reduced from costs.

There has been a great deal of controversy over the method of calculating an appropriate CIT credit. Lee County was sued over this issue. While Lee County won the case, it is on appeal and there remains the possibility of the courts taking a different position with respect to this issue. Therefore the St Johns County CIT credit is calculated in accord with the plaintiff's demands in the *Broward v Lee County* case. Perhaps this can be accepted as a conservative assumption. The exact incorporation of this approach involves projecting forward the St Johns County residential taxable values at the historic rate of increase, less that rate of increase of the Consumers' Price Index,<sup>6</sup> and also projecting St Johns County school enrollment at its historic gate of growth. Per student values are then calculated by simple division and the net capital CIT rate is applied to the calculated taxable value per student. The resultant receipts are discounted back to present value at the 4.90%. The result is shown in Table 9. The total cost per student is \$15,815.99. This cost is reduced by the outstanding debt per student to \$13,581. This cost is then reduced by the State Credit to an \$11,215 local cost per student. A CIT credit is calculated to be \$4,348, resulting in a net cost per student of \$6,867.09. This is the amount of the deficit for each additional student enrolled in the St Johns County school system. Table 9 shows the detail of these calculations.

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<sup>6</sup> The historic rate growth of residential taxable values was 10.95%. The annual rate of increase for the CPI was 2.99% during the same period. This resulted in projecting forward residential taxable values at 7.55% per year. This adjustment is made to taxable values so that they are expressed in 2004 values, which is the base for costs.



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**Table 8**  
**TAXABLE VALUES, ENROLLMENT AND CIT RECEIPTS**  
**ST JOHNS COUNTY**  
**1988 - 2024**

	Residential Taxable Value	Enrollment	Value per Student	Net CIT Rate	CIT per Student
1988	\$2,000,390,549	10,897	\$183,573		
1989	\$2,351,043,270	11,637	\$202,032		
1990	\$2,580,953,239	12,036	\$214,436		
1991	\$2,733,546,121	12,411	\$220,252		
1992	\$2,802,756,877	13,192	\$212,459		
1993	\$2,982,071,514	13,600	\$219,270		
1994	\$3,182,178,717	14,401	\$220,969		
1995	\$3,444,013,228	15,269	\$225,556		
1996	\$3,646,958,650	16,322	\$223,438		
1997	\$4,076,341,560	17,377	\$234,583		
1998	\$4,577,793,757	18,096	\$252,973		
1999	\$5,301,242,201	18,590	\$285,166		
2000	\$6,034,899,244	19,504	\$309,419		
2001	\$7,071,551,667	20,335	\$347,753		
2002	\$8,017,371,128	21,327	\$375,926		
2003	\$9,208,479,080	22,542	\$408,503		
2004	\$9,938,278,896	23,929	\$415,324		
2005	\$10,688,437,176	25,125	\$425,410	\$0.00067	\$283.86
2006	\$11,495,218,686	26,381	\$435,739	\$0.00067	\$290.75
2007	\$12,362,897,443	27,700	\$446,314	\$0.00067	\$297.81
2008	\$13,296,070,077	29,085	\$457,145	\$0.00067	\$305.03
2009	\$14,299,680,175	30,548	\$468,101	\$0.00067	\$312.34
2010	\$15,379,044,480	32,085	\$479,318	\$0.00067	\$319.83
2011	\$16,539,881,048	33,699	\$490,805	\$0.00067	\$327.49
2012	\$17,788,339,544	35,395	\$502,567	\$0.00067	\$335.34
2013	\$19,131,033,822	37,176	\$514,611	\$0.00067	\$343.38
2014	\$20,575,076,959	39,046	\$526,943	\$0.00067	\$351.61
2015	\$22,128,118,941	41,011	\$539,571	\$0.00067	\$360.03
2016	\$23,798,387,186	43,074	\$552,502	\$0.00067	\$368.66
2017	\$25,594,730,134	45,241	\$565,742	\$0.00067	\$377.50
2018	\$27,526,664,119	47,517	\$579,300	\$0.00067	\$386.54
2019	\$29,604,423,783	49,908	\$593,183	\$0.00067	\$395.81
2020	\$31,839,016,299	52,419	\$607,398	\$0.00067	\$405.29
2021	\$34,242,279,677	55,056	\$621,954	\$0.00067	\$415.00
2022	\$36,826,945,484	57,826	\$636,859	\$0.00067	\$424.95
2023	\$39,606,706,285	60,735	\$652,121	\$0.00067	\$435.13
2024	\$42,596,288,182	63,791	\$667,749	\$0.00067	\$445.56
Present Value					\$4,348.04

SOURCE: St Johns County, September 2004.

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Table 9  
NET COST PER STUDENT  
ST JOHNS COUNTY

Total Cost per Student	\$15,815.99
Outstanding Debt per Student	\$2,235.16
Equity Cost per Student	\$13,581
State Credit	\$2,366
Local Cost	\$11,215
CIT Rate	\$0.002
% Capacity	33.4%
Capital Rate	\$0.0007
CIT Credit	\$4,348.04
Net Local Cost per Student	\$6,867.09

## 6. Impact Cost

Table 10 shows the net cost on a per dwelling unit basis. Any public educational impact fee adopted should not exceed the amounts shown in Table 11. <sup>10</sup>

Table 10  
NET SCHOOL COST PER DWELLING UNIT  
ST JOHNS COUNTY

Unit Type	Students per Unit	Total Cost	Net Cost	State Credit	CIT Credit	Net Local Cost
<b>Single Family Detached</b>						
1 Bedroom or Less	0.053	\$838.25	\$719.78	\$125.38	\$230.45	\$363.96
2 Bedroom	0.187	\$2,957.59	\$2,539.61	\$442.39	\$813.08	\$1,284.14
3 Bedroom	0.299	\$4,728.98	\$4,060.67	\$707.34	\$1,300.06	\$2,053.26
4 Bedroom	0.696	\$11,007.93	\$9,452.25	\$1,646.53	\$3,026.24	\$4,779.49
5 or More Bedrooms	0.789	\$12,478.81	\$10,715.27	\$1,866.54	\$3,430.60	\$5,418.13
<b>Multi-Family</b>						
2 Bedrooms or Less	0.084	\$1,328.36	\$1,140.63	\$198.69	\$365.19	\$576.76
3 Bedrooms or More	0.156	\$2,472.37	\$2,122.97	\$369.81	\$679.69	\$1,073.47
<b>Mobile Home</b>						
2 Bedrooms or Less	0.403	\$6,373.84	\$5,473.07	\$953.38	\$1,752.26	\$2,767.44
3 Bedrooms or More	0.616	\$9,740.89	\$8,364.28	\$1,457.01	\$2,677.91	\$4,229.36

## 7. Comparisons

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Table 12 shows public educational or school impact fees around the state of Florida. There are now 22 out of the 67 counties presently imposing school impact fees.

Table 12  
SCHOOL IMPACT FEES IN FLORIDA

	Single Family	Multifamily
Average	\$2,528	\$1,448
Maximum	\$9,708	\$6,346
Minimum	\$348	\$165
Median	\$2,216	\$1,000
Number	21	21
Hillsborough *	\$348.43	\$327.00
Citrus *	\$636.00	\$165.00
St. Johns *	\$729.00	\$422.00
Volusia *	\$1,138.71	\$1,139.00
Seminole	\$1,384.00	\$639.00
Martin	\$1,516.10	\$1,467.00
Polk	\$1,607.00	\$832.00
Pasco	\$1,694.00	\$704.00
Collier	\$1,778.00	\$827.00
Sarasota	\$2,032.00	\$474.00
Palm Beach *	\$2,215.65	\$1,571.00
Lee * **	\$2,232.00	\$691.00
Hernando	\$2,406.00	\$1,858.00
Orange *	\$2,828.00	\$1,907.00
St Lucie *	\$3,061.00	\$2,402.00
Miami/Dade	\$3,152.10	\$2,264.00
Broward	\$3,296.00	\$458.00
Manatee	\$3,400.00	\$1,000.00
Lake	\$3,489.00	\$2,121.00
Brevard	\$4,445.40	\$2,794.00
Osceola **	\$9,708.30	\$6,346.00

\* In revision

\*\* In litigation.

The school impact fees of Florida counties are also shown. If St Johns County were to adopt fees at the highest possible, they would be above the average by well below the highest.

# **Technical Memorandum on the Methods of Updating Roads, Fire & Rescue, Law Enforcement and Parks & Recreation Impact Fees**

Prepared for The  
Board of County Commissioners of  
St. Johns County

by

James C. Nicholas, Ph.D.

November 22, 2004

# Table of Contents

<b><u>1. Introduction</u></b> .....	<b>3</b>
<b><u>2. County Parameters</u></b> .....	<b>4</b>
<b><u>3. Road Impact Fees</u></b> .....	<b>7</b>
<b><u>4. Public Buildings Impact Fee</u></b> .....	<b>17</b>
<b><u>5. Law Enforcement Impact Fee</u></b> .....	<b>25</b>
<b><u>6. Fire &amp; Rescue Impact Fee</u></b> .....	<b>29</b>
<b><u>7. Parks &amp; Recreation Impact Fee</u></b> .....	<b>34</b>
<b><u>8. Summary and Proportionate Share</u></b> .....	<b>39</b>

# 1. Introduction

St. Johns County has been and is expected to continue experiencing rapid growth. This growth has brought a degree of economic prosperity to the citizens of St. Johns County while providing thousands the opportunity of living and working within the county. This growth has had its complications and problems. The State of Florida and local governments within Florida have not structured their fiscal relationships to be able to cope with the degree of growth that has occurred. In fact, structuring a tax policy which would be responsive to the degree of growth of both Florida and St. Johns County have seen could well be impossible. During the post-war boom little attention was paid to the fiscal, environmental and social costs of growth. However, the accumulated deficits, environmental degradation and loss of quality of life led the state of Florida to enact far-reaching growth management legislation. The objective of this legislation was not to stop growth or even to slow it. Rather, the objective is to make what Florida becomes to be, at least, as good as what Florida has been. There are two primary thrusts of the growth management program. The first was to restrict development in environmentally sensitive areas to preserve the essential environmental quality what was the reason for growth in the first place. The second was the structuring of development regulations that will pace growth with the ability to serve growth. This second facet of growth management is the subject dealt with herein.

If St. Johns County is to remain a desirable place to work and live the needs of growth must be attended to. Such attendance means that new roads, parks, schools, public buildings, fire stations and the host of needs that a growing community requires must be planned, designed and built. But, the prerequisite of providing such facilities is the ability to pay the cost of such improvements. Florida generally does not use inflation and growth responsive revenue sources such as the personal income tax. The result of this fiscal structure is that the state itself has had great difficulty in keeping up with its own commitments let alone provide meaningful assistance to local governments. Florida local governments, most especially counties, do not have access to inflation and growth responsive revenue sources. The result of this situation is that either facilities must lag behind needs or there must be an ever increasing tax burden upon all taxpayers. Impact fees are one means that can address the needs of growth while not placing an ever increasing burden upon taxpayers.

Development impact fees have become a commonly used source of revenue to supplement available means of funding capital facility improvements needed to accommodate new development. Impact fees grew out of two rather commonly held notions:

1. Generally, new development does not pay the cost of capital facilities needed to accommodate the residents and businesses from standard sources of revenue, and
2. It would be inequitable to impose the cost of extending facilities to new developments on existing residents and taxpayers.

In Florida, both the courts<sup>a</sup> and the Florida Statutes<sup>b</sup> acknowledge local governments' authority to impose equitable impact fees. Impact fees are not taxes and are governed by a standard that has become known as the "dual rational nexus test." This test has two major components:

1. That the facilities to be charged to new development as impact fees must be needed to serve that new development, and
2. That the funds collected as impact fees must be earmarked and spent for the purposes for which they were collected.

Implied in this test is that any impact fee cannot exceed a *pro rata* or proportionate share of the anticipated costs of providing new developments with capital facilities.

St Johns County has imposed impact fees since 1987. In fact, the County's authority to impose educational impact fees was challenged and upheld by the Florida Supreme Court.<sup>c</sup> The County's impact fees were updated in 1998 and now again in 2004.

Impact fees, as they have been used in Florida, shift a part of the cost of providing additional public facilities that are required to meet the needs of new developments to those new developments. In order that impact fees comply with legal and ethical standards, such fees must be reasonable. This reasonableness extends to the amount of any impact charges as well as the manner in which such charges are developed. This memorandum will set out how the updated impact fees proposed for St. Johns County were developed. In this manner, the

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<sup>a</sup> See *Hollywood, Inc. v. Broward County*, 431 So. 2d 606 (Fla. 4<sup>th</sup> DCA 1983). In this opinion the Court observed:

*[W]e discern the general legal principle that reasonable dedication or impact fee requirements are permissible so long as they offset needs sufficiently attributable to the subdivision and so long as the funds collected are sufficiently earmarked for the substantial benefit of the subdivision residents.*

<sup>b</sup> See Section 163.3202(3), Florida Statutes.

<sup>c</sup> *St. Johns County v Northeast Florida Homebuilders*,

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**FOR STAFF REVIEW**

**22 November 2004**

community of St. Johns County can determine for itself whether they are reasonable.



## 2. County Parameters

In order to develop equitable impact fees it is first necessary to establish service standards. The usual practice is to observe the existing provision and to use that current standard of service as the basis for impact fees. The first step in this process is to identify the existing population being served. The estimate of the 2004 resident population is 104,598. However, St. Johns County must serve a population which is much greater than simply the permanent residents. Therefore, the relevant figure is the peak population. The peak population to be found with St. Johns County would be the sum of permanent residents, part-time residents and transients. Permanent residents are those individuals who maintain their domicile in St. Johns County and it may be presumed that they reside within the county for six months or more per year. Part-time residents are defined as those individuals who maintain their domicile elsewhere but who also reside in St. Johns County for more than one month and less than six months per year. Transients are those who reside in St. Johns County for less than one month per year. Table 1 utilizes the 2000 census to establish a ratio of peak population to resident population.

**Table 1  
RESIDENT AND PEAK POPULATION  
ST. JOHNS COUNTY  
1980 TO 2004**

	1980	1990	2000	2004
Resident Population	51,303	83,829	123,135	149,447
Residents 5-17		15,687		
Total Housing Units	22,861	40,712	58,008	70,403
Occupied Year-Round	18,623	33,426	49,614	60,216
Permanent Residents per Unit	2.755	2.508	2.440	2.440
Seasonally Occupied Units	1,542	2,848	5,311	6,446
Transient Units	4,421	3,743	4,736	5,133
Permanent Residents	51,303	83,829	123,135	149,447
Seasonal Residents	4,248	7,142	12,959	15,728
Transients at 1.75	7,737	6,550	8,288	8,983
Peak Population	63,288	97,522	144,382	174,158
Ratio of Peak to Permanent	123.4%	116.3%	117.3%	116.5%
2004 Estimates:				
Permanent Population – Countywide				149,447
Peak Population – Countywide				174,158
Permanent Population - Less Saint Augustine				136,084
Peak Population - Less Saint Augustine				158,586

SOURCES: University of Florida, Census Handbook, 1980 and 1990, Florida Counties, P. 21, 78 & 81.

US Bureau of the Census, American Factfinder, [http://factfinder/census.gov/servlet/DDTable?\\_bm](http://factfinder/census.gov/servlet/DDTable?_bm)  
St. Johns County.

Table 1 shows that in 2004 the peak population in St. Johns County could reasonably be estimated to be 174,158. This estimate is made by assigning the same occupancy per unit to seasonally occupied units as to year-round occupied units and by assigning 1.75 persons per transient unit in the peak period [See *Florida Statistical Abstract* - 1981, P. 464]. The estimated peak population is 116.4% of the permanent population. This ratio will be used in the body of this report in determining user demand and also in calculating per capita costs and revenues for those services that are affected by or delivered to all St. Johns County residents regardless of their domicile. Examples of such services would be emergency medical service and rescue. For services that are rarely delivered to non-permanent residents, such as public education, the permanent population will be used to determine demand and to calculate per capita costs and revenues.

**Table 2  
DWELLING UNIT OCCUPANCIES  
ST JOHNS COUNTY**

<b>UNIT TYPE/SIZE</b>	<b>Peak Occupancy</b>	<b>Average Occupancy</b>
<b>Single Family Detached</b>	2.609	2.371
1 Bedroom or Less	1.723	1.388
2 Bedroom	2.082	1.743
3 Bedroom	2.490	2.303
4 Bedroom	3.207	3.017
5 or More Bedrooms	3.531	3.467
<b>Multi-Family</b>	1.749	1.224
1 Bedroom or Less	1.311	1.069
2 Bedroom	1.826	1.231
3 Bedroom	2.081	1.330
4 or More Bedroom	2.191	2.191
<b>Mobile Home</b>	2.649	2.371
1 Bedroom or Less	1.549	1.211
2 Bedroom	1.906	1.631
3 Bedroom	2.857	2.705
4 or More Bedroom	5.039	4.663

SOURCE: US Bureau of the Census, 2000 Census, Public Use Micro-Sample.

Table 2 shows dwelling unit occupancies in St. Johns County by type and size of dwelling unit. These data are taken from the 2000 Census. Occupancy is reported for average occupancy, which is annual or full time occupancy, and peak occupancy. The peak occupancy is that occupancy expected during the time when season and transient residence are at their highest.

A number of jurisdictions have shifted the manner in which residential impact fees are assessed. The typical practice has been to assess residential impact fees on the basis of the type of dwelling; single family, multi-family and mobile home. This is what St. Johns County presently does. Starting with Broward County in the 1980's, residential impact fees are being assessed on the basis of the size of the dwelling measured in the number of bedrooms. The goals of this shift are, first, to proportionally assess dwellings on the basis of their impact and, second, to lessen the amount charged to smaller and therefore less impacting units. There is the additional aspect that smaller dwellings lend to be more affordable, thus advancing the housing affordability goal. The variation in occupancy and therefore impact is clearly seen in Table 2. Residential impact and impact fees will be presented on the basis of unit type and number of bedrooms.

### 3. Road Impact Fees

Developers commonly are required to actually construct needed road improvements if such improvements are required to provide safe and adequate service for the development. This policy remains in effect. However, impact fees are another means to provide safe and adequate road service to new developments and the St. Johns County Road Impact Fees have that objective. The collection and expenditure of Road Impact Fees will result in the improvement of roads outside the development paying road impact fees. It is, therefore, assumed that new development will receive an offset against impact fees for any roads outside the developments which are constructed or otherwise improved by the developer as a condition of development approval.

The formula for calculating the road impact fees is:

$$\text{ATTRIBUTABLE NEW TRAVEL IN VEHICULAR MILES PER DAY} = \frac{[(\text{VEHICULAR TRIP ENDS PER DAY} \times \text{AVERAGE TRIP LENGTH}) / 2] \times \% \text{ NEW TRIPS}}$$

$$\text{NEW LANE MILES OF ROADS} = \frac{\text{ATTRIBUTABLE TRAVEL}}{\text{CAPACITY PER LANE MILE IN VEHICLES PER DAY}}$$

$$\text{ROAD COST} = \text{NEW LANE MILES OF ROADS} \times \text{COST PER LANE MILE}$$

$$\text{CREDITS} = \{[(\text{ATTRIBUTABLE TRAVEL} \times \text{DAYS PER YEAR}) / \text{MILES PER GALLON}] \times \text{CAPITAL PORTION OF MOTOR FUELS TAX}\} \times \text{PRESENT VALUE FACTOR}$$

$$\text{PRESENT VALUE FACTOR} = \text{SUM FROM 1 TO 25 OF } (1 / (1.05^n))$$

WHERE n IS THE YEAR FROM 1 TO 25

$$\text{NET COST} = \text{TOTAL COST} - \text{CREDITS}$$

These formulae calculate, first, the travel that individual units of new development are expected to place on the St. Johns County road system and, second, the physical quantity of roads, in terms of lane-miles, required to accommodate that travel at Level of Service D. The third step is to calculate the cost of acquiring the necessary rights-of-way and the cost of actually constructing the needed road improvements. This calculation uses the actual cost experienced in St. Johns County per lane-mile of roads. The next step is to determine what new development will pay toward the cost of additional road

capacity in motor fuel taxes. The federal government imposes a motor fuels tax, 51.3% of the receipts from this tax are devoted to capital outlay [Table 3]. The State of Florida imposes two motor fuel taxes. The first is 15.4 cents per gallon tax that is used to fund the state road system. Approximately 47% of this tax is directed toward capital improvements [Table 3]. The second taxes are the so-called 5th, 6th, 7th and 8th cent taxes. The 5th, 6th and 7th cent receipts are distributed to counties on a formula basis. The 8th is distributed to cities as part of the Municipal Revenue Sharing program and is not restricted for transportation. The county distributions are restricted for transportation. The 7th cent is restricted to maintenance activities and is not available for capital improvements. The 5th and 6th cents are allocated between capital improvements and maintenance. The ratio is 80% capital improvements and 20% maintenance. Counties are now authorized to impose up to 11 cents per gallon as the so-called Optional Motor fuels tax. St. Johns County imposes 6 cents. These receipts are divided between the county and the municipalities on a formula basis. Optional receipts may only be used for transportation purposes but the governing body may elect what portion is to be allocated to capital outlay. Because the road impact fees are to be countywide, there is no reduction for the portion going to municipalities. St. Johns County has been spending 38.36% of its Transportation Trust Fund on capital improvements, i.e., additional capacity, and 61.64% on the maintenance of existing roads. The calculations which follow are based upon 38.36% of the motor fuel and property tax funds going to the Transportation Trust Fund going to capital improvements. New development will pay motor fuel taxes and property taxes for the foreseeable future. Therefore, some consideration needs to be given to future payments even though St. Johns County will be required to make road improvements in the present. This consideration is given by considering the payments of these motor fuel taxes occasioned by the development for the next 25 years. These future payments are then reduced to present value at an interest rate of 5%.

St. Johns County has been imposing a property tax for the purposes of transportation improvements. The use of property taxes is equivalent to an 11.5 cent per gallon motor fuel tax. The credit for the property tax will be incorporated as a 11.5 cent motor fuel tax, 38.36% devoted to capital and 61.64% devoted to maintenance. Lastly, St. Johns County has outstanding debt for roads and transportation. The amount and nature of this debt is:

<b>Outstanding Road Debt:</b>	<b>Issued</b>	<b>Life</b>	<b>Amount</b>	<b>i Rate</b>
Refunding Bonds, Series 2002	9/15/2002	5.00	\$5,140,000	2.61%
Refunding Bonds, Series 2003	12/2/2003	29.00	\$30,000,000	4.90%
\$10 Million Comm. Paper	12/2/2002	4.50	\$3,500,000	1.17%
Total			\$38,640,000	
Average Life		23.59		4.26%
Discount Rate				6.26%
Annual Payment			\$3,176,677	
Motor Fuel Tax Equivalent			\$0.008	

The motor fuel tax equivalent of the \$3,176,677 annual debt service payment is \$0.008 per gallon. These sources of revenue will also be calculated for 25 years, and discounted back to present value.

The net cost is the total cost less the present value of future payments in the form of motor fuel taxes and motor fuel tax equivalents.

These formulae and calculations are based upon averages and typical conditions. As such, it is possible that the impact of individual new developments could be overestimated. Thus, it is recommended that the provision for of the road impact fee ordinance that allow alternative and site or development specific calculations be continued.

The data presented in Table 3 are the parameters used in calculating impact on the road system, the cost of new roads and the net impact of growth on the road capital finance system. The sources are listed. The formula for calculation was set out above. In this section the data and calculations are discussed.

TRAVEL. The relevant travel by land use type and unit is calculated by multiplying the number of trip ends per day (ADT) times the average trip length, times the per cent new trips. The result is then reduced to one-half to adjust the number to trip ends to the number of travel trips (a travel trip, say from home to work, would have two ends, one leaving home and one arriving at work). This reduction is to correct for over-counting. Such over-counting is due to the fact that impact fees would be charged to both attractors and generators of traffic (or both ends of the travel trip). An example might make this point clear. Assume a world in which there are only homes and shops. Homes would be the traffic generators and shops would be the attractors. Further assume that all homes and shops are 5 miles apart. From the perspective of the home, a round trip to the shop is 10 miles. From the perspective of the shop a round trip from the home is 10 miles. The total of both home and shop travel would be 20 miles. But, from a global perspective, only 10 miles of travel has occurred. Thus it is necessary, if global perspectives are to be taken, to correct for this double-count. The individual

factors in this calculation and their sources are:

a. DAILY TRIP RATE. The Average Daily Travel (ADT), in trip ends per day, is taken from *Trip Generation*, (7<sup>th</sup> Ed), 2004, published by the Institute of Transportation Engineers (ITE). As discussed above, residential occupancy varies significantly by type of unit and number of bedrooms. This variation is used to calculate expected vehicular trips by type of unit and number of bedrooms. This is done by dividing the average number of vehicular trips by the average occupancy and then multiply the number of person trips by the occupancy of individual types and sizes of units.

b. PER CENT NEW TRIPS. Many land uses, while attracting traffic, generate little, if any, new traffic (other than attracting existing traffic to a particular location). There are several reasons for this situation. First, the multiple purpose trip will tend to attract traffic to particular locations without generating much new traffic. Second, the capturing of an existing trip, such as stopping for a quart of milk on the way home from work, will not result in additional travel. Third, diverting a trip that already existed, such as taking the long way home from work to shop, will place limited new travel on the road system. Take, for example, the convenience store and the service (gas) station. The typical visits to these establishments, especially during the peak hour, are made by individuals who are going elsewhere such as home or work. An example may help. Let there be an individual driving from work to home (which would be two trip ends), a distance of 8.30 miles. Assume that this individual stops at the day care center to pick up a child, a convenience store to get milk and a service station for gasoline. How many trips have been made? According to the standard methodology of transportation engineering, a total of 8 trips have been made:

- \*leaving work
- \*entering the day care center
- \*leaving the day care center
- \*entering the convenience store
- \*leaving the convenience store
- \*entering the service station
- \*leaving the service station
- \*arriving home.

If we were to apply the average trip length of 5 miles to these trips, the result would be 40 miles, a vast overstatement of actual travel. This overstatement is corrected in two ways. First, to deduct, by a percentage reduction factor (% NEW TRIPS), for trips to particular land uses that do

not place additional travel on the roads and, second, to adjust the trip lengths for non-residential land uses which more accurately reflect the travel patterns of individuals visiting those sites. The first, % NEW TRIPS, is included in Table 4. The second, adjusted trip lengths, are also included in Table 5 and are shown in Table 4. The % NEW TRIPS are, ultimately, a professional judgment. Such judgments, however, are based upon several articles in the "ITE Journal" and specifically upon the "pass by" analysis set out in the 5<sup>th</sup> edition of the ITE's *Trip Generation*.

**AVERAGE TRIP LENGTHS.** The trip lengths in shown in Table 4 are derived from the National Personal Transportation Study (NPTS) and the National Household Transportation Survey.<sup>d</sup> The lengths used are the same as those used for the 1997-97 update. The bases for the non-residential trip lengths are:

- \*Industrial uses use the home based work trip length from the NPTS;
- \*Warehouse uses use the home based work trip length from the NPTS;
- \*Storage uses use the home based work trip length from the NPTS;
- \*Financial office trip length is the miscellaneous trip length from the NPTS;
- \*General office lengths are 50% of the home to work trip plus 50% of the miscellaneous trip from the NPTS;
- \*Retail trip lengths are the shopping length from the NPTS;

**REQUIRED NEW LANE MILES.** This is calculated by dividing the attributable new miles of daily travel (total daily miles of travel divided by 2) by the capacity of a lane of roadway. The capacity utilized is 7,500 vehicles per day.

**ANNUAL CAPITAL PAYMENTS.** The Florida and St. Johns County transportation finance systems receive a portion of the motor fuel tax to pay for new roads and other road improvements. This is calculated by determining the attributable miles of travel per year and dividing by the average miles per gallon to arrive at gallons per year of motor fuel consumption by land use type. This fuel consumption is then multiplied by the dollars per gallon going to road capital projects to arrive at annual payments toward road capital improvements. The portions of motor fuel tax payments allocated to capital projects are shown in Table 3 and annual

<sup>d</sup> US Dept of Transportation, Bureau of Transportation Statistics, National Household Transportation Survey, 2001, [www.bts.gov/programs/national\\_household\\_travel\\_survey/](http://www.bts.gov/programs/national_household_travel_survey/).



payments toward capital improvements are shown in Table 3.

CREDIT. The credit given to new development results from determining the present value of future annual payments toward road capital improvements. This is calculated by multiplying the annual capital payments by the present value factor.

TOTAL ROAD COST. The quantity of lane miles of new roads, as discussed above, is multiplied by the construction cost per lane mile of road plus the cost per lane mile for rights of way. The average cost for construction is \$1,764,897 per lane mile, including rights of way.

NET COST. The net cost is simply the total cost less any applicable credit.

**Table 3  
ROAD PARAMETERS  
ST JOHNS COUNTY**

ROAD COSTS	\$1,764,987 Per Lane Mile		
AVAILABLE REVENUES:	Rate	% to Capital	Effective Rate
Federal	\$0.167	51.30%	\$0.0856
State	\$0.154	46.74%	\$0.0718
City/County:			
5th & 6 <sup>th</sup>	\$0.020	80.00%	\$0.0160
7 <sup>th</sup>	\$0.010	0.00%	\$0.0000
8 <sup>th</sup>	\$0.010	0.00%	\$0.0000
Optional	\$0.060	38.36%	\$0.0230
Property tax equivalent	\$0.115	38.36%	\$0.0441
Debt Service Equivalent	\$0.008	100.00%	\$0.0082
TOTAL CAPITAL PER GALLON			\$0.2487
OTHER PARAMETERS:			
Vehicular Miles Per Gallon			17.00
Present Value Factor at 5% for 25 years			14.09
Lane Capacity at LOS "D" in Vehicles per Day			7,500

SOURCES: St. Johns County Administration, July 2004

US Department of Energy, [www.eia.doe.gov/emeu/mer/pdf/pages/sec1\\_17.pdf](http://www.eia.doe.gov/emeu/mer/pdf/pages/sec1_17.pdf)

US DOE, Highway Statistics 200, Nov. 2003, p. \_\_\_\_ [www.](http://www.fhwa.dot.gov/policy/ohpi/hss/pubs.htm)

Federal Highway Administration,  
<http://www.fhwa.dot.gov/policy/ohpi/hss/pubs.htm>

Fl Dept of Transportation, Tentative 04-09 Work Program, <http://www.dot.state.fl.us/financialplanning/>

NOTES: (1) The Federal tax of \$.184 is reduced to \$.1544 because \$0286 is transferred to mass transit and \$.001 is used to fund underground storage tank clean-up.

(2) The motor fuel tax rates shown are for both gasoline and diesel, with the rate being a weighted average of the two.

**Table 4  
ROAD NEEDS AND COSTS BY LAND USE TYPE  
ST JOHNS COUNTY**

LAND USE TYPE (UNIT)	Unit	Trip Rate	Trip Length	% New Trips	Needed Roads
<b>RESIDENTIAL PER UNIT:</b>					
<b>Single Family Detached</b>	Dwelling	9.57			
1 Bedroom or Less	Bedroom	6.32	5.00	100.0%	0.00211
2 Bedroom	Bedroom	7.64	5.00	100.0%	0.00255
3 Bedroom	Bedroom	9.13	5.00	100.0%	0.00304
4 Bedroom	Bedroom	11.76	5.00	100.0%	0.00392
5 or More Bedrooms	Bedroom	12.95	5.00	100.0%	0.00432
<b>Multi-Family</b>	Dwelling	6.72			
1 Bedroom or Less	Bedroom	5.04	5.00	100.0%	0.00168
2 Bedroom	Bedroom	7.02	5.00	100.0%	0.00234
3 Bedroom	Bedroom	8.00	5.00	100.0%	0.00267
4 or More Bedroom	Bedroom	8.42	5.00	100.0%	0.00281
<b>Mobile Home</b>	Dwelling	4.99			
1 Bedroom or Less	Bedroom	2.92	5.00	100.0%	0.00097
2 Bedroom	Bedroom	3.59	5.00	100.0%	0.00120
3 Bedroom	Bedroom	5.38	5.00	100.0%	0.00179
4 or More Bedroom	Bedroom	9.49	5.00	100.0%	0.00316
<b>Hotel/Motel Room</b>	Room	6.49	6.40	100.0%	0.00277
<b>INDUSTRIAL PER 1,000 FT<sup>2</sup>:</b>					
General Industrial	1,000 FT <sup>2</sup>	6.97	5.10	92.0%	0.00218
Warehousing	1,000 FT <sup>2</sup>	4.96	5.10	92.0%	0.00155
Mini-warehousing	1,000 FT <sup>2</sup>	2.50	5.10	92.0%	0.00078
<b>OFFICE PER 1,000 FT<sup>2</sup>:</b>					
General Office < 100k FT <sup>2</sup>	1,000 FT <sup>2</sup>	16.62	5.10	92.0%	0.00520
General Office 100-200k FT <sup>2</sup>	1,000 FT <sup>2</sup>	12.71	5.10	92.0%	0.00398
General Office > 100k FT <sup>2</sup>	1,000 FT <sup>2</sup>	11.22	5.10	92.0%	0.00351
<b>COMMERCIAL PER 1,000 FT<sup>2</sup>:</b>					
Commercial < 100K FT <sup>2</sup>	1,000 FT <sup>2</sup>	91.65	1.50	49.0%	0.00449
Commercial 100-199K FT <sup>2</sup>	1,000 FT <sup>2</sup>	60.70	1.80	63.0%	0.00459
Commercial 200-299K FT <sup>2</sup>	1,000 FT <sup>2</sup>	50.12	2.00	75.0%	0.00501
Commercial 300-399K FT <sup>2</sup>	1,000 FT <sup>2</sup>	44.18	2.30	79.0%	0.00535
Commercial 400-499K FT <sup>2</sup>	1,000 FT <sup>2</sup>	40.21	2.50	80.0%	0.00536
Commercial > 500K FT <sup>2</sup>	1,000 FT <sup>2</sup>	37.29	3.00	81.0%	0.00604
Walk in Bank	1,000 FT <sup>2</sup>	156.48	1.50	63.0%	0.00986
Drive in Bank	1,000 FT <sup>2</sup>	246.49	1.50	49.0%	0.01208
Service Station - all types	Fueling Stn	168.56	1.80	23.0%	0.00465
Pharmacy w/Drive Thru	1,000 FT <sup>2</sup>	88.16	1.80	49.0%	0.00518
Fast Food w/Drive Thru	1,000 FT <sup>2</sup>	716.00	1.50	23.0%	0.01647

DRAFT

FOR STAFF REVIEW

22 November 2004

LAND USE TYPE (UNIT)	Unit	Trip Rate	Trip Length	% New Trips	Needed Roads
<b>RECREATIONAL:</b>					
Gen Recreation /Acre	1,000 FT <sup>2</sup>	2.99	7.00	90.0%	0.00126
Campground/RV Park Per Acre	1,000 FT <sup>2</sup>	74.38	5.00	100.0%	0.02479
Marina /Berth	1,000 FT <sup>2</sup>	2.96	7.00	90.0%	0.00124
Health/Fitness Club	1,000 FT <sup>2</sup>	32.91	3.00	50.0%	0.00329
<b>INSTITUTIONAL PER 1,000 FT<sup>2</sup></b>					
Elementary School	1,000 FT <sup>2</sup>	14.49	4.30	80.0%	0.00332
High School	1,000 FT <sup>2</sup>	12.89	4.30	90.0%	0.00333
College	1,000 FT <sup>2</sup>	27.49	7.30	90.0%	0.01204
<b>MEDICAL:</b>					
Hospital	1,000 FT <sup>2</sup>	17.57	6.40	75.0%	0.00562
Nursing Home	1,000 FT <sup>2</sup>	6.10	2.80	75.0%	0.00085
Medical Office	1,000 FT <sup>2</sup>	36.13	2.80	75.0%	0.00506

SOURCES: Institute for Transportation Engineering, Trip Manual, 7th Edition, 2004.  
US Department of Transportation, "National Household Transportation Study, 2003.

Table 5  
NET ROAD COSTS BY LAND USE TYPE  
ST JOHNS COUNTY

LAND USE TYPE (UNIT)	Unit	Annual Payment	Credit	Cost	Net Cost
<b>RESIDENTIAL PER UNIT:</b>					
<b>Single Family Detached</b>	Dwelling				
1 Bedroom or Less	Bedroom	\$84.36	\$1,189	\$3,718	\$2,529
2 Bedroom	Bedroom	\$101.93	\$1,437	\$4,493	\$3,056
3 Bedroom	Bedroom	\$121.91	\$1,718	\$5,374	\$3,655
4 Bedroom	Bedroom	\$157.01	\$2,213	\$6,921	\$4,708
5 or More Bedrooms	Bedroom	\$172.88	\$2,437	\$7,620	\$5,183
<b>Multi-Family</b>	Dwelling				
1 Bedroom or Less	Bedroom	\$67.24	\$948	\$2,964	\$2,016
2 Bedroom	Bedroom	\$93.64	\$1,320	\$4,128	\$2,808
3 Bedroom	Bedroom	\$106.72	\$1,504	\$4,704	\$3,200
4 or More Bedroom	Bedroom	\$112.35	\$1,583	\$4,952	\$3,369
<b>Mobile Home</b>	Dwelling				
1 Bedroom or Less	Bedroom	\$38.95	\$549	\$1,717	\$1,168
2 Bedroom	Bedroom	\$47.92	\$675	\$2,112	\$1,437
3 Bedroom	Bedroom	\$71.83	\$1,012	\$3,166	\$2,154
4 or More Bedroom	Bedroom	\$126.70	\$1,786	\$5,584	\$3,799
<b>Hotel/Motel Room</b>	Room	\$110.92	\$1,563	\$4,889	\$3,326
<b>INDUSTRIAL PER 1,000 FT<sup>2</sup>:</b>					
General Industrial	1,000 FT <sup>2</sup>	\$87.30	\$1,230	\$3,848	\$2,618
Warehousing	1,000 FT <sup>2</sup>	\$62.13	\$876	\$2,738	\$1,863
Mini-warehousing	1,000 FT <sup>2</sup>	\$31.31	\$441	\$1,380	\$939
<b>OFFICE PER 1,000 FT<sup>2</sup>:</b>					
General Office < 100k FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$208.17	\$2,934	\$9,176	\$6,242
General Office 100-200k FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$159.20	\$2,244	\$7,017	\$4,773
General Office > 100k FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$140.53	\$1,981	\$6,194	\$4,214
<b>COMMERCIAL PER 1,000 FT<sup>2</sup>:</b>					
Commercial < 100K FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$179.83	\$2,534	\$7,926	\$5,392
Commercial 100-199K FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$183.75	\$2,590	\$8,099	\$5,510
Commercial 200-299K FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$200.69	\$2,829	\$8,846	\$6,018
Commercial 300-399K FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$214.30	\$3,020	\$9,446	\$6,425
Commercial 400-499K FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$214.68	\$3,026	\$9,463	\$6,437
Commercial > 500K FT <sup>2</sup>	1,000 FT <sup>2</sup>	\$241.90	\$3,409	\$10,662	\$7,253
Walk in Bank	1,000 FT <sup>2</sup>	\$394.75	\$5,564	\$17,400	\$11,836
Drive in Bank	1,000 FT <sup>2</sup>	\$483.64	\$6,816	\$21,318	\$14,501
Service Station - all types	Fueling Stn	\$186.29	\$2,626	\$8,211	\$5,586
Pharmacy w/Drive Thru	1,000 FT <sup>2</sup>	\$207.57	\$2,926	\$9,149	\$6,224
Fast Food w/Drive Thru	1,000 FT <sup>2</sup>	\$659.42	\$9,294	\$29,066	\$19,772
<b>RECREATIONAL:</b>					
Gen Recreation /Acre	1,000 FT <sup>2</sup>	\$50.29	\$709	\$2,216	\$1,508
Campground/RV Park Per Acre	1,000 FT <sup>2</sup>	\$992.79	\$13,992	\$43,760	\$29,768

DRAFT

FOR STAFF REVIEW

22 November 2004

LAND USE TYPE (UNIT)	Unit	Annual Payment	Credit	Cost	Net Cost
Marina /Berth	1,000 FT <sup>2</sup>	\$49.78	\$702	\$2,194	\$1,493
Health/Fitness Club	1,000 FT <sup>2</sup>	\$131.78	\$1,857	\$5,809	\$3,951
<b>INSTITUTIONAL PER 1,000 FT<sup>2</sup></b>					
Elementary School	1,000 FT <sup>2</sup>	\$133.06	\$1,875	\$5,865	\$3,990
High School	1,000 FT <sup>2</sup>	\$133.17	\$1,877	\$5,870	\$3,993
College	1,000 FT <sup>2</sup>	\$482.14	\$6,795	\$21,252	\$14,456
<b>MEDICAL:</b>					
Hospital	1,000 FT <sup>2</sup>	\$225.14	\$3,173	\$9,923	\$6,750
Nursing Home	1,000 FT <sup>2</sup>	\$34.20	\$482	\$1,507	\$1,025
Medical Office	1,000 FT <sup>2</sup>	\$202.54	\$2,855	\$8,928	\$6,073

### 3. Public Buildings Impact Fee

Public buildings, such as court houses, maintenance facilities, jails, administrative offices, etc., must be expanded to meet the needs of a growing population. Therefore, a Public Buildings Impact Fee is imposed to raise the funds which will be required to meet this need in the future.

Table 5 sets out the parameters which were used in calculating the Public Buildings Impact Fees. Note should be taken of the fact that Sheriff's buildings are included herein while Fire Protection and Emergency Medical buildings are included in that category and not in public buildings. The calculations and costs are shown in Table 7. The formula used to calculate this fee is:

$$\text{COST PER CAPITA} = (\text{TOTAL VALUE OF PUBLIC BUILDINGS} - \text{OUTSTANDING DEBT FOR PUBLIC BUILDINGS}) / \text{PEAK POPULATION}$$

$$\text{COST PER UNIT OF NEW DEVELOPMENT} = \text{POPULATION PER UNIT} \times \text{TIME ALLOCATION} \times \text{COST PER CAPITA}$$

$$\text{NET COST} = \text{COST PER UNIT} - \text{AVAILABLE REVENUE.}$$

St. Johns County does not have a regular funding source for public buildings. In the past various sources have been used including general taxes. New development, as vacant land, has paid a portion of St. Johns County property taxes so new development has contributed toward the cost of existing public buildings. A credit will be provided for such payments. St. Johns County has used debt to fund some of the public buildings. The existing outstanding debt is subtracted from the value of all public buildings [see Table 7] in order to arrive at an equitable cost allocation. Because outstanding debt is subtracted, there is no need for further available revenue reductions.

This set of calculations incorporates a concept of "functional Population." Functional population is used to arrive at what is called "Time Allocation." This is used in order to equitably spread the costs between residential and non-residential sectors. Businesses place demands upon public buildings in exactly the same manner as people do. In fact, businesses are simply people in another facet of their lives. It would appear to be equitable to spread these costs based upon the number of people expected to be present per unit of land use. This is done differently for residential and non-residential land uses. For residential the

allocation is done using the residents per unit from census data. The individuals in residence are assigned 40% to the residence. This means that 60% of people's time is allocated to other land uses such as employment, shopping, entertainment, etc. For non-residential land uses the allocation is accomplished by using traffic generation rates. Trip rates will indicate the number of people present per day at the land uses. The people present are divided between employees and visitors. Employees are assigned 8 hours per day, 5 days per week. Visitors are allocated to a particular land use for differing lengths of time and days per week depending on the land use. The total number of person hours per week attributed to individual land uses is divided by the total number of person hours per week to arrive at a percentage allocation. For example, a warehouse has 4.96 vehicle trips per day per 1,000 square feet. Dividing this in half provides a basis to estimate persons per day per 1,000 square feet. A ratio of 1.25 employees per 1,000 square feet is utilized which means that 1.23 of these persons are visitors. It is taken that employees spend 8 hours per day, 5 days per week and visitors spend 1 hour per visit, 5 days per week. This means that there would be 55.95 persons-hours per week spent at a warehouse, per 1,000 square feet. The 2.44 persons per 1,000 square feet would have a total of 410 person-hours per week; i.e.,  $2.44 \times 7 \text{ days} \times 24 \text{ hours}$ . The 55.95 person-hours spent at the warehouse is 13.6% of total person hours. This percentage is incorporated into Table 8. This method of attribution is also used for police, fire and EMS.

Table 7  
PUBLIC BUILDING PROVISION AND COST  
ST JOHNS COUNTY

TYPE/BUILDING	Building FT <sup>2</sup>	Acres	Replacement Value
NW Annex	10,550	5.81	\$1,477,270
NW Annex		0.24	
NW Annex		0.79	
Ponte Vedra Annex	5,132	1.83	\$771,690
Cty Admin Complex	26,701	9.98	\$2,034,660
Cty Admin Complex		18.88	\$3,759,560
Cty Admin Complex	2,491		\$1,801,190
Cty Admin Complex	9,349		\$171,580
Cty Admin Complex	3,600		\$19,000
Cty Admin Complex	760		\$5,590
Cty Admin Complex	2,532		\$112,870
Cty Admin Complex	23,019		\$763,100
Cty Admin Complex	14,185		\$236,890
Cty Admin Complex		19.43	\$23,927,210
Cty Admin Complex	2,816		\$77,730
Cty Admin Complex	5,397		\$302,620
Cty Admin Complex	1,200		\$23,330
Cty Admin Complex	13,780		\$949,170
Cty Admin Complex	5,498		\$181,080
Cty Admin Complex	52,881		\$5,462,900
Cty Admin Complex	15,803		\$744,200
Cty Admin Complex	18,092		\$620,790
Cty Admin Complex	10,732		\$220,090
Cty Admin Complex	86,826		\$5,637,980
Cty Admin Complex	76,524		\$8,825,530
Cty Admin Complex	4,644		\$194,180
SJC Ad Complex		11.64	\$314,550
SJC Ad Complex		1.63	\$21,750
SJC Ad Complex		1.16	\$9,000
SJC Ad Complex		10.86	\$15,000
SJC Ad Complex		1.28	\$10,500
Facility Maint.	5,536	0.75	\$138,620
Flagler West		0.51	\$62,080
Health Dept	15,528	10.29	\$4,297,580
Health Dept	14,041	1.89	\$3,666,600
Health Dept	75,594	3.34	\$7,314,510
Health Dept	1,885	0.66	\$54,280
Ag Center	14,616	59.78	\$2,187,200
Library - Julington Ck	9,570	3.00	\$939,880



DRAFT

FOR STAFF REVIEW

22 November 2004

TYPE/BUILDING	Building FT <sup>2</sup>	Acres	Replacement Value
Library - A1A	2,967	6.00	\$2,166,545
Library - Main	14,840	1.20	\$1,830,250
Library - New	23,162	9.89	\$2,397,130
TOTAL	570,251	180.84	\$83,745,685
PER CAPITA	3.31	0.00105	\$485.79
<b>PUBLIC BUILDINGS DEBT:</b>			
Jail Facilities			\$7,520,000
Courthouse			\$10,750,000
Public Buildings			\$5,194,000
Library			\$2,800,000
TOTAL DEBT			\$26,264,000
NET VALUE			\$57,481,685
PER CAPITA-PEAK			\$333.44

SOURCE: St. Johns County Administration, November 2004.

DRAFT

FOR STAFF REVIEW

22 November 2004

Table 6  
FUNCTIONAL POPULATION  
ST JOHNS COUNTY

LAND USE TYPE (UNIT)						
RESIDENTIAL PER UNIT:	Persons per Unit		Time Allocation			
<b>Single Family Detached</b>	2.609		40.0%			
1 Bedroom or Less	1.723		40.0%			
2 Bedroom	2.082		40.0%			
3 Bedroom	2.490		40.0%			
4 Bedroom	3.207		40.0%			
5 or More Bedrooms	3.531		40.0%			
<b>Multi-Family</b>	1.749		40.0%			
1 Bedroom or Less	1.311		40.0%			
2 Bedroom	1.826		40.0%			
3 Bedroom	2.081		40.0%			
4 or More Bedroom	2.191		40.0%			
<b>Mobile Home</b>	2.649		40.0%			
1 Bedroom or Less	1.549		40.0%			
2 Bedroom	1.906		40.0%			
3 Bedroom	2.857		40.0%			
4 or More Bedroom	5.039		40.0%			
<b>Hotel/Motel Room</b>	1.750		40.0%			
<b>NON-RESIDENTIAL:</b>	<b>Hours per Day</b>		<b>Number per Day</b>			<b>Time Allocation</b>
	<b>Employee</b>	<b>Visitor</b>	<b>Employee</b>	<b>Visitor</b>	<b>Persons</b>	
<b>INDUSTRIAL PER 1,000 FT<sup>2</sup>:</b>						
General Industrial	8.00	1.00	1.67	1.82	3.49	12.96%
Warehousing	8.00	1.00	1.25	1.23	2.48	13.48%
Mini-warehousing	8.00	0.25	0.10	1.15	1.25	3.63%
<b>OFFICE PER 1,000 FT<sup>2</sup>:</b>						
General Office < 100k FT <sup>2</sup>	8.00	1.00	5.00	3.31	8.31	15.51%
General Office 100-200k FT <sup>2</sup>	8.00	1.00	4.00	2.36	6.36	16.09%
General Office > 100k FT <sup>2</sup>	8.00	1.00	3.00	2.61	5.61	14.12%
<b>COMMERCIAL PER 1,000 FT<sup>2</sup>:</b>						
Commercial < 100K FT <sup>2</sup>	8.00	0.08	8.00	37.83	45.83	6.11%
Commercial 100-199K FT <sup>2</sup>	8.00	0.17	7.00	23.35	30.35	8.22%
Commercial 200-299K FT <sup>2</sup>	8.00	0.25	6.00	19.06	25.06	8.77%
Commercial 300-399K FT <sup>2</sup>	8.00	0.30	5.00	17.09	22.09	8.51%
Commercial 400-499K FT <sup>2</sup>	8.00	0.40	4.50	15.61	20.11	8.75%
Commercial > 500K FT <sup>2</sup>	8.00	0.50	4.00	14.65	18.65	8.79%
Walk in Bank	8.00	0.08	3.00	75.24	78.24	1.27%
Drive in Bank	8.00	0.08	3.00	120.25	123.25	0.90%
Service Station - all types	8.00	0.08	3.00	81.28	84.28	1.52%
Pharmacy w/Drive Thru	8.00	0.08	2.50	41.58	44.08	2.22%
Fast Food w/Drive Thru	8.00	0.08	4.00	354.00	358.00	0.72%

Table 7 Continued

NON-RESIDENTIAL:	Hours per Day		Number per Day			Time Allocation
	Employee	Visitor	Employee	Visitor	Persons	
<b>RECREATIONAL:</b>						
Gen Recreation /Acre	8.00	1.00	0.10	1.40	1.50	6.12%
Campground/RV Park / Acre	8.00	8.00	0.10	37.09	37.19	33.33%
Marina /Berth	8.00	3.00	0.10	1.38	1.48	13.91%
Health/Fitness Club	8.00	1.50	0.10	16.36	16.46	6.41%
<b>INSTITUTIONAL PER 1,000 FT<sup>2</sup></b>						
Elementary School	8.00	0.25	3.00	4.25	7.25	10.29%
High School	8.00	0.25	2.75	3.70	6.45	10.59%
College	8.00	0.25	2.50	11.25	13.75	4.94%
<b>MEDICAL PER 1,000 FT<sup>2</sup>:</b>						
Hospital	8.00	0.50	6.00	2.79	8.79	23.43%
Nursing Home	8.00	0.50	0.20	2.85	3.05	4.13%
Medical Office	8.00	0.75	6.00	12.07	18.07	9.40%

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## FOR STAFF REVIEW

22 November 2004

Table 7  
PUBLIC BUILDINGS NEEDS AND COSTS BY AND USE TYPE  
ST JOHNS COUNTY

LAND USE TYPE (UNIT)	Persons per Unit	Time Adjustment	Cost per Unit
<b>RESIDENTIAL PER UNIT:</b>			
<b>Single Family Detached</b>			
1 Bedroom or Less	1.723	40.00%	\$227.47
2 Bedroom	2.082	40.00%	\$274.87
3 Bedroom	2.490	40.00%	\$328.73
4 Bedroom	3.207	40.00%	\$423.39
5 or More Bedrooms	3.531	40.00%	\$466.17
<b>Multi-Family</b>			
1 Bedroom or Less	1.311	40.00%	\$173.10
2 Bedroom	1.826	40.00%	\$241.07
3 Bedroom	2.081	40.00%	\$274.74
4 or More Bedroom	2.191	40.00%	\$289.24
<b>Mobile Home</b>			
1 Bedroom or Less	1.549	40.00%	\$204.50
2 Bedroom	1.906	40.00%	\$251.63
3 Bedroom	2.857	40.00%	\$377.19
4 or More Bedroom	5.039	40.00%	\$665.26
<b>Hotel/Motel Room</b>	1.750	40.00%	\$231.04
<b>INDUSTRIAL PER 1,000 FT<sup>2</sup>:</b>			
General Industrial	3.49	12.96%	\$150.59
Warehousing	2.48	13.48%	\$111.44
Mini-warehousing	1.25	3.63%	\$15.11
<b>OFFICE PER 1,000 FT<sup>2</sup>:</b>			
General Office < 100k FT <sup>2</sup>	8.31	15.51%	\$429.80
General Office 100-200k FT <sup>2</sup>	6.36	16.09%	\$340.93
General Office > 100k FT <sup>2</sup>	5.61	14.12%	\$264.07
<b>COMMERCIAL PER 1,000 FT<sup>2</sup>:</b>			
Commercial < 100K FT <sup>2</sup>	45.83	6.11%	\$932.96
Commercial 100-199K FT <sup>2</sup>	30.35	8.22%	\$832.09
Commercial 200-299K FT <sup>2</sup>	25.06	8.77%	\$733.08
Commercial 300-399K FT <sup>2</sup>	22.09	8.51%	\$626.96
Commercial 400-499K FT <sup>2</sup>	20.11	8.75%	\$586.88
Commercial > 500K FT <sup>2</sup>	18.65	8.79%	\$546.32
Walk in Bank	78.24	1.27%	\$330.41
Drive in Bank	123.25	0.90%	\$371.33
Service Station - all types	84.28	1.52%	\$427.51
Pharmacy w/Drive Thru	44.08	2.22%	\$325.99
Fast Food w/Drive Thru	358.00	0.72%	\$854.27
<b>RECREATIONAL:</b>			
Gen Recreation /Acre	1.50	6.12%	\$30.50
Campground/RV Park Per Acre	37.19	33.33%	\$4,133.54

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FOR STAFF REVIEW

22 November 2004

LAND USE TYPE (UNIT)	Persons per Unit	Time Adjustment	Cost per Unit
Marina /Berth	1.48	13.91%	\$68.63
Health/Fitness Club	16.46	6.41%	\$348.38
<b>INSTITUTIONAL PER 1,000 FT<sup>2</sup></b>			
Elementary School	7.25	10.29%	\$248.70
High School	6.45	10.59%	\$227.49
College	13.75	4.94%	\$226.37
<b>MEDICAL PER 1,000 FT<sup>2</sup>:</b>			
Hospital	8.79	23.43%	\$686.23
Nursing Home	3.05	4.13%	\$42.03
Medical Office	18.07	9.40%	\$566.14

## 4. Law Enforcement Impact Fee

Due to the rapid growth of St. Johns County the provision of police protection and law enforcement tends to lag behind need. One means of meeting the needs of new development for law enforcement is to raise general property taxes in anticipation of the needs of future development and before such new development either places the demands upon the system or begins to pay for services. Another option is impact fees.

The office of the St. Johns County Sheriff estimates that the cost to train and equip each deputy is \$86,200. The proposal is to recoup this cost through impact fees.

Table 8 sets out the parameters utilized. Additionally, the costs shown in Table 9 utilize the time allocation discussed above. The formula for the Police Protection (or Law Enforcement) Impact Fee is:

$$\text{COST PER CAPITA} = (\text{TOTAL CAPITAL COST PER NEW OFFICER} \times \text{NUMBER OF OFFICERS}) / \text{PEAK POPULATION}$$

$$\text{COST PER UNIT OF NEW DEVELOPMENT} = \text{POPULATION PER UNIT} \times \text{TIME ALLOCATION} \times \text{COST PER CAPITA}$$

$$\text{NET COST} = \text{COST PER UNIT} - \text{AVAILABLE REVENUES.}$$

Table 8  
LAW ENFORCEMENT PARAMETERS  
ST JOHNS COUNTY

<b>POLICE STANDARDS:</b>	
'03-04 Sworn Personnel	332
<b>CAPITAL COST PER NEW SWORN OFFICER:</b>	
Training	\$54,462
Equipment	\$31,738
TOTAL	\$86,200
TOTAL CAPITAL VALUE	\$28,618,400
Outstanding Law Enforcement Debt	\$0
Net Cost	\$28,618,400
per Capita Net Cost	\$164.32

SOURCE: St. Johns County Sheriff's Office

Table 9  
LAW ENFORCEMENT NEEDS AND COSTS BY LAND USE TYPE  
ST JOHNS COUNTY

LAND USE TYPE (UNIT)	Persons per Unit	Time Adjustment	Cost per Unit
<b>RESIDENTIAL PER UNIT:</b>			
<b>Single Family Detached</b>			
1 Bedroom or Less	1.72	40.00%	\$113.25
2 Bedroom	2.08	40.00%	\$136.85
3 Bedroom	2.49	40.00%	\$163.67
4 Bedroom	3.21	40.00%	\$210.79
5 or More Bedrooms	3.53	40.00%	\$232.09
<b>Multi-Family</b>			
1 Bedroom or Less	1.31	40.00%	\$86.18
2 Bedroom	1.83	40.00%	\$120.02
3 Bedroom	2.08	40.00%	\$136.78
4 or More Bedroom	2.19	40.00%	\$144.00
<b>Mobile Home</b>			
1 Bedroom or Less	1.55	40.00%	\$101.82
2 Bedroom	1.91	40.00%	\$125.28
3 Bedroom	2.86	40.00%	\$187.79
4 or More Bedroom	5.04	40.00%	\$331.21
<b>Hotel/Motel Room</b>	1.750	40.00%	\$115.03
<b>INDUSTRIAL PER 1,000 FT<sup>2</sup>:</b>			
General Industrial	3.49	12.96%	\$74.21
Warehousing	2.48	13.48%	\$54.92
Mini-warehousing	1.25	3.63%	\$7.45
<b>OFFICE PER 1,000 FT<sup>2</sup>:</b>			
General Office < 100K FT <sup>2</sup>	8.31	15.51%	\$211.81
General Office 100-200k FT <sup>2</sup>	6.36	16.09%	\$168.02
General Office > 100k FT <sup>2</sup>	5.61	14.12%	\$130.14
<b>COMMERCIAL PER 1,000 FT<sup>2</sup>:</b>			
Commercial < 100K FT <sup>2</sup>	45.83	6.11%	\$459.78
Commercial 100-199K FT <sup>2</sup>	30.35	8.22%	\$410.07
Commercial 200-299K FT <sup>2</sup>	25.06	8.77%	\$361.27
Commercial 300-399K FT <sup>2</sup>	22.09	8.51%	\$308.98
Commercial 400-499K FT <sup>2</sup>	20.11	8.75%	\$289.22
Commercial > 500K FT <sup>2</sup>	18.65	8.79%	\$269.23
Walk in Bank	78.24	1.27%	\$162.83
Drive in Bank	123.25	0.90%	\$183.00
Service Station - all types	84.28	1.52%	\$210.68
Pharmacy w/Drive Thru	44.08	2.22%	\$160.65
Fast Food w/Drive Thru	358.00	0.72%	\$421.00
<b>RECREATIONAL:</b>			
Gen Recreation /Acre	1.50	6.12%	\$15.03



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FOR STAFF REVIEW

22 November 2004

LAND USE TYPE (UNIT)	Persons per Unit	Time Adjustment	Cost per Unit
Campground/RV Park Per Acre	37.19	33.33%	\$2,037.07
Marina /Berth	1.48	13.91%	\$33.82
Health/Fitness Club	16.46	6.41%	\$173.45
<b>INSTITUTIONAL PER 1,000 FT<sup>2</sup></b>			
Elementary School	7.25	10.29%	\$122.56
High School	6.45	10.59%	\$112.11
College	13.75	4.94%	\$111.56
<b>MEDICAL PER 1,000 FT<sup>2</sup>:</b>			
Hospital	8.79	23.43%	\$338.18
Nursing Home	3.05	4.13%	\$20.71
Medical Office	18.07	9.40%	\$279.00

## 5. Fire & Rescue Impact Fee

Table 10 sets out the parameters utilized. Table 11 shows the class for fire and rescue per unit of land use. These records are from the departments files. The formula for the Fire Protection Impact Fee is:

COST PER CAPITA = TOTAL VALUE OF FIRE PROTECTION  
CAPITAL FACILITIES / PEAK POPULATION

COST PER UNIT = POPULATION PER UNIT x TIME ALLOCATION  
x COST PER CAPITA

NET COST = COST PER UNIT - AVAILABLE REVENUE.

Table 10  
**FIRE/RESCUE PARAMETERS  
 ST JOHNS COUNTY**

<b>Fire/Rescue Standards:</b>	
Urban	6 Minutes
Rural	8.5 Minutes
<b>Capital Facilities:</b>	
Vehicles	\$8,504,576
Facilities	\$16,519,392
Land	
Communications Equipment	\$1,645,000
Computer Equipment	\$116,000
Video Equipment	\$25,000
Training Equipment	\$30,000
Office Equipment	\$575,000
<b>TOTAL</b>	<b>\$27,414,968</b>
Calls for Service	13,372
Cost per Call	\$2,050
Outstanding Fire/EMS Debt	\$0
Net Fire/EMS Cost	\$27,414,968
Net Cost per Call	\$2,050
Population Served – Fire	158,586
Population Served – Rescue	174,158
Average	166,372
Net Cost per Capita	\$164.78

SOURCE: St. Johns County Fire Division, July 2004.

**Table 11  
FIRE & RESCUE CALLS PER UNIT OF LAND USE  
ST JOHNS COUNTY**

<b>LAND USE TYPE (UNIT)</b>	<b>Occupancy</b>	<b>Calls per Unit</b>
<b>Single Family Detached</b>	2.61	0.371
1 Bedroom or Less	1.72	0.245
2 Bedroom	2.08	0.296
3 Bedroom	2.49	0.354
4 Bedroom	3.21	0.457
5 or More Bedrooms	3.53	0.503
<b>Multi-Family</b>	1.75	0.043
1 Bedroom or Less	1.31	0.032
2 Bedroom	1.83	0.044
3 Bedroom	2.08	0.051
4 or More Bedroom	2.19	0.053
<b>Mobile Home</b>	2.65	0.043
1 Bedroom or Less	1.55	0.032
2 Bedroom	1.91	0.044
3 Bedroom	2.86	0.051
4 or More Bedroom	5.04	0.053
<b>Hotel/Motel per Room</b>		0.048
<b>Industrial per 1,000 FT<sup>2</sup></b>		0.007
<b>Office per 1,000 FT<sup>2</sup></b>		0.084
<b>Commercial per 1,000 FT<sup>2</sup></b>		0.019
<b>Recreational per Acre</b>		0.219
<b>Institutional per 1,000 FT<sup>2</sup></b>		0.018
<b>Medical per 1,000 FT<sup>2</sup></b>		0.084

SOURCE: St. Johns County, Fire Department November 2004.

The non-residential calls for service are apportioned among the individual types of development within a general classification by the relative numbers of persons present.

Table 12  
FIRE/RESCUE NEEDS AND COSTS BY LAND USE TYPE  
ST JOHNS COUNTY

LAND USE TYPE (UNIT)	Unit	Occupancy	Calls per Unit	Cost per Unit
<b>RESIDENTIAL PER UNIT:</b>				
<b>Single Family Detached</b>	Dwelling	2.609	0.251	
1 Bedroom or Less	Bedroom	1.723	0.166	\$227.58
2 Bedroom	Bedroom	2.082	0.201	\$275.00
3 Bedroom	Bedroom	2.490	0.240	\$328.89
4 Bedroom	Bedroom	3.207	0.309	\$423.59
5 or More Bedrooms	Bedroom	3.531	0.340	\$466.39
<b>Multi-Family</b>		1.749	0.163	
1 Bedroom or Less	Bedroom	1.311	0.122	\$166.98
2 Bedroom	Bedroom	1.826	0.170	\$232.55
3 Bedroom	Bedroom	2.081	0.193	\$265.02
4 or More Bedroom	Bedroom	2.191	0.204	\$279.01
<b>Mobile Home</b>		2.649	0.163	
1 Bedroom or Less	Bedroom	1.549	0.122	\$166.98
2 Bedroom	Bedroom	1.906	0.170	\$232.55
3 Bedroom	Bedroom	2.857	0.193	\$265.02
4 or More Bedroom	Bedroom	5.039	0.204	\$279.01
<b>Hotel/Motel Room</b>	Room		0.048	\$65.52
<b>INDUSTRIAL PER 1,000 FT<sup>2</sup>:</b>		2.405	0.007	
General Industrial	1,000 FT <sup>2</sup>	3.485	0.011	\$14.50
Warehousing	1,000 FT <sup>2</sup>	2.480	0.008	\$10.32
Mini-warehousing	1,000 FT <sup>2</sup>	1.250	0.004	\$5.20
<b>OFFICE PER 1,000 FT<sup>2</sup>:</b>		6.758	0.084	
General Office < 100k FT <sup>2</sup>	1,000 FT <sup>2</sup>	8.310	0.103	\$140.74
General Office 100-200k FT <sup>2</sup>	1,000 FT <sup>2</sup>	6.355	0.079	\$107.63
General Office > 100k FT <sup>2</sup>	1,000 FT <sup>2</sup>	5.610	0.069	\$95.01
<b>COMMERCIAL PER 1,000 FT<sup>2</sup>:</b>		77.265	0.019	
Commercial < 100K FT <sup>2</sup>	1,000 FT <sup>2</sup>	45.825	0.011	\$15.20
Commercial 100-199K FT <sup>2</sup>	1,000 FT <sup>2</sup>	30.350	0.007	\$10.07
Commercial 200-299K FT <sup>2</sup>	1,000 FT <sup>2</sup>	25.060	0.006	\$8.31
Commercial 300-399K FT <sup>2</sup>	1,000 FT <sup>2</sup>	22.090	0.005	\$7.33
Commercial 400-499K FT <sup>2</sup>	1,000 FT <sup>2</sup>	20.105	0.005	\$6.67
Commercial > 500K FT <sup>2</sup>	1,000 FT <sup>2</sup>	18.645	0.005	\$6.19
Walk in Bank	1,000 FT <sup>2</sup>	78.240	0.019	\$25.96
Drive in Bank	1,000 FT <sup>2</sup>	123.245	0.030	\$40.89
Service Station - all types	Fueling Stn	84.280	0.020	\$27.96
Pharmacy w/Drive Thru	1,000 FT <sup>2</sup>	44.080	0.011	\$14.62
Fast Food w/Drive Thru	1,000 FT <sup>2</sup>	358.000	0.087	\$118.77
<b>RECREATIONAL:</b>		14.155	0.219	
Gen Recreation /Acre	Acre	1.495	0.023	\$31.69
Campground/RV Park Per Acre	Acre	37.190	0.575	\$788.35

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**FOR STAFF REVIEW**

**22 November 2004**

<b>LAND USE TYPE (UNIT)</b>	<b>Unit</b>	<b>Occupancy</b>	<b>Calls per Unit</b>	<b>Cost per Unit</b>
Marina /Berth	Berth	1.480	0.023	\$31.37
Health/Fitness Club	1,000 FT <sup>2</sup>	16.455	0.254	\$348.81
<b>INSTITUTIONAL PER 1,000 FT<sup>2</sup></b>		9.145	0.018	
Elementary School	1,000 FT <sup>2</sup>	7.245	0.014	\$19.55
High School	1,000 FT <sup>2</sup>	6.445	0.013	\$17.39
College	1,000 FT <sup>2</sup>	13.745	0.027	\$37.08
<b>MEDICAL PER 1,000 FT<sup>2</sup>:</b>		9.967	0.084	
Hospital	1,000 FT <sup>2</sup>	8.785	0.074	\$100.89
Nursing Home	1,000 FT <sup>2</sup>	3.050	0.026	\$35.03
Medical Office	1,000 FT <sup>2</sup>	18.065	0.151	\$207.46

SOURCE: St. Johns County, Fire Department November 2004.

## 6. Parks & Recreation Impact Fee

The final impact fee funded service is parks and recreation. The growth of the population requires additional park and recreation areas. As with so many of capital costs, St. Johns County does not have a regular funding source. Occasionally grants are available and general funds are also utilized. On occasion, the county has requested developers to make donations for park and recreation purposes. These approaches continue to be utilized except that now these approaches have been augmented with impact fees.

Table 13 sets out the parameters and Table 15 shows the needs and costs by residential land use. In recognition of the fact that many of the hotels and motels in St. Johns County are occupied by through-transients, the functional population for hotels and motels is reduced by 50%. Additionally, in recognition of the fact that St. Johns County is appropriating funds from the Tourist Tax to parks, no park fee is assessed against hotels and motels. The formula for the Parks and Recreational Impact Fee is:

$$\text{NET COST OF PARKS} = \text{REPLACEMENT VALUE OF EXISTING PARKS} - \text{OUTSTANDING PARK DEBT}$$
$$\text{COST PER CAPITA} = \text{NET COST OF PARKS} / \text{PEAK POPULATION}$$
$$\text{NET COST PER UNIT} = \text{POPULATION PER UNIT} \times \text{COST PER CAPITA}$$

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FOR STAFF REVIEW

22 November 2004

Table 13  
 INVENTORY OF PARK ACREAGE BY TYPE OF PARK  
 ST JOHNS COUNTY

PARK	Value	Acres
Armstrong Rd	\$10,510	1.85
Arrowhead Dr	\$1,250	0.20
Al Wilkie Park		10.00
Alpine Groves Park	\$130,130	7.78
Alpine Groves Park	\$2,336,390	48.33
CIP Improvement	\$600,000	
SE Intracoastal Park	\$1,305,480	114.61
Calvin Peete Park *		6.00
Chase Field		1.70
Crescent Beach Boat Ramp	\$1,839,290	2.32
Cypress Links	\$8,094,970	334.58
Davis Park	\$1,192,890	137.17
Bond Funds	\$920,000	
Deer Chase Area	\$1,250	0.23
DeLeon Shores	\$20,000	4.87
Plantation Park	\$1,387,070	26.20
Equestrian Park	\$116,980	20.15
Bond Funds	\$350,000	
Fairgrounds	\$324,900	47.31
Oliver Road Park	\$10,000	2.27
Fort Mose	\$558,740	8.29
Goodwin Tract	\$563,500	2.05
Jack Wright Island		170.00
Landrum Lane	\$1,095,000	10.96
Lighthouse Park	\$1,411,930	6.76
Mickler Landing	\$168,000	0.07
Mickler Landing	\$50,000	1.00
Mickler Landing	\$50,000	1.00
Mizell Road	\$691,330	16.98
Palencia		5.80
Palencia		8.39
Palmo Boat Ramp	\$83,760	0.42
CIP Improvement	\$350,000	
Mills Field	\$166,460	4.72
Mills Field	\$880,500	11.77
Mills Field	\$1,167,630	9.95
CIP Improvement	\$100,000	
Rattlesnake Island		22.00
Riverdale Park	\$1,288,690	6.86
CIP Improvement	\$500,000	
Ron Parker Park	\$725,430	3.39



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FOR STAFF REVIEW

22 November 2004

PARK	Value	Acres
Ron Parker Park		5.53
SJC Pier	\$2,904,400	5.78
CIP Improvement	\$125,000	
Spyglass Park	\$840,000	1.20
St Augustine South	\$30,830	1.09
St Augusline South	\$394,410	73.01
Surfside Park	\$625,000	0.62
CIP Improvement	\$200,000	
Treaty Park	\$893,790	46.13
CIP Improvement	\$85,000	
Tocoi Junction Park		18.50
Trout Creek Park	\$410,180	18.88
Turnbull	\$212,500	60.00
Turnbull Creek		27.99
Vaill Point Park	\$2,150,000	24.25
CIP Improvement	\$450,000	
Vermont Heights Park		1.00
Villano Beach	\$5,746,040	6.32
CIP Improvement	\$300,000	
Villano Boat Ramp	\$119,850	30.38
Bond Funds	\$1,000,000	
Windswept Acres	\$615,780	5.00
<b>Bond Funded:</b>		
New Flagler Estates Park	\$1,000,000	20.00
NW Park Acquisition	\$2,400,000	120.00
NE Park	\$340,000	
Cornerstone Park	\$7,000,000	20.00
Hastings Park	\$280,000	
New Boat Ramps	\$8,000,000	
Conservation Lands	\$2,000,000	
<b>TOTAL</b>	<b>\$66,614,860</b>	<b>1,541.66</b>
Per 1,000 Peak Population		8.8521

SOURCE: St Johns County, Real Estate Division, July 26, 2004, St Johns County, Parks & Recreation, November 2004.

\* Land owned by Florida Memorial College.

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FOR STAFF REVIEW

22 November 2004

**Table 14**  
**PARK AND RECREATION COSTS**

Total Replacement Value of Parks	\$60,614,860
Outstanding Parks Debt	\$20,706,000
Net Park & Recreation Value	\$39,908,860
Population Served	174,158
Cost per Capita	\$229.15

**Table 15  
PARK & RECREATION NEEDS AND COSTS  
BY LAND USE TYPE  
ST JOHNS COUNTY**

LAND USE TYPE (UNIT)	Persons per Unit	Cost per Unit
<b>RESIDENTIAL PER UNIT:</b>		
<b>Single Family Detached</b>		
1 Bedroom or Less	1.723	\$394.83
2 Bedroom	2.082	\$477.10
3 Bedroom	2.490	\$570.59
4 Bedroom	3.207	\$734.89
5 or More Bedrooms	3.531	\$809.14
<b>Multi-Family</b>		
1 Bedroom or Less	1.311	\$300.46
2 Bedroom	1.826	\$418.43
3 Bedroom	2.081	\$476.87
4 or More Bedroom	2.191	\$502.04
<b>Mobile Home</b>		
1 Bedroom or Less	1.549	\$354.96
2 Bedroom	1.906	\$436.77
3 Bedroom	2.857	\$654.69
4 or More Bedroom	5.039	\$1,154.70
<b>Hotel/Motel Room</b>	1.750	\$401.02

## 6. Summary and Proportionate Share

Table 18 contains the proportionate share of net facility costs. These costs have been discounted by the percentage calculated in Table 17. This calculation seeks to equitably credit new development for past contributions to St. Johns County's financing of infrastructure. What is becoming new development has been vacant land. As vacant land, these properties were on the tax rolls and paid taxes toward the providing of existing infrastructure. Vacant land did not use the existing infrastructure but it did pay toward that cost. A "past payment credit" is incorporated in recognition of these payments. In Table 16 the five year percentage of St. Johns County taxable values is shown as total and vacant. No past payment credit is applied to fire/rescue. No credit is applied to fire/rescue because vacant land places demands on and benefits from fire/rescue services. Only 44% of the past payment credit is given to roads because property taxes only constitute 44% of road funding.

It is recommended that updated impact fees not exceed the amounts shown in Table 18. The Board of County Commissioners is free to adopt impact fees lower than those shown in Table 18, subject to treating all similarly situated properties in a like manner.

Table 16  
PAST PAYMENT CREDITS  
ST JOHNS COUNTY

	1999- 2003
AVERAGE TAXABLE VALUE	\$9,026,181,360
Vacant Residential	\$823,721,811
Vacant Commercial	\$112,492,102
Vacant Industrial	\$8,255,628
Agricultural	\$95,773,242
Vacant Non-Agricultural	\$145,416,590
TOTAL VACANT	\$1,185,659,373
Percent Vacant	13.14%
County General Revenue	\$158,055,000
County Property Revenue	\$73,129,000
Percent Property-County	46.27%
Percent Vacant	13.14%
Percent from Property	46.27%
<b>CREDIT</b>	<b>6.08%</b>

SOURCES: St. Johns County Property Appraiser, July 2004.

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FOR STAFF REVIEW

22 November 2004

St. Johns County, July 2004.

Table 17  
NET COSTS BY LAND USE TYPE  
ST JOHNS COUNTY

LAND USE TYPE (UNIT)	Roads	Buildings	Law Enforcement	Fire/Rescue	Parks	TOTAL
<b>RESIDENTIAL PER UNIT:</b>						
<b>Single Family Detached</b>						
1 Bedroom or Less	\$2,376	\$227	\$113	\$228	\$454	\$3,398
2 Bedroom	\$2,871	\$275	\$137	\$275	\$549	\$4,106
3 Bedroom	\$3,433	\$329	\$164	\$329	\$656	\$4,911
4 Bedroom	\$4,422	\$423	\$211	\$424	\$845	\$6,325
5 or More Bedrooms	\$4,868	\$466	\$232	\$466	\$931	\$6,964
<b>Multi-Family</b>						
1 Bedroom or Less	\$1,894	\$173	\$86	\$167	\$346	\$2,665
2 Bedroom	\$2,637	\$241	\$120	\$233	\$481	\$3,712
3 Bedroom	\$3,005	\$275	\$137	\$265	\$549	\$4,230
4 or More Bedroom	\$3,164	\$289	\$144	\$279	\$578	\$4,454
<b>Mobile Home</b>						
1 Bedroom or Less	\$1,097	\$205	\$102	\$167	\$408	\$1,978
2 Bedroom	\$1,350	\$252	\$125	\$233	\$502	\$2,461
3 Bedroom	\$2,023	\$377	\$188	\$265	\$753	\$3,606
4 or More Bedroom	\$3,568	\$665	\$331	\$279	\$1,328	\$6,172
Hotel/Motel Room	\$3,124	\$231	\$115	\$66	\$461	\$3,997
<b>INDUSTRIAL PER 1,000 FT<sup>2</sup>:</b>						
General Industrial	\$2,459	\$149	\$74	\$15	\$0	\$2,696
Warehousing	\$1,750	\$110	\$55	\$10	\$0	\$1,925
Mini-warehousing	\$882	\$15	\$7	\$5	\$0	\$909
<b>OFFICE PER 1,000 FT<sup>2</sup>:</b>						
General Office < 100k FT <sup>2</sup>	\$5,862	\$425	\$212	\$141	\$0	\$6,640
General Office 100-200k FT <sup>2</sup>	\$4,483	\$337	\$168	\$108	\$0	\$5,096
General Office > 100k FT <sup>2</sup>	\$3,958	\$261	\$130	\$95	\$0	\$4,444
<b>COMMERCIAL PER 1,000 FT<sup>2</sup>:</b>						
Commercial < 100K FT <sup>2</sup>	\$5,064	\$923	\$460	\$15	\$0	\$6,463
Commercial 100-199K FT <sup>2</sup>	\$5,175	\$824	\$410	\$10	\$0	\$6,419
Commercial 200-299K FT <sup>2</sup>	\$5,652	\$726	\$361	\$8	\$0	\$6,747
Commercial 300-399K FT <sup>2</sup>	\$6,035	\$621	\$309	\$7	\$0	\$6,972
Commercial 400-499K FT <sup>2</sup>	\$6,046	\$581	\$289	\$7	\$0	\$6,923
Commercial > 500K FT <sup>2</sup>	\$6,812	\$541	\$269	\$6	\$0	\$7,628
Walk in Bank	\$11,117	\$327	\$163	\$26	\$0	\$11,633
Drive in Bank	\$13,620	\$368	\$183	\$41	\$0	\$14,211
Service Station - all types	\$5,246	\$423	\$211	\$28	\$0	\$5,908
Pharmacy w/Drive Thru	\$5,846	\$323	\$161	\$15	\$0	\$6,344
Fast Food w/Drive Thru	\$18,570	\$846	\$421	\$119	\$0	\$19,956

LAND USE TYPE (UNIT)	Roads	Buildings	Law Enforcement	Fire/ Rescue	Parks	TOTAL
<b>RECREATIONAL:</b>						
Gen Recreation /Acre	\$1,416	\$30	\$15	\$32	\$0	\$1,493
Campground/RV Park Per Acre	\$27,958	\$4,092	\$2,037	\$788	\$0	\$34,875
Marina /Berth	\$1,402	\$68	\$34	\$31	\$0	\$1,535
Health/Fitness Club	\$3,711	\$348	\$173	\$349	\$0	\$4,582
<b>INSTITUTIONAL PER 1,000 FT<sup>2</sup></b>						
Elementary School	\$3,747	\$246	\$123	\$20	\$0	\$4,136
High School	\$3,750	\$225	\$112	\$17	\$0	\$4,105
College	\$13,578	\$224	\$112	\$37	\$0	\$13,950
<b>MEDICAL PER 1,000 FT<sup>2</sup>:</b>						
Hospital	\$6,340	\$679	\$338	\$101	\$0	\$7,458
Nursing Home	\$963	\$42	\$21	\$35	\$0	\$1,060
Medical Office	\$5,704	\$560	\$279	\$207	\$0	\$6,751

**Table 18  
RECOMMENDED IMPACT FEES**

LAND USE TYPE (UNIT)	Roads	Buildings	Law Enforcement	Fire/ Rescue	Parks	TOTAL
<b>RESIDENTIAL PER UNIT:</b>						
<b>Single Family Detached</b>						
1 Bedroom or Less	\$2,312	\$214	\$106	\$228	\$427	\$3,286
2 Bedroom	\$2,793	\$258	\$129	\$275	\$515	\$3,971
3 Bedroom	\$3,341	\$309	\$154	\$329	\$616	\$4,749
4 Bedroom	\$4,303	\$398	\$198	\$424	\$794	\$6,116
5 or More Bedrooms	\$4,738	\$438	\$218	\$466	\$874	\$6,734
<b>Multi-Family</b>						
1 Bedroom or Less	\$1,843	\$163	\$81	\$167	\$325	\$2,578
2 Bedroom	\$2,566	\$226	\$113	\$233	\$452	\$3,590
3 Bedroom	\$2,925	\$258	\$128	\$265	\$515	\$4,091
4 or More Bedroom	\$3,079	\$272	\$135	\$279	\$542	\$4,307
<b>Mobile Home</b>						
1 Bedroom or Less	\$1,067	\$192	\$96	\$167	\$384	\$1,905
2 Bedroom	\$1,313	\$236	\$118	\$233	\$472	\$2,372
3 Bedroom	\$1,969	\$354	\$176	\$265	\$707	\$3,472
4 or More Bedroom	\$3,472	\$625	\$311	\$279	\$1,248	\$5,934
<b>Hotel/Motel Room</b>	\$3,040	\$217	\$108	\$66	\$433	\$3,864
<b>INDUSTRIAL PER 1,000 FT<sup>2</sup>:</b>						
General Industrial	\$2,392	\$140	\$70	\$15	\$0	\$2,617
Warehousing	\$1,702	\$104	\$52	\$10	\$0	\$1,868
Mini-warehousing	\$858	\$14	\$7	\$5	\$0	\$884
<b>OFFICE PER 1,000 FT<sup>2</sup>:</b>						
General Office < 100k FT <sup>2</sup>	\$5,705	\$400	\$199	\$141	\$0	\$6,444
General Office 100-200k FT <sup>2</sup>	\$4,363	\$317	\$158	\$108	\$0	\$4,945
General Office > 100k FT <sup>2</sup>	\$3,851	\$246	\$122	\$95	\$0	\$4,314
<b>COMMERCIAL PER 1,000 FT<sup>2</sup>:</b>						
Commercial < 100K FT <sup>2</sup>	\$4,928	\$867	\$432	\$15	\$0	\$6,242
Commercial 100-199K FT <sup>2</sup>	\$5,036	\$774	\$385	\$10	\$0	\$6,204
Commercial 200-299K FT <sup>2</sup>	\$5,500	\$682	\$339	\$8	\$0	\$6,529
Commercial 300-399K FT <sup>2</sup>	\$5,873	\$583	\$290	\$7	\$0	\$6,753
Commercial 400-499K FT <sup>2</sup>	\$5,883	\$546	\$272	\$7	\$0	\$6,707
Commercial > 500K FT <sup>2</sup>	\$6,629	\$508	\$253	\$6	\$0	\$7,396
Walk in Bank	\$10,818	\$307	\$153	\$26	\$0	\$11,304
Drive in Bank	\$13,254	\$345	\$172	\$41	\$0	\$13,812
Service Station - all types	\$5,105	\$397	\$198	\$28	\$0	\$5,728
Pharmacy w/Drive Thru	\$5,688	\$303	\$151	\$15	\$0	\$6,157
Fast Food w/Drive Thru	\$18,071	\$794	\$395	\$119	\$0	\$19,379
<b>RECREATIONAL:</b>						
Gen Recreation /Acre	\$1,378	\$28	\$14	\$32	\$0	\$1,452
Campground/RV Park Per Acre	\$27,207	\$3,843	\$1,913	\$788	\$0	\$33,751

LAND USE TYPE (UNIT)	Roads	Buildings	Law Enforcement	Fire/Rescue	Parks	TOTAL
Marina /Berth	\$1,364	\$64	\$32	\$31	\$0	\$1,491
Health/Fitness Club	\$3,611	\$327	\$163	\$349	\$0	\$4,450
<b>INSTITUTIONAL PER 1,000 FT<sup>2</sup></b>						
Elementary School	\$3,646	\$231	\$115	\$20	\$0	\$4,012
High School	\$3,649	\$211	\$105	\$17	\$0	\$3,983
College	\$13,213	\$210	\$105	\$37	\$0	\$13,565
<b>MEDICAL PER 1,000 FT<sup>2</sup>:</b>						
Hospital	\$6,170	\$638	\$318	\$101	\$0	\$7,226
Nursing Home	\$937	\$39	\$19	\$35	\$0	\$1,031
Medical Office	\$5,551	\$526	\$262	\$207	\$0	\$6,546



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## MEMORANDUM

To: Nicole Cubbedge  
Date: February 17, 2005  
Subj: Size Based Fees with School Fee

Following at two full schedules. The first is the net cost schedule and the second is the net cost less the past payment credit.

Cc: David Toner, School Board

**NET COSTS BY LAND USE TYPE**

LAND USE TYPE (UNIT)	Roads	Buildings	Law Enforcement	Fire/Rescue	Parks	Schools	TOTAL
<b>RESIDENTIAL PER UNIT:</b>							
800 FT <sup>2</sup> & Under	\$2,416	\$255	\$127	\$318	\$509	\$852	\$4,477
801 – 1,200 FT <sup>2</sup>	\$2,835	\$299	\$149	\$373	\$597	\$1,804	\$6,057
1,201 – 2,000 FT <sup>2</sup>	\$3,295	\$347	\$173	\$434	\$693	\$2,846	\$7,788
2,001 – 3,000 FT <sup>2</sup>	\$3,731	\$393	\$196	\$491	\$785	\$3,835	\$9,431
3,001 – 4,000 FT <sup>2</sup>	\$4,059	\$428	\$213	\$534	\$855	\$4,581	\$10,670
4,001 FT <sup>2</sup> & Over	\$4,429	\$467	\$232	\$583	\$932	\$5,420	\$12,063
Hotel/Motel Room	\$3,326	\$231	\$115	\$66	\$462	\$0	\$4,200
<b>INDUSTRIAL PER 1,000 FT<sup>2</sup>:</b>							
General Industrial	\$2,618	\$149	\$74	\$15	\$0	\$0	\$2,856
Warehousing	\$1,863	\$110	\$55	\$10	\$0	\$0	\$2,038
Mini-warehousing	\$939	\$15	\$7	\$5	\$0	\$0	\$966
<b>OFFICE PER 1,000 FT<sup>2</sup>:</b>							
General Office < 100k FT <sup>2</sup>	\$6,242	\$426	\$212	\$141	\$0	\$0	\$7,021
General Office 100-200k FT <sup>2</sup>	\$4,773	\$338	\$168	\$108	\$0	\$0	\$5,387
General Office > 100k FT <sup>2</sup>	\$4,214	\$262	\$130	\$95	\$0	\$0	\$4,701
<b>COMMERCIAL PER 1,000 FT<sup>2</sup>:</b>							
Commercial < 100K FT <sup>2</sup>	\$5,392	\$924	\$460	\$15	\$0	\$0	\$6,791
Commercial 100-199K FT <sup>2</sup>	\$5,510	\$824	\$410	\$10	\$0	\$0	\$6,754
Commercial 200-299K FT <sup>2</sup>	\$6,018	\$726	\$362	\$8	\$0	\$0	\$7,114
Commercial 300-399K FT <sup>2</sup>	\$6,425	\$621	\$309	\$7	\$0	\$0	\$7,362
Commercial 400-499K FT <sup>2</sup>	\$6,437	\$581	\$289	\$7	\$0	\$0	\$7,314
Commercial > 500K FT <sup>2</sup>	\$7,253	\$541	\$269	\$6	\$0	\$0	\$8,069
Walk in Bank	\$11,836	\$327	\$163	\$26	\$0	\$0	\$12,352
Drive in Bank	\$14,501	\$368	\$183	\$41	\$0	\$0	\$15,093
Service Station – all types	\$5,586	\$423	\$211	\$28	\$0	\$0	\$6,248
Pharmacy w/Drive Thru	\$6,224	\$323	\$161	\$15	\$0	\$0	\$6,723
Fast Food w/Drive Thru	\$19,772	\$846	\$421	\$119	\$0	\$0	\$21,158
<b>RECREATIONAL:</b>							
Gen Recreation /Acre	\$1,508	\$30	\$15	\$32	\$0	\$0	\$1,585
Campground/RV Park Per Acre	\$29,768	\$4,094	\$2,039	\$788	\$0	\$0	\$36,689
Marina /Berth	\$1,493	\$68	\$34	\$31	\$0	\$0	\$1,626
Health/Fitness Club	\$3,951	\$349	\$174	\$349	\$0	\$0	\$4,823
<b>INSTITUTIONAL PER 1,000 FT<sup>2</sup>:</b>							
Elementary School	\$3,990	\$246	\$123	\$20	\$0	\$0	\$4,379
High School	\$3,993	\$225	\$112	\$17	\$0	\$0	\$4,347
College	\$14,456	\$224	\$112	\$37	\$0	\$0	\$14,829
<b>MEDICAL PER 1,000 FT<sup>2</sup>:</b>							
Hospital	\$6,750	\$680	\$338	\$101	\$0	\$0	\$7,869
Nursing Home	\$1,025	\$42	\$21	\$35	\$0	\$0	\$1,123
Medical Office	\$6,073	\$561	\$279	\$207	\$0	\$0	\$7,120

NOTE: Amounts rounded to the nearest dollar.

**IMPACT FEES BY LAND USE TYPE WITH PAST PAYMENT CREDIT**

LAND USE TYPE (UNIT)	Roads	Buildings	Law Enforcement	Fire/Rescue	Parks	Schools	TOTAL
<b>RESIDENTIAL PER UNIT:</b>							
800 FT² & Under	\$2,351	\$240	\$119	\$318	\$478	\$800	\$4,306
801 - 1,200 FT²	\$2,759	\$281	\$140	\$373	\$561	\$1,694	\$5,808
1,201 - 2,000 FT²	\$3,206	\$326	\$162	\$434	\$651	\$2,673	\$7,452
2,001 - 3,000 FT²	\$3,631	\$369	\$184	\$491	\$737	\$3,602	\$9,014
3,001 - 4,000 FT²	\$3,950	\$402	\$200	\$534	\$803	\$4,303	\$10,192
4,001 FT² & Over	\$4,310	\$439	\$218	\$583	\$875	\$5,091	\$11,516
Hotel/Motel Room	\$3,237	\$217	\$108	\$66	\$434	\$0	\$4,062
<b>INDUSTRIAL PER 1,000 FT²:</b>							
General Industrial	\$2,548	\$140	\$70	\$15	\$0	\$0	\$2,773
Warehousing	\$1,813	\$103	\$52	\$10	\$0	\$0	\$1,978
Mini-warehousing	\$914	\$14	\$7	\$5	\$0	\$0	\$940
<b>OFFICE PER 1,000 FT²:</b>							
General Office < 100k FT²	\$6,074	\$400	\$199	\$141	\$0	\$0	\$6,814
General Office 100-200k FT²	\$4,645	\$317	\$158	\$108	\$0	\$0	\$5,228
General Office > 100k FT²	\$4,101	\$246	\$122	\$95	\$0	\$0	\$4,564
<b>COMMERCIAL PER 1,000 FT²:</b>							
Commercial < 100K FT²	\$5,247	\$868	\$432	\$15	\$0	\$0	\$6,562
Commercial 100-199K FT²	\$5,362	\$774	\$385	\$10	\$0	\$0	\$6,531
Commercial 200-299K FT²	\$5,856	\$682	\$340	\$8	\$0	\$0	\$6,886
Commercial 300-399K FT²	\$6,252	\$583	\$290	\$7	\$0	\$0	\$7,132
Commercial 400-499K FT²	\$6,264	\$546	\$271	\$7	\$0	\$0	\$7,088
Commercial > 500K FT²	\$7,058	\$508	\$253	\$6	\$0	\$0	\$7,825
Walk in Bank	\$11,518	\$307	\$153	\$26	\$0	\$0	\$12,004
Drive in Bank	\$14,111	\$346	\$172	\$41	\$0	\$0	\$14,670
Service Station - all types	\$5,436	\$397	\$198	\$28	\$0	\$0	\$6,059
Pharmacy w/Drive Thru	\$6,057	\$303	\$151	\$15	\$0	\$0	\$6,526
Fast Food w/Drive Thru	\$19,240	\$795	\$395	\$119	\$0	\$0	\$20,549
<b>RECREATIONAL:</b>							
Gen Recreation /Acre	\$1,467	\$28	\$14	\$32	\$0	\$0	\$1,541
Campground/RV Park Per Acre	\$28,968	\$3,845	\$1,915	\$788	\$0	\$0	\$35,516
Marina /Berth	\$1,453	\$64	\$32	\$31	\$0	\$0	\$1,580
Health/Fitness Club	\$3,845	\$328	\$163	\$349	\$0	\$0	\$4,685
<b>INSTITUTIONAL PER 1,000 FT²:</b>							
Elementary School	\$3,883	\$231	\$116	\$20	\$0	\$0	\$4,250
High School	\$3,886	\$211	\$105	\$17	\$0	\$0	\$4,219
College	\$14,067	\$210	\$105	\$37	\$0	\$0	\$14,419
<b>MEDICAL PER 1,000 FT²:</b>							
Hospital	\$6,568	\$639	\$317	\$101	\$0	\$0	\$7,625
Nursing Home	\$997	\$39	\$20	\$35	\$0	\$0	\$1,091
Medical Office	\$5,910	\$527	\$262	\$207	\$0	\$0	\$6,906

NOTE: Amounts rounded to the nearest dollar.

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 feepayer 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)	FEE SCHEDULE I			
	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)	CONSTRUCTION	TOTAL COSTS --		
		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)	CONSTRUCTION	TOTAL COSTS --		
		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 fee payer opts not to have the impact fee determined according to paragraph (A) of this section, then the fee payer 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 =  $\{[(\text{ATTRIBUTABLE TRAVEL} \times \text{DAYS PER YEAR}) / \text{MILES PER GALLON}] \times \text{CAPITAL PORTION OF MOTOR FUELS TAX}\} \times \text{PRESENT VALUE FACTOR}$
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

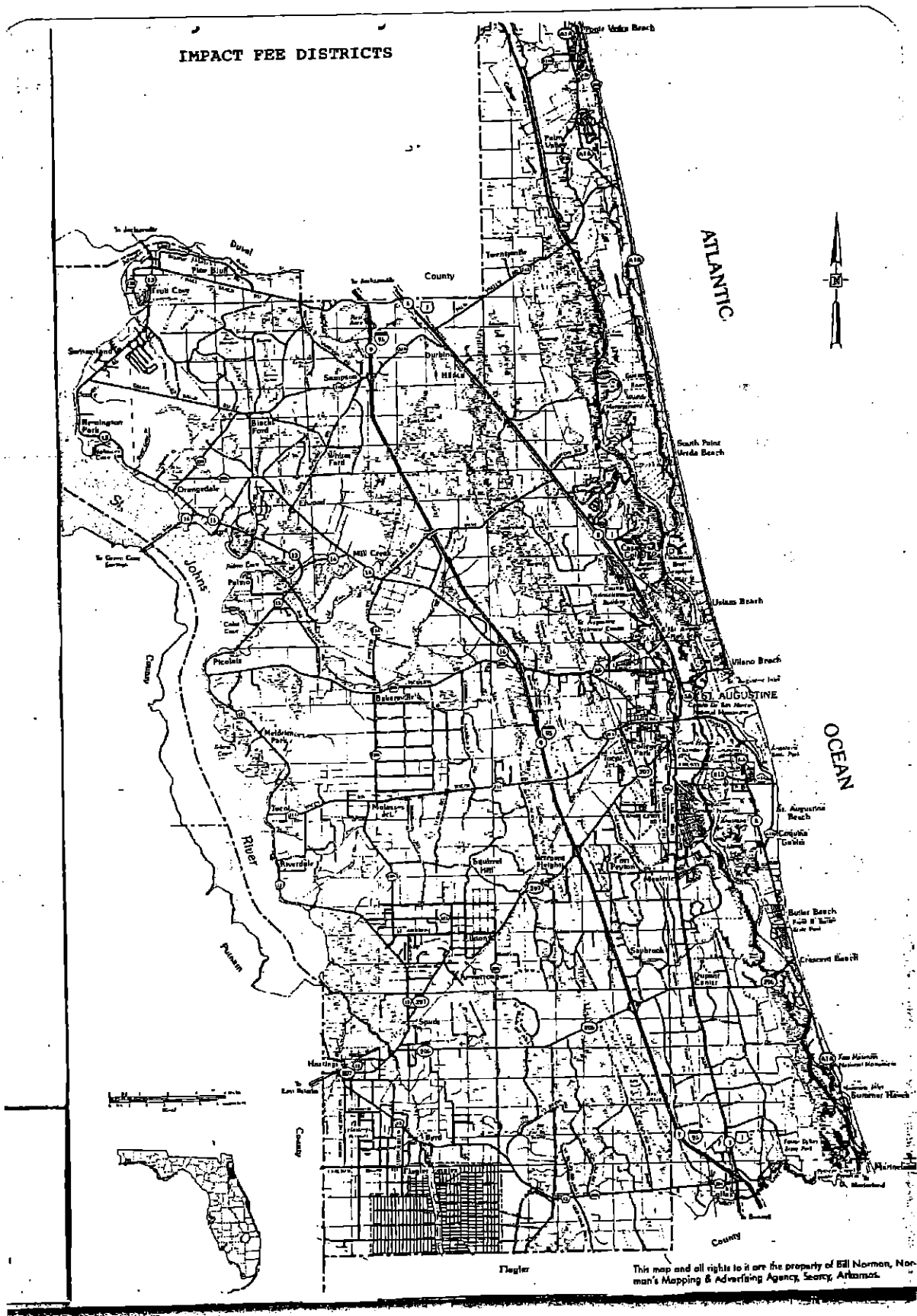
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA

By: Phyllis L. Taylor  
Its Chairman

Adopted special meeting 10/20/87

Effective: November 2, 1987

ORDINANCE BOOK 8 PAGE 327



APPENDIX I

ORDINANCE BOOK B PAGE 328

ORDINANCE BOOK 36 PAGE 112



**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]  
 Notary Public

Notary Public, State of Florida  
 My Commission Expires Aug. 4, 1989  
 Record Three Troy Falls - Lawrence, Ill.

Continued to  
 September 29, 1987  
 at 11:00 a.m. + continued  
 to October 20, 1987 at 9:30 p.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 21, 1987 AT 3:00 O'CLOCK P.M., IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, 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:

**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 hearing, 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 taken which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
 Carl Bud Markel, its Clerk  
 By Cheryl East, Deputy Clerk  
 11:01 Sept. 4, 1987



FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

Dorothy W. Joyce  
Division Director

October 27, 1987

RECEIVED  
ST. JOHNS COUNTY, FLORIDA

'87 NOV -2 A10:04

*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

ORDINANCE BOOK 8 PAGE 330

ORDINANCE BOOK 36 PAGE 114

ORDINANCE NO. 92-21

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT MAKES FINDINGS, PROVIDES DEFINITIONS AND PROVIDES PROCEDURES WHEREBY UNDER CERTAIN CIRCUMSTANCES THE ST. JOHNS COUNTY ROAD IMPACT FEE MAY BE PAID OVER TIME FOR OWNER OCCUPIED SINGLE UNIT RESIDENCES THAT WILL BE OCCUPIED BY VERY LOW OR LOW UNADJUSTED GROSS INCOME RESIDENTS; AND IT PROVIDES AN EFFECTIVE DATE.

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

Section 1. St. Johns County, Florida Ordinance No. 87-57, as previously amended, (the Road Impact Fee Ordinance) is hereby amended by adding the following ARTICLE I thereto:

ARTICLE I

Section A. Definitions. As used in this Article, unless the context otherwise indicates:

(1) "Adjusted For Family Size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility determined as provided in subsection (3) or subsection (5), based upon a formula as established by the United States Department of Housing and Urban Development.

(2) "Adjusted Gross Income" means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, Adjusted For Family Size.

(3) "Low-Income Residents" means one or more natural persons or a family that will occupy the subject residence or mobile home, the total annual household unadjusted gross income of which does not exceed 80 percent of the median annual Adjusted Gross Income for households within the state, or 80 percent of the median annual Adjusted Gross Income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within St. Johns County, whichever is greater.

(4) "Student" means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the Federal Income Tax Code and who is enrolled on at least a half-time basis in a secondary school, vocational-technical center, community college, college, or university.

(5) "Very Low-Income Residents" means one or more natural persons or a family, not including Students, that will occupy the subject residence or mobile home, the total annual household unadjusted gross income of which does not exceed 50 percent of the median annual Adjusted Gross Income for households within the state, or 50 percent of the median

annual Adjusted Gross Income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within St. Johns County, whichever is greater.

Section B. Findings. The Board of County Commissioners of St. Johns County, Florida finds, determines and declares as follows:

(1) Decent, safe and sanitary housing for Very Low Income and Low Income Residents are a critical need in St. Johns County, Florida.

(2) New and rehabilitated housing must be provided at a cost affordable to such persons in order to alleviate this critical need.

(3) The private-sector housing construction industry primarily produces housing units for middle-income and upper-income households and often has limited experience in housing development which provides quality housing for Very Low-Income and Low-Income Residents.

(4) Among other things, the high cost of project financing tends to restrict the development of housing affordable to Very Low-Income and Low-Income Residents.

(5) For these reasons, private capital and existing state housing programs do not provide an adequate remedy to this situation.

(6) Special programs are needed to stimulate private enterprise to build and rehabilitate housing in order to help provide housing for Very Low-Income and Low-Income Residents as a matter of public purpose.

-3-

Ordinance Book 11 Page 474

(7) The Florida Legislature through the enactment of Florida Statutes, Chapter 420 [The Florida Housing Act], Florida Statutes Chapter 159, Part IV [The Florida Housing Finance Authority Act], Florida Statutes, Section 187.201(5)(b)(3) [The State Comprehensive Plan], and Florida Statutes §163.3177(6)(f)(4) [The Local Government Comprehensive Planning and Land Development Regulation Act] has sought to encourage the provision of incentives for the construction of affordable housing and housing for Very Low-Income and Low-Income Residents; and

(8) The Housing Element of the St. Johns County Comprehensive Plan (1990-2005) encourages the County to consider ways to help encourage affordable housing.

(9) Florida Attorney General opinion 90-16 opines that the payment of impact fees in several payments with interest added does not violate the Florida Constitution.

(10) Florida Statute §125.01(1)(j) specifically authorizes the Board of County Commissioners to establish and administer housing programs and Florida Statute §420.604(1)(C)(1) and (3) encourage Counties to increase the supply of safe, affordable, and sanitary housing for Very Low-Income Residents and Low-Income Residents by reducing impact fees and offering low cost financing.

Section C. Payment Of Impact Fee Over Time.

When the Feepayer (as previously defined in the Road Impact Fee Ordinance) of an owner occupied single unit residential improvement for which a building permit or a permit for mobile

home installation is applied for can demonstrate to the Board of County Commissioners of St. Johns County, Florida (the "Board") or its designee(s) that such residential improvement will be continuously occupied by only Very-Low Income Residents and/or Low-Income Residents for the next 12 consecutive months immediately following issuance of the certificate of occupancy or move on permit for such residential improvement whichever is applicable, then, at the option of the Feepayer, seventy percent (70%)(the deferred portion) of the Road Impact Fee that is due may be paid over time for a period not to exceed 12 months. The undeferred portion (30%)(the "initial portion") of said impact fee shall be paid at the time and in the manner otherwise required by the Road Impact Fee Ordinance for payment of the Road Impact Fee. The deferred portion of such impact fee shall be paid and provided for at the same time as the initial portion but in the manner hereinafter provided. Interest shall be paid on the unpaid balance of the deferred portion of the impact fee at the rate of 5% per annum. Simultaneously with the payment of such initial portion of the impact fee, the owner of the land upon which the residential improvement or mobile home is located or will be located shall execute and deliver a promissory note and mortgage, and deliver a title opinion or policy, to the County in form and substance satisfactory to the Clerk of Courts of St. Johns County dated the date that the payment of the initial portion of the impact fee is due. The promissory note shall provide for payment of the amount of the deferred portion of the impact fee (the "principal")

-5-

Ordinance Book 11 Page 476

and the interest in equal consecutive monthly installments until paid in full with the first payment commencing one month from the date of the promissory note. The mortgage shall encumber the land upon which the residential improvement or mobile home is, or will be, located and shall secure payment of the promissory note. Unless secured by a letter of credit as hereinafter provided, the promissory note shall indicate that it is secured by a mortgage. Additionally, the promissory note and the mortgage shall each provide for (i) acceleration upon failure to make any payment when due, and (ii) payment of costs of collection, including reasonable attorneys fees. Additional provisions may be required by resolution(s) of the Board of County Commissioners of St. Johns County or by the Clerk of Court. The Feepayer shall pay for the documentary stamps on the promissory note and mortgage. The Clerk of Court shall promptly record the mortgage in the official public records of St. Johns County at the Feepayer's expense.

Upon all payments being made in full, the mortgage shall be satisfied of record by the Clerk. Should the mortgage not be paid on a timely basis, the County may foreclose such mortgage, together with the costs of such foreclosure, including attorney's fees, in the manner authorized by law. The note and mortgage may be prepaid at any time without penalty.

In lieu of securing the above-described promissory note with a mortgage on the subject property, the Feepayer may elect to secure the note with an irrevocable letter of credit. The issuer of the letter of credit and the form and content of the letter of credit



shall be approved by the Clerk of the Circuit Court. The letter of credit shall be held by the Clerk until the promissory note is paid in full. The letter of credit shall, at a minimum, provide that if the note payments are not paid on a timely basis as set forth in the promissory note, the County may demand payment under the letter of credit of the entire unpaid balance of the promissory note and all sums due thereunder after 15 days written notice to the maker of the promissory note of the County's intention to do so. The promissory note shall indicate that it is secured by a letter of credit. When the promissory note is paid in full, the letter of credit shall be returned by the Clerk to the maker of the promissory note.

Upon payment of the initial portion of the Road Impact Fee and compliance with the other provisions of this section C, the Road Impact Fee will be deemed paid for the purposes of section 6 of the St. Johns County Road Impact Fee Ordinance. The preceding sentence shall not relieve the maker of the promissory note or the mortgagor or the issuer of the letter of credit from their duties and obligations under the promissory note, the mortgage and the letter of credit.

The terms, conditions and/or provisions of this paragraph C may be supplemented, modified, added to, deleted and/or changed by subsequent resolution(s) of the Board.

Section D. Non Applicability To Impact Fees Paid Prior To The Effective Date Of This Ordinance. No provision of this Article I shall apply to impact fees paid prior to the effective date of this ordinance.

-7-

Ordinance Book 11 Page 478

Section E. Documentation. The Board of County Commissioners of St. Johns County, Florida may, by resolution(s) passed subsequent to the adoption of this ordinance, require or suggest documentation that must or may be provided by the Feepayer or his agent to justify the request for deferred payment of the Road Impact Fee. Such resolution(s) may also provide or establish additional or alternate criteria that will qualify a Feepayer for deferred payment of such impact fee.

Section 2. Effective Date: 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 AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida this 14th day of July, 1992.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Trud Billup  
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl "Bud" Markel  
Its Clerk

Effective date July 24, 1992 -8-

### 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 \_\_\_\_\_

SHERRY L. RAUCH 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 \_\_\_\_\_

MEETING ON JULY 14, 1992

\_\_\_\_\_ in the \_\_\_\_\_ Court,

was published in said newspaper in the issues of \_\_\_\_\_

June 22, 1992

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.

*Sherry L. Rauch*  
206 Ann Johns

Sworn to and subscribed before me \_\_\_\_\_

22nd June

this \_\_\_\_\_ day of \_\_\_\_\_

92

A.D. 19 \_\_\_\_\_

*Zoe Ann Johns*  
Notary Public  
8/22/93

#### 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, July 14, 1992 at 11:00 a.m. in the County Auditor's Office, County Administration Building, 400 Lewis Speedway (County Road 18-A) and U.S. 91 North, St. Augustine, Florida, will hold a public hearing to consider the passage of the following ordinance:

#### ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE), THIS AMENDMENT MAKES FINDINGS AND PROVIDES PROCEDURES WHEREBY UNDER CERTAIN CIRCUMSTANCES THE ST. JOHNS COUNTY ROAD IMPACT FEE MAY BE PAID OVER TIME FOR OWNER OCCUPIED SINGLE UNIT RESIDENCES THAT WILL BE OCCUPIED BY VERY LOW OR LOW UNADJUSTED GROSS INCOME RESIDENTS AND IT 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 heard at the public hearing. It is the intent of the Board of County Commissioners to adopt a certain decision to approve any decision made by the Board of County Commissioners with respect to the "matter" contained at the meeting or hearing. It is the intent of the Board of County Commissioners 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 heard. BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA. *Call "Bus" Maribel* In Care of Clerk of the Board of County Commissioners, Deputy Clerk, 400 Lewis Speedway, St. Augustine, FL 32084. LAD June 22, 1992

9/22/92 (Road/Warehouse)

ORDINANCE NO. 92-40

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT MAKES FINDINGS AND PROVIDES THAT FROM THE EFFECTIVE DATE OF THIS ORDINANCE THROUGH AND INCLUDING JULY 31, 1995 THE ROAD IMPACT FEE ATTRIBUTABLE TO INDUSTRIAL AND/OR WAREHOUSE IMPROVEMENTS SHALL NOT BE CHARGED TO THE FEEPAAYER BUT SHALL BE PAID BY ST. JOHNS COUNTY FROM AVAILABLE NON AD VALOREM FUNDS WITHIN THE COUNTY'S GENERAL FUND, AND IT PROVIDES AND EFFECTIVE DATE.

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

Section 1. St. Johns County, Florida Ordinance No. 87-57, as previously amended, (the Road Impact Fee Ordinance) is hereby amended by adding the following ARTICLE II thereto:

ARTICLE II

Section A. Findings. The Board of County Commissioners of St. Johns County, Florida finds, determines and declares as follows:

- (1) There is an unacceptably high rate of unemployment in St. Johns County, Florida.
- (2) There is a critical shortage of jobs available to the unemployed residents of St. Johns County who are capable of working and who need and seek jobs.
- (3) By enactment of Chapter 290 Florida Statutes (Urban Redevelopment) the State of Florida has determined that a public purpose may be served by providing property and other tax relief in enterprise zones established within the State.

(4) Impact Fees are regulatory fees collected to assist in funding the expansion of governmental facilities necessitated by the demands placed upon such systems by new construction and development (Florida Attorney General Opinion 90-16) and the expenditure of such funds to expand such facilities constitutes a public and not a private purpose.

(5) A 3 year moratorium on the requirement that Fee-payers, as defined in the Road Impact Fee Ordinance, pay Road Impact Fees for Industrial and/or Warehouse development will encourage industrial and warehouse development that will create needed jobs for unemployed residents of St. Johns County.

(6) The creation of industrial and warehouse jobs within St. Johns County constitutes a valid public purpose.

(7) Florida Statute 125.01 (the Florida Home Rule Act) authorizes the County to perform all acts not inconsistent with law that are in the common interest of the people of the county and to exercise all powers and privileges not specifically prohibited by law.

(8) Special programs are needed to stimulate private enterprise to build and rehabilitate industrial and warehouse facilities in order to provide jobs for the unemployed residents of St. Johns County.

(9) The implementation of the provisions of this Article II constitutes a public purpose and is authorized by law.

-2-

Ordinance Book 22 Page 603

Section B. Moratorium On Requirement That FeePAYERS Pay  
A Road Impact Fee For Industrial And/Or Warehouse Improvements.

From the effective date of this ordinance through and including July 31, 1995 the Road Impact Fee imposed by St. Johns County ordinance 87-57, as amended, that is attributable to Industrial And Warehouse Improvements (including storage buildings) shall not be charged to the Feepayer as defined in said ordinance but shall instead be paid by St. Johns County from available non ad valorem funds within the County's general fund. Notwithstanding the previous sentence, if and when the effect of this provision reaches \$100,000 in Road Impact Fees, this provision will automatically terminate.

Section C. Non Applicability To Impact Fees Paid Prior To  
The Effective Date Of This Ordinance.

No provision of this Article II shall apply to impact fees paid prior to the effective date of this ordinance.

Section 2. Effective Date: 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 AND ENACTED by the Board of County Commissioners of  
St. Johns County, State of Florida this 10th day of November,  
1992.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: *Fred B. [Signature]*  
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: *Carl Bud Markel [Signature]*  
Its Clerk

EFFECTIVE DATE NOVEMBER 23, 1992

-4-

Ordinance Book 11 Page 605

**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 \_\_\_\_\_  
Deann I. Brown who on oath says that she is  
Credit Manager 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 \_\_\_\_\_  
Amending Ordinance 87-57  
\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
October 15, 1992

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 Coun-  
ty, 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  
for the purpose of securing the advertisement for publication in the said  
newspaper.

Deann I. Brown  
Zoe Ann Johns  
Sworn to and subscribed before me \_\_\_\_\_  
this 15th day of October  
A.D. 19 92

Zoe Ann Johns  
Notary Public  
8/22/93

**COPY OF ADVERTISEMENT**

**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, NOVEMBER 10,  
1992 AT 9:30 A.M. IN THE  
COUNTY AUDITORIUM AT  
THE COUNTY ADMINISTRATION  
BUILDING, 400 LEWIS  
SPEEDWAY (COUNTY ROAD  
16A) AND U.S. 91 NORTH, ST.  
AUGUSTINE, FLORIDA, WILL  
HOLD A PUBLIC HEARING TO  
CONSIDER THE PASSAGE OF  
THE FOLLOWING ORDINANCE:

**ORDINANCE NO. 87-  
AN ORDINANCE OF THE  
COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, AMENDING  
ST. JOHNS COUNTY ORDINANCE  
87-57 AS PREVIOUSLY  
AMENDED (THE ST. JOHNS  
COUNTY ROAD IMPACT FEE  
ORDINANCE). THIS AMENDMENT  
MAKES FINDINGS AND PROVIDES  
THAT FROM THE EFFECTIVE  
DATE OF THIS ORDINANCE  
THROUGH AND INCLUDING JULY 31,  
1993 THE ROAD IMPACT FEE  
APPLICABLE TO INDUSTRIAL  
AND/OR WAREHOUSE IMPROVEMENTS  
SHALL NOT BE CHARGED TO THE  
PROPERTY BUT SHALL BE PAID BY  
ST. JOHNS COUNTY FROM AVAILABLE  
NON AD VALOREM FUNDS WITHIN  
THE COUNTY'S GENERAL FUND. 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 desires to appeal any decision made with respect to any matter considered at the meeting or hearing, he/she will need a record of the proceedings, and for such purposes he/she 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.

Notice to all hearing impaired persons: Anyone planning to attend this meeting and needs the services of an interpreter, please contact David Halstead, ADA Coordinator, at (904) 823-1899 at least 3 days prior to the date of this hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CARL 'BUD' MARKEE, ITS CLERK  
By Patricia DeGrande, Deputy Clerk  
11/17/92





FLORIDA DEPARTMENT OF STATE  
 Jim Smith  
 Secretary of State  
 DIVISION OF ELECTIONS  
 Room 2002, The Capitol, Tallahassee, Florida 32399-0250  
 (904) 488-8427

November 19, 1992

Honorable Carl "Bud" Markel  
 Clerk of the Circuit Court  
 St. Johns County Courthouse  
 Post Office Drawer 300  
 St. Augustine, Florida 32085-0300

Attention: Irma Pasetti, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of November 17, 1992 and certified copies of St. Johns County Ordinance Numbers 92-40, 92-41 and 92-42, which were received and filed in this office on November 19, 1992.

Sincerely,

*Liz Cloud*

Liz Cloud, Chief  
 Bureau of Administrative Code

LC/mb

NOV 23 1992  
 DIVISION OF ELECTIONS

Ordinance Book 11 Page 607

ORDINANCE BOOK 36 PAGE 129



ORDINANCE NO. 94-42

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT CHANGES THE AMOUNTS OF THE ROAD IMPACT FEES ATTRIBUTABLE TO RESIDENTIAL UNITS, AND PROVIDES AN EFFECTIVE DATE.

WHEREAS, Ordinance 87-57 was adopted on October 20, 1987 for the purpose of establishing impact fees to fund a portion of the costs of expanding the County's road system that is necessitated by new development; and

WHEREAS, the fee schedule for road impact fees needs to be adjusted to meet the increased traffic demands caused by new residential development in St. Johns County; and

WHEREAS, adjustments in the road impact fee schedule are needed to accommodate the demands on the County's road system created by new development.

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

Section 1. St. Johns County, Florida Ordinance 87-57, as previously amended, (the Road Impact Fee Ordinance) is hereby amended by deleting subparagraph (3) from Paragraph A of Section Seven thereof and by adding the following subparagraph (3) in its stead:

(3) Beginning November 1, 1994, the following schedule shall apply to all applications for: a building permit; an extension of a building permit issued prior to November 1, 1994; a permit for mobile home installations; or an extension of a permit for mobile home installation issued prior to November 1, 1994:

IMPACT FEE SCHEDULE

<u>LAND USE TYPE (UNIT)</u>	<u>ROAD IMPACT FEE</u>
Residential Units per Structure:	
One Unit	\$1,038
2, 3 or 4 Unit per Unit	703
5 or more Units per Unit	703
Mobile Homes per Unit	523
Hotel/Motel per Room	671
Other Residential per Unit	1,038
Office and Financial (per 1,000 sq. ft of gross building area)	
Financial Offices	1,168
General Offices	457
Retail (per 1,000 sq. ft of gross building area)	1,456
Mixed Uses	Respective Impact Fees to be determined on computation of individual project characteristics.

Industrial and Warehouse Impact Fees shall not be charged to the fee payer pursuant to Ordinance 92-40 until July 31, 1995 at which time the fees will be as follows:

Industrial and Warehouse  
(per 1,000 sq. ft  
of gross building area)

Industrial Buildings	200
Warehouse Buildings	179
Storage Buildings	105

Section 2. Effective Date: This Ordinance shall take effect upon receipt of official acknowledgement by the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida this 27 day of September, 1994.

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA

BY: Jean Roberts  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl "Bud" Markel  
Clerk

EFFECTIVE DATE October 6, 1994

# 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 \_\_\_\_\_

Barbara Dresslar 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

Ordinance 87-57 in the matter of \_\_\_\_\_

\_\_\_\_\_ in the \_\_\_\_\_ Court,

was published in said newspaper in the issues of \_\_\_\_\_  
Sept. 9, 1994

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.

*Barbara Dresslar*  
Zoe Ann Moss

Sworn to and subscribed before me \_\_\_\_\_

this 9th day of Sept.

A.D. 19 94

(SEAL) Zoe Ann Moss Notary Public



Ordinance Book 14 Page 259

ORDINANCE BOOK 36 PAGE 134

## COPY OF ADVERTISEMENT

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 meeting of September 27, 1994 at 5:30 p.m. in the auditorium, of the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. #1 North St. Augustine, Florida, will hold a public hearing to consider passage of the following ordinance:

ORDINANCE NO. 94- AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT CHANGES THE AMOUNTS OF THE ROAD IMPACT FEES ATTRIBUTABLE TO RESIDENTIAL UNITS, AND PROVIDES AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of Circuit Court, St. Johns County, Florida, 51 John 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 with respect to any matter considered at the hearing, he/she will need a record of the proceedings, and for such purposes he/she 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.

NOTICE OF PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact: ADA Coordinator, at (850) 823-2285 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32089. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): (850) 823-2285 or Florida Relay Service: 1-800-935-8770, no later than seven (7) days prior to the date of this meeting.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

CARL "BUD" MARKEL, ITS CLERK

By Yvonne Carter, Deputy Clerk  
10/7 Sept. 9, 1994

Draft #2

ORDINANCE NO. 94- 61

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT DELAYS FOR AT LEAST 6 MONTHS THE INCREASE IN THE ROAD IMPACT FEES CAUSED BY ORDINANCE 94-42 THAT ARE LEVIED ON IMPROVEMENTS LOCATED ON LANDS AFFECTED BY UNITED STATES H.R. 4598; AND IT PROVIDES AN EFFECTIVE DATE.

WHEREAS, Ordinance 87-57 was adopted on October 20, 1987 for the purpose of establishing impact fees to fund a portion of the costs of expanding the County's road system that is necessitated by new development; and

WHEREAS, the road impact fees were increased by ordinance 94-42 to meet the increased traffic demands caused by new residential development in St. Johns County; and

WHEREAS, the United States Coastal Barrier Resources Act has made it extremely difficult to place improvements on certain lands in St. Johns County and has caused the owners of certain of those lands to delay construction on or improvements to such lands; and

WHEREAS, the 103rd Congress of the United States recently passed H.R. 4598, a copy of which is attached hereto, that will mitigate or reduce the difficulty of improving some of those lands

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

Section 1. St. Johns County, Florida Ordinance 87-57, as previously amended, (the Road Impact Fee Ordinance) is hereby amended by adding the following Article III thereto:

#### ARTICLE III

The increase in the road impact fees caused by St. Johns County Ordinance 94-42 shall not be applied to lands and improvements in St. Johns County, Florida that are affected by United States H.R. 4598 until 6 months after the maps described in H.R. 4598 that affect such land and improvement are corrected as required by H.R. 4598, or June 1, 1995, whichever comes first.

Section 2. Effective Date. This ordinance shall take effect upon receipt of official acknowledgement by the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida this 13th day of December, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Budward  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl Bud Markel  
Clerk

EFFECTIVE DATE: DECEMBER 27, 1994





AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide a substitute amendment.

IN THE SENATE OF THE UNITED STATES—103d Cong., 2d Sess.

**H.R. 4598**

To direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. GRAHAM

Viz:

1. Strike all after the enacting clause and insert the following:
2. **SECTION 1. CORRECTIONS TO MAPS.**
3. (a) IN GENERAL.—The Secretary of the Interior shall, not later than 30 days after the date of enactment of this Act, make such corrections to the maps described in subsection (b) as are necessary to ensure that—
4. (1) depictions of areas on the maps are consistent with the depictions of areas appearing on the maps entitled "Coastal Barrier Resources System",

1 dated September 27, 1994, and on file with the Sec-  
2 retary of the Interior; and

3 (2) the Coastal Barrier Resources System does  
4 not include any area that, on the day before the date  
5 of the enactment of this Act, was part of unit FL-  
6 05P of the System.

7 (b) MAPS DESCRIBED.—The maps described in this  
8 subsection are maps that—

9 (1) are included in a set of maps entitled  
10 "Coastal Barrier Resources System", dated October  
11 24, 1990; and

12 (2) relate to the following units of the Coastal  
13 Barrier Resources System: AL-01P, FL-05P,  
14 P11A, P17, P17A, P18P, P19P, FL-15, FL-95P,  
15 FL-36P, P31P, FL-72P, MI21, NY75, and  
16 VA62P.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
18 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510)  
19 is amended to read as follows:

20 "SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

21 "There are authorized to be appropriated to the Sec-  
22 retary for carrying out this Act \$2,000,000 for each of  
23 fiscal years 1995 through 1998."

COPY OF ADVERTISEMENT

# 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 \_\_\_\_\_

Barbara Dresslar 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 \_\_\_\_\_

Ordinance 87-57

in the \_\_\_\_\_ Court, was published in said newspaper in the

issues of Nov. 18, 1994

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 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 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 this 18th day of Nov., 1994.

by Barbara Dresslar who is personally

known to me or who has produced personally known as

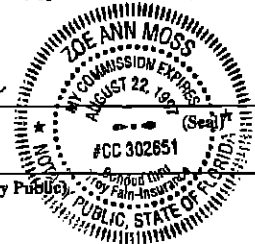
(Type of Identification)

Identification.

Zoe Ann Moss  
(Signature of Notary Public)

Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)



NOTICE OF INTENT TO CONSIDER ADOPTION OF ORDINANCE  
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, December 13, 1994, at 1:30 p.m. in the County Administration Complex, 4020 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:  
ORDINANCE NO. 87- AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT DELAYS FOR AT LEAST 6 MONTHS THE INCREASE IN THE ROAD IMPACT FEES CAUSED BY ORDINANCE 94-4 THAT ARE LEVIED ON IMPROVEMENTS LOCATED ON LANDS AFFECTED BY UNITED STATES H.R. 4596; AND IT 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 Complex, 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 desires to appeal any decision made with respect to any matter considered at the hearing, he/she will need a record of the proceedings, and/or such person/he/she 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.  
NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact, ADA Coordinator, at (904) 833-2901 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): 823-2901 or Florida Relay Service: 1-800-933-8776 no later than 7 days prior to the date of this hearing.  
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL  
ITS CLERK  
By Yvonne Collier,  
Deputy Clerk  
Last Nov. 16, 1994

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF ROAD IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

WHEREAS, there are instances within the County wherein family or friends find it necessary to temporarily move a mobile home on their property or otherwise construct a temporary residence on their property to enable an elderly relative or friend or a temporarily disabled relative or friend to live near them so that they may provide care to such person during such persons' last days or temporary disability; and

WHEREAS, such temporary residence does not provide a long term impact on the County's road system.

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

Section 1. St. Johns County, Florida Ordinance 87-57, as previously amended, (the Road Impact Fee ordinance) is hereby amended by adding the following subsection 5 to Section 13(A) thereof: (Section 13A provides exemptions.)

5. The temporary installation of a residential mobile home or the construction of a temporary residential unit on a lot or parcel under such circumstances that the County is assured that the mobile home or residential unit will be permanently removed within two years of the date of the issuance of the County permit for mobile home installation for such mobile home or within two years of the issuance of the County building permit for such residential unit. This exemption shall not apply to mobile home parks or other sites or uses wherein it is contemplated or likely that a different mobile home or residential unit will replace the temporary mobile home or the temporary residential unit after it is removed.

Ordinance Book 15 Page 458

Section 2. Effective Date: This ordinance shall take effect 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 AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida this 27 day of June, 1995.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl Bud Markel  
Clerk

Effective Date: July 12, 1995

1159  
Ordinance Book 15 Page 459

-2-

ORDINANCE BOOK 36 PAGE 141

# 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

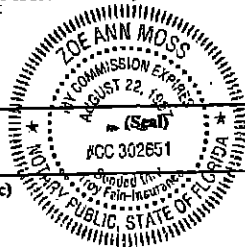
Before the undersigned authority personally appeared \_\_\_\_\_  
Barbara Dresslar who on oath says that she is  
Accounting Clerk of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida;  
that the attached copy of advertisement, being a \_\_\_\_\_  
Display Ad

in the matter of \_\_\_\_\_  
Amending Ordinances 87-57, 87-58, 87-59, 87-60  
in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of June 5, 1995

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 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  
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 this 6th day of June, 1995,  
by Barbara Dresslar who is personally  
known to me or who has produced personally known as  
(Type of Identification)  
identification.

Zoe Ann Moss  
(Signature of Notary Public)  
Zoe Ann Moss  
(Print, Type or Stamp Commissioned Name of Notary Public)



Ordinance Book 15 Page 460

**COMMISSIONERS ON ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND**

The St. Johns County Board of County Commissioners proposes to adopt or change regulation affecting the use of land for the unincorporated areas of St. Johns County, Florida, being the area of land shown on the map in this advertisement. Public hearings on the proposed ordinances will be held at regular meetings on Tuesday, June 13, and Tuesday, June 27, 1995 at 5:30 p.m. The hearings will be held in the St. Johns County Auditorium, County Administration Building, 4020 Lewis Speedway, (CR 16A and U.S. #1), St. Augustine, FL 32095. At the hearings the St. Johns County Board of County Commissioners will hear comments from the public and at the June 27th, 1995 meeting will consider and may take action on the following ordinances:

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-60 (THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENTS EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF EDUCATIONAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF ROAD IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS AMENDMENTS EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PARK IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PUBLIC CAPITAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

The proposed ordinances are on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearings. Please take note that the ordinances are subject to revision prior to the hearings or adoption of the ordinances.

All parties having any interest in said ordinances will be afforded an opportunity to be heard at the public hearings.

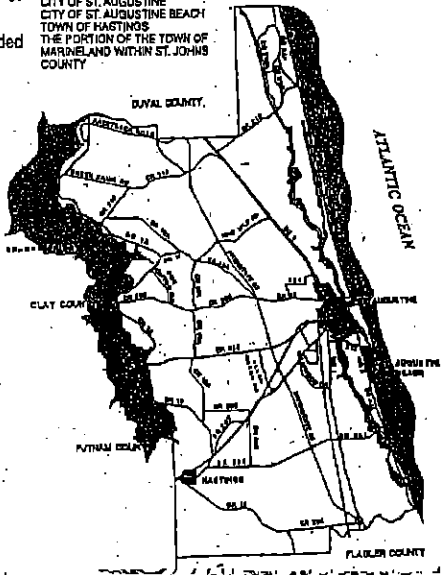
If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearings, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in these proceedings should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing-impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 3 days prior to the dates of these hearings.

**BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**  
**CARL "BUD" MARKEL, ITS CLERK**

By: Patricia DeGrande  
 Patricia DeGrande, Deputy Clerk

**St. Johns County**  
 EXCLUDING THE INCORPORATED MUNICIPALITIES OF: CITY OF ST. AUGUSTINE, CITY OF ST. AUGUSTINE BEACH, TOWN OF HASTINGS. THE PORTION OF THE TOWN OF MARNELAND WITHIN ST. JOHNS COUNTY.



Ordinance Book 15 Page 460 a

# 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 \_\_\_\_\_

Barbara Dresslar 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  
Display Ad

In the matter of Amending Ordinances 87-60, 87-57, 87-58, 87-59

in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of June 20, 1995

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 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 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.

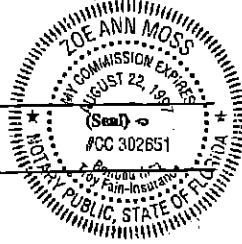
Sworn to and subscribed before me this 20th day of June, 1995,

by Barbara Dresslar who is personally

known to me or who has produced personally known as  
(Type of Identification)

Zoe Ann Moss  
(Signature of Notary Public)

Zoe Ann Moss  
(Print, Type or Stamp Commissioned Name of Notary Public)



Ordinance Book 1536 Page 461



# ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND

The St. Johns County Board of County Commissioners proposes to adopt or change regulation affecting the use of land for the unincorporated areas of St. Johns County, Florida, being the area of land shown on the map in this advertisement. Public hearings on the proposed ordinances will be held at regular meetings on Tuesday, June 13, and Tuesday, June 27, 1995 at 5:30 p.m. The hearings will be held in the St. Johns County Auditorium, County Administration Building, 4020 Lewis Speedway, (CR-16A and U.S. #1), St. Augustine, FL 32095. At the hearings the St. Johns County Board of County Commissioners will hear comments from the public and at the June 27th, 1995 meeting will consider and may take action on the following ordinances:

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-80 (THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF EDUCATIONAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF ROAD IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-58 (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PARK IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PUBLIC CAPITAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

The proposed ordinances are on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 4020 Lewis Speedway (CR-16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearings. Please take note that the ordinances are subject to revision prior to the hearings or adoption of the ordinances.

All parties having any interest in said ordinances will be afforded an opportunity to be heard at the public hearings.

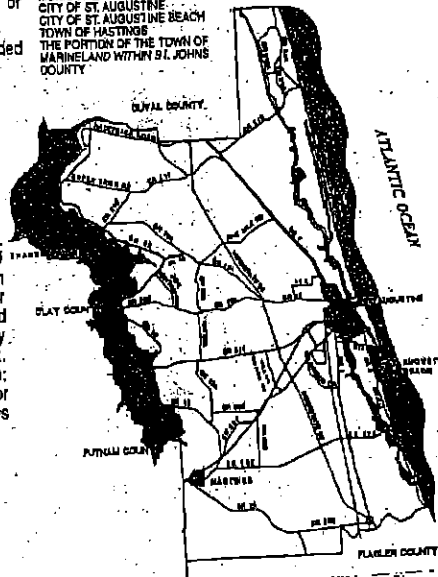
If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearings, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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**BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK**

By: *Patricia DeGrande*  
Patricia DeGrande, Deputy Clerk

**St. Johns County**  
EXCLUDING THE INCORPORATED MUNICIPALITIES OF:  
CITY OF ST. AUGUSTINE  
CITY OF ST. AUGUSTINE BEACH  
TOWN OF HASTINGS  
THE PORTION OF THE TOWN OF MARINELAND WITHIN ST. JOHNS COUNTY



Ordinance Book 15 Page 461 a

ORDINANCE BOOK 36 PAGE 145



FLORIDA DEPARTMENT OF STATE

Sandra B. Mortham

Secretary of State

DIVISION OF ELECTIONS

Bureau of Administrative Code

The Elliot Building

401 South Monroe Street

Tallahassee, Florida 32399-0250

(904) 488-8427

*Carl Markel*  
July 10, 1995  
CLERK, COUNTY COMMISSIONERS

Honorable Carl Markel  
Clerk to Board of County Commissioners  
St. Johns County  
Minutes and Records Section  
Post Office Drawer 300  
St. Augustine, Florida 32084

Attention: Rosemary Lewis, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated July 3, 1995 and certified copy each of St. Johns County Ordinance Nos. 95-24 through 95-27, which were filed in this office on July 7, 1995.

Sincerely,

*Liz Cloud*  
Liz Cloud, Chief  
Bureau of Administrative Code

RECEIVED  
JUL 12 2 11 PM '95  
CLERK OF COUNTY COMMISSIONERS

LC/mw

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-57, AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS ORDINANCE MAKES FINDINGS; MODIFIES THE DOLLAR AMOUNTS OF THE ROAD IMPACT FEES; MODIFIES THE DEFINITION OF CAPITAL IMPROVEMENT; ALLOWS ADDITIONAL USES FOR THE COLLECTED FEES; PROVIDES FOR APPEALS; AND PROVIDES AN EFFECTIVE DATE.

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

Section 1. St. Johns County Ordinance No. 87-57, as previously amended, is hereby amended by adding the following Section 18 thereto:

Section 18. The Board of County Commissioners of St. Johns County finds, determines and declares that:

A. St. Johns County must continue to expand its road facilities 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 report entitled "Technical Memorandum on the Methods of Updating Impact Fees" dated February 9, 1998 and prepared for the Board of County Commissioners of St. Johns County by James C. Nicholas, Ph.D. sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional road rights of way and roadway and traffic facilities and improvements in St. Johns County.

C. The fees established by Section Seven of St. Johns County Ordinance No. 87-57 as hereby amended are derived from the above described Technical Memorandum and are based upon, and do not exceed, the costs of providing for the acquisition of additional rights of way, the expansion and equipping of existing roadway and traffic facilities and the construction and equipping of new roadway and traffic facilities necessitated by new land developments for which the fees are levied.

Ordinance Book 21 Page 793

D. There is an unacceptably low amount of commercial and industrial assessed value of real property in St. Johns County, Florida as compared to residential assessed values.

E. There is a shortage of jobs available to the unemployed residents in St. Johns County who are capable of working and who need and seek jobs.

F. The creation of industrial and commercial assessed taxable property within St. Johns County constitutes a valid County public purpose.

G. Section 125.01, Florida Statutes (the Florida Home Rule Act), authorizes the County to perform all acts not inconsistent with law that are in the common interest of the people of the County and to exercise all powers and privileges not specifically prohibited by law.

H. By enactment of Chapter 290, Florida Statutes (Urban Redevelopment), the State of Florida has determined that a public purpose may be served by providing property and other tax relief in certain areas within the state.

I. Special programs are needed to stimulate private enterprise to build and rehabilitate industrial and commercial facilities in order to provide an increased commercial and industrial tax base and jobs for unemployed residents of St. Johns County.

J. A 25% reduction of the road impact fees that were determined for industrial and commercial development in the "Technical Memorandum in the Methods of Updating Impact Fees" dated February 9, 1998 will encourage industrial and commercial development that will create an increase in the assessed value of industrial and commercial real property and needed jobs for unemployed residents of St. Johns County.

K. The implementation of the 25% reduction in road impact fees for industrial and commercial development constitutes a valid County public purpose.

Section 2. St. Johns County Ordinance No. 87-57, as previously amended, is hereby amended by deleting Section Seven therefrom and by adding and substituting the following therefor:

Section 7. Computation of the Amount of Road Impact Fees.

(1) Commencing March 15, 1999, the amount of the road impact fee shall be determined by the following fee schedule. The fees contained in the schedule reflect a past payment credit of 9.53% from net cost. An additional 25% reduction has been reflected in all fees except "Residential."

FEE SCHEDULE					
Land Use Type (Unit)	Credit	Total Costs		Net Cost	Fee
		Construction	R.O.W.		
<b>Residential Per Unit:</b>					
Single Family Detached	\$1,286	\$1,781	\$737	\$1,233	\$1,115
Multi-Family	871	1,207	500	835	756
Mobile Home	647	897	371	621	562
Hotel/Motel Room	1,373	1,903	788	1,317	1,191
Other Residential	1,286	1,781	737	1,233	1,115
<b>Industrial Per 1,000 SQ. FT:</b>					
General Industrial	\$880	\$1,220	\$505	\$844	\$573
Warehousing	616	854	354	591	401
Mini-warehousing	330	457	189	316	215
<b>Office Per 1,000 SQ. FT:</b>					
General Office < 100k SQ.FT	\$2,099	\$2,909	\$1,204	\$2,013	\$1,367
General Office 100-200k SQ.FT	1,606	2,224	921	1,540	1,045
General Office > 200k SQ.FT	1,417	1,964	813	1,359	923
<b>Commercial Per 1,000 SQ.FT:</b>					
Commercial < 100K SQ.FT	\$1,814	\$2,513	\$1,040	\$1,739	\$1,181
Commercial 100-199K SQ.FT	1,853	2,567	1,063	1,777	1,206
Commercial 200-299K SQ.FT	2,024	2,804	1,161	1,941	1,317
Commercial 300-399K SQ.FT	2,161	2,994	1,240	2,073	1,406
Commercial 400-499K SQ.FT	2,165	3,000	1,242	2,076	1,409

FEE SCHEDULE					
Commercial > 500k SQ.FT	2,440	3,380	1,399	2,340	1,588
Bank/Financial Institution	4,846	6,713	2,799	4,647	3,153
Service Station/Pump	1,574	2,181	903	1,510	1,025
<b>Recreational:</b>					
Gen Recreation/Acre	\$507	\$703	\$291	\$486	\$330
Campground/RV Park Per Acre	563	781	323	540	367
Marina/Berth	502	696	288	481	327
<b>Institutional Per 1,000 SQ.FT:</b>					
Elementary School	\$993	\$1,375	\$569	\$952	\$646
High School	1,136	1,573	651	1,089	739
College	2,276	3,154	1,306	2,183	1,481
<b>Medical:</b>					
Hospital Per 1,000 SQ.FT	\$2,226	\$3,084	\$1,277	\$2,135	\$1,449
Nursing Home Per Bed	147	204	84	141	96
Medical Office Per 1,000 SQ.FT	3,613	5,005	2,072	3,465	2,351

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

(3) 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.

(4) 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 of land use by the report titled Trip Generation: An Information Report (Third Edition) prepared by the Institute of Transportation Engineers. If the County Administrator determines that there is no comparable type of land use on the above 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 the Institute of Transportation Engineers and;

(b) applying the methodology set forth in the "Technical Memorandum on the Methods of Updating Impact Fees" dated February 9, 1998 and prepared for the Board of County Commissioners of St. Johns County by James C. Nicholas, Ph.D.

(5) (a) Building Permits or Mobile Home Installation Permits issued prior to March 15, 1999 shall be subject to payment of Impact Fees in effect at the time of issuance of the permit.

(b) If a building permit or permit for mobile home installation expires without commencement of construction, then the fee-payer shall be subject to the fees in effect at the time of renewal of the Building Permit or the Mobile Home Installation Permit.

(c) Applications for Building Permit or Permit for Mobile Home Installation

(1) Applications for Building Permit or Permit for Mobile Home Installation submitted in a completed application form with all necessary attachments, forms, plans as provided on the Clearance Sheet and "Detailed Requirements" information sheet prior to March 15, 1999 shall be subject to the Impact Fees in effect prior to March 15, 1999.

(2) Applications for Building Permit or Permit for Mobile Home Installation must have been accepted by the Building Department and Logged in prior to March 15, 1999. Evidence that the applicant has filed for required permits from other agencies must be provided prior to logging in the permit application.

(3) If the applicant has experienced delays in Health Department or other agencies permit review, then a receipt must be provided from that agency documenting that the applicant submitted the appropriate request to the agency prior to March 15, 1999.

(4) The applicant must pick-up the Building Permit or Mobile Home Installation Permit within 30 days of the date stamped (Logged) on the application by the Building Permit. Failure to pick up the permit within the 30 days will require payment

of fees in effect at the time the permit is picked up.

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 the Institute of Transportation Engineers.

Section 3. St. Johns County Ordinance No. 87-57, as previously amended, is hereby amended by adding the following subparagraph J to Section Eleven thereof (Use of Funds):

J. Funds may be used to pay court costs, legal fees, and associated expenses, including judgements, if any, incurred in the administration, enforcement and defense of the road facilities impact fee program.

Section 4. St. Johns County Ordinance No. 87-57, as previously amended, is hereby amended by deleting subsection B from Section Five (Definitions) thereof and by adding and substituting the following subsection B in its stead:

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 or appropriate features for any road construction project including, but not limited to: (a) construction of new through lanes, (b) construction of new sidewalks, (c) construction of new bike paths, (d) construction of new turn lanes, (e) construction of new bridges, (f) construction of new drainage facilities in conjunction with new roadway construction, (g) purchase and installation of traffic signalization (including new and upgraded signalization), (h) construction of curbs, medians, and shoulders, and (i) relocating utilities to accommodate new roadway construction.

Section 5. St. Johns County Ordinance No. 87-57, as previously amended, is hereby amended by adding the following Section 19 thereto:

Section 19. Appeals.

A. Any decision made by the County Administrator in the course of administering the provisions of this ordinance may be appealed to the Board of County Commissioners by filing a petition of appeal with the County Administrator within thirty(30) calendar days of the date of the rendition of the decision.

Ordinance Book 21 Page 798



B. The Board of County Commissioners shall review the petition at a public meeting within thirty (30) calendar days from the date of appeal of said decision. The petitioner shall be provided reasonable notice of the time, date, and place of the public meeting by certified mail, return receipt requested, and invited to attend. Testimony at the public meeting shall be limited to ten (10) minutes per side, unless an extension of time is granted by the Board. The Board's decision shall be final for the purpose of administrative appeals.

The Board of County Commissioners shall revoke the decision of the County Administrator only if there is competent, substantial evidence in the record that the decision fails to comply with this Ordinance.

Section 6. This Ordinance shall take effect upon its being filed with the Secretary of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 8 day of December, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone  
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland  
Deputy Clerk

Effective Date: December 14, 1998

Ordinance Book 21 Page 799

# 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 \_\_\_\_\_

LINDA Y MURRAY 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 PUBLIC HEARING

in the matter of ST JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of OCTOBER 16, 1998

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 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 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 this 28th day of OCTOBER, 1998,

by Zoe Ann Moss who is personally  
known to me or who has produced \_\_\_\_\_ as  
PERSONALLY KNOWN  
(Type of Identification)

Zoe Ann Moss  
(Signature of Notary Public)

ZOE ANN MOSS

(Print, Type or Stamp Commissioned Name of Notary Public)



Zoe Ann Moss  
MY COMMISSION # DC841814 EXPIRES  
August 22, 2001  
BONDED THRU TRU TRUST INSURANCE, INC.

(Seal)

Ordinance Book 21 Page 800

AP21187

NOTICE OF PUBLIC HEARING BY PRESIDENT JOHN'S COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS GIVEN that the Board of Commissioners of St. Johns County, Florida, will hold a public hearing on October 27, 1998, at 10:00 AM in the County Auditor's Office, County Administration Complex, 1020 Linda Spivey County Road 18A and U.S. North St. Augustine, Florida. The Board will consider the following Ordinance: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING THE COUNTY'S EDUCATIONAL FACILITIES IMPACT FEE. THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE EDUCATIONAL FACILITIES IMPACT FEES MUST BE PAID AND COLLECTED FOR RESIDENTIAL DEVELOPMENT WITHIN MUNICIPALITIES SPECIFICALLY AUTHORIZED ENFORCEMENT PROCESSES, AND PROVIDES AN EFFECTIVE DATE. AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE NO. 17-98, AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE PARK IMPACT FEES ALLOWED FOR ADDITIONAL USES FOR THE COLLECTED FEES, AND PROVIDES FOR APPEALS AND PROVIDES AN EFFECTIVE DATE. AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE NO. 17-98, AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE PUBLIC CAPITAL FACILITIES IMPACT FEES, AND PROVIDES FOR APPEALS AND PROVIDES AN EFFECTIVE DATE. AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE NO. 17-98, AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE ROAD IMPACT FEES, MODIFIES THE DEFINITION OF CAPITAL IMPROVEMENT, AND PROVIDES FOR APPEALS AND PROVIDES AN EFFECTIVE DATE. The proposed Ordinance is on file in the Office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 1020 Linda Spivey County Road 18A and U.S. North St. Augustine, Florida and may be inspected by parties interested prior to the public hearing. This record page may appear



# 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 \_\_\_\_\_

LINDA Y MURRAY 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 PUBLIC HEARING

in the matter of ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

In the \_\_\_\_\_ Court, was published in said newspaper in the

issues of NOVEMBER 16, 1998

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 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 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 this 16th day of NOVEMBER 19 98,

by Linda Y Murray who is personally known to me or who has produced PERSONALLY KNOWN as

identification.



Zoe Ann Moss  
MY COMMISSION # DC641814 EXPIRES  
August 22, 2001  
BORNED TRU TRY FIN INSURANCE, INC.

Zoe Ann Moss  
(Signature of Notary Public)

(Seal)

ZOE ANN MOSS

(Print, Type or Stamp Commissioned Name of Notary Public)

Ordinance Book 21 Page 802

AP21874

COPY

NOTICE OF PUBLIC HEARING BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA. The Board of County Commissioners of St. Johns County, Florida, will hold a regular meeting on Wednesday, December 16, 1998, at 1:00 p.m. in the County Administration Complex, 1220 Lewis Street, St. Augustine, Florida. The purpose of the meeting is to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING THE COUNTY'S EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE NO. 87-80 AS PREVIOUSLY AMENDED. THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE EDUCATIONAL FACILITIES IMPACT FEES, CONFIRMS THAT EDUCATIONAL FACILITIES IMPACT FEES MUST BE PAID AND COLLECTED FOR RESIDENTIAL DEVELOPMENT WITHIN THE MUNICIPALITIES SPECIFICALLY AUTHORIZED ENFORCEMENT, PROVIDES FOR THE COLLECTED FEES, PROVIDES FOR APPEALS, AND PROVIDES AN EFFECTIVE DATE.

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING THE ST. JOHNS COUNTY ORDINANCE NO. 87-80 AS PREVIOUSLY AMENDED. THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE PUBLIC CAPITAL FACILITIES IMPACT FEES, MODIFIES THE DOLLAR AMOUNTS OF THE ROAD IMPACT FEES, MODIFIES THE DEFINITION OF CAPITAL IMPROVEMENTS, PROVIDES FOR APPEALS, AND PROVIDES AN EFFECTIVE DATE.

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING THE ST. JOHNS COUNTY ORDINANCE NO. 87-80 AS PREVIOUSLY AMENDED. THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE ROAD IMPACT FEES, MODIFIES THE DEFINITION OF CAPITAL IMPROVEMENTS, PROVIDES FOR APPEALS, AND PROVIDES AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 1220 Lewis Street,

(over) (CRFRA and 18 CFR 101.11)

Alabama, Florida and may be

exercised by parties interested

in the matter.

Interested parties may appear
 at the public hearing and
 be heard with respect to the
 proposed ordinance.

If a person desires to appeal
 any decision made by the
 Board of County Commissioners
 with respect to any matter
 considered at the public hear-
 ing, he/she will need a record
 of the proceedings and shall
 seek to obtain such a record
 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.

**NOTICE TO PERSONS NEED-  
ING SPECIAL ACCOMMO-  
DATIONS AND TO ALL HEARING  
IMPAIRED PERSONS:** In ac-
 cordance with the Americans
 with Disabilities Act, persons
 needing special accommoda-
 tion or an interpreter for
 hearing in the proceedings
 should contact ADA Coordina-
 tor at (804) 828-2601 or at the
 County Administration Build-
 ing 4820 Lewis Spangway
 Dr. Augusta, GA 30906. For
 Hearing Impaired Individuals
 (Communication Device for
 the Deaf (TDD) 828-2601 or
 Florida Relay Service, 1-800-
 355-8770 no later than 5 days
 prior to the date of the hear-
 ing.

BOARD OF COUNTY  
 COMMISSIONERS OF  
 JOHN B. COURTY  
 FLORIDA  
 CHERYL STRECKLAND  
 ITS CLERK  
 By Paula DeWanda  
 Deputy Clerk  
 LATA Nov 18 1994

Ordinance Book 21 Page 803

1-26 7021  
Ecc Sect

Public Records of  
St. Johns County, FL  
Clerk# 99001  
O.R. 1375, PG 600  
08:13AM 01/04/1999  
REC \$137.00 SUR \$17.50

**Due to insufficient area being provided, this paper is acting as a lead page to the actual document being recorded in order to provide public records information.**



ORDINANCE NO. 2000-57

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-57, AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS ORDINANCE MAKES FINDINGS; ADDS HEALTH AND FITNESS CENTER AS AN ADDITIONAL RECREATIONAL LAND USE TYPE; PROVIDES DOLLAR AMOUNTS FOR HEALTH AND FITNESS CENTER; AND PROVIDES AN EFFECTIVE DATE.

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

Section 1. St. Johns County Ordinance No. 87-57, as previously amended, is hereby amended by adding the following Section 19 thereto:

Section 19. The Board of County Commissioners of St. Johns County finds, determines and declares that:

- A. New development of Health and Fitness Centers impacts the road facilities of St. Johns County.
- B. According to the Institute of Transportation Engineers report entitled "Trip Generation," 6<sup>th</sup> Edition, Health and Fitness Centers generate trip data that is unique for a recreational use. As a result, Health and Fitness Centers need their own recreational classification rather than being included in the General Recreation Land Use Type.
- C. The fees established by this amendment to County Ordinance No. 87-57 are derived from the above described "Trip Generation" report and the "Technical Memorandum on the Methods of Updating Impact Fees," dated February 9, 1998, as prepared by James C. Nicholas, Ph.D. The fees are based upon, and do not exceed, the costs of providing for the acquisition of additional rights of way, the expansion of existing roadway and traffic facilities and the construction of existing roadway and traffic facilities and the construction of new roadway and traffic facilities necessitated by new land developments for which the fees are levied.
- D. The promotion of public health and recreation is a valid County public purpose.

ORDINANCE BOOK 26 PAGE 17

ORDINANCE BOOK 36 PAGE 160



Section 2. St. Johns County Ordinance No. 87-57, as previously amended, is hereby amended by substituting the following Fee Schedule for the Fee Schedule contained in Section Seven thereof, thereby providing for a Health and Fitness Center impact fee category and establishing dollar amounts for said fees:

FEE SCHEDULE					
Land Use Type (Unit)	Credit	Total Costs		Net Cost	Fee
		Construction	R.O.W.		
<b>Residential Per Unit:</b>					
Single Family Detached	\$1,286	\$1,781	\$737	\$1,233	\$1,115
Multi-Family	\$871	\$1,207	\$500	\$835	\$756
Mobile Home	\$647	\$897	\$371	\$621	\$562
Hotel/Motel Room	\$1,373	\$1,903	\$788	\$1,317	\$1,191
Other Residential	\$1,286	\$1,781	\$737	\$1,233	\$1,115
<b>Industrial Per 1,000 SQ. FT.:</b>					
General Industrial	\$880	\$1,220	\$505	\$844	\$573
Warehousing	\$616	\$854	\$354	\$591	\$401
Mini-warehousing	\$330	\$457	\$189	\$316	\$215
<b>Office Per 1,000 SQ. FT.:</b>					
General Office < 100k SQ. FT.	\$2,099	\$2,909	\$1,204	\$2,013	\$1,367
General Office 100-200k SQ. FT.	\$1,606	\$2,224	\$921	\$1,540	\$1,045
General Office > 200k SQ. FT.	\$1,317	\$1,964	\$813	\$1,359	\$923
<b>Commercial Per 1,000 SQ. FT.:</b>					
Commercial < 100k SQ. FT.	\$1,814	\$2,513	\$1,040	\$1,739	\$1,181
Commercial 100-199k SQ. FT.	\$1,853	\$2,567	\$1,063	\$1,777	\$1,206
Commercial 200-299k SQ. FT.	\$2,024	\$2,804	\$1,161	\$1,941	\$1,317
Commercial 300-399k SQ. FT.	\$2,161	\$2,994	\$1,240	\$2,073	\$1,406
Commercial 400-499k SQ. FT.	\$2,165	\$3,000	\$1,242	\$2,076	\$1,409
Commercial > 500k SQ. FT.	\$2,440	\$3,380	\$1,399	\$2,340	\$1,588
Bank/Financial Institution	\$4,846	\$6,713	\$2,799	\$4,647	\$3,153
Service Station/Pump	\$1,574	\$2,181	\$903	\$1,510	\$1,025
<b>Recreational:</b>					
General Recreation/Acre	\$507	\$703	\$291	\$486	\$330
Campground/RV Park Per Acre	\$563	\$781	\$323	\$540	\$367
Marina/Berth	\$502	\$696	\$288	\$481	\$327
Health and Fitness Center/1,000 SQ. FT.	\$829	\$1,146	\$474	\$792	\$537
<b>Institutional Per 1,000 SQ. FT.:</b>					
Elementary School	\$993	\$1,375	\$569	\$952	\$646
High School	\$1,136	\$1,573	\$651	\$1,089	\$739
College	\$2,276	\$3,154	\$1,306	\$2,183	\$1,481
<b>Medical:</b>					
Hospital Per 1,000 SQ. FT.:	\$2,226	\$3,084	\$1,277	\$2,135	\$1,449
Nursing Home Per Bed	\$147	\$204	\$84	\$141	\$96
Medical Office Per 1,000 SQ. FT.	\$3,613	\$5,005	\$2,072	\$3,465	\$2,351

ORDINANCE BOOK 26 PAGE 18

Section 3. This Ordinance shall take effect upon being filed with the Secretary of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 10<sup>th</sup> day of October, 2000.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant  
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Cheryl Strickland  
Clerk

Effective date: October 16, 2000



ORDINANCE BOOK 26 PAGE 19

ORDINANCE BOOK 36 PAGE 162

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 Linda Y. Murray who on oath says that she is an 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 PUBLIC HEARING

in the matter of ORDINANCE # 87-57

HEALTH AND FITNESS CENTER

in the Court, was published in said newspaper in the issues of

SEPTEMBER 19, 2000

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 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, for a period of one year preceding the first publication of the 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 this 19TH day of SEPTEMBER 2000,

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.



Zoe Ann Moss (Signature of Notary Public)

(Seal)

Zoe Ann Moss

ORDINANCE BOOK 26 PAGE 20

COPY O

NOTICE OF PUBLIC HEARING OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at a regular meeting on Tuesday, October 18, 2000 at 1:30 p.m. in the County Auditorium of the County Administration Building, 4020 Lewis Speedway Building, 4020 Lewis Speedway, St. Augustine, Florida, and U.S. 1 North, St. Augustine, Florida, will hold a public hearing to consider passage of the following ordinance: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-57, AS PREVIOUSLY AMENDED, TO VIOLATE ST. JOHNS COUNTY (THE ST. IMPACT) THIS ORDINANCE MAKES FINDINGS ADDS HEALTH AND FITNESS CENTER AS AN ADDITIONAL LAND USE TYPE; PROVIDES FOR LAR AMOUNTS FOR HEALTH AND FITNESS CENTER; AND PROVIDES AN EFFECTIVE DATE. The proposed Ordinance is on file in the office of the Clerk of the Board of County Commissioners, St. Johns County Administration Complex, 4020 Lewis Speedway, St. Augustine, Florida, and may be examined by parties interested prior to said public hearing. Interested parties may appear at the meeting and will be afforded an opportunity to be heard at the public hearing with respect to the proposed ordinance. If a person decides to appeal any decision made with respect to any matter considered at this hearing, he/she will need a record of the proceedings, and for the purposes he/she 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. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these proceedings should contact the ADA Coordinator, at (849) 822-2500 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32093. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): Florida Relay Services: 1-800-955-8770; no later than 5 days prior to the date of this hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA. CHERYL STRICKLAND, CLERK. By: Yvonne King, Deputy Clerk. 12:35 Sept 19, 2000

DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing  
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS  
Historic Florida City Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE  
Katherine Harris  
Secretary of State  
DIVISION OF ELECTIONS

October 16, 2000

Honorable Cheryl Strickland  
Clerk to Board of Commissioners  
St. Johns County  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande  
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 13, 2000 and certified copies of Ordinance Nos. 2000-54 through 2000-58, which were filed in this office on October 16, 2000.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

ORDINANCE BOOK 26 PAGE 04

BUREAU OF ADMINISTRATIVE CODE  
The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427  
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: [election@mail.dos.state.fl.us](mailto:election@mail.dos.state.fl.us)

ORDINANCE BOOK 36 PAGE 164

ORDINANCE NO. 2002-45

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT ALLOWS ROAD IMPACT FEES TO BE USED TO PAY LAWSUIT SETTLEMENTS THAT RESULT FROM LITIGATION OVER ROAD IMPACT FEES AND/OR ROAD IMPACT FEE CREDITS; IT ALLOWS THE COUNTY TO RETAIN ROAD IMPACT FEES FOR LONGER THAN SIX YEARS WHEN ALLOWED OR REQUIRED BY A LITIGATION SETTLEMENT AGREEMENT OR COURT JUDGEMENT AND TO SPEND OR DISBURSE THOSE FEES IN THE MANNER SET FORTH IN THE SETTLEMENT AGREEMENT OR JUDGEMENT; AND IT PROVIDES AN EFFECTIVE DATE.

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

Section 1. St. Johns County Ordinance number 87-57, as previously amended, is hereby amended by deleting subparagraph J from Section Eleven thereof (Use of Funds) and by adding and substituting the following subparagraph J in its stead.

J. Road impact fees may be used to pay court costs, legal fees, and associated litigation related costs and expenses, including payment of lawsuit settlements and judgments, if any, incurred in or resulting from the administration, enforcement and/or defense of Ordinance 87-57, as amended. As used in this subsection, the meaning of the word "administration" includes, but is not limited to, the calculation, levy, imposition, collection, transfer, provision and/or use of road impact fees and/or road impact fee credits.

Section 2. St. Johns County Ordinance number 87-57, as previously amended, is hereby amended by adding the following subparagraph C to Section Twelve thereof (Refund of Fees Paid):

C. Subsection B of Section Twelve notwithstanding, road impact fees may be retained by the County for more than six (6) years without any requirement that they be refunded when such longer retention is allowed or required by a litigation settlement agreement or by a court judgment and the retained road impact fees are then disbursed or expended in the manner set forth in the settlement agreement or court judgment.

Section 3. This Ordinance shall take effect upon the date that a certified copy is filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 3rd day of September, 2002.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant  
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk of Court

By: Patricia de Grande  
Deputy Clerk

RENDITION DATE 9-6-02

Effective date: September 11, 2002



ORDINANCE BOOK 29 PAGE 40

ORDINANCE BOOK <sup>2</sup>36 PAGE 106

# THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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 **Linda Y. Murray**  
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 Public Hearing  
in the matter of Amending Ordinance 87-57

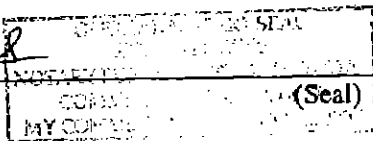
in the Court was published in said newspaper in the issues of  
August 2&19, 2002

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  
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, for a period of one year preceding  
the first publication of the 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 this 19th day of August, 2002

by Linda Y. Murray who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

Zoe Ann Moss  
(Signature of Notary Public)



Zoe Ann Moss

ORDINANCE BOOK 29 PAGE 41

ORDINANCE BOOK 36 PAGE 167

COPY OF AD

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, September 3, 2002 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT ALLOWS ROAD IMPACT FEES TO BE USED TO PAY LAWSUIT SETTLEMENTS THAT RESULT FROM LITIGATION OVER ROAD IMPACT FEES AND/OR ROAD IMPACT FEE CREDITS; IT ALLOWS THE COUNTY TO RETAIN ROAD IMPACT FEES FOR LONGER THAN SIX YEARS WHEN ALLOWED OR REQUIRED BY A LITIGATION SETTLEMENT AGREEMENT OR COURT JUDGEMENT AND TO SPEND OR DISBURSE THOSE FEES IN THE MANNER SET FORTH IN THE SETTLEMENT AGREEMENT OR JUDGEMENT; AND IT PROVIDES AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she 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.

NOTICE TO PERSONS: NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND,  
ITS CLERK  
By: Patricia DeGrande,  
Deputy Clerk  
L1794-2 Aug 19, 2002

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

- Office of the Secretary
- Office of International Relations
- Division of Elections
- Division of Corporations
- Division of Cultural Affairs
- Division of Historical Resources
- Division of Library and Information Services
- Division of Licensing
- Division of Administrative Services



FLORIDA DEPARTMENT OF STATE  
**Jim Smith**  
 Secretary of State  
 DIVISION OF ELECTIONS

- MEMBER OF THE FLORIDA CABINET
- State Board of Education
  - Trustees of the Internal Improvement Trust Fund
  - Administration Commission
  - Florida Land and Water Adjudicatory Commission
  - Siting Board
  - Division of Bond Finance
  - Department of Revenue
  - Department of Law Enforcement
  - Department of Highway Safety and Motor Vehicles
  - Department of Veterans' Affairs

September 11, 2002

Honorable Cheryl Strickland  
 Clerk to Board of Commissioners  
 St. Johns County  
 Post Office Drawer 300  
 St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande  
 Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 10, 2002 and certified copy of Ordinance No. 2002-45, which was filed in this office on September 11, 2002.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief  
 Bureau of Administrative Code

LC/mp

FILED  
 02 SEP 13 AM 10:27  
 CHERYL STRICKLAND  
 CLERK COUNTY COMMISSION  
 ST. JOHNS COUNTY FL

ORDINANCE BOOK 29 PAGE 42

ORDINANCE BOOK 36 PAGE 168



ORDINANCE NO. 2003- 74

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE NO.: 87-57, AS AMENDED, (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT AMENDS SECTION 13(B) OF THE ORDINANCE AND AUTHORIZES PERSONS AND ENTITIES WHO DO NOT MEET THE DEFINITION OF FEEPAYER AS SUCH WORD IS DEFINED IN THE DEFINITION SECTION OF THE ORDINANCE (BECAUSE THEIR TRAFFIC GENERATING LAND DEVELOPMENT ACTIVITY DOES NOT REQUIRE ISSUANCE OF A BUILDING PERMIT OR MOBILE HOME INSTALLATION PERMIT) TO RECEIVE ROAD IMPACT FEE CREDITS WHEN THEY ARE REQUIRED TO - OR VOLUNTARILY - DEDICATE NON-SITE RELATED RIGHT OF WAY TO THE COUNTY AND/OR THEY ARE REQUIRED TO - OR VOLUNTARILY - CONSTRUCT OR PROVIDE NON-SITE RELATED ROADWAY IMPROVEMENTS FOR THE COUNTY; AND IT PROVIDES AN EFFECTIVE DATE.

WHEREAS, the County Road Impact Fee Ordinance requires that a person must be a feepayer in order to receive road impact fee credits for mandatory or required non-site related right of way dedications and/or roadway improvements and/or for voluntarily offered non-site related right of way dedications and/or roadway improvements; and

WHEREAS, the County Road Impact Fee Ordinance defines "feepayer" as a person that commences a land development activity which generates traffic and which requires the issuance of a building permit or permit for mobile home installation; and

WHEREAS, it is appropriate and fair that non feepayers (persons and entities that do not meet the definition of "feepayer" because their traffic generating land development activity does not require issuance of a building permit or mobile home installation permit) as well as feepayers have the ability to receive County road impact fee credits for mandatory or required non-site related right of way dedications and/or roadway improvements and/or for voluntarily offered non-site related right of way dedications and/or roadway improvements.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. Section 13(B) of St. Johns County ordinance 87-57, as previously amended, is hereby amended by adding the following subsection 8 thereto:

8. The word feepayer as used in this Section 13(B) shall mean
  - (A) "feepayer" as such word is defined in the definition section of ordinance 87-57 as amended from time to time

and shall also include and mean (B) other persons and entities that commence a land development activity within a project which project generates traffic and requires the issuance of a building permit or permit for mobile home installation but which land development activity does not require the issuance of a building permit or permit for mobile home installation.

Section 2. This ordinance shall take effect upon a certified copy being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 26th day of August, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

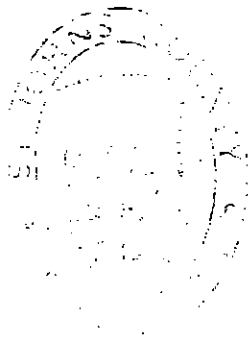
By: James E. Bryant  
James E. Bryant, Chairman

REVISION DATE 08/29/03

ATTEST: Cheryl Strickland, Clerk of Court

By: Yvonne King  
Deputy Clerk

Effective Date: 09/02/03



THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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 LINDA Y MURRAY

who on oath says that she is an 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 PUBLIC HEARING

In the matter of ORDINANCE # 87-57

SJC ROAD IMPACT FEE

in the Court, was published in said newspaper in the issues of

AUGUST 15, 2003

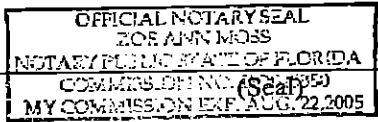
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the 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 this 15TH day of AUGUST 2003

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

[Signature of Notary Public]

Zoe Ann Moss



ORDINANCE BOOK 32 PAGE 287

ORDINANCE BOOK 36 PAGE 171

COPY OF AD

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, August 19th, 2003 at 1:30 p.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 18-A) and U.S. 1 No. 10, St. Augustine, Florida, to consider adoption of the following ordinance: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-57, AS AMENDED, (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE), THIS AMENDMENT AMENDS SECTION 11(B) OF THE ORDINANCE AND AUTHORIZES PERSONS AND ENTITIES WHO DO NOT MEET THE DEFINITION OF FEELER AS SUCH WORD IS DEFINED IN THE DEFINITION SECTION OF THE ORDINANCE TO RECEIVE ROAD IMPACT FEE CREDITS WHEN THEY ARE REQUIRED TO - OR VOLUNTARILY DEDICATE NON-SITE RELATED RIGHT OF WAY TO THE COUNTY AND/OR THEY ARE REQUIRED TO - OR VOLUNTARILY CONSTRUCT OR PROVIDE NON-SITE RELATED ROADWAY IMPROVEMENTS FOR THE COUNTY. IT DESCRIBES WHERE SUCH ROAD IMPACT FEE CREDITS MAY BE USED; AND IT PROVIDES AN EFFECTIVE DATE. The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners of the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 18-A) and U.S. 10, St. Augustine, Florida and may be examined by parties interested prior to the public hearing. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she 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. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator (904) 823-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA. CLERK: CHERYL STRYDOM. BY: Patricia DeGrande, Deputy Clerk. L17723, Aug. 15, 2003

ST. JOHNS COUNTY ORDINANCE 87-58

PARK 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 PARKS 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 AND TIME OF PAYMENT OF A PARK IMPACT FEE; PROVIDING FOR REVIEW OF PARK IMPACT FEES AND THE FEE SCHEDULES; PROVIDING FOR THE ESTABLISHMENT OF PARK IMPACT FEE DISTRICTS; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM PARK IMPACT FEES INTO PARK 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 PARK IMPACT FEES; PROVIDING THAT PARK 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 park system in order to maintain current park standards if new development is to be accommodated without decreasing current standards. 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 create demand for the acquisition or expansion of parks and the construction of park improvements.

E. The fees established by Section Seven are derived from, are based upon, and do not exceed the costs of providing additional park and park 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 parks and park 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 Park 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 parks and park improvements 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.

Section Five: Definitions

A. A "feepayer" is a person applying for the issuance of a building permit or permit for mobile home installation.

B. A "capital improvement" includes parks planning, land acquisition, site improvements, buildings, and equipment, but excludes maintenance and operation.

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

D. "Private recreational facility" is any recreational facility which is not owned by or dedicated to any governmental entity.

E. "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 Park 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 for a residential building or permit for residential mobile home installation, is hereby required to pay a park 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 residential building permit or new permit for residential 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 park impact fee hereby required has been determined.

C. No extension of a residential building permit or permit for residential 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 park 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 Park Impact Fee

A. At the option of the fee payer, the amount of the park impact fee may be determined by the following fee schedules. 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.

FEE SCHEDULE I

LAND USE TYPE (UNIT)	COST AVAILABLE		NET COST	FEE
	PER UNIT	REVENUE		
RESIDENTIAL UNITS PER STRUCTURE:				
ONE UNIT	\$271.48	\$118.62	\$152.86	\$76
2, 3 OR 4 UNITS EACH UNIT	\$219.48	\$95.90	\$123.58	\$62
5 OR MORE UNITS EACH UNIT	\$299.17	\$130.72	\$168.45	\$84
MOBILE HOME EACH UNIT	\$260.00	\$113.60	\$146.40	\$73
HOTEL/MOTEL ROOM PER ROOM	\$170.91	\$170.91	\$0.00	\$0
OTHER RESIDENTIAL EACH UNIT	\$271.48	\$118.62	\$152.86	\$76

(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)	COST AVAILABLE		NET COST	FEE
	PER UNIT	REVENUE		
RESIDENTIAL UNITS PER STRUCTURE:				
ONE UNIT	\$271.48	\$118.62	\$152.86	\$115
2, 3 OR 4 UNITS EACH UNIT	\$219.48	\$95.90	\$123.58	\$93
5 OR MORE UNITS EACH UNIT	\$299.17	\$130.72	\$168.45	\$126
MOBILE HOME EACH UNIT	\$260.00	\$113.60	\$146.40	\$110
HOTEL/MOTEL ROOM PER ROOM	\$170.91	\$170.91	\$0.00	\$0
OTHER RESIDENTIAL EACH UNIT	\$271.48	\$118.62	\$152.86	\$115

(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)	COST AVAILABLE		NET COST	FEE
	PER UNIT	REVENUE		
RESIDENTIAL UNITS PER STRUCTURE:				
ONE UNIT	\$271.48	\$118.62	\$152.86	\$130
2, 3 OR 4 UNITS EACH UNIT	\$219.48	\$95.90	\$123.58	\$105
5 OR MORE UNITS EACH UNIT	\$299.17	\$130.72	\$168.45	\$143
MOBILE HOME EACH UNIT	\$260.00	\$113.60	\$146.40	\$124
HOTEL/MOTEL ROOM PER ROOM	\$170.91	\$170.91	\$0.00	\$0
OTHER RESIDENTIAL EACH UNIT	\$271.48	\$118.62	\$152.86	\$130

(4) 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 schedule.

(5) If the type of development activity that a residential

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 schedules. 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, 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 schedule then the County Administrator shall determine the appropriately discounted 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.

(6) 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 aided 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 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 park impact fees based upon the schedule shown in paragraph (A) of this section. If an acceptable independent fee calculation study is presented, the County Administrator may adjust the fee to that appropriate to the particular development. The adjustment may include a credit against the fee otherwise payable up to 50% for private recreational facilities constructed or deed restricted or otherwise set aside for recreational purposes by the feepayer which serve the same purposes and functions as set forth for public parks in the St. Johns County Comprehensive Plan.

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 permit for residential 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 or permit for mobile home installation.

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 park impact fee district and promptly transferred for deposit in the appropriate Park 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: Park Impact Fee Districts

There are hereby established four (4) park 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 park impact fees or that has by ordinance repealed the effect of this ordinance within its boundaries.

Section Ten: Park Impact Fee Trust Funds Established

A. There are hereby established four (4) separate Park Impact Fee Trust Funds, one for each park 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 park impact fees shall be used solely for the purpose of acquiring and/or making capital improvements to parks under the jurisdiction of St. Johns County, a municipality within St. Johns County which has not opted out from the provisions of this ordinance, or the State of Florida, and shall not be used for maintenance or operations.

B. Funds shall be used exclusively for acquisitions, expansions, or capital improvements within the park impact fee district as identified in Appendix I, hereof, from which the funds were collected or for projects in other park impact fee districts which are of benefit to the park impact district from which the funds were collected. Funds shall be expended in the order in which they are collected.

C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which park 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 above and are located within the appropriate impact fee districts created by Section Nine of this ordinance or as provided in paragraph B of this section.

D. At least once each fiscal period the County Administrator

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

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

F. Funds may be used to make refunds required under any Development Order heretofore 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. 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 residential building permit or permit for residential mobile home installation expires without commencement of construction, then the fee payer 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 fee payer 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 park 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 residential units are created and where the use is not changed.
2. The construction of accessory buildings or structures.
3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
4. The installation of a replacement mobile home on a lot or other such site when a park 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 by the County prior to January 1, 1989.
5. The construction of any non-residential building or structure or the installation of a non-residential mobile home.

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. Park land and/or park capital improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offer must specifically request or provide for a park impact fee credit. 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 land 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 park improvements, or (iii) by fair market value established by private appraisers acceptable to the County. Credit for the dedication of park land 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 park improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the County Administrator. The County Administrator shall determine credit for 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:
- (i) 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;
  - (ii) a suitable maintenance and warranty bond is received and approved by the Clerk of Courts of St. Johns County, when applicable.
- d. Credit may be provided before completion of specified park 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. If the park 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 per cent (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 accep-

tance of the security by the Clerk. If the park 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 park construction project and its scheduled completion date prior to the acceptance of the offer by the County Administrator.

2. 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.
3. 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 within a different impact fee district upon a finding by the Board of County Commissioners that the dedication for which the credit was given benefits such different impact fee district.
4. 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 improvements or construction ordered by that municipality against fees due hereunder because of improvements constructed outside of the boundaries of the municipality.
5. 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 fee schedule contained 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

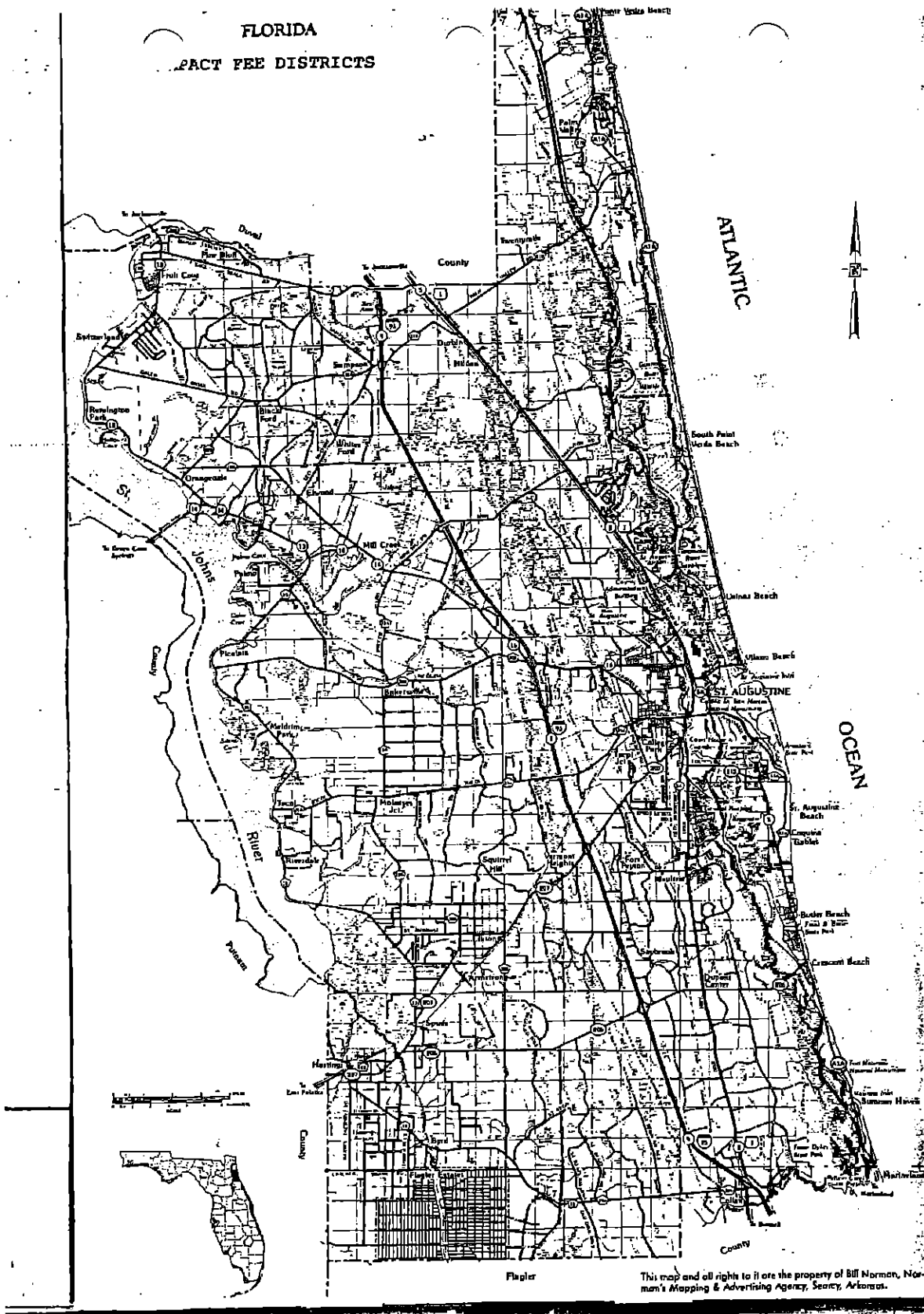
By: Phyllis L. Lyden  
Its Chairman

Adopted special meeting 10/20/87

Effective: November 2, 1987

ORDINANCE BOOK 8 PAGE 346

FLORIDA  
IMPACT FEE DISTRICTS



APPENDIX I

ORDINANCE BOOK 8 PAGE 347

ORDINANCE BOOK ~~36~~ PAGE ~~188~~

**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 \_\_\_\_\_  
Board of County Commissioners  
 \_\_\_\_\_ 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  
Jean Ann Johns  
 Notary Public  
 Notary Public, State of Florida  
 My Commission Expires Aug. 4, 1989  
 Bonded thru Troy Title Insurance, Inc.

Continued ON  
 September 29, 1987  
 at 11:00 a.m./October 20,  
 1987 at 9:30 AM

**COPY OF ADVERTISEMENT**

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS SPECIAL MEETING ON SEPTEMBER 28, 1987 AT 3:30 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:  
 PARK 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 PARKS 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 PARK IMPACT FEE AS A PREREQUISITE FOR ISSUANCE OF A RESIDENTIAL BUILDING PERMIT OR PERMIT FOR RESIDENTIAL MOBILE HOME INSTALLATION; PROVIDING FOR REVIEW OF PARK IMPACT FEES AND THE FEE SCHEDULE; PROVIDING FOR THE ESTABLISHMENT OF PARK IMPACT FEE DISTRICTS; PROVIDING FOR PLACEMENT OF REVENUE COLLECTED FROM PARK IMPACT FEES INTO PARK 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 PARK IMPACT FEES; PROVIDING THAT PARK 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 hearing, 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  
 1987 Sept. 4, 1987

6/10/92 (Park)

ORDINANCE NO. 92-22

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-58 AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS AMENDMENT MAKES FINDINGS, PROVIDES DEFINITIONS AND PROVIDES PROCEDURES WHEREBY UNDER CERTAIN CIRCUMSTANCES THE ST. JOHNS COUNTY PARK IMPACT FEE MAY BE PAID OVER TIME FOR OWNER OCCUPIED SINGLE UNIT RESIDENCES THAT WILL BE OCCUPIED BY VERY LOW OR LOW UNADJUSTED INCOME RESIDENTS; AND IT PROVIDES AN EFFECTIVE DATE.

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

Section 1. St. Johns County, Florida Ordinance No. 87-58, as previously amended, (the Park Impact Fee Ordinance) is hereby amended by adding the following ARTICLE I thereto:

ARTICLE I

Section A. Definitions. As used in this Article, unless the context otherwise indicates:

(1) "Adjusted For Family Size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility determined as provided in subsection (3) or subsection (5), based upon a formula as established by the United States Department of Housing and Urban Development.

(2) "Adjusted Gross Income" means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, Adjusted For Family Size.

(3) "Low-Income Residents" means one or more natural persons or a family that will occupy the subject residence or mobile home, the total annual household unadjusted gross income of which does not exceed 80 percent of the median annual Adjusted Gross Income for households within the state, or 80 percent of the median annual Adjusted Gross Income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within St. Johns County, whichever is greater.

(4) "Student" means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the Federal Income Tax Code and who is enrolled on at least a half-time basis in a secondary school, vocational-technical center, community college, college, or university.

(5) "Very Low-Income Residents" means one or more natural persons or a family, not including Students, that will occupy the subject residence or mobile home, the total annual household unadjusted gross income of which does not exceed 50 percent of the median annual Adjusted Gross Income for households within the state, or 50 percent of the median

annual Adjusted Gross Income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within St. Johns County, whichever is greater.

Section B. Findings. The Board of County Commissioners of St. Johns County, Florida finds, determines and declares as follows:

(1) Decent, safe and sanitary housing for Very Low Income and Low Income Residents are a critical need in St. Johns County, Florida.

(2) New and rehabilitated housing must be provided at a cost affordable to such persons in order to alleviate this critical need.

(3) The private-sector housing construction industry primarily produces housing units for middle-income and upper-income households and often has limited experience in housing development which provides quality housing for Very Low-Income and Low-Income Residents.

(4) Among other things, the high cost of project financing tends to restrict the development of housing affordable to Very Low-Income and Low-Income Residents.

(5) For these reasons, private capital and existing state housing programs do not provide an adequate remedy to this situation.

(6) Special programs are needed to stimulate private enterprise to build and rehabilitate housing in order to help provide housing for Very Low-Income and Low-Income Residents as a matter of public purpose.



(7) The Florida Legislature through the enactment of Florida Statutes, Chapter 420 [The Florida Housing Act], Florida Statutes Chapter 159, Part IV [The Florida Housing Finance Authority Act], Florida Statutes, Section 187.201(5)(b)(3) [The State Comprehensive Plan], and Florida Statutes §163.3177(6)(f)(4) [The Local Government Comprehensive Planning and Land Development Regulation Act] has sought to encourage the provision of incentives for the construction of affordable housing and housing for Very Low-Income and Low-Income Residents; and

(8) The Housing Element of the St. Johns County Comprehensive Plan (1990-2005) encourages the County to consider ways to help encourage affordable housing.

(9) Florida Attorney General opinion 90-16 opines that the payment of impact fees in several payments with interest added does not violate the Florida Constitution.

(10) Florida Statute §125.01(1)(j) specifically authorizes the Board of County Commissioners to establish and administer housing programs and Florida Statute §420.604(1)(C)(1) and (3) encourage Counties to increase the supply of safe, affordable, and sanitary housing for Very Low-Income Residents and Low-Income Residents by reducing impact fees and offering low cost financing.

Section C. Payment Of Impact Fee Over Time.

When the Feepayer (as previously defined in the Park Impact Fee Ordinance) of an owner occupied single unit residential improvement for which a building permit or a permit for mobile

home installation is applied for can demonstrate to the Board of County Commissioners of St. Johns County, Florida (the "Board") or its designee(s) that such residential improvement will be continuously occupied by only Very-Low Income Residents and/or Low-Income Residents for the next 12 consecutive months immediately following issuance of the certificate of occupancy or move on permit for such residential improvement whichever is applicable, then, at the option of the Feepayer, seventy percent (70%)(the deferred portion) of the Park Impact Fee that is due may be paid over time for a period not to exceed 12 months. The undeferred portion (30%)(the "initial portion") of said impact fee shall be paid at the time and in the manner otherwise required by the Park Impact Fee Ordinance for payment of the Park Impact Fee. The deferred portion of such impact fee shall be paid and provided for at the same time as the initial portion but in the manner hereinafter provided. Interest shall be paid on the unpaid balance of the deferred portion of the impact fee at the rate of 5% per annum. Simultaneously with the payment of such initial portion of the impact fee, the owner of the land upon which the residential improvement or mobile home is located or will be located shall execute and deliver a promissory note and mortgage, and deliver a title opinion or policy, to the County in form and substance satisfactory to the Clerk of Courts of St. Johns County dated the date that the payment of the initial portion of the impact fee is due. The promissory note shall provide for payment of the amount of the deferred portion of the impact fee (the "principal")

and the interest in equal consecutive monthly installments until paid in full with the first payment commencing one month from the date of the promissory note. The mortgage shall encumber the land upon which the residential improvement or mobile home is, or will be, located and shall secure payment of the promissory note. Unless secured by a letter of credit as hereinafter provided, the promissory note shall indicate that it is secured by a mortgage. Additionally, the promissory note and the mortgage shall each provide for (i) acceleration upon failure to make any payment when due, and (ii) payment of costs of collection, including reasonable attorneys fees. Additional provisions may be required by resolution(s) of the Board of County Commissioners of St. Johns County or by the Clerk of Court. The Feepayer shall pay for the documentary stamps on the promissory note and mortgage. The Clerk of Court shall promptly record the mortgage in the official public records of St. Johns County at the Feepayer's expense.

Upon all payments being made in full, the mortgage shall be satisfied of record by the Clerk. Should the mortgage not be paid on a timely basis, the County may foreclose such mortgage, together with the costs of such foreclosure, including attorney's fees, in the manner authorized by law. The note and mortgage may be prepaid at any time without penalty.

In lieu of securing the above-described promissory note with a mortgage on the subject property, the Feepayer may elect to secure the note with an irrevocable letter of credit. The issuer of the letter of credit and the form and content of the letter of credit

-6-

Ordinance Book 11 Page 486

shall be approved by the Clerk of the Circuit Court. The letter of credit shall be held by the Clerk until the promissory note is paid in full. The letter of credit shall, at a minimum, provide that if the note payments are not paid on a timely basis as set forth in the promissory note, the County may demand payment under the letter of credit of the entire unpaid balance of the promissory note and all sums due thereunder after 15 days written notice to the maker of the promissory note of the County's intention to do so. The promissory note shall indicate that it is secured by a letter of credit. When the promissory note is paid in full, the letter of credit shall be returned by the Clerk to the maker of the promissory note.

Upon payment of the initial portion of the Park Impact Fee and compliance with the other provisions of this section C, the Park Impact Fee will be deemed paid for the purposes of section 6 of the St. Johns County Park Impact Fee Ordinance. The preceding sentence shall not relieve the maker of the promissory note or the mortgagor or the issuer of the letter of credit from their duties and obligations under the promissory note, the mortgage and the letter of credit.

The terms, conditions and/or provisions of this paragraph C may be supplemented, modified, added to, deleted and/or changed by subsequent resolution(s) of the Board.

Section D. Non Applicability To Impact Fees Paid Prior To The Effective Date Of This Ordinance. No provision of this Article I shall apply to impact fees paid prior to the effective date of this ordinance.

Section E. Documentation. The Board of County Commissioners of St. Johns County, Florida may, by resolution(s) passed subsequent to the adoption of this ordinance, require or suggest documentation that must or may be provided by the Feepayer or his agent to justify the request for deferred payment of the Park Impact Fee. Such resolution(s) may also provide or establish additional or alternate criteria that will qualify a Feepayer for deferred payment of such impact fee.

Section 2. Effective Date: 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 AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida this 14th day of July, 1992.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: J. D. Bill  
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: C. B. Markel  
Its Clerk

Effective date July 24, 1992 -8-

Ordinance Book 11 Page 488

**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 \_\_\_\_\_

SHERRY L. RAUCH 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 \_\_\_\_\_  
ORDINANCE NO. 87-58

\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
June 22, 1992

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 \_\_\_\_\_  
this 22nd day of June  
A.D. 19 92

[Signature]  
Notary Public  
8122193

COPY OF ADVERTISEMENT

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, July 14, 1992 at  
11:00 a.m. in the County Adminis-  
tration Building, 420 Lewis Speedway  
(County Road 16A) and U.S. 91  
North, St. Augustine, Florida,  
will hold a public hearing to con-  
sider the passage of the follow-  
ing ordinance:  
AN ORDINANCE OF THE  
COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, AMEND-  
ING ST. JOHNS COUNTY OR-  
DINANCE NO. 87-58 AS PREVIOUS-  
LY AMENDED, (THE ST. JOHNS  
COUNTY PARK IMPACT FEE  
ORDINANCE); THIS AMENDMENT MAKES  
FINDINGS, PROVIDES DEFINI-  
TIONS AND PROVIDES  
PROCEDURES, WHEREBY  
UNDER CERTAIN CIRCUM-  
STANCES THE ST. JOHNS  
COUNTY PARK IMPACT FEE  
MAY BE PAID OVER TO  
FOR OWNER OCCUPIED SINGLE  
UNIT RESIDENCES  
THAT WILL BE OCCUPIED BY  
VERY LOW OR LOW UNAD-  
JUSTED INCOME RESI-  
DENTS; AND IT 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 inter-  
est in said Ordinance will be en-  
titled an opportunity to be  
heard at the public hearing.  
If a person desires to appeal  
any decision made by the Board  
of County Commissioners with  
respect to any matter consid-  
ered at the meeting or hearing,  
he will need a record of the pro-  
ceedings, and for such purposes  
he may need to ensure that a  
verbal record of the proceed-  
ings is made, which record in-  
cludes the testimony and evi-  
dence upon which the appeal is  
to be based.  
BOARD OF COUNTY  
COMMISSIONERS OF ST.  
JOHNS COUNTY, FLORIDA  
Carl "Bud" Market,  
in Clerk  
By Yvonne Carter  
Deputy Clerk  
LAW June 22, 1992

ORDINANCE NO. 94-43

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-58 (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS AMENDMENT CHANGES THE AMOUNTS OF THE PARK IMPACT FEES ATTRIBUTABLE TO RESIDENTIAL UNITS, AND PROVIDES AN EFFECTIVE DATE.

WHEREAS, Ordinance 87-58 was adopted on October 20, 1987 for the purpose of establishing impact fees to fund a portion of the costs of expanding the County's park system that is necessitated by new development; and

WHEREAS, the fee schedule for park impact fees needs to be adjusted to meet the increased recreational demands caused by new residential development in St. Johns County; and

WHEREAS, adjustments in the park impact fee schedule are needed to accommodate the demands on the County's park system created by new development.

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

Section 1. St. Johns County, Florida Ordinance 87-58, as previously amended, (the Park Impact Fee Ordinance) is hereby amended by deleting subparagraph (3) from Paragraph A of Section Seven thereof and by adding the following subparagraph (3) in its stead:

(3) Beginning November 1, 1994, the following schedule shall apply to all applications for: a building permit; an extension of a building permit issued prior to November 1, 1994; a permit for mobile home installations; or an extension of a permit for mobile home installation issued prior to November 1, 1994:

IMPACT FEE SCHEDULE

<u>LAND USE TYPE (UNIT)</u>	<u>PARK IMPACT FEE</u>
Residential Units per Structure:	
One Unit	\$ 215
2, 3 or 4 Unit per Unit	174
5 or more Units per Unit	237
Mobile Homes per Unit	206
Hotel/Motel per Room	0
Other Residential per Unit	215

Section 2. Effective Date: This Ordinance shall take effect upon receipt of official acknowledgement by the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida this 27 day of September, 1994.

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA

BY: Alan G. Gorb  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl Bud Markel  
Clerk

EFFECTIVE DATE: October 6, 1994



# 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 \_\_\_\_\_

Barbara Dresslar 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 Ordinance 87-58

\_\_\_\_\_ In the \_\_\_\_\_ Court,

was published in said newspaper in the issues of Sept. 9, 1994

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 Barbara Dresslar  
Zoe Ann Moss

this 9th day of Sept.

A.D. 19 94

Zoe Ann Moss  
Notary Public



Ordinance Book 14 Page 262

ORDINANCE BOOK 36 PAGE 201

## COPY OF ADVERTISEMENT

### 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 meeting of September 27, 1994 at 5:30 p.m. in the auditorium, of the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. #1 North, St. Augustine, Florida, will hold a public hearing to consider passage of the following ordinances:

ORDINANCE NO. 94-  
AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-58 (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS AMENDMENT CHANGES THE AMOUNTS OF THE PARK IMPACT FEES ATTRIBUTABLE TO RESIDENTIAL UNITS, AND PROVIDES AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of 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 desires to appeal any decision made with respect to any matter considered at the hearing, he/she will need a record of the proceedings, and for such purposes he/she 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.

### NOTICE OF PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact ADA Coordinator, at (904) 823-325 or of the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32084. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): 823-3250 or Florida Relay Services 1-800-933-8770, no later than seven (7) days prior to the date of this meeting.

### BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

CARL "BUD" MARKEL  
ITS CLERK

By Yvonne Carlet  
Deputy Clerk  
LMT Sept. 9, 1994

Draft #2

ORDINANCE NO. 94-62

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-58 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS AMENDMENT DELAYS FOR AT LEAST 6 MONTHS THE INCREASE IN THE PARK IMPACT FEES CAUSED BY ORDINANCE '94-43 THAT ARE LEVIED ON IMPROVEMENTS LOCATED ON LANDS AFFECTED BY UNITED STATES H.R. 4598; AND IT PROVIDES AN EFFECTIVE DATE.

WHEREAS, Ordinance 87-58 was adopted on October 20, 1987 for the purpose of establishing impact fees to fund a portion of the costs of expanding the County's park system that is necessitated by new development; and

WHEREAS, the park impact fees were increased by ordinance 94-43 to meet the increased park system demands caused by new residential development in St. Johns County; and

WHEREAS, the United States Coastal Barrier Resources Act has made it extremely difficult to place improvements on certain lands in St. Johns County and has caused the owners of certain of those lands to delay construction on or improvements to such lands; and

WHEREAS, the 103rd Congress of the United States recently passed H.R. 4598, a copy of which is attached hereto, that will mitigate or reduce the difficulty of improving some of those lands

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

Section 1. St. Johns County, Florida Ordinance 87-58, as previously amended, (the Park Impact Fee Ordinance) is hereby amended by adding the following Article II thereto:

ARTICLE II

The increase in the park impact fees caused by St. Johns County Ordinance 94-43 shall not be applied to lands and improvements in St. Johns County, Florida that are affected by United States H.R. 4598 until 6 months after the maps described in H.R. 4598 that affect such land and improvement are corrected as required by H.R. 4598, or June 1, 1995, whichever comes first.

Section 2. Effective Date. This ordinance shall take effect upon receipt of official acknowledgement by the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

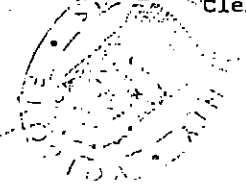
PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida this 13th day of December, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl "Bud" Markel  
Clerk



EFFECTIVE DATE: DECEMBER 27, 1994



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide a substitute amendment.

IN THE SENATE OF THE UNITED STATES—103d Cong., 2d Sess.

**H.R. 4598**

To direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. GRAHAM

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 SECTION 1. CORRECTIONS TO MAPS.
- 4 (a) IN GENERAL.—The Secretary of the Interior
- 5 shall, not later than 30 days after the date of enactment
- 6 of this Act, make such corrections to the maps described
- 7 in subsection (b) as are necessary to ensure that—
- 8 (1) depictions of areas on the maps are consist-
- 9 ent with the depictions of areas appearing on the
- 10 maps entitled "Coastal Barrier Resources System",

1 dated September 27, 1994, and on file with the Sec-  
2 retary of the Interior; and

3 (2) the Coastal Barrier Resources System does  
4 not include any area that, on the day before the date  
5 of the enactment of this Act, was part of unit FL-  
6 05P of the System.

7 (b) MAPS DESCRIBED.—The maps described in this  
8 subsection are maps that—

9 (1) are included in a set of maps entitled  
10 "Coastal Barrier Resources System", dated October  
11 24, 1990; and

12 (2) relate to the following units of the Coastal  
13 Barrier Resources System: AL-01P, FL-05P,  
14 P11A, P17, P17A, P18P, P19P, FL-15, FL-95P,  
15 FL-36P, P31P, FL-72P, MI21, NY75, and  
16 VA62P.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
18 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510)  
19 is amended to read as follows:

20 "SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

21 "There are authorized to be appropriated to the Sec-  
22 retary for carrying out this Act \$2,000,000 for each of  
23 fiscal years 1995 through 1998."

COPY OF ADVERTISEMENT

# 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 \_\_\_\_\_

Barbara Dresslar 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

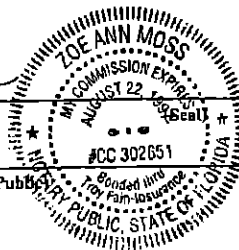
in the matter of \_\_\_\_\_  
Ordinance 87-58

in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of Nov. 18, 1994

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 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 copy of advertisement; and affiant further says that she has netler 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 this 18th day of Nov., 1994,  
by Barbara Dresslar who is personally  
known to me or who has produced personally known as  
(Type of Identification)  
Identification.

Zoe Ann Moss  
(Signature of Notary Public)  
Zoe Ann Moss  
(Print, Type or Stamp Commissioned Name of Notary Public)



**NOTICE OF INTENT TO CONSIDER ADOPTION OF ORDINANCE**  
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, December 13, 1994, at 1:30 p.m. in the County Auditorium, of the County Administration Complex, 4028 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:  
**ORDINANCE NO. 94- AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-58 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS AMENDMENT DELAYS FOR AT LEAST 6 MONTHS THE INCREASE IN THE PARK IMPACT FEES CAUSED BY ORDINANCE 84-43 THAT ARE LEVIED ON IMPROVEMENTS LOCATED ON LANDS AFFECTED BY UNITED STATES H.R. 4598 AND IT 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 Complex, 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 with respect to any matter considered at the hearing, he/she will need a record of the proceedings, and for such purposes he/she 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.  
**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4028 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8776 no later than 7 days prior to the date of this hearing.  
**BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**  
CARL "BUD" MARKEL  
ITS CLERK  
By Yvonne Carter, Deputy Clerk  
Last Nov. 18, 1994



ORDINANCE NO. 95-25

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-58 (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PARK IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

WHEREAS, there are instances within the County wherein family or friends find it necessary to temporarily move a mobile home on their property or otherwise construct a temporary residence on their property to enable an elderly relative or friend or a temporarily disabled relative or friend to live near them so that they may provide care to such person during such persons' last days or temporary disability; and

WHEREAS, such temporary residence does not provide a long term impact on the County's park system.

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

Section 1. St. Johns County, Florida Ordinance 87-58, as previously amended, (the Park Impact Fee ordinance) is hereby amended by adding the following subsection 6 to Section 13(A) thereof: (Section 13A provides exemptions.)

5. The temporary installation of a residential mobile home or the construction of a temporary residential unit on a lot or parcel under such circumstances that the County is assured that the mobile home or residential unit will be permanently removed within two years of the date of the issuance of the County permit for mobile home installation for such mobile home or within two years of the issuance of the County building permit for such residential unit. This



exemption shall not apply to mobile home parks or other sites or uses wherein it is contemplated or likely that a different mobile home or residential unit will replace the temporary mobile home or the temporary residential unit after it is removed.

Section 2. Effective Date: This ordinance shall take effect 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 AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida this 27 day of June, 1995.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl Bud Markel  
Clerk

Effective Date: July 12, 1995

COPY OF ADVERTISEMENT

# 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

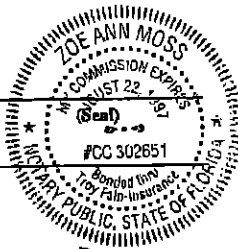
Before the undersigned authority personally appeared \_\_\_\_\_  
Barbara Dresslar who on oath says that she is  
Accounting Clerk of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement, being a \_\_\_\_\_  
Display Ad

In the matter of \_\_\_\_\_  
Amending Ordinances 87-57, 87-58, 87-59, 87-60  
in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of June 5, 1995

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 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 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 this 6th day of June, 1995,  
by Barbara Dresslar who is personally  
known to me or who has produced \_\_\_\_\_ personally known \_\_\_\_\_ as  
(Type of Identification)  
identification.

Zoe Ann Moss  
(Signature of Notary Public)  
Zoe Ann Moss  
(Print, Type or Stamp Commissioned Name of Notary Public)



Ordinance Book 15 Page 465

## COMMISSIONERS ON ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND

The St. Johns County Board of County Commissioners proposes to adopt or change regulation affecting the use of land for the unincorporated areas of St. Johns County, Florida, being the area of land shown on the map in this advertisement. Public hearings on the proposed ordinances will be held at regular meetings on Tuesday, June 13, and Tuesday, June 27, 1995 at 5:30 p.m. The hearings will be held in the St. Johns County Auditorium, County Administration Building, 4020 Lewis Speedway, (CR 16A and U.S. #1), St. Augustine, FL 32095. At the hearings the St. Johns County Board of County Commissioners will hear comments from the public and at the June 27th, 1995 meeting will consider and may take action on the following ordinances:

**ORDINANCE NO. 95**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-60 (THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF EDUCATIONAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF ROAD IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 85**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-58 (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PARK IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 85**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PUBLIC CAPITAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

The proposed ordinances are on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearings. Please take note that the ordinances are subject to revision prior to the hearings or adoption of the ordinances.

All parties having any interest in said ordinances will be afforded an opportunity to be heard at the public hearings.

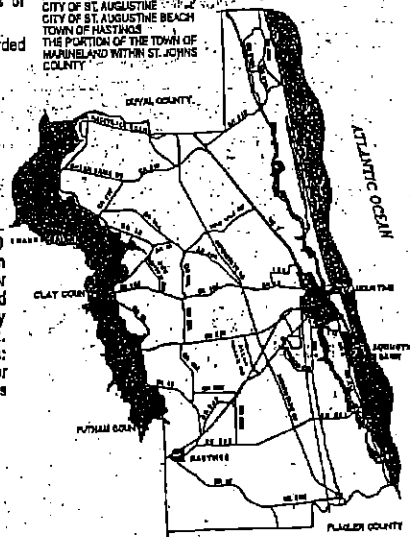
If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearings, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in these proceedings should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing Impaired Individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 3 days prior to the dates of these hearings.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK

By: *Patricia DeGrande*  
Patricia DeGrande, Deputy Clerk

St. Johns County  
EXCLUDING THE INCORPORATED  
MUNICIPALITIES OF:  
CITY OF ST. AUGUSTINE  
CITY OF ST. AUGUSTINE BEACH  
TOWN OF HASTINGS  
THE PORTION OF THE TOWN OF  
HARBORLAND WITHIN ST. JOHNS  
COUNTY



COPY OF ADVERTISEMENT

# 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 \_\_\_\_\_  
Barbara Dresslar \_\_\_\_\_ 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 \_\_\_\_\_  
Display Ad \_\_\_\_\_

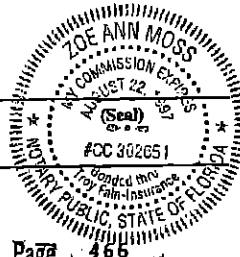
In the matter of Amending Ordinances 87-60, 87-57, 87-58, 87-59

in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of June 20, 1995

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 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  
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 this 20th day of June, 1995,  
by Barbara Dresslar who is personally  
known to me or who has produced personally known as  
(Type of Identification)  
identification.

Zoe Ann Moss  
(Signature of Notary Public)  
Zoe Ann Moss  
(Print, Type or Stamp Commissioned Name of Notary Public)



Ordinance Book 15 Page 466

ORDINANCE BOOK 36 PAGE 212

## COMMISSIONERS ON ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND

The St. Johns County Board of County Commissioners proposes to adopt or change regulation affecting the use of land for the unincorporated areas of St. Johns County, Florida, being the area of land shown on the map in this advertisement. Public hearings on the proposed ordinances will be held at regular meetings on Tuesday, June 13, and Tuesday, June 27, 1995 at 5:30 p.m. The hearings will be held in the St. Johns County Auditorium, County Administration Building, 4020 Lewis Speedway, (CR 16A and U.S. #1), St. Augustine, FL 32095. At the hearings the St. Johns County Board of County Commissioners will hear comments from the public and at the June 27th, 1995 meeting will consider and may take action on the following ordinances:

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-80 (THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF EDUCATIONAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF ROAD IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-58 (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PARK IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PUBLIC CAPITAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

The proposed ordinances are in file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearings. Please take note that the ordinances are subject to revision prior to the hearings or adoption of the ordinances.

All parties having any interest in said ordinances will be afforded an opportunity to be heard at the public hearings.

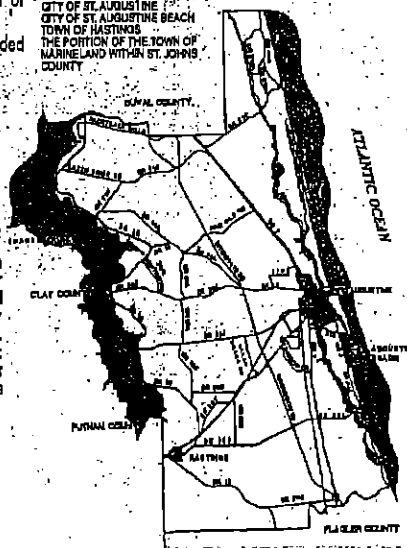
If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearings, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in these proceedings should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 3 days prior to the dates of these hearings.

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK**

By: *Patricia DeGrande*  
Patricia DeGrande, Deputy Clerk

**St. Johns County**  
EXCLUDING THE INCORPORATED  
MUNICIPALITIES OF:  
CITY OF ST. AUGUSTINE BEACH  
TOWN OF HASTINGS  
THE PORTION OF THE TOWN OF  
MARKEL WITHIN ST. JOHNS  
COUNTY



Ordinance Book 15 Page 466a

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-58, AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS ORDINANCE MAKES FINDINGS; MODIFIES THE DOLLAR AMOUNTS OF THE PARK IMPACT FEES; ALLOWS ADDITIONAL USES FOR THE COLLECTED FEES; PROVIDES FOR APPEALS; AND PROVIDES AN EFFECTIVE DATE.

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

Section 1. St. Johns County Ordinance No. 87-58, as previously amended, is hereby amended by adding the following Section 18 thereto:

Section 18. The Board of County Commissioners of St. Johns County finds, determines and declares that:

A. St. Johns County must continue to expand its park facilities 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 report entitled "Technical Memorandum on the Methods of Updating Impact Fees" dated February 9, 1998 and prepared for the Board of County Commissioners of St. Johns County by James C. Nicholas, Ph.D. sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional park sites and park facilities in St. Johns County.

C. The fees established by Section Seven of St. Johns County Ordinance No. 87-57 as hereby amended are derived from the above described Technical Memorandum and are based upon, and do not exceed, the costs of providing for the acquisition of park sites, the expansion and equipping of existing park facilities and the construction and equipping of new park facilities necessitated by new land developments for which the fees are levied.

Section 2. St. Johns County Ordinance No. 87-58, as previously amended, is hereby amended by deleting Section Seven therefrom and by adding and substituting the following therefor:

Ordinance Book 21 Page 784

Section 7. Computation of the Amount of Park Impact Fees.

(1) Commencing March 15, 1999, the amount of the park impact fee shall be determined by the following fee schedule. The fees contained in the schedule reflect a past payment credit of 9.53% from net cost.

<b>FEE SCHEDULE</b>				
Land Use Type (UNIT) Residential Units Per Structure	Total Cost	Available Revenue	Net Cost	Fee
One Unit	\$607.20	\$91.08	\$516.12	\$467
2, 3 Or 4 Units Each Unit	487.19	73.08	414.11	375
5 Or More Units Each Unit	487.19	73.08	414.11	375
Mobile Home Each Unit	617.00	92.55	524.45	474
Hotel/Motel Room Per Room	418.35	418.35	0	0
Other Residential Each Unit	607.20	91.08	516.12	467

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

(3) If the type of residential 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 of land use by the St. Johns County Comprehensive Plan, supporting documents of the St. Johns County Comprehensive Plan, 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 schedule then the County Administrator shall determine the appropriately discounted fee by considering the Technical Memorandum described in Section 18(B) and 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 residential 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.

(5) (a) Building Permits or Mobile Home Installation Permits issued prior to March 15, 1999 shall be subject to payment of Impact Fees in effect at the time of issuance of the permit.

(b) If a building permit or permit for mobile home installation expires without commencement of construction, then the fee-payer shall be subject to the fees in effect at the time of renewal of the Building Permit or the Mobile Home Installation Permit.

(c) Applications for Building Permit or Permit for Mobile Home Installation

(1) Applications for Building Permit or Permit for Mobile Home Installation submitted in a completed application form with all necessary attachments, forms, plans as provided on the Clearance Sheet and "Detailed Requirements" information sheet prior to March 15, 1999 shall be subject to the Impact Fees in effect prior to March 15, 1999.

(2) Applications for Building Permit or Permit for Mobile Home Installation must have been accepted by the Building Department and Logged in prior to March 15, 1999. Evidence that the applicant has filed for required permits from other agencies must be provided prior to logging in the permit application.

(3) If the applicant has experienced delays in Health Department or other agencies permit review, then a receipt must be provided from that agency documenting that the applicant submitted the appropriate request to the agency prior to March 15, 1999.

(4) The applicant must pick-up the Building Permit or Mobile Home Installation Permit within 30 days of the date stamped (Logged) on the application by the Building Permit. Failure to pick up the permit within the 30 days will require



payment of fees in effect at the time the permit is picked up.

Section 3. St. Johns County Ordinance No. 87-58, as previously amended, is hereby amended by adding the following subparagraph H to Section Eleven thereof (Use of Funds):

H. Funds may be used to pay court costs, legal fees, and associated expenses, including judgements, if any, incurred in the administration, enforcement and defense of the park facilities impact fee program.

Section 4. St. Johns County Ordinance No. 87-58, as previously amended, is hereby amended by deleting subsection A from Section Eleven (Use of Funds) thereof and by adding and substituting the following subsection A in its stead:

A. Funds collected from park impact fees shall be used solely for the purpose of acquiring and/or making capital improvements to parks under the jurisdiction of St. Johns County, a municipality within St. Johns County which has not opted out from the provisions of this ordinance, or the State of Florida, and shall not be used for maintenance or operations. Such funds may also be used to acquire County easements and/or licenses (whether exclusive or non exclusive) of 20 or more years duration and to make park and recreation capital improvements thereon when the County has, in its discretion, acquired sufficient exclusive and/or non exclusive rights to use or direct the use of such improvements for public uses and purposes.

Section 5. St. Johns County Ordinance No. 87-58, as previously amended, is hereby amended by adding the following Section 19 thereto:

Section 19. Appeals.

A. Any decision made by the County Administrator in the course of administering the provisions of this ordinance may be appealed to the Board of County Commissioners by filing a petition of appeal with the County Administrator within thirty(30) calendar days of the date of the rendition of the decision.

B. The Board of County Commissioners shall review the petition at a public meeting within thirty (30) calendar days from the date of appeal of said decision. The petitioner shall be provided reasonable notice of the time, date, and place of the public meeting by certified mail, return receipt requested,

and invited to attend. Testimony at the public meeting shall be limited to ten (10) minutes per side, unless an extension of time is granted by the Board. The Board's decision shall be final for the purpose of administrative appeals.

The Board of County Commissioners shall revoke the decision of the County Administrator only if there is competent, substantial evidence in the record that the decision fails to comply with this Ordinance.

Section 6. This Ordinance shall take effect upon its being filed with the Secretary of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 8 day of December, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone  
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland  
Deputy Clerk

Effective Date: December 14, 1998

5

Ordinance Book 21 Page 788

# 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 \_\_\_\_\_

LINDA Y MURRAY 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 PUBLIC HEARING

In the matter of ST JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

In the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of OCTOBER 16, 1998

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 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 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 this 28th day of OCTOBER, 19 98,  
by Linda Y Murray who is personally  
known to me or who has produced \_\_\_\_\_ as  
PERSONALLY KNOWN as  
(Type of Identification)  
Identification.

Zoe Ann Moss  
(Signature of Notary Public)

ZOE ANN MOSS

(Print, Type or Stamp Commissioned Name of Notary Public)



Zoe Ann Moss  
MY COMMISSION # CDB41814 EXPIRES  
August 22, 2001  
BONDED THRU TROY FAH INSURANCE, BFL

(Seal)

Ordinance Book 21 Page 789

AP21107

ORDINANCE BOOK 36 PAGE 219

HEARINGS BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, October 27, 1998, at 1:30 p.m. in the County Administration Center, 1400 U.S. Highway 1, North, St. Augustine, Florida, will hold public hearings to consider adoption of the following Ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING THE COUNTY'S EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE (ORDINANCE NO. 17-80) AS PREVIOUSLY AMENDED THIS ORDINANCE MAKES FINDINGS CONCERNING THE DOLLAR AMOUNTS OF THE EDUCATIONAL FACILITIES IMPACT FEES CONFRONT THAT EDUCATIONAL FACILITIES IMPACT FEES MUST BE PAID AND COLLECTED FOR RESIDENTIAL DEVELOPMENT WITHIN MUNICIPALITIES SPECIFICALLY AUTHORIZED ENFORCEMENT PROCEEDINGS; PROVIDES FOR APPEALS; AND PROVIDES AN EFFECTIVE DATE.

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING THE COUNTY'S PARK IMPACT FEE ORDINANCE (ORDINANCE NO. 17-81) AS PREVIOUSLY AMENDED THIS ORDINANCE MAKES FINDINGS CONCERNING THE DOLLAR AMOUNTS OF THE PARK IMPACT FEES; PROVIDES FOR APPEALS; AND PROVIDES AN EFFECTIVE DATE.

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING THE COUNTY'S ROAD IMPACT FEE ORDINANCE (ORDINANCE NO. 17-82) AS PREVIOUSLY AMENDED THIS ORDINANCE MAKES FINDINGS CONCERNING THE DOLLAR AMOUNTS OF THE ROAD IMPACT FEES; PROVIDES FOR APPEALS; AND PROVIDES AN EFFECTIVE DATE.

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING THE COUNTY'S CAPITAL IMPROVEMENTS IMPACT FEE ORDINANCE (ORDINANCE NO. 17-83) AS PREVIOUSLY AMENDED THIS ORDINANCE MAKES FINDINGS CONCERNING THE DOLLAR AMOUNTS OF THE CAPITAL IMPROVEMENTS IMPACT FEES; PROVIDES FOR APPEALS; AND PROVIDES AN EFFECTIVE DATE.

The proposed Ordinance and its file in the office of the Clerk of the Board of County Commissioners of the St. Johns County Administration Center, 1400 U.S. Highway 1, North, St. Augustine, Florida and may be examined by parties interested in the public hearings. Interested parties may appear at the public hearings and be

heard with respect to the proposed ordinance. If a person desires to appeal any decision made by the Board of County Commissioners, he or she must be heard at the public hearing. He/she will need a record of the proceedings. He/she must also be present. He/she must need to know that a hearing record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**NOTICE TO PERSONS NEED-  
ING SPECIAL ACCOMMODA-  
TIONS AND TO ALL HEARINGS  
IMPAIRD PERSONS**

Persons with the Americans with Disabilities Act (ADA) hearing or special accommodations or an interpreter participate in the proceedings should contact ADA Services at (204) 820-2501 or at the County Administration Building, 2024 Lewis Spiveyway, St. Augustine, FL 32084. For hearing impaired, 800-877-7329. Telecommunications Device for the Deaf (TDD), 800-877-7329 or Florida Relay Services, 800-877-7329. Hearing hours are 9:00 a.m. to 5:00 p.m., Monday through Friday.

**BOARD OF COUNTY  
COMMISSIONERS  
OF ST. JOHN'S COUNTY  
FLORIDA**

**PHYLLIS STRICKLAND  
COUNTY CLERK**

Phyllis Strickland  
County Clerk  
11/28/98

Ordinance Book 21 Page 790

ORDINANCE BOOK 30 PAGE 220

# 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 \_\_\_\_\_

LINDA Y. MURRAY 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 PUBLIC HEARING

in the matter of \_\_\_\_\_

ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

in the \_\_\_\_\_ Court, was published in said newspaper in the

issues of NOVEMBER 16, 1998

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 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 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 this 20th day of NOVEMBER 19 98,

by Zoe Ann Moss who is personally  
known to me or who has produced PERSONALLY KNOWN as  
(Type of Identification)

Identification.



Zoe Ann Moss  
MY COMMISSION # CCB41814 EXPIRES  
AUGUST 22, 2001  
BONDED THRU TROY I&N INSURANCE, INC.

(Signature of Notary Public)

(Seal)

ZOE ANN MOSS  
(Print, Type or Stamp Commissioned Name of Notary Public)

Ordinance Book 21 Page 791

AP21874

HEARINGS BY THE  
ST. JOHNS COUNTY  
BOARD OF COUNTY  
COMMISSIONERS  
NOTICE IS HEREBY GIVEN  
THAT THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS  
COUNTY, FLORIDA, AT A REGULAR  
MEETING ON THURSDAY, DECEMBER  
16, 1998, AT 10:30 AM IN THE  
COUNTY ADMINISTRATION CENTER,  
4000 LAKE SPANGLER  
COUNTY ROAD 16A AND U.S. 1  
NORTH, ST. AUGUSTINE, FLORIDA,  
WILL HOLD PUBLIC HEARINGS TO  
CONSIDER ADOPTION OF THE  
FOLLOWING ORDINANCE:  
AN ORDINANCE OF ST.  
JOHNS COUNTY, FLORIDA,  
AMENDING THE COUNTY'S  
EDUCATIONAL FACILITIES  
IMPACT FEE ORDINANCE  
ORDINANCE NO. 17-98 AS  
PREVIOUSLY AMENDED. THIS  
ORDINANCE MAKES FINDINGS,  
MODIFIES THE DOLLAR  
AMOUNTS OF THE EDUCATIONAL  
FACILITIES IMPACT  
FEE; CONFIRMS THAT  
EDUCATIONAL FACILITIES  
IMPACT FEES MUST BE PAID  
AND COLLECTED FOR  
IDENTIFICATION DEVELOPMENT  
WITHIN MUNICIPALITIES;  
SPECIFICALLY AUTHORIZES  
IMPROVEMENT, PROCEEDS  
AND ALLOWS ADDITIONAL  
USE FOR THE COLLECTED  
FEES; PROVIDES FOR  
APPEALS; AND PROVIDES AN  
EFFECTIVE DATE.  
AN ORDINANCE OF ST.  
JOHNS COUNTY, FLORIDA,  
AMENDING ST. JOHNS  
COUNTY ORDINANCE NO.  
17-98 AS PREVIOUSLY  
AMENDED (THE ST. JOHNS  
COUNTY PARK IMPACT FEE  
ORDINANCE). THIS ORDINANCE  
MAKES FINDINGS AND  
MODIFIES THE DOLLAR  
AMOUNTS OF THE PARK  
IMPACT FEE; ALLOWS ADDITIONAL  
USE FOR THE COLLECTED  
FEES; PROVIDES FOR  
APPEALS; AND PROVIDES  
AN EFFECTIVE DATE.  
AN ORDINANCE OF ST.  
JOHNS COUNTY, FLORIDA,  
AMENDING ST. JOHNS  
COUNTY ORDINANCE NO.  
17-98 AS PREVIOUSLY  
AMENDED (THE ST. JOHNS  
COUNTY ROAD IMPACT FEE  
ORDINANCE). THIS ORDINANCE  
MAKES FINDINGS AND  
MODIFIES THE DOLLAR  
AMOUNTS OF THE ROAD  
IMPACT FEE; MODIFIES THE  
DEFINITION OF CAPITAL  
IMPROVEMENT; ALLOWS  
ADDITIONAL USES FOR THE  
COLLECTED FEES; PROVIDES  
FOR APPEALS; AND PROVIDES  
AN EFFECTIVE DATE.  
The proposed ordinance file  
is in the office of the Clerk  
of the Board of County  
Commissioners at the St.  
Johns County Administration  
Center, 4000 Lake Spangler

any City and County in  
Augusta, Florida and may be  
approved by person or persons  
interested in the public hearing  
and be heard with respect to  
the proposed ordinance.  
It is the intent of the Board  
of County Commissioners to approve  
any decision made by the  
Board of County Commissioners  
with respect to any matter  
concerning the public hearing  
process and any record  
of the proceedings and for  
such purposes hereinafter  
mentioned that a person  
interested in the proceedings in  
advance shall record his or her  
objections and requests  
before the public hearing is  
held.  
**NOTICE TO PERSONS NEED-  
ING SPECIAL ACCOMMODA-  
TIONS AND TO ALL HEARING  
IMPAIRED PERSONS:** In ac-  
cordance with the Americans  
with Disabilities Act, persons  
needing a special accommoda-  
tion for interpretation of per-  
sonnel information proceedings  
should contact ADA Coordina-  
tor at (904) 825-2501 or at the  
County Auditor's Office,  
Attn: ADA, 400 Lewis Boulevard,  
St. Augustine, FL 32086. For  
hearing impaired individuals,  
Telecommunication Device for  
the Deaf (TDD) is (904) 825-2501.  
Florida Relay Service is 800-  
955-8770. No later than 5 days  
prior to the date of the hear-  
ing.  
**BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
FLORIDA COUNTY,  
FLORIDA**  
I, \_\_\_\_\_, CLERK  
of said County, do hereby  
certify that the foregoing is  
a true and correct copy of  
the original on file in my  
office.  
WITNESSED my hand and  
the seal of said County  
this \_\_\_\_\_ day of \_\_\_\_\_,  
1996.

ST. JOHNS COUNTY ORDINANCE 87-59

PUBLIC CAPITAL FACILITIES 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 PUBLIC CAPITAL 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 AND TIME OF PAYMENT OF A PUBLIC CAPITAL FACILITIES IMPACT FEE; PROVIDING FOR REVIEW OF PUBLIC CAPITAL FACILITIES IMPACT FEES AND THE FEE SCHEDULES; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM PUBLIC CAPITAL FACILITIES IMPACT FEES INTO PUBLIC CAPITAL FACILITIES 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 PUBLIC CAPITAL FACILITIES IMPACT FEES; PROVIDING THAT PUBLIC CAPITAL FACILITIES 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; REPEALING EXISTING FIRE IMPACT FEE ORDINANCE; 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 public capital facilities in order to maintain current standards if new development is to be accommodated without decreasing current standards. 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 public 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 create a need for the construction, equipping, or expansion of public capital facilities.

E. The fees established by Section Seven are derived from, are based upon, and do not exceed the costs of providing additional public capital facilities 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 public capital facilities 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 Public Capital Facilities 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 public capital facilities 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.

Section Five: Definitions

A. A "feepayer" is a person applying for the issuance of a building permit or permit for mobile home installation.

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

E. "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 Public Capital Facilities 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 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. 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. 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 public capital facilities 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 public capital facilities 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 Public Capital Facilities Impact Fee

A. At the option of the fee payer, the amount of the public capital facilities impact fee may be determined by the following fee schedules. 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.

FEE SCHEDULE I

LAND USE TYPE (UNIT)	PUBLIC				TOTAL
	BUILDING	POLICE	FIRE	EMS	
RESIDENTIAL UNITS PER STRUCTURE:					
ONE UNIT	38	11	43	45	\$137
2, 3 OR 4 UNITS EACH UNIT	30	9	35	36	\$110
5 OR MORE UNITS EACH UNIT	42	13	48	49	\$152
MOBILE HOME EACH UNIT	36	11	42	43	\$132
HOTEL/MOTEL ROOM PER ROOM	24	7	27	28	\$86
OTHER RESIDENTIAL EACH UNIT	38	11	43	45	\$137
INDUSTRIAL AND WAREHOUSE PER 1,000 SQ FT:					
INDUSTRIAL BUILDINGS *	18	5	20	21	\$64
WAREHOUSE BUILDINGS *	14	4	16	16	\$50
STORAGE BUILDINGS *	8	2	9	10	\$29
OFFICE AND FINANCIAL PER 1,000 SQ FT:					
FINANCIAL OFFICES *	80	24	91	94	\$289
GENERAL OFFICES *	37	11	42	44	\$134
RETAIL PER 1,000 SQ FT *	72	22	82	85	\$261

\* Indicates square feet of gross building area

(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)	PUBLIC				TOTAL
	BUILDING	POLICE	FIRE	EMS	
RESIDENTIAL UNITS PER STRUCTURE:					
ONE UNIT	57	17	65	67	\$206
2, 3 OR 4 UNITS EACH UNIT	46	14	53	54	\$167
5 OR MORE UNITS EACH UNIT	62	19	72	74	\$227
MOBILE HOME EACH UNIT	54	16	62	64	\$196
HOTEL/MOTEL ROOM PER ROOM	36	11	41	42	\$130
OTHER RESIDENTIAL EACH UNIT	57	17	65	67	\$206
INDUSTRIAL AND WAREHOUSE PER 1,000 SQ FT:					
INDUSTRIAL BUILDINGS *	26	8	30	31	\$95
WAREHOUSE BUILDINGS *	21	6	23	24	\$74
STORAGE BUILDINGS *	12	4	14	14	\$44
OFFICE AND FINANCIAL PER 1,000 SQ FT:					
FINANCIAL OFFICES *	120	36	137	141	\$434
GENERAL OFFICES *	56	17	64	66	\$203
RETAIL PER 1,000 SQ FT *	108	33	123	127	\$391

\* Indicates square feet of gross building area

(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)	PUBLIC				TOTAL
	BUILDING	POLICE	FIRE	EMS	
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

(4) 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.

(5) If the type of development activity that a building permit is applied for is not specified on the above fee schedules, the County Administrator shall use the fee applicable to the most nearly comparable type of land use on the above fee schedules. 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, 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.

(6) 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 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 may adjust the fee to that appropriate to the particular development.

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 or permit for mobile home installation.

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 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 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 purposes specified in this ordinance.

Section Nine: Public Capital Facilities Impact Fee Trust Funds Established

A. There are hereby established four (4) separate Public Capital Facilities Impact Fee Trust Funds: (1) the Public Buildings Impact Fee Trust Fund, (2) the Law Enforcement Impact Fee Trust Fund, (3) the Fire Protection Impact Fee Trust Fund and (4) the Emergency Medical Services Impact Fee Trust Fund.

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

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, or the State of Florida, and shall not be used for maintenance or operations.

B. Funds from the Public Buildings Impact Fee Trust Fund may only be used for public buildings purposes, funds from the Law Enforcement Impact Fee Trust Fund may only be used for law enforcement purposes, and funds from the Fire Protection and Emergency Medical Services Impact Fee Trust Funds may only be



used for fire protection and emergency medical services purposes respectively. Funds shall be expended in the order in which they are collected.

C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which public capital facilities 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 above.

D. At least once each fiscal period the County Administrator, after consultation with the municipalities, the Sheriff and any other affected constitutional officers, shall present to the Board of County Commissioners a proposed capital improvement program for public capital facilities, assigning funds, including any accrued interest, from the several Public Capital Facilities Impact Fee Trust Funds to specific public capital facilities improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same Public Capital Facilities Impact Fee Trust Funds until the next fiscal period except as provided by the refund provisions of this ordinance.

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

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

G. 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 Eleven: Refund of Fees Paid

A. If a building permit or permit for mobile home installation expires without commencement of construction, then the fee payer 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 fee payer 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 public capital facilities 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 Twelve: 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 and where the use is not changed.
2. The construction of accessory buildings or structures.
3. The replacement of a building or structure with a new building or structure of the same size and use.
4. The installation of a replacement mobile home on a lot or other such site when a public capital facilities 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. Public capital facilities land and/or public capital facilities capital improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offer must request or provide for a public capital facilities impact fee credit. 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 land 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 public capital facilities improvements, or (iii) by fair market value established by private appraisers acceptable to the County. Credit for the dedication of public capital facilities land 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 public capital facilities improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the County Administrator. The County Administrator shall determine credit for 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 public capital facilities impact fee component(s) to which the credit will apply, 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:
  - (i) 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;
  - (ii) a suitable maintenance and warranty bond is received and approved by the Clerk of Courts of St. Johns County, when applicable.
- d. Credit may be provided before completion of specified public capital facilities improvements if adequate assurances are given by the applicant that the standards set out in Sub-

paragraph (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. If the public capital facilities 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 per cent (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 public capital facilities 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 public capital facilities construction project and its scheduled completion date prior to the acceptance of the offer by the County Administrator.

2. 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.
3. Credits shall not be transferable from one project or development to another without the approval of the Board of County Commissioners.
4. Credits shall not be transferable from one component of the public capital facilities impact fee to another component of this fee.

5. 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 improvements or construction ordered by that municipality against fees due hereunder because of improvements constructed outside of the boundaries of the municipality.
6. In the event fee schedules are subsequently changed to reflect increases or decreases in construction costs or other relevant factors, then a fee-payer 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 Thirteen: Review

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

Section Fourteen: 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 Fifteen: 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 Sixteen: Repeal of Existing Fire Impact Fee Ordinance

Effective January 1, 1988, St. Johns County Ordinance No.

83-45 (the previously existing county fire impact fee ordinance)  
is repealed and terminated.

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. Lyden  
Its Chairman

Adopted special meeting 10/20/87

Effective: November 2, 1987

**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 \_\_\_\_\_  
Public Capital Facilities  
 \_\_\_\_\_ 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]  
 Notary Public

Notary Public, State of Florida  
 My Commission Expires Aug. 4, 1989  
 Bonded Three Year Term - Insurance, Inc.

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

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS SPECIAL MEETING ON SEPTEMBER 22, 1987 AT 3:00 O'CLOCK P.M., IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, 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:

**PUBLIC CAPITAL FACILITIES 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 PUBLIC CAPITAL 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 PUBLIC CAPITAL FACILITIES IMPACT FEE AS A PREREQUISITE FOR ISSUANCE OF A BUILDING PERMIT OR PERMIT FOR MOBILE HOME INSTALLATION; PROVIDING FOR REVIEW OF PUBLIC CAPITAL FACILITIES IMPACT FEES AND THE FEE SCHEDULE; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM PUBLIC CAPITAL FACILITIES IMPACT FEES INTO PUBLIC CAPITAL FACILITIES 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 PUBLIC CAPITAL FACILITIES IMPACT FEES; PROVIDING THAT PUBLIC CAPITAL FACILITIES 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; REPEALING EXISTING FIRE IMPACT FEE ORDINANCE; 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 in or affected by the Ordinance. All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.

If a person desires 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 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 [Signature] Market  
 Chairman  
 Cheryl Kent  
 Deputy Clerk  
 L112 Sept. 4, 1987



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.

ORDINANCE BOOK 10 PAGE 491

ORDINANCE BOOK 36 PAGE 241

**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.

ORDINANCE BOOK 10 PAGE 492

-2-

ORDINANCE BOOK 36 PAGE 242

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 fee payer, 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
<b>RESIDENTIAL UNITS PER STRUCTURE:</b>					
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
<b>INDUSTRIAL AND WAREHOUSE PER 1,000 SQ. FT.:</b>					
INDUSTRIAL BUILDINGS *	30	9	34	35	\$108
WAREHOUSE BUILDINGS *	23	7	26	27	\$83
STORAGE BUILDINGS *	14	4	16	16	\$50
<b>OFFICE AND FINANCIAL PER 1,000 SQ. FT.:</b>					
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 fee payer 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

ORDINANCE BOOK 10 PAGE 498

ORDINANCE BOOK 36 PAGE 248



# 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 \_\_\_\_\_

RE: 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 \_\_\_\_\_

this 5th day of SEPTEMBER

A.D. 19 90

*[Signature]*  
Notary Public  
8122193

\$35.25

NOTICE OF INTENT TO CONSIDER AN ORDINANCE... THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AT ITS REGULAR MEETING ON TUESDAY, SEPTEMBER 25, 1990 AT 11:00 O'CLOCK A.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, 222 LEWIS SPEEDWAY (COUNTY ROAD 104) AND 1125 NORTH ST. AUGUSTINE, FLORIDA WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE: ST. JOHNS COUNTY ORDINANCE 87-59 PUBLIC CAPITAL FACILITIES IMPACT FEE 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 FEES SCHEDULES; ADDS NEW ITEMS TO BE CONSIDERED BY THE COUNTY ADMINISTRATION; AND REPEALS IN DETERMINING IMPACT FEES NOT COVERED BY THE FEE SCHEDULES; AMENDS PROVISIONS PERTAINING TO RECEIVING FEES PAID; ADDS A NEW EXEMPTION; PROVIDES FOR DEFERABILITY; 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 certain decision is desired, any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, shall be a record of the proceedings, and for such purpose, it may need to appear that a verbatim record of the proceedings is made, which record shall include the testimony and evidence upon which the record is based. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
Carl E. McDaniel  
Clerk  
By Corrie E. McDaniel  
Deputy Clerk  
LED Book 4-199

ST. JOHNS COUNTY ORDINANCE NO. 91 - 26

PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE

AN ORDINANCE AMENDING ORDINANCE 87-59, AS PREVIOUSLY AMENDED, REGARDING PUBLIC CAPITAL FACILITIES IMPACT FEES BY: CLARIFYING THE BOARD'S INTENT; ADDING LEGISLATIVE FINDINGS; MODIFYING A DEFINITION; ADDING A PROVISION REGARDING THE DISCOUNT; MODIFYING THE PROVISIONS REGARDING THE ASSESSMENT AND PAYMENT OF THE FEE; DELETING PROVISIONS REGARDING MUNICIPALITIES OPTING IN; MODIFYING THE PROVISIONS PERTAINING TO USE OF FUNDS, COMPUTATION OF THE AMOUNT OF THE FEE, AND EXEMPTIONS; ADDING PROVISIONS REGARDING AN EXPRESS FINDING OF BENEFIT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Supreme Court has expressly upheld the validity of impact fee ordinances for a variety of capital facilities; and

WHEREAS, the Florida Supreme Court identified certain defects in the St. Johns County educational facilities impact fee ordinance that could also be interpreted to exist in the public capital facilities impact fee ordinance; and

WHEREAS, it has always been the intention of the Board of County Commissioners of St. Johns County, Florida, that all funds collected pursuant to the terms of Ordinance 87-59, as previously and as hereafter amended, shall be expended for the provision of new and additional capacity needed to serve new growth and development and that all funds shall be expended for the benefit of the development for which the fee was paid; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida hereby determines that it is necessary and desirable to further clarify its prior intentions and to amend its

Ordinance #87-59, as previously amended;

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

SECTION ONE. St. Johns County Ordinance #87-59, as previously amended, is hereby further amended by deleting Section One therefrom and by adding and substituting the following therefor:

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 public capital facilities in order to maintain current standards if new development is to be accommodated without decreasing current standards. 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 Sec. 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 public capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare;

D. The Florida Supreme Court has expressly upheld the validity of impact fee ordinances for a variety of capital facilities;

E. Each of the types of land development described in Section Seven hereof, will create a need for the construction, equipping, or expansion of public capital facilities;

F. The fees established by Section Seven are derived from, are based upon, and do not exceed the costs of providing additional public capital facilities necessitated by the new land developments for which the fees are levied; and

G. 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.

**SECTION TWO.** St. Johns County Ordinance #87-59, as previously amended, is hereby further 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, Sec. 1(f) of the Constitution of the State of Florida.

**SECTION THREE.** St. Johns County Ordinance #87-59, as previously amended, is hereby further amended by deleting Subsection A from Section Five thereof and by adding and

substituting the following therefor:

A. A "feepayer" is a person or his or her successor in interest, commencing a land development activity which may reasonably be expected to impact the County's public capital facilities and which requires the issuance of a building permit or permit for mobile home installation, who pays an impact fee.

SECTION FOUR. St. Johns County Ordinance #87-59, as previously amended, is hereby further amended by deleting Subsection A, Subsection A(3) and Subsection B from Section Seven thereof 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 ensure that no feepayer is charged more than his or her fair share of the cost of public capital facilities needed to serve the new development and to encourage use of this schedule in order to avoid the expenditure of administrative time on the processing of independent fee calculation studies.

(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 of land use by the St. Johns County Comprehensive Plan, supporting documents of the St. Johns County Comprehensive Plan, the St. Johns County, Florida, Impact Fee Methodology Report, 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 schedule, then the County Administrator shall determine the fee by considering demographic or other documentation which is available from the St. Johns County Planning Department, the Northeast Florida Regional Planning Council, the Florida Department of Community Affairs, or the Bureau of Economic and Business Research of the University of Florida.

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 Report 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 fee calculation study is not presented, the feepayer shall pay public capital facilities impact fees based upon the schedule 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 FIVE. St. Johns County Ordinance #87-59, as previously amended, is hereby further amended by deleting Section Eight therefrom and by substituting the following therefor:

Section Eight: Assessment and Payment of Fee

A. 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. No such permits shall be requested, issued or approved until the applicable fee is paid.

B. The person applying for the issuance of a building permit other than for 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 requested, issued or approved until the applicable fee is paid.

C. All funds collected shall be properly identified 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.

D. No other building permit, certificate of occupancy or Electrical Energizing shall be requested, issued or approved until such applicable impact fee has been paid.



**SECTION SIX.** St. Johns County Ordinance #87-59, as previously amended, is hereby further amended by deleting Subsections (A) and (E) from Section Ten thereof and by substituting the following therefor and by adding the following Subsection Ten (H) thereto:

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, or the State of Florida, to provide new and additional capacity needed to serve new growth and development and shall not be used for maintenance or operations.

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

H. The Board of County Commissioners shall appropriate impact fee funds only for capital expenditures for the provision of new and additional capacity needed to serve the use for which the fee was paid.

**SECTION SEVEN.** St. Johns County Ordinance #87-59, as previously amended, is hereby further amended by adding a new Subsection A(6) and by deleting Subsections B(1)(c)(i) and B(5)

therefrom and by adding and substituting a new Subsection B(c)(i) to Section Twelve thereto as follows:

Section Twelve: Exemptions and Credits

- A. 6. Any other land use that is not capable of creating public capital facilities demand during its useful lifetime as a matter of either law or fact.
- B. 1.c.(i) the construction is completed and accepted by the County, a municipality within the County, or the State, whichever is applicable;

SECTION EIGHT. St. Johns County Ordinance #87-59, as previously amended, is hereby further amended by deleting Section Fourteen therefrom and by adding and substituting the following therefor:

Section Fourteen: 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. Each day that a violation of this ordinance continues shall constitute a separate offense.

SECTION NINE. 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 TEN. This Ordinance shall take effect immediately upon receipt of official acknowledgement 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 11th day of June, 1991.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: *David J. Hines*  
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: *Carl "Bud" Markel*  
Its Clerk

Adopted June 11, 1991

Effective June 26, 1991

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 SHERRY L. RAUCH 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 Public Capital Facilities Inpart Fee in the Court, was published in said newspaper in the issues of May 22, 1991

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 Zoe Ann Johns this 22nd day of May A.D. 19 91

Notary Public signature and seal area with handwritten number 8122193

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, JUNE 11, 1991, AT 9:00 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. 91 - PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE AN ORDINANCE AMENDING ORDINANCE NO. 89 AS PREVIOUSLY AMENDED, REGARDING PUBLIC CAPITAL FACILITIES IMPACT FEES BY: CLARIFYING THE BOARD'S INTENT; ADDING LEGISLATIVE FINDINGS; MODIFYING A DEFINITION; ADDING A PROVISION REGARDING THE DISCOUNT; MODIFYING THE PROVISIONS REGARDING THE ASSESSMENT AND PAYMENT OF THE FEE; DELETING PROVISIONS REGARDING MUNICIPALITIES OPTING IN; MODIFYING THE PROVISIONS PERTAINING TO USE OF FUNDS; COMPUTATION OF THE AMOUNT OF THE FEE, AND EXEMPTIONS; ADDING PROVISIONS REGARDING AN EXPRESS FINDING OF BENEFIT; PROVIDING FOR SEVERABILITY; AND 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 desires 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 kept, which record will include 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 Amy B. Mullen, Deputy Clerk Last May 22, 1991



FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

Room 2002, DIVISION OF ELECTIONS

The Capitol, Tallahassee, Florida 32399-0250  
(904) 468-8427

June 24, 1991

Honorable Carl "Bud" Markel  
Clerk of Circuit Court  
St. Johns County Courthouse  
Post Office Drawer 300  
St. Augustine, Florida 32084

Attention: Yvonne Carter, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of June 17, 1991 and certified copies of St. Johns County Ordinance No's. 91-26 & 91-27, which were filed in this office on June 24, 1991.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

RECEIVED

'91 JUN 26 P3:42

*Cc.*  
CLERK

RECEIVED

ST. JOHN'S COUNTY

'91 JUN 26 P3:42

ORDINANCE BOOK 11 PAGE 115

ORDINANCE BOOK 36 PAGE 261

ORDINANCE NO. 92-23

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59, AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT MAKES FINDINGS, PROVIDES DEFINITIONS AND PROVIDES PROCEDURES WHEREBY UNDER CERTAIN CIRCUMSTANCES THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE MAY BE PAID OVER TIME FOR OWNER OCCUPIED SINGLE UNIT RESIDENCES THAT WILL BE OCCUPIED BY VERY LOW OR LOW UNADJUSTED GROSS INCOME RESIDENTS; AND IT PROVIDES AN EFFECTIVE DATE.

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

Section 1. St. Johns County, Florida Ordinance No. 87-59, as previously amended, (the Public Capital Facilities Impact Fee Ordinance) is hereby amended by adding the following ARTICLE I thereto:

ARTICLE I

Section A. Definitions. As used in this Article, unless the context otherwise indicates:

(1) "Adjusted For Family Size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility determined as provided in subsection (3) or subsection (5), based upon a formula as established by the United States Department of Housing and Urban Development.

(2) "Adjusted Gross Income" means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, Adjusted For Family Size.

(3) "Low-Income Residents" means one or more natural persons or a family that will occupy the subject residence or mobile home, the total annual household unadjusted gross income of which does not exceed 80 percent of the median annual Adjusted Gross Income for households within the state, or 80 percent of the median annual Adjusted Gross Income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within St. Johns County, whichever is greater.

(4) "Student" means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the Federal Income Tax Code and who is enrolled on at least a half-time basis in a secondary school, vocational-technical center, community college, college, or university.

(5) "Very Low-Income Residents" means one or more natural persons or a family, not including Students, that will occupy the subject residence or mobile home, the total annual household unadjusted gross income of which does not exceed 50 percent of the median annual Adjusted Gross Income for households within the state, or 50 percent of the median annual Adjusted Gross Income for households within the

metropolitan statistical area (MSA) or, if not within an MSA, within St. Johns County, whichever is greater.

Section B. Findings. The Board of County Commissioners of St. Johns County, Florida finds, determines and declares as follows:

(1) Decent, safe and sanitary housing for Very Low Income and Low Income Residents are a critical need in St. Johns County, Florida.

(2) New and rehabilitated housing must be provided at a cost affordable to such persons in order to alleviate this critical need.

(3) The private-sector housing construction industry primarily produces housing units for middle-income and upper-income households and often has limited experience in housing development which provides quality housing for Very Low-Income and Low-Income Residents.

(4) Among other things, the high cost of project financing tends to restrict the development of housing affordable to Very Low-Income and Low-Income Residents.

(5) For these reasons, private capital and existing state housing programs do not provide an adequate remedy to this situation.

(6) Special programs are needed to stimulate private enterprise to build and rehabilitate housing in order to help provide housing for Very Low-Income and Low-Income Residents as a matter of public purpose.

-3-

Ordinance Book 11 Page 492

ORDINANCE BOOK 36 PAGE 264



(7) The Florida Legislature through the enactment of Florida Statutes, Chapter 420 [The Florida Housing Act], Florida Statutes Chapter 159, Part IV [The Florida Housing Finance Authority Act], Florida Statutes, Section 187.201(5)(b)(3) [The State Comprehensive Plan], and Florida Statutes §163.3177(6)(f)(4) [The Local Government Comprehensive Planning and Land Development Regulation Act] has sought to encourage the provision of incentives for the construction of affordable housing and housing for Very Low-Income and Low-Income Residents; and

(8) The Housing Element of the St. Johns County Comprehensive Plan (1990-2005) encourages the County to consider ways to help encourage affordable housing.

(9) Florida Attorney General opinion 90-16 opines that the payment of impact fees in several payments with interest added does not violate the Florida Constitution.

(10) Florida Statute §125.01(1)(j) specifically authorizes the Board of County Commissioners to establish and administer housing programs and Florida Statute §420.604(1)(C)(1) and (3) encourage Counties to increase the supply of safe, affordable, and sanitary housing for Very Low-Income Residents and Low-Income Residents by reducing impact fees and offering low cost financing.

Section C. Payment Of Impact Fee Over Time.

When the Feepayer (as previously defined in the Public Capital Facilities Impact Fee Ordinance) of an owner occupied single unit residential improvement for which a building permit or a permit

for mobile home installation is applied for can demonstrate to the Board of County Commissioners of St. Johns County, Florida (the "Board") or its designee(s) that such residential improvement will be continuously occupied by only Very-Low Income Residents and/or Low-Income Residents for the next 12 consecutive months immediately following issuance of the certificate of occupancy or move on permit for such residential improvement whichever is applicable, then, at the option of the Feepayer, seventy percent (70%)(the deferred portion) of the Public Capital Facilities Impact Fee that is due may be paid over time for a period not to exceed 12 months. The undeferred portion (30%)(the "initial portion") of said impact fee shall be paid at the time and in the manner otherwise required by the Public Capital Facilities Impact Fee Ordinance for payment of the Public Capital Facilities Impact Fee. The deferred portion of such impact fee shall be paid and provided for at the same time as the initial portion but in the manner hereinafter provided. Interest shall be paid on the unpaid balance of the deferred portion of the impact fee at the rate of 5% per annum. Simultaneously with the payment of such initial portion of the impact fee, the owner of the land upon which the residential improvement or mobile home is located or will be located shall execute and deliver a promissory note and mortgage, and deliver a title opinion or policy, to the County in form and substance satisfactory to the Clerk of Courts of St. Johns County dated the date that the payment of the initial portion of the impact fee is due. The promissory note shall provide for payment of the

-5-

Ordinance Book 11 Page 494

amount of the deferred portion of the impact fee (the "principal") and the interest in equal consecutive monthly installments until paid in full with the first payment commencing one month from the date of the promissory note. The mortgage shall encumber the land upon which the residential improvement or mobile home is, or will be, located and shall secure payment of the promissory note. Unless secured by a letter of credit as hereinafter provided, the promissory note shall indicate that it is secured by a mortgage. Additionally, the promissory note and the mortgage shall each provide for (i) acceleration upon failure to make any payment when due, and (ii) payment of costs of collection, including reasonable attorneys fees. Additional provisions may be required by resolution(s) of the Board of County Commissioners of St. Johns County or by the Clerk of Court. The Feepayer shall pay for the documentary stamps on the promissory note and mortgage. The Clerk of Court shall promptly record the mortgage in the official public records of St. Johns County at the Feepayer's expense.

Upon all payments being made in full, the mortgage shall be satisfied of record by the Clerk. Should the mortgage not be paid on a timely basis, the County may foreclose such mortgage, together with the costs of such foreclosure, including attorney's fees, in the manner authorized by law. The note and mortgage may be prepaid at any time without penalty.

In lieu of securing the above-described promissory note with a mortgage on the subject property, the Feepayer may elect to secure the note with an irrevocable letter of credit. The issuer of the

letter of credit and the form and content of the letter of credit shall be approved by the Clerk of the Circuit Court. The letter of credit shall be held by the Clerk until the promissory note is paid in full. The letter of credit shall, at a minimum, provide that if the note payments are not paid on a timely basis as set forth in the promissory note, the County may demand payment under the letter of credit of the entire unpaid balance of the promissory note and all sums due thereunder after 15 days written notice to the maker of the promissory note of the County's intention to do so. The promissory note shall indicate that it is secured by a letter of credit. When the promissory note is paid in full, the letter of credit shall be returned by the Clerk to the maker of the promissory note.

Upon payment of the initial portion of the Public Capital Facilities Impact Fee and compliance with the other provisions of this section C, the Public Capital Facilities Impact Fee will be deemed paid for the purposes of section 6 of the St. Johns County Public Capital Facilities Impact Fee Ordinance. The preceding sentence shall not relieve the maker of the promissory note or the mortgagor or the issuer of the letter of credit from their duties and obligations under the promissory note, the mortgage and the letter of credit.

The terms, conditions and/or provisions of this paragraph C may be supplemented, modified, added to, deleted and/or changed by subsequent resolution(s) of the Board.

-7-

Ordinance Book 11 Page 496

ORDINANCE BOOK 36 PAGE 268

Section D. Non Applicability To Impact Fees Paid Prior To The Effective Date Of This Ordinance. No provision of this Article I shall apply to impact fees paid prior to the effective date of this ordinance.

Section E. Documentation. The Board of County Commissioners of St. Johns County, Florida may, by resolution(s) passed subsequent to the adoption of this ordinance, require or suggest documentation that must or may be provided by the Feepayer or his agent to justify the request for deferred payment of the Public Capital Facilities Impact Fee. Such resolution(s) may also provide or establish additional or alternate criteria that will qualify a Feepayer for deferred payment of such impact fee.

Section 2. Effective Date: 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 AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida this 14th day of July, 1992.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: J. L. B. [Signature]  
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: [Signature]  
Its Clerk

Eff. e date July 24, 1992

-8-

11 200 497

ORDINANCE BOOK 36 PAGE 269

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 \_\_\_\_\_

SHERRY L. RAUCH 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 \_\_\_\_\_

ORDINANCE NO. 87-59

\_\_\_\_\_ in the \_\_\_\_\_ Court,

was published in said newspaper in the issues of \_\_\_\_\_

June 22, 1992

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 Zoe Ann Johns *Sherry L. Rauch*

this 22nd day of June

A.D. 19 92

*Zoe Ann Johns*  
(SEAL) Notary Public  
8/22/93

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, July 14, 1992 at 11:00 a.m. in the County Administration Building, 4000 Lewis Speedway (County Road 16A) and U.S. 91 North, St. Augustine, Florida, will hold a public hearing to consider the passage of the following ordinance: ORDINANCE NO. 87-59 AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-38 AS PARTIALLY AMENDED, THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE. THIS AMENDMENT MAKES FINDINGS, PROVIDES DEFINITIONS AND PROVIDES PROCEDURES WHEREBY UNDER CERTAIN CIRCUMSTANCES THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE MAY BE PAID OVER TIME FOR OWNER OCCUPIED SINGLE UNIT RESIDENCES THAT WILL BE OCCUPIED BY VERY LOW OR LOW INCOME RESIDENTS AND IT PROVIDES AN EFFECTIVE DATE. The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, 4000 Lewis Speedway, Administration Building, St. Augustine, Florida, 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 desires 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 purpose he may need to secure that a verification 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  
Sherry L. Rauch, Notary Public  
By: \_\_\_\_\_  
County Clerk  
June 22, 1992



9/22/92 (Capital  
Facilities/Warehouse)

ORDINANCE NO. 92-41

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT MAKES FINDINGS AND PROVIDES THAT FROM THE EFFECTIVE DATE OF THIS ORDINANCE THROUGH AND INCLUDING JULY 31, 1995 THE PUBLIC CAPITAL FACILITIES IMPACT FEE ATTRIBUTABLE TO INDUSTRIAL AND/OR WAREHOUSE IMPROVEMENTS SHALL NOT BE CHARGED TO THE FEEPAYER BUT SHALL BE PAID BY ST. JOHNS COUNTY FROM AVAILABLE NON AD VALOREM FUNDS WITHIN THE COUNTY'S GENERAL FUND, AND IT PROVIDES AND EFFECTIVE DATE.

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

Section 1. St. Johns County, Florida Ordinance No. 87-59, as previously amended, (the Public Capital Facilities Impact Fee Ordinance) is hereby amended by adding the following ARTICLE II thereto:

ARTICLE II

Section A. Findings. The Board of County Commissioners of St. Johns County, Florida finds, determines and declares as follows:

- (1) There is an unacceptably high rate of unemployment in St. Johns County, Florida.
- (2) There is a critical shortage of jobs available to the unemployed residents of St. Johns County who are capable of working and who need and seek jobs.
- (3) By enactment of Chapter 290 Florida Statutes (Urban Redevelopment) the State of Florida has determined that a public



purpose may be served by providing property and other tax relief in enterprise zones established within the State.

(4) Impact fees are regulatory fees collected to assist in funding the expansion of governmental facilities necessitated by the demands placed upon such systems by new construction and development (Florida Attorney General Opinion 90-16) and the expenditure of such funds to expand such facilities constitutes a public and not a private purpose.

(5) A 1 year moratorium on the requirement that fee payers, as defined in the Public Capital Facilities Impact Fee Ordinance, pay Public Capital Facilities Impact Fees for Industrial and/or Warehouse development will encourage industrial and warehouse development that will create needed jobs for unemployed residents of St. Johns County.

(6) The creation of industrial and warehouse jobs within St. Johns County constitutes a valid public purpose.

(7) Florida Statute 125.01 (the Florida Home Rule Act) authorizes the County to perform all acts not inconsistent with law that are in the common interest of the people of the county and to exercise all powers and privileges not specifically prohibited by law.

(8) Special programs are needed to stimulate private enterprise to build and rehabilitate industrial and warehouse facilities in order to provide jobs for the unemployed residents of St. Johns County.

-2-

Ordinance Book 11 Page 609

(9) The implementation of the provisions of this Article II constitutes a public purpose and is authorized by law.

Section B. Moratorium On Requirement That Feepayers Pay A Public Capital Facilities Impact Fee For Industrial And/Or Warehouse Improvements.

From the effective date of this ordinance through and including July 31, 1995 the Public Capital Facilities Impact Fee imposed by St. Johns County ordinance 87-59, as amended, that is attributable to Industrial And Warehouse Improvements (including storage buildings) shall not be charged to the Feepayer as defined in said ordinance but shall instead be paid by St. Johns County from available non ad valorem funds within the County's general fund. Notwithstanding the previous sentence, if and when the effect of this provision reaches \$100,000 in Public Capital Facilities Impact Fees, this provision will automatically terminate.

Section C. Non Applicability To Impact Fees Paid Prior To The Effective Date Of This Ordinance.

No provision of this Article II shall apply to impact fees paid prior to the effective date of this ordinance.

Section 2. Effective Date: 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 AND ENACTED by the Board of County Commissioners of  
St. Johns County, State of Florida this 10th day of November,  
1992.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: J. D. Bishop  
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl Bud Markel  
Its Clerk

EFFECTIVE DATE: NOVEMBER 23, 1992

-4-

Ordinance Book 11 Page 611

The St. Augustine Record

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

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared Dawn L. Brown who on oath says that she is Credit Manager 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 Amending Ordinance No. 87-59 published in the Court, was published in said newspaper in the issues of October 15, 1992

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.

Dawn L. Brown

Sworn to and subscribed before me Zoe Ann Johns

this 15th day of October

A.D. 19 92

Zoe Ann Johns Notary Public 8/22/93

COPY OF ADVERTISEMENT

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, NOVEMBER 16, 1992 AT 9:00 A.M. IN THE COUNTY AUDITORIUM AT THE 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:

ORDINANCE NO. 87- AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT MAKES FINDINGS AND PROVIDES THAT FROM THE EFFECTIVE DATE OF THIS ORDINANCE THROUGH AND INCLUDING JULY 31, 1993 THE PUBLIC CAPITAL FACILITIES IMPACT FEE ATTRIBUTABLE TO INDUSTRIAL AND/OR WAREHOUSE IMPROVEMENTS SHALL NOT BE CHARGED TO THE PEEPAVER BUT SHALL BE PAID BY ST. JOHNS COUNTY FROM AVAILABLE NON AD VALOREM FUNDS WITHIN THE COUNTY'S GENERAL FUND AND IT 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 desires to appeal any decision made with respect to any matter considered at the meeting or hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Notice to all hearing interested persons: Anyone desiring to attend this meeting and needs the services of an interpreter, please contact David Halstead, ADA Coordinator, at (904) 822-2061 at least 5 days prior to the date of this hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CARL BUD MARKEL, ITS CLERK By Patrick DeGrande, Deputy Clerk, 1/18 Oct. 15, 1992

ORDINANCE NO. 94-44

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT CHANGES THE AMOUNTS OF THE PUBLIC CAPITAL FACILITIES IMPACT FEES ATTRIBUTABLE TO RESIDENTIAL UNITS, AND PROVIDES AN EFFECTIVE DATE.

WHEREAS, Ordinance 87-59 was adopted on October 20, 1987 for the purpose of establishing impact fees to fund a portion of the costs of expanding the County's public capital facilities that is necessitated by new development; and

WHEREAS, the fee schedule for public capital facilities impact fees needs to be adjusted to meet the increased public capital facilities demands caused by new residential development in St. Johns County; and

WHEREAS, adjustments in the public capital facilities impact fee schedule are needed to accommodate the demands on the County's public capital facilities created by new development.

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

Section 1. St. Johns County, Florida Ordinance 87-59, as previously amended, (the Public Capital Facilities Impact Fee Ordinance) is hereby amended by deleting subparagraph (3) from Paragraph A of Section Seven thereof and by adding the following subparagraph (3) in its stead:

(3) Beginning November 1, 1994, the following schedule shall apply to all applications for: a building permit; an extension of a building permit issued prior to November 1, 1994; a permit for mobile home installations; or an extension of a permit for mobile home installation issued prior to November 1, 1994:

**IMPACT FEE SCHEDULE**

<u>LAND USE TYPE (UNIT)</u>	<u>PUBLIC BUILDING</u>	<u>POLICE</u>	<u>FIRE</u>	<u>EMS</u>	<u>PUBLIC CAPITAL FACILITIES TOTAL IMPACT FEE</u>
<b>Residential Units per Structure:</b>					
One Unit	\$ 235	22	75	17	\$349
2, 3 or 4 Unit per Unit	190	17	60	14	\$281
5 or more Units per Unit	259	24	82	19	\$384
Mobile Homes per Unit	225	21	71	16	\$333
Hotel/Motel per Room	148	14	47	11	\$220
Other Residential per Unit	235	22	75	17	\$349
<b>Office and Financial (per 1,000 sq. ft of gross building area)</b>					
Financial Offices	136	41	155	160	\$492
General Offices	63	19	72	74	\$228
<b>Retail (per 1,000 sq. ft of gross building area)</b>					
	122	37	139	144	\$442

**Mixed Uses**

Respective Impact Fees to be determined on computation of individual project characteristics.

Industrial and Warehouse Impact Fees shall not be charged to the fee payer pursuant to Ordinance 92-40 until July 31, 1995 at which time the fees will be as follows:

Industrial and Warehouse  
(per 1,000 sq. ft  
of gross building area)

Industrial Buildings	30	9	34	35	\$108
Warehouse Buildings	23	7	26	27	\$ 83
Storage Buildings	14	4	16	16	\$ 50

Section 2. Effective Date: This Ordinance shall take effect upon receipt of official acknowledgement by the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida this 27 day of September, 1994.

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA

BY: Delany Roberts  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl Bud Markel  
Clerk

EFFECTIVE DATE: October 6, 1994

Ordinance Book 14 Page 265

ORDINANCE BOOK 36 PAGE 279

The St. Augustine Record

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

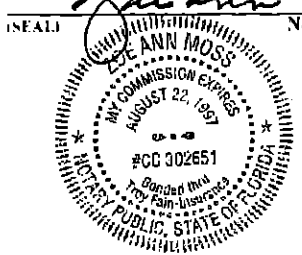
STATE OF FLORIDA. COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared Barbara Dresslar 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 Ordinance 87-59 in the matter of Court, was published in said newspaper in the issues of Sept. 9, 1994

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 this 9th day of Sept. A.D. 19 94

Zoe Ann Moss Notary Public



COPY OF ADVERTISEMENT

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 meeting of September 27, 1994 at 5:30 p.m. in the auditorium of the 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 passage of the following ordinance: ORDINANCE NO. 87-59 AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-39 (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT CHANGES THE AMOUNTS OF THE PUBLIC CAPITAL FACILITIES IMPACT FEES ATTRIBUTABLE TO RESIDENTIAL UNITS, AND PROVIDES AN EFFECTIVE DATE. The proposed ordinance is on file in the office of the Clerk of Circuit Court, St. Johns County, Florida, 81 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 desires to appeal any decision made with respect to any matter considered at the hearing, he/she will need a record of the proceedings, and for such purposes he/she 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. NOTICE OF PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact ADA Coordinator, at (904) 873-2805 or at the County Administration Building, 400 Lewis Speedway, St. Augustine, Florida 32093. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): 873-2801 or Florida Relay Service: 1-800-933-8776, no later than seven (7) days prior to the date of this meeting. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CARL "BUD" MARKEL, ITS CLERK By Yvonne Carter Deputy Clerk L013 Sept. 9, 1994





Draft #2

ORDINANCE NO. 94-63

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY PUBLIC CAPITAL IMPROVEMENTS IMPACT FEE ORDINANCE). THIS AMENDMENT DELAYS FOR AT LEAST 6 MONTHS THE INCREASE IN THE PUBLIC CAPITAL IMPROVEMENTS IMPACT FEES CAUSED BY ORDINANCE 94-44 THAT ARE LEVIED ON IMPROVEMENTS LOCATED ON LANDS AFFECTED BY UNITED STATES H.R. 4598; AND IT PROVIDES AN EFFECTIVE DATE.

WHEREAS, Ordinance 87-59 was adopted on October 20, 1987 for the purpose of establishing impact fees to fund a portion of the costs of expanding the County's public capital improvements system that is necessitated by new development; and

WHEREAS, the public capital improvements impact fees were increased by ordinance 94-44 to meet the increased public capital improvements demands caused by new residential development in St. Johns County; and

WHEREAS, the United States Coastal Barrier Resources Act has made it extremely difficult to place improvements on certain lands in St. Johns County and has caused the owners of certain of those lands to delay construction on or improvements to such lands; and

WHEREAS, the 103rd Congress of the United States recently passed H.R. 4598, a copy of which is attached hereto, that will mitigate or reduce the difficulty of improving some of those lands .

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

Section 1. St. Johns County, Florida Ordinance 87-59, as previously amended, (the Public Capital Improvements Impact Fee Ordinance) is hereby amended by adding the following Article III thereto:

ARTICLE III

The increase in the public capital improvements impact fees caused by St. Johns County Ordinance 94-44 shall not be applied to lands and improvements in St. Johns County, Florida that are affected by United States H.R. 4598 until 6 months after the maps described in

H.R. 4598 that affect such land and improvement are corrected as required by H.R. 4598, or June 1, 1995, whichever comes first.

Section 2. Effective Date. This ordinance shall take effect upon receipt of official acknowledgement by the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida this 13th day of December, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Bonnie Ward  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl Bud Markel  
Clerk

EFFECTIVE DATE: DECEMBER 27, 1994



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide a substitute amendment.

IN THE SENATE OF THE UNITED STATES—103d Cong., 2d Sess.

**H.R. 4598**

To direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. GRAHAM

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 SECTION 1. CORRECTIONS TO MAPS.
- 4 (a) IN GENERAL.—The Secretary of the Interior
- 5 shall, not later than 30 days after the date of enactment
- 6 of this Act, make such corrections to the maps described
- 7 in subsection (b) as are necessary to ensure that—
- 8 (1) depictions of areas on the maps are consist-
- 9 ent with the depictions of areas appearing on the
- 10 maps entitled "Coastal Barrier Resources System",

1 dated September 27, 1994, and on file with the Sec-  
2 retary of the Interior; and

3 (2) the Coastal Barrier Resources System does  
4 not include any area that, on the day before the date  
5 of the enactment of this Act, was part of unit FL-  
6 05P of the System.

7 (b) MAPS DESCRIBED.—The maps described in this  
8 subsection are maps that—

9 (1) are included in a set of maps entitled  
10 "Coastal Barrier Resources System", dated October  
11 24, 1990; and

12 (2) relate to the following units of the Coastal  
13 Barrier Resources System: AL-01P, FL-05P,  
14 P11A, P17, P17A, P18P, P19P, FL-15, FL-95P,  
15 FL-36P, P31P, FL-72P, MI21, NY75, and  
16 VA62P.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
18 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510)  
19 is amended to read as follows:

20 "SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

21 "There are authorized to be appropriated to the Sec-  
22 retary for carrying out this Act \$2,000,000 for each of  
23 fiscal years 1995 through 1998."

COPY OF ADVERTISEMENT

# 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 \_\_\_\_\_

Barbara Dressler \_\_\_\_\_ 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 \_\_\_\_\_

Ordinance 87-59 \_\_\_\_\_

in the \_\_\_\_\_ Court, was published in said newspaper in the

issues of \_\_\_\_\_ Nov. 18, 1994 \_\_\_\_\_

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 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 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 this 18th day of Nov., 19 94 ,

by Barbara Dressler \_\_\_\_\_ who is personally

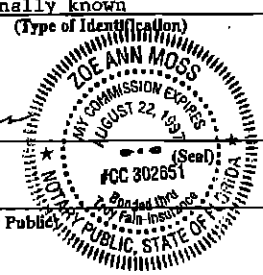
known to me or who has produced personally known \_\_\_\_\_ as

identification. \_\_\_\_\_  
(Type of Identification)

Zoe Ann Moss \_\_\_\_\_ (Signature of Notary Public)

Zoe Ann Moss \_\_\_\_\_

(Print, Type or Stamp Commissioned Name of Notary Public)



**NOTICE OF INTENT TO CONSIDER ADOPTION OF ORDINANCE**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, December 13, 1994, at 1:30 p.m. in the County Auditorium, of the County Administration Complex, 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:

**ORDINANCE NO. 84- AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY PUBLIC CAPITAL IMPROVEMENTS IMPACT FEE ORDINANCE). THIS AMENDMENT DELAYS FOR AT LEAST 6 MONTHS THE INCREASE IN THE PUBLIC CAPITAL IMPROVEMENTS IMPACT FEES CAUSED BY ORDINANCE 94-44 THAT ARE LEVIED ON IMPROVEMENTS LOCATED ON LANDS AFFECTED BY UNITED STATES H.R. 4998 AND IT 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 Complex, 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 with respect to any matter considered at the hearing, he/she will need a record of the proceedings, and for such purposes he/she 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.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact ADA Coordinator, at (904) 822-2981 or at the County Administration Building, 400 Lewis Speedway, St. Augustine, FL 32092. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): 823-1201 or Florida Relay Service: 1-800-955-8770, no later than 7 days prior to the date of this hearing.

**BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**

CARL "BUD" MARKEL  
ITS CLERK  
By Yvonne Carter,  
Deputy Clerk  
1449 Nov. 18, 1994

ORDINANCE NO. 95-26

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PUBLIC CAPITAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

WHEREAS, there are instances within the County wherein family or friends find it necessary to temporarily move a mobile home on their property or otherwise construct a temporary residence on their property to enable an elderly relative or friend or a temporarily disabled relative or friend to live near them so that they may provide care to such person during such persons' last days or temporary disability; and

WHEREAS, such temporary residence does not provide a long term impact on the County's public capital facilities system.

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

Section 1. St. Johns County, Florida Ordinance 87-59, as previously amended, (the Public Capital Facilities Impact Fee ordinance) is hereby amended by adding the following subsection 5 to Section 12(A) thereof: (Section 12A provides exemptions.)

5. The temporary installation of a residential mobile home or the construction of a temporary residential unit on a lot or parcel under such circumstances that the County is assured that the mobile home or residential unit will be permanently removed within two years of the date of the issuance of the County permit for mobile home installation for such mobile home or within two years of the issuance of

the County building permit for such residential unit. This exemption shall not apply to mobile home parks or other sites or uses wherein it is contemplated or likely that a different mobile home or residential unit will replace the temporary mobile home or the temporary residential unit after it is removed.

Section 2. Effective Date: This ordinance shall take effect 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 AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida this 27 day of June, 1995.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl "Bud" Markel  
Clerk

Effective Date: July 12, 1995



COPY OF ADVERTISEMENT

# 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

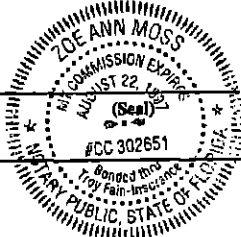
Before the undersigned authority personally appeared \_\_\_\_\_  
Barbara Dresslar who on oath says that she is  
Accounting Clerk of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement, being a \_\_\_\_\_  
Display Ad

In the matter of \_\_\_\_\_  
Amending Ordinances 87-57, 87-58, 87-59, 87-60  
in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of June 5, 1995

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 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 this 6th day of June, 1995,  
by Barbara Dresslar who is personally  
known to me or who has produced personally known as  
(Type of Identification)  
identification.

Zoe Ann Moss  
(Signature of Notary Public)  
Zoe Ann Moss  
(Print, Type or Stamp Commissioned Name of Notary Public)



Ordinance Book 15 Page 469

ORDINANCE BOOK 36 PAGE 289

## COMMISSIONERS ON ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND

The St. Johns County Board of County Commissioners proposes to adopt or change regulation affecting the use of land for the unincorporated areas of St. Johns County, Florida, being the area of land shown on the map in this advertisement. Public hearings on the proposed ordinances will be held at regular meetings on Tuesday, June 13, and Tuesday, June 27, 1995 at 5:30 p.m. The hearings will be held in the St. Johns County Auditorium, County Administration Building, 4020 Lewis Speedway, (CR 16A and U.S. #1), St. Augustine, FL 32095. At the hearings the St. Johns County Board of County Commissioners will hear comments from the public and at the June 27th, 1995 meeting will consider and may take action on the following ordinances:

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-60 (THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENTS EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF EDUCATIONAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF ROAD IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-58 (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS AMENDMENTS EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PARK IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PUBLIC CAPITAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

The proposed ordinances are on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearings. Please take note that the ordinances are subject to revision prior to the hearings or adoption of the ordinances.

All parties having any interest in said ordinances will be afforded an opportunity to be heard at the public hearings.

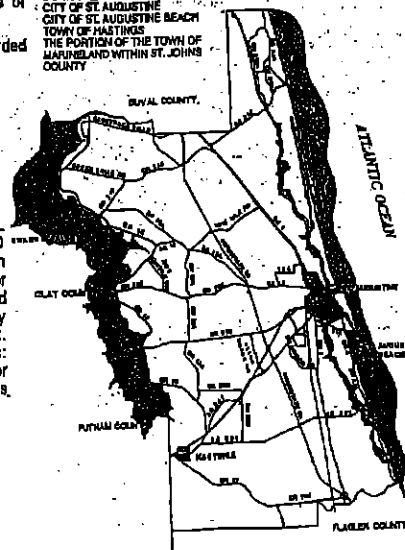
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**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in these proceedings should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 3 days prior to the dates of these hearings.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK

By: *Patricia DeGrande*  
Patricia DeGrande, Deputy Clerk

St. Johns County  
EXCLUDING THE INCORPORATED  
MUNICIPALITIES OF:  
CITY OF ST. AUGUSTINE  
CITY OF ST. AUGUSTINE BEACH  
TOWN OF HASTINGS  
THE PORTION OF THE TOWN OF  
MARINELAND WITHIN ST. JOHNS  
COUNTY



COPY OF ADVERTISEMENT

# 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 \_\_\_\_\_  
Barbara Dresslar \_\_\_\_\_ 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 \_\_\_\_\_  
Display Ad \_\_\_\_\_  
in the matter of Amending Ordinances 87-60, 87-57, 87-58, 87-59

in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of June 20, 1995

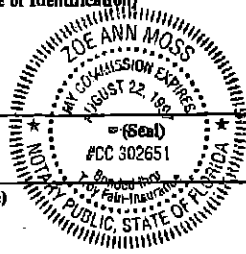
Affiant further says that the St. Augustine Record is a newspaper published  
at St. Augustine, in said St. Johns County, Florida, and that the said  
newspaper heretofore been continuously published in said St. Johns  
County, Florida, each day and has been entered as second class mail matter  
at the 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  
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 this 20th day of June, 1995,  
by Barbara Dresslar who is personally  
known to me or who has produced personally known as  
(Type of Identification)  
identification.

Zoe Ann Moss  
(Signature of Notary Public)

Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)



Ordinance Book 15 Page 470

ORDINANCE BOOK 36 PAGE 291

## ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND

The St. Johns County Board of County Commissioners proposes to adopt or change regulation affecting the use of land for the unincorporated areas of St. Johns County, Florida, being the area of land shown on the map in this advertisement. Public hearings on the proposed ordinances will be held at regular meetings on Tuesday, June 13, and Tuesday, June 27, 1995 at 5:30 p.m. The hearings will be held in the St. Johns County Auditorium, County Administration Building, 4020 Lewis Speedway, (CR 16A and U.S. #1), St. Augustine, FL 32095. At the hearings the St. Johns County Board of County Commissioners will hear comments from the public and at the June 27th, 1995 meeting will consider and may take action on the following ordinances:

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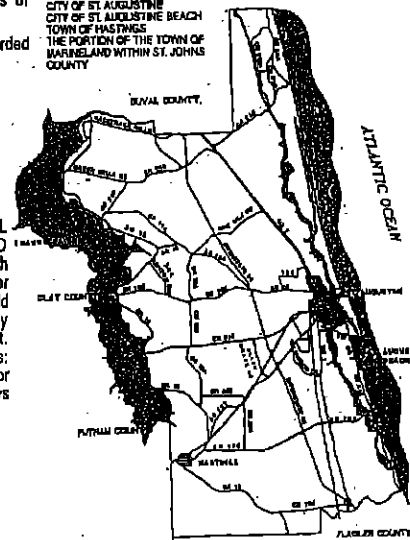
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**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK**

By: *Patricia DeGrande*  
Patricia DeGrande, Deputy Clerk

**St. Johns County**  
EXCLUDING THE INCORPORATED MUNICIPALITIES OF:  
CITY OF ST. AUGUSTINE  
CITY OF ST. AUGUSTINE BEACH  
TOWN OF HASTINGS  
THE PORTION OF THE TOWN OF HARBESLAND WITHIN ST. JOHNS COUNTY





AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-59, AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS ORDINANCE MAKES FINDINGS; MODIFIES THE DOLLAR AMOUNTS OF THE PUBLIC CAPITAL FACILITIES IMPACT FEES; ALLOWS ADDITIONAL USES FOR THE COLLECTED FEES; MODIFIES THE DEFINITION OF PUBLIC CAPITAL FACILITIES; PROVIDES FOR APPEALS; AND PROVIDES AN EFFECTIVE DATE.

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

Section 1. St. Johns County Ordinance No. 87-59, as previously amended, is hereby amended by adding the following Section 18 thereto:

Section 18. The Board of County Commissioners of St. Johns County finds, determines and declares that:

A. St. Johns County must continue to expand its public capital facilities 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 report entitled "Technical Memorandum on the Methods of Updating Impact Fees" dated February 9, 1998 and prepared for the Board of County Commissioners of St. Johns County by James C. Nicholas, Ph.D. 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 facility sites and public capital facilities in St. Johns County.

C. The fees established by Section Seven of St. Johns County Ordinance No. 87-59 as hereby amended are derived from the above described Technical Memorandum and are based upon, and do not exceed, the costs of providing for the acquisition of public capital facility sites, the expansion and equipping of existing public capital facilities, the construction and equipping of new public capital facilities and the training of new law enforcement officers necessitated by new land developments for which the fees are levied.

Ordinance Book 21 Page 772

D. There is an unacceptably low amount of commercial and industrial assessed value of real property in St. Johns County, Florida as compared to residential assessed values.

E. There is a shortage of jobs available to the unemployed residents in St. Johns County who are capable of working and who need and seek jobs.

F. The creation of industrial and commercial assessed taxable property within St. Johns County constitutes a valid County public purpose.

G. Section 125.01, Florida Statutes (the Florida Home Rule Act), authorizes the County to perform all acts not inconsistent with law that are in the common interest of the people of the County and to exercise all powers and privileges not specifically prohibited by law.

H. By enactment of Chapter 290, Florida Statutes (Urban Redevelopment), the State of Florida has determined that a public purpose may be served by providing property and other tax relief in certain areas within the state.

I. Special programs are needed to stimulate private enterprise to build and rehabilitate industrial and commercial facilities in order to provide an increased commercial and industrial tax base and jobs for unemployed residents of St. Johns County.

J. A 25% reduction of the public capital facilities impact fees that were determined for industrial and commercial development in the "Technical Memorandum in the Methods of Updating Impact Fees" dated February 9, 1998 will encourage industrial and commercial development that will create an increase in the assessed value of industrial and commercial real property and needed jobs for unemployed residents of St. Johns County.

K. The implementation of the 25% reduction in public capital facilities impact fees for industrial and commercial development constitutes a valid County public purpose.

Section 2. St. Johns County Ordinance No. 87-59, as previously amended, is hereby amended by deleting Section Seven therefrom and by adding and substituting the following therefor:

2

Ordinance Book 21 Page 773

**Section 7. Computation of the Amount of Public Capital Facilities Impact Fees.**

(1) Commencing March 15, 1999, the amount of the public capital facilities impact fees shall be determined by the following fee schedule. The fees contained in the schedule reflect the persons per unit, time adjustments, costs per unit, available revenues, and net costs set forth in the report entitled "Technical Memorandum on the Methods of Updating Impact Fees" dated February 9, 1998 and prepared for the Board of County Commissioners of St. Johns County by James C. Nicholas, Ph.D. The fees also reflect a past payment credit of 9.53% from net costs. Finally, an additional 25% reduction has been reflected in all fees except "Residential".

<b>FEE SCHEDULE</b>					
<b>LAND USE TYPE (UNIT)</b>	<b>Buildings</b>	<b>Police</b>	<b>Fire</b>	<b>EMS</b>	<b>Total</b>
<b>Residential Per Unit:</b>					
Single Family Detached	\$186	\$42	\$74	\$17	\$319
Multi-Family	149	34	59	14	256
Mobile Home	189	43	75	17	324
Hotel/Motel Room	128	29	51	12	220
Other Residential	186	42	74	17	319
<b>Industrial Per 1,000 SQ. FT:</b>					
General Industrial	\$ 75	\$17	\$29	\$7	\$128
Warehousing	56	12	22	5	95
Mini-warehousing	8	7	3	1	19
<b>Office Per 1,000 SQ. FT:</b>					
General Office < 100k SQ.FT	\$215	\$41	\$ 84	\$20	\$360
General Office 100-200k SQ.FT	170	32	67	15	284
General Office > 200k SQ.FT	120	28	47	11	206



<b>FEE SCHEDULE</b>					
<b>Commercial Per 1,000 SQ.FT:</b>					
Commercial < 100K SQ.FT	\$466	\$255	\$183	\$42	\$ 916
Commercial 100-199K SQ.FT	402	149	158	36	745
Commercial 200-299K SQ.FT	344	123	135	31	633
Commercial 300-399K SQ.FT	287	109	113	26	535
Commercial 400-499K SQ.FT	259	99	101	23	482
Commercial > 500k SQ.FT	230	92	90	21	433
Bank/Financial Institution	.52	345	20	5	422
Service Station/Pump	160	329	63	14	566
<b>Recreational:</b>					
Gen Recreation/Acre	\$6	\$ 8	\$2	\$1	\$17
Campground/RV Park Per Acre	6	8	2	1	17
Marina/Berth	6	8	2	1	17
<b>Institutional Per 1,000 SQ.FT:</b>					
Elementary School	\$120	\$26	\$47	\$11	\$204
High School	110	27	44	10	191
College	101	32	40	9	182
<b>Medical:</b>					
Hospital Per 1,000 SQ.FT	\$335	\$41	\$131	\$30	\$537
Nursing Home Per Bed	12	7	5	1	25
Medical Office Per 1,000 SQ.FT	242	84	95	22	443

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

(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 of land use by the St. Johns County Comprehensive Plan, supporting documents of the St. Johns County Comprehensive Plan, the Technical Memorandum described in (1) above, 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 schedule then the County Administrator shall determine the appropriately discounted fee by considering demographic or other documentation which is available from the St. Johns County Planning Department, the 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.

(5) (a) Building Permits or Mobile Home Installation Permits issued prior to March 15, 1999 shall be subject to payment of Impact Fees in effect at the time of issuance of the permit.

(b) If a building permit or permit for mobile home installation expires without commencement of construction, then the fee-payer shall be subject to the fees in effect at the time of renewal of the Building Permit or the Mobile Home Installation Permit.

(c) Applications for Building Permit or Permit for Mobile Home Installation

(1) Applications for Building Permit or Permit for Mobile Home Installation submitted in a completed application form with all necessary attachments, forms, plans as provided on the Clearance Sheet and "Detailed Requirements" information sheet prior to March 15, 1999 shall be subject to the Impact Fees in effect prior to March 15, 1999.

(2) Applications for Building Permit or Permit for Mobile Home Installation must have been accepted by the Building Department and Logged in prior to March 15, 1999. Evidence that the applicant has filed for required permits from other agencies must be provided prior to logging in the permit

application.

(3) If the applicant has experienced delays in Health Department or other agencies permit review, then a receipt must be provided from that agency documenting that the applicant submitted the appropriate request to the agency prior to March 15, 1999.

(4) The applicant must pick-up the Building Permit or Mobile Home Installation Permit within 30 days of the date stamped (Logged) on the application by the Building Permit. Failure to pick up the permit within the 30 days will require payment of fees in effect at the time the permit is picked up.

Section 3. St. Johns County Ordinance No. 87-59, as previously amended, is hereby amended by deleting subparagraph B from Section Five (Definitions) thereof and by adding and substituting the following subparagraph B in its stead:

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. For the purpose of police protection and the Law Enforcement Impact Fee Trust Fund "Public Capital Facilities" shall also include costs to train the new law enforcement officers and personnel that are necessitated by the new land development for which the impact fees are levied.

Section 4. St. Johns County Ordinance No. 87-59, as previously amended, is hereby amended by deleting subparagraphs A, B, C and H from Section Ten (Use of Funds) thereof and by adding and substituting the following subparagraphs therefor:

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 or for Public Capital Facilities as such term is defined in St. Johns County Ordinance No. 87-59, as amended, that are under the jurisdiction of St. Johns County, a municipality within St. Johns County, or the State of Florida, in order to provide the new

and additional capacity needed to serve new growth and development and shall not otherwise be used for maintenance or operations.

B. Funds from the Public Buildings Impact Fee Trust Fund may only be used for Public Capital Facilities that pertain to public buildings; funds from the Law Enforcement Impact Fee Trust Fund may only be used for Public Capital Facilities that pertain to law enforcement; and funds from the Fire Protection and Emergency Medical Services Impact Fee Trust Funds may only be used for Public Capital Facilities that pertain to fire protection and emergency medical services respectively. Funds shall be expended in the order in which they are collected.

C. In the event that bonds or similar debt instruments are issued for advanced provision of Public Capital Facilities for which public capital facilities 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 above.

H. The Board of County Commissioners shall appropriate the impact fee funds described herein only for Public Capital Facilities expenditures for the provision of new and additional capacity needed to serve the use for which the fee was paid.

I. Funds may be used to pay court costs, legal fees, and associated expenses, including judgements, if any, incurred in the administration, enforcement and defense of the public capital facilities impact fee program.

Section 5. St. Johns County Ordinance No. 87-59, as previously amended, is hereby amended by adding the following Section 19 thereto:

Section 19. Appeals.

A. Any decision made by the County Administrator in the course of administering the provisions of this ordinance may be appealed to the Board of County Commissioners by filing a petition of appeal with the County Administrator within thirty(30) calendar days of the date of the rendition of the decision.

B. The Board of County Commissioners shall review the petition at a public meeting within thirty (30) calendar days from the date of

appeal of said decision. The petitioner shall be provided reasonable notice of the time, date, and place of the public meeting by certified mail, return receipt requested, and invited to attend. Testimony at the public meeting shall be limited to ten (10) minutes per side, unless an extension of time is granted by the Board. The Board's decision shall be final for the purpose of administrative appeals.

The Board of County Commissioners shall revoke the decision of the County Administrator only if there is competent, substantial evidence in the record that the decision fails to comply with this Ordinance.

Section 6. This Ordinance shall take effect upon its being filed with the Secretary of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 8 day of December, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone  
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland  
Deputy Clerk

Effective Date: December 14, 1998

8

Ordinance Book 21 Page 779

# 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 \_\_\_\_\_  
Ulinda Verstraate \_\_\_\_\_ who on oath says that she is

Office Manager \_\_\_\_\_ 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 Public Hearing \_\_\_\_\_  
in the matter of Facilities Impact Fee Ordinance 87-60

In the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of October 16, 1998

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 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 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 this 16th day of October, 1998,  
by Ulinda Verstraate \_\_\_\_\_ who is personally  
known to me or who has produced Personally Known \_\_\_\_\_ as  
(Type of Identification)

(Signature of Notary Public)

Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)



Zoe Ann Moss  
MY COMMISSION # CC641814 EXPIRES  
August 22, 2001  
BROUGHT THROUGH TROY FARM INSURANCE, INC.

(Seal)

Ordinance Book 21 Page 780

APR 11 1997

COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING  
TO BE HELD BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS  
NOTICE IS HEREBY GIVEN  
That the Board of County Commissioners of St. Johns County, Florida, at a regular meeting on Tuesday, October 27, 1998, at 1:30 p.m. in the County Administration Complex, 4020 Lewis Speedway (County Road 18A) in St. Johns County, Florida, will hold a public hearing to consider adoption of the following ordinance:  
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE COUNTY'S EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE (ORDINANCE NO. 87-60) AS PREVIOUSLY AMENDED, WHICH MODIFIES THE DOLLAR AMOUNTS OF THE EDUCATIONAL FACILITIES IMPACT FEES, CONFIRMS THAT EDUCATIONAL FACILITIES IMPACT FEES MUST BE PAID AND COLLECTED FOR RESIDENTIAL DEVELOPMENT WITHIN MUNICIPALITIES SPECIFICALLY AUTHORIZED ENFORCEMENT, PROVIDES FOR APPEALS, AND PROVIDES AN EFFECTIVE DATE.  
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-60 AS PREVIOUSLY AMENDED, THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE, THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE ROAD IMPACT FEES, PROVIDES FOR APPEALS, AND PROVIDES AN EFFECTIVE DATE.  
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-60 AS PREVIOUSLY AMENDED, THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE, THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE PUBLIC CAPITAL FACILITIES IMPACT FEES, PROVIDES FOR APPEALS, AND PROVIDES AN EFFECTIVE DATE.  
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-60 AS PREVIOUSLY AMENDED, THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE, THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE ROAD IMPACT FEES, PROVIDES FOR APPEALS, AND PROVIDES AN EFFECTIVE DATE.  
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-60 AS PREVIOUSLY AMENDED, THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE, THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE PUBLIC CAPITAL FACILITIES IMPACT FEES, PROVIDES FOR APPEALS, AND PROVIDES AN EFFECTIVE DATE.



# 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 \_\_\_\_\_

LINDA Y MURRAY 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 PUBLIC HEARING

in the matter of \_\_\_\_\_

ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

in the \_\_\_\_\_ Court, was published in said newspaper in the

issues of NOVEMBER 16, 1998

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 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 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 this 20th day of NOVEMBER 19 98,

by Linda Y Murray who is personally

known to me or who has produced PERSONALLY KNOWN as

identification.

Zoe Ann Moss  
MY COMMISSION # CCM1814 EXPIRES August 22, 2001  
(Signature of Notary Public) (Seal)

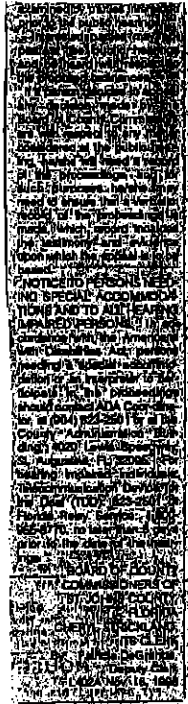
ZOE ANN MOSS  
(Print, Type or Stamp Commissioned Name of Notary Public)

Ordinance Book 21 Page 782

AP21874

NOTICE OF PUBLIC HEARINGS BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, HAS SET FOR PUBLIC HEARINGS TO BE HELD AT THE BOARD ROOM OF THE ST. JOHNS COUNTY ADMINISTRATION CENTER, 400 LINDA STREET, ST. AUGUSTINE, FLORIDA 32084, ON THE FOLLOWING DATES AND TIMES: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING THE COUNTY'S EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE (ORDINANCE NO. 87-50) AS PREVIOUSLY AMENDED. THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE EDUCATIONAL FACILITIES IMPACT FEES, CONFIRMS THAT EDUCATIONAL FACILITIES IMPACT FEES MAY BE PAID AND COLLECTED FOR RESIDENTIAL DEVELOPMENT WITHIN MUNICIPALITIES, SPECIFICALLY AUTHORIZES ENFORCEMENT, PROVIDES FOR ADDITIONAL USES FOR THE COLLECTED FEES, PROVIDES FOR APPEALS, AND PROVIDES AN EFFECTIVE DATE. AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-50 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE PARK IMPACT FEES, PROVIDES FOR ADDITIONAL USES FOR THE COLLECTED FEES, PROVIDES FOR APPEALS, AND PROVIDES AN EFFECTIVE DATE. AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-50 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE PUBLIC CAPITAL FACILITIES IMPACT FEES, PROVIDES FOR ADDITIONAL USES FOR THE COLLECTED FEES, MODIFIES THE DEFINITION OF PUBLIC CAPITAL FACILITIES, PROVIDES FOR APPEALS, AND PROVIDES AN EFFECTIVE DATE. AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-50 AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS ORDINANCE MAKES FINDINGS, MODIFIES THE DOLLAR AMOUNTS OF THE ROAD IMPACT FEES, MODIFIES THE DEFINITION OF CAPITAL IMPROVEMENTS, PROVIDES FOR ADDITIONAL USES FOR THE COLLECTED FEES, PROVIDES FOR APPEALS, AND PROVIDES AN EFFECTIVE DATE. THE PROPOSED ORDINANCES ARE AVAILABLE FOR REVIEW AT THE OFFICE OF THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS AT THE ST. JOHNS COUNTY ADMINISTRATION CENTER, 400 LINDA STREET, ST. AUGUSTINE, FLORIDA 32084, AND MAY BE





Ordinance Book 21 Page 783

ST. JOHNS COUNTY ORDINANCE 87 - 60  
EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE

AN ORDINANCE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN ST. JOHNS COUNTY, FLORIDA; IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN ST. JOHNS COUNTY FOR PROVIDING NEW SCHOOLS 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 AND TIME OF PAYMENT OF AN EDUCATIONAL FACILITIES IMPACT FEE; PROVIDING A METHOD OF PAYMENT OF THE FEE; PROVIDING FOR THE REMITTAL OF FEES COLLECTED AND THEIR EXPENDITURE BY THE SCHOOL BOARD OF ST. JOHNS COUNTY FOR EDUCATIONAL CAPITAL PURPOSES; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; 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. The School Board of St. Johns County is required by §235.19 Florida Statutes to coordinate school site planning with the county's comprehensive plan; and
- B. §235.193(1) Florida Statutes requires the coordination of planning between school boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are coordinated in time and place with plans for residential development and other necessary services; and,
- C. St. Johns County must expand its educational facilities 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;
- D. The Florida Legislature through the enactment of Florida Statutes § 163.3202(3) has sought to encourage St. Johns

County to enact impact fees;

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

F. Each of the types of land development described in Section Seven hereof, will place additional students in the public schools of St. Johns County necessitating the acquisition of school sites, the expansion of existing educational facilities and the construction of new educational facilities.

E. The fees established by Section Seven are derived from, are based upon, and do not exceed the costs of providing for the acquisition of school sites, the expansion and equipping of existing educational facilities and the construction and equipping of new educational facilities necessitated by new land developments for which the fees are levied.

G. 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 school sites and educational facilities 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 Educational Facilities 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.

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 public educational sites and facilities 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) "School Board" means the School Board of St. Johns County.

Section Five: Definitions

A. A "feepayer" is a person commencing a land development activity which may reasonably be expected to place students in the public schools of St. Johns County and which requires the issuance of a building permit for a residential building or structure or permit for residential mobile home installation.

B. "Capital costs of educational facilities" are expenditures for the acquisition of fixed assets or additions to fixed assets and expenditures for site acquisition, construction, design, site development, necessary off-site improvements, and capital equipment pertaining to educational facilities.

C. "Capital equipment" is equipment with an expected use

life of three (3) years or more.

D. "Land Development Activity Which May Reasonably Be Expected To Place Students in the Public Schools of St. Johns County" means any change in land use or any construction or installation of residential buildings or structures or any change in the use of any structure that will result in additional students in the public schools of St. Johns County.

E. "Independent Fee Calculation Study" means the demographic and/or educational impact 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.

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

G. "Mandatory or Required site dedications and /or educational facilities improvements" means such dedications and/or educational facilities improvements required by the County or by a municipality within St. Johns County.

H. "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 Educational Facilities Impact Fee

A. Any person who, after December 31, 1987, seeks to develop land within St. Johns County, Florida, by applying for: a residential building permit; a permit for residential mobile home installation; an extension of a residential building permit issued prior to January 1, 1988; an extension of a permit for residential mobile home installation issued prior to January 1, 1988; or a permit to make an improvement to land which may reasonably be expected to place additional students in the public schools of St. Johns County; is hereby required to pay an educational facilities 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 that issues building permits until such municipality

has executed an interlocal agreement with the county to collect such fees.

B. No new residential building permit or new permit for residential 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 educational facilities impact fee hereby required has been determined.

C. No extension of a residential building permit or permit for residential 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 educational 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 Educational Facilities Impact Fee

A. At the option of the fee payer, the amount of the educational facilities impact fee may be determined by the following fee schedules. 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.



FEE SCHEDULE I

LAND USE TYPE (UNIT)	TOTAL COST	CREDIT	NET COST	FEE
RESIDENTIAL UNITS PER STRUCTURE:				
ONE UNIT	\$2,899	\$2,451	\$448	\$224
2, 3 OR 4 UNITS EACH UNIT	\$2,174	\$1,838	\$336	\$168
5 OR MORE UNITS EACH UNIT	\$3,426	\$2,896	\$530	\$265
MOBILE HOME EACH UNIT	\$2,899	\$2,451	\$448	\$224
HOTEL/MOTEL ROOM PER ROOM	\$0	\$0	\$0	\$0
OTHER RESIDENTIAL EACH UNIT	\$2,899	\$2,451	\$448	\$224

(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 COST	CREDIT	NET COST	FEE
RESIDENTIAL UNITS PER STRUCTURE:				
ONE UNIT	\$2,899	\$2,451	\$448	\$336
2, 3 OR 4 UNITS EACH UNIT	\$2,174	\$1,838	\$336	\$252
5 OR MORE UNITS EACH UNIT	\$3,426	\$2,896	\$530	\$398
MOBILE HOME EACH UNIT	\$2,899	\$2,451	\$448	\$336
HOTEL/MOTEL ROOM PER ROOM	\$0	\$0	\$0	\$0
OTHER RESIDENTIAL EACH UNIT	\$2,899	\$2,451	\$448	\$336

(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 COST	CREDIT	NET COST	FEE
RESIDENTIAL UNITS PER STRUCTURE:				
ONE UNIT	\$2,899	\$2,451	\$448	\$381
2, 3 OR 4 UNITS EACH UNIT	\$2,174	\$1,838	\$336	\$286
5 OR MORE UNITS EACH UNIT	\$3,426	\$2,896	\$530	\$451
MOBILE HOME EACH UNIT	\$2,899	\$2,451	\$448	\$381
HOTEL/MOTEL ROOM PER ROOM	\$0	\$0	\$0	\$0
OTHER RESIDENTIAL EACH UNIT	\$2,899	\$2,451	\$448	\$381

(4) 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.

(5) If the type of development activity that a building permit is applied for is not specified on the above fee schedules, the County Administrator shall use the fee applicable to the most nearly comparable type of land use on the above fee schedules. The County Administrator shall be guided in the selection of a comparable type by information provided by the School Board of St. Johns County. If the County Administrator determines that there is no comparable type of land use on the above fee schedules then the County Administrator shall request a determination by the School Board of the appropriate fee.

(6) 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 student generation statistics provided by the St. Johns County School Board.

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 St. Johns County School Board an independent fee calculation study for the land development activity for which a building permit or permit for mobile home installation is sought. The student generation and/or educational impact documentation submitted shall show the basis upon which the independent fee calculation was made. The St. Johns County School Board may adjust the educational facilities impact fee to that deemed to be appropriate given the documentation submitted by the feepayer. The County Administrator shall make the appropriate modification upon notice of such adjustment from the School Board.

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 residential mobile home installation shall pay the fee, less any applicable credits as

provided for in Section Twelve, to the County Administrator or his designee prior to the issuance of the building permit or permit for mobile home installation.

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 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 and promptly transferred for deposit in the Educational Facilities Impact Fee Trust Fund to be held in a separate account as determined in Section Ten of this ordinance and used solely for the purposes specified in this ordinance.

Section Nine: Educational Facilities Impact Fee Trust Fund  
Established

A. There is hereby established a separate Educational Facilities Impact Fee Trust Fund.

B. Funds withdrawn from this account must be used in accordance with the provisions of Section Ten of this ordinance.

Section Ten: Use of Funds

A. Funds collected from educational facilities impact fees and deposited in the Educational Facilities Impact Fee Trust Fund by St. Johns County and municipalities located therein shall be remitted at least monthly to the School Board of St. Johns County. The collecting governmental entity shall be entitled to retain not more than three per cent (3%) of the funds collected to compensate them for the administrative expense of collecting the fees and administering this ordinance.

B. The remaining funds collected shall be transmitted to a separate trust fund established by the School Board of St. Johns County and shall be spent solely to acquire, construct, expand and equip the educational sites and educational capital facilities necessitated by new development.

C. The Board of County Commissioners of St. Johns County and the School Board of St. Johns County will enter into an appropriate interlocal agreement to ensure proper use of the funds collected pursuant to this ordinance.

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

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

Section Eleven: Refund of Fees Paid

A. If a residential building permit or permit for residential 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 School Board 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 School Board of St. Johns County within 30 days of the expiration of the permit. The application shall include such supporting documentation as the School Board may reasonably require.

B. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the educational facilities 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 School Board of St. Johns County within 180 days of the expiration of the six year period.

Section Twelve: 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 residential units are created,

where the use is not changed, and where no additional public school enrollment will be produced over and above that produced by the existing use.

2. The construction of accessory buildings or structures which will not produce additional public school enrollment over and above that 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 public school enrollment will be produced over and above that produced by the original use of the land.
4. The installation of a replacement mobile home on a lot or other such site when an educational facilities impact fee for such mobile home site has previously been paid pursuant to this ordinance or where a residential 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 by the County prior to January 1, 1989.
5. Non-residential buildings, structures or non-residential mobile homes.

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. All Mandatory or Required land dedications and/or educational facility improvements made by a feepayer subsequent to the effective date of this ordinance for education purposes shall be credited on a pro rata basis against educational

facilities impact fees otherwise due or to become due for the development that prompted the County or the municipality to require such dedications or education facility improvements. Such credits shall be determined and provided as set forth in Section Twelve B 2 (a), (b), (c) and (d).

2. A feepayer may obtain credit against all or a portion of public educational impact fees otherwise due or to become due by offering to dedicate needed school sites and/or construct needed educational facility improvements. This offer must specifically request or provide for an educational facilities impact fee credit. Such construction must be in accordance with School Board or State design standards, which ever is applicable. If the School Board 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 land 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 School Board may have accepted prior to the effective date of this ordinance for particular land dedications and/or facility improvements, or

(iii) at the option of the feepayer, by fair market value established by private appraisers acceptable to the School Board.

Credit for the dedication of land shall be provided when the property has been conveyed at no charge to, and accepted by, the School Board in a manner satisfactory to the School Board.

b. Applicants for credit for construction of

facility improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the School Board. The School Board shall determine credit for facility improvements based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the School Board determines that such estimates submitted by the applicant are either unreliable or inaccurate. The School Board shall provide the applicant and the County Administrator 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 School Board and 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:
- (i) the construction is completed and accepted by the School Board or the State, whichever is applicable;
  - (ii) a suitable maintenance and warranty bond is received and approved by the School Board when applicable; and
  - (iii) all design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the

then current requirements of the St. Johns County School Board or the Florida Department of Education, when applicable.

- d. Credit may be provided before completion of specified facility 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 School Board of St. Johns County in an amount determined by the School Board. If the construction will not be constructed within one (1) year of the acceptance of the offer by the School Board, the amount of the security may be increased in an amount as determined by the School Board consistent with School Board policy and procedures.
3. 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.
4. Credits shall not be transferable from one project or development to another without the approval of the School Board.
5. 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 the payment of credits required by Chapter 380 (16), as amended.



Section Thirteen: Review

The fee schedules contained in Section Seven (A) (3) shall be reviewed by the School Board and the Board of County Commissioners at least once each fiscal biennium.

Section Fourteen: 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 Fifteen: 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 Sixteen: 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  
Department of State

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA

BY: Phyllis L. Hydas  
Its Chairman

Adopted special meeting 10/20/87

Effective: November 2, 1987

ORDINANCE BOOK 8 PAGE 382

**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 \_\_\_\_\_  
Educational Facilities  
 \_\_\_\_\_ 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]  
 Notary Public  
 Notary Public, State of Florida

My Commission Expires Aug. 4, 1988  
 bonded thru Sep. 30, 1987, 1988

Continued to  
 September 29, 1987  
 at 11:00 a.m./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 21, 1987 AT 9:00 O'CLOCK P.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 14-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

**EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE**  
 AN ORDINANCE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN ST. JOHNS COUNTY, FLORIDA; IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN ST. JOHNS COUNTY FOR PROVIDING NEW SCHOOLS AND RELATED FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENTS; 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 AN EDUCATIONAL FACILITIES IMPACT FEE AS THE PREREQUISITE FOR ISSUANCE OF A BUILDING PERMIT FOR A RESIDENTIAL UNIT OR PERMIT FOR MOBILE HOME INSTALLATION; PROVIDING FOR REVIEW OF THE IMPACT FEE; PROVIDING A METHOD OF PAYMENT OF THE FEE; PROVIDING FOR THE RETENTION OF FEES COLLECTED AND THEIR EXPENDITURE BY THE SCHOOL BOARD OF ST. JOHNS COUNTY FOR EDUCATIONAL CAPITAL PURPOSES; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; 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 hearing, 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, Jr. Clerk  
 Cheryl Kent Deputy Clerk  
 L183 Sept. 4, 1987

ST. JOHNS COUNTY ORDINANCE No. 91-14

AN EMERGENCY ORDINANCE OF ST. JOHNS COUNTY, FLORIDA DECLARING THAT AN EMERGENCY EXISTS; MAKING FINDINGS AND DETERMINATIONS; THIS ORDINANCE AMENDS THE COUNTY'S EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE (ORDINANCE NO. 87-60) BY: ADDING LEGISLATIVE FINDINGS, DELETING DEFINITIONS AND RELATED SECTIONS REGARDING INDEPENDENT FEE ASSESSMENTS; ADDING DEFINITIONS; DELETING OBSOLETE TRANSITIONAL PROVISIONS; ADDING PROVISIONS CLARIFYING THE TIMING OF PAYMENT; DELETING PROVISIONS REGARDING MUNICIPALITIES OPTING IN; ADDING PROVISIONS REGARDING ADMINISTRATIVE COSTS; ADDING AN EXEMPTION; AND AMENDING THE PENALTY PROVISION. IT PROVIDES FOR SEVERABILITY; AND PROVIDES AN EFFECTIVE DATE.

WHEREAS, the Florida Supreme Court in its opinion dated April 18, 1991 expressly upheld the validity of educational facility impact fee ordinances but determined that St. Johns County's ordinance #87-60 contained certain defects; and

WHEREAS, the Florida Supreme Court opinion stated that the opinion was not final until the time expires to file a rehearing motion and, if filed, determined; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida hereby determines that it is necessary and desirable to amend its ordinance #87-60 to address and correct such deficiencies prior to expiration of the time for filing a rehearing motion;

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

SECTION ONE. In order to correct the County's educational facilities impact fee ordinance prior to the date upon which the Florida Supreme Court's opinion No. 75,986 may become final, the Board of County Commissioners of St. Johns County, Florida, waives notice requirements for this emergency ordinance

and declares that an emergency exists and that the immediate enactment of this emergency ordinance is necessary.

SECTION TWO. St. Johns County Ordinance #87-60 is hereby amended by deleting Section One therefrom and by adding and substituting the following therefor:

Section One: Legislative Findings

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

A. The School Board of St. Johns County is required by Section 235.19 Florida Statutes to coordinate school site planning with the County's comprehensive plan; and

B. Section 235.193(1) Florida Statutes requires the coordination of planning between school boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are coordinated in time and place with plans for residential development and other necessary services; and

C. St. Johns County must expand its educational facilities 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; and

D. The Florida legislature through the enactment of Florida Statutes Section 163.3202(3) has sought to

encourage St. Johns County to enact impact fees; and

E. The Florida Supreme Court has expressly upheld the validity of educational facilities impact fee ordinances; and

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

G. Each of the types of land development described in Section Seven hereof will place additional students in the public schools of St. Johns County necessitating the acquisition of school sites, the expansion of existing educational facilities and the construction of new educational facilities; and

H. The fees established by Section Seven are derived from, are based upon, and do not exceed the costs of providing for the acquisition of school sites, the expansion and equipping of existing educational facilities and the construction and equipping of new educational facilities necessitated by new land developments for which the fees are levied; and

I. 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 school sites and educational facilities in St. Johns County.

SECTION THREE. St. Johns County Ordinance #87-60 is hereby amended by deleting Section Five therefrom and by adding and substituting the following therefor:

Section Five: Definitions

A. A "feepayer" is a person or his successor in interest commencing a land development activity which may reasonably be expected to place students in the public schools of St. Johns County and which requires the issuance of a building permit for a residential building or structure or permit for mobile home installation who pays an impact fee.

B. "Capital costs of educational facilities" are expenditures for the acquisition of fixed assets or additions to fixed assets and expenditures for site acquisition, construction, design, site development, necessary off-site improvements, and capital equipment pertaining to educational facilities.

C. "Capital equipment" is equipment with an expected use life of three (3) years or more.

D. "Land Development Activity Which May Reasonably Be Expected To Place Students in the Public Schools of St. Johns County" means any change in land use or any construction or installation of residential buildings or

structures or any change in the use of any structure that will result in additional students in the public schools of St. Johns County.

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

F. "Mandatory or Required site dedications and/or educational facilities improvements" means such dedications and/or educational facilities improvements required by the County or by a municipality within St. Johns County.

G. "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.

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

I. "Encumber" means to legally obligate by contract or otherwise to commit to use by appropriation or other official act of the School Board.

SECTION FOUR. St. Johns County Ordinance #87-60 is hereby amended by deleting Section Six therefrom and by adding and substituting the following therefor:

Section Six: Imposition of Educational Facilities Impact Fee

Any person who, after December 31, 1987, seeks to develop land within St. Johns County, Florida, by

applying for: a residential building permit; a permit for residential mobile home installation; Electrical Energizing; an extension of a residential building permit issued prior to January 1, 1988; an extension of a permit for residential mobile home installation issued prior to January 1, 1988; or a permit to make an improvement to land which may reasonably be expected to place additional students in the public schools of St. Johns County; is hereby required to pay an educational facilities impact fee in the manner and amount set forth in this ordinance.

SECTION FIVE. St. Johns County Ordinance #87-60 is hereby amended by deleting Section Seven therefrom and by adding and substituting the following therefor:

Section Seven: Computation of the Amount of Educational Facilities Impact Fee

The amount of the educational facilities impact fee shall be determined by the following fee schedule. The fees contained in the schedule reflect a discount of 15% from net cost to ensure that no fee payer is charged more than his or her fair share of the cost of educational facilities needed to serve the new development.

<u>FEE SCHEDULE</u>				
LAND USE TYPE (UNIT)	TOTAL COST	CREDIT	NET COST	FEE
RESIDENTIAL UNITS PER STRUCTURE:				
ONE UNIT	\$2,899	\$2,451	\$448	\$381



2, 3 OR 4 UNITS EACH UNIT	2,174	1,838	336	286
5 OR MORE UNITS EACH UNIT	3,426	2,896	530	451
MOBILE HOME EACH UNIT	2,899	2,451	448	381
HOTEL/MOTEL ROOM PER ROOM	0	0	0	0
OTHER RESIDENTIAL EA UNIT	2,899	2,451	448	381

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

(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 of land use by information provided by the School Board of St. Johns County. If the County Administrator determines that there is no comparable type of land use on the above fee schedule then the County Administrator shall request a determination by the School Board of the appropriate fee.

(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

student generation statistics provided by the St. Johns County School Board.

SECTION SIX. St. Johns County Ordinance #87-60 is hereby amended by deleting Section Eight therefrom and by adding and substituting the following therefor:

Section Eight: Assessment and 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 residential mobile home installation shall pay the fee, less any applicable credits as provided for in Section Twelve, to the County Administrator or his designee prior to the issuance of the building permit or permit for mobile home installation. No such permits shall be requested, issued, or approved until the applicable fee is paid.

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 requested, issued or approved until the applicable fee is paid.

C. All funds collected shall be properly identified

and promptly transferred for deposit in the Educational Facilities Impact Fee Trust Fund to be held in a separate account as determined in Section Ten of this ordinance and used solely for the purposes specified in this ordinance.

E. No other building permit, certificate of occupancy or Electrical Energizing shall be requested, issued or approved until such applicable impact fee has been paid.

SECTION SEVEN. St. Johns County Ordinance #87-60 is hereby amended by deleting Section Ten therefrom and by adding and substituting the following therefor:

Section Ten: Use of Funds

A. Funds collected from educational facilities impact fees and deposited in the Educational Facilities Impact Fee Trust Fund by St. Johns County and municipalities located therein shall be remitted at least monthly to the School Board of St. Johns County. The collecting governmental entity shall be entitled to retain not more than three percent (3%) of the funds collected as compensation for the administrative expense of collecting the fees 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 cost of administering this ordinance. The County shall adjust this administrative

cost according to the findings of those studies, and shall amend this provision of the ordinance, as well as Section Eleven (A), if the costs are found to exceed three percent (3%).

B. The remaining funds collected shall be transmitted to a separate trust fund established by the School Board of St. Johns County and shall be spent solely to acquire, construct, expand and equip the educational sites and educational capital facilities necessitated by new development.

C. The Board of County Commissioners of St. Johns County and the School Board will enter into an appropriate interlocal agreement to ensure proper use of the funds collected pursuant to this ordinance. The School Board shall appropriate impact fee funds only for capital costs of educational facilities designed to provide capacity in order to serve the improvements for which the fees were charged for the benefit of the fee payers.

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

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

SECTION EIGHT. St. Johns County Ordinance #87-60 is hereby amended by deleting subsection A from Section Eleven thereof and by adding and substituting the following therefor:

Section Eleven: Refund of Fees Paid

A. If a residential building permit or permit for residential 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 School Board 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 School Board shall adjust these administrative costs whenever determined necessary, according to the results of studies conducted. The feepayer must submit an application for such a refund to the School Board of St. Johns County within 30 days of the expiration of the permit. The application shall include such supporting documentation as the School Board may reasonably require.

SECTION NINE. St. Johns County Ordinance #87-60 is hereby amended by adding a new subsection A(6) to Section Twelve thereof as follows:

Section Twelve: Exemptions and Credits

6. Any other land use that is not capable of creating educational facilities demand during

its lawful lifetime as a matter of either law  
or fact.

SECTION TEN. St. Johns County Ordinance #87-60 is hereby amended by deleting Section Thirteen therefrom and by adding and substituting the following therefor:

Section Thirteen: Review

The fee schedule contained in Section Seven shall be reviewed by the School Board and the Board of County Commissioners at least once each fiscal biennium.

SECTION ELEVEN. St. Johns County Ordinance #87-60 is hereby amended by deleting Section Fourteen therefrom and by adding and substituting the following therefor:

Section Fourteen: 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. Each day that a violation of this ordinance continues shall constitute a separate offense.

SECTION TWELVE. 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 THIRTEEN. This Ordinance is passed pursuant to Florida Statute 125.66(3) and shall take effect when a certified copy has been accepted by the postal authorities of the United States for special delivery by registered mail to the Florida Department of State.

PASSED by the Board of County Commissioners of St. Johns County, State of Florida, this 23rd day of April, 1991.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

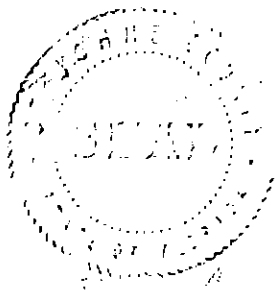
BY: Conrad A. Hurdol  
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl "Bud" Markel  
Its Clerk

Adopted April 23, 1991

Effective April 25, 1991



REGISTRATION NO.		POSTMASTER	
R 705 220 852		APR 26 1991	
Reg. Fee \$ 4.40	Special Delivery \$ 7.65	Return Receipt \$ 1.00	Restricted Delivery
Handling Charge \$			
Postage \$ 98			
Received by		Int'l	
Customer must declare Full value \$		<input type="checkbox"/> With Postal Insurance	<input type="checkbox"/> Without Postal Insurance
		325,000 Domestic Ins. Limit	
FROM			
Clerk of Court, St Johns Co.			
P.O. Drawer 300			
St. Augustine, FL 32085			
Office of the Secy of State			
The Capitol, Room 2002			
Tallahassee, FL 32399-0250			
TO			

PS Form 3806, RECEIPT FOR REGISTERED MAIL - (Customer Copy) June 1986 (See Information on Reverse)

ORDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

In your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. (Extra charge) 2.  Restricted Delivery (Extra charge)

3. Article Addressed to:  
Secretary of State  
Attn: L. M. Cloud, Bureau Chief  
The Capitol, Room 2002  
Tallahassee, FL 32301

4. Article Number  
R 705 220 852

Type of Service:  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee  
X

6. Signature - Agent  
X

7. Date of Delivery APR 26 1991

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Apr. 1989 DOMESTIC RETURN RECEIPT

ORDINANCE BOOK 11 PAGE 33





FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

Room 2002, DIVISION OF ELECTIONS

The Capitol, Tallahassee, Florida 32399-0250  
(904) 488-8427

April 29, 1991

Honorable Carl "Bud" Markel  
Clerk of Circuit Court  
St. Johns County Courthouse  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Amy B. Mulligan, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of April 25, 1991 and second certified copy of St. Johns County Emergency Ordinance No. 91-14 (Special Delivery Registered Mail No. R-705-220-852), which was received and filed in this office on April 26, 1991. The filing date for this ordinance will remain April 25, 1991 when the first copy was received.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

RECEIVED

'91 APR 30 P1:00

CLERK OF CIRCUIT COURT  
ST. JOHNS COUNTY

6/10/92 (Educational)

ORDINANCE NO. 92-24

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-60 AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT MAKES FINDINGS, PROVIDES DEFINITIONS AND PROVIDES PROCEDURES WHEREBY UNDER CERTAIN CIRCUMSTANCES THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE MAY BE PAID OVER TIME FOR OWNER OCCUPIED SINGLE UNIT RESIDENCES THAT WILL BE OCCUPIED BY VERY LOW OR LOW UNADJUSTED GROSS INCOME RESIDENTS; AND IT PROVIDES AN EFFECTIVE DATE.

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

Section 1. St. Johns County, Florida Ordinance No. 87-60, as previously amended, (the Educational Facilities Impact Fee Ordinance) is hereby amended by adding the following ARTICLE I thereto:

ARTICLE I

Section A. Definitions. As used in this Article, unless the context otherwise indicates:

(1) "Adjusted For Family Size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility determined as provided in subsection (3) or subsection (5), based upon a formula as established by the United States Department of Housing and Urban Development.

(2) "Adjusted Gross Income" means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, Adjusted For Family Size.

(3) "Low-Income Residents" means one or more natural persons or a family that will occupy the subject residence or mobile home, the total annual household unadjusted gross income of which does not exceed 80 percent of the median annual Adjusted Gross Income for households within the state, or 80 percent of the median annual Adjusted Gross Income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within St. Johns County, whichever is greater.

(4) "Student" means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the Federal Income Tax Code and who is enrolled on at least a half-time basis in a secondary school, vocational-technical center, community college, college, or university.

(5) "Very Low-Income Residents" means one or more natural persons or a family, not including Students, that will occupy the subject residence or mobile home, the total annual household unadjusted gross income of which does not exceed 50 percent of the median annual Adjusted Gross Income for households within the state, or 50 percent of the median

annual Adjusted Gross Income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within St. Johns County, whichever is greater.

Section B. Findings. The Board of County Commissioners of St. Johns County, Florida finds, determines and declares as follows:

- (1) Decent, safe and sanitary housing for Very Low Income and Low Income Residents are a critical need in St. Johns County, Florida.
- (2) New and rehabilitated housing must be provided at a cost affordable to such persons in order to alleviate this critical need.
- (3) The private-sector housing construction industry primarily produces housing units for middle-income and upper-income households and often has limited experience in housing development which provides quality housing for Very Low-Income and Low-Income Residents.
- (4) Among other things, the high cost of project financing tends to restrict the development of housing affordable to Very Low-Income and Low-Income Residents.
- (5) For these reasons, private capital and existing state housing programs do not provide an adequate remedy to this situation.
- (6) Special programs are needed to stimulate private enterprise to build and rehabilitate housing in order to help provide housing for Very Low-Income and Low-Income Residents as a matter of public purpose.

(7) The Florida Legislature through the enactment of Florida Statutes, Chapter 420 [The Florida Housing Act], Florida Statutes Chapter 159, Part IV [The Florida Housing Finance Authority Act], Florida Statutes, Section 187.201(5)(b)(3) [The State Comprehensive Plan], and Florida Statutes §163.3177(6)(f)(4) [The Local Government Comprehensive Planning and Land Development Regulation Act] has sought to encourage the provision of incentives for the construction of affordable housing and housing for Very Low-Income and Low-Income Residents; and

(8) The Housing Element of the St. Johns County Comprehensive Plan (1990-2005) encourages the County to consider ways to help encourage affordable housing.

(9) Florida Attorney General opinion 90-16 opines that the payment of impact fees in several payments with interest added does not violate the Florida Constitution.

(10) Florida Statute §125.01(1)(j) specifically authorizes the Board of County Commissioners to establish and administer housing programs and Florida Statute §420.604(1)(C)(1) and (3) encourage Counties to increase the supply of safe, affordable, and sanitary housing for Very Low-Income Residents and Low-Income Residents by reducing impact fees and offering low cost financing.

Section C. Payment Of Impact Fee Over Time.

When the Feepayer (as previously defined in the Educational Facilities Impact Fee Ordinance) of an owner occupied single unit residential improvement for which a building permit or a permit

for mobile home installation is applied for can demonstrate to the Board of County Commissioners of St. Johns County, Florida (the "Board") or its designee(s) that such residential improvement will be continuously occupied by only Very-Low Income Residents and/or Low-Income Residents for the next 12 consecutive months immediately following issuance of the certificate of occupancy or move on permit for such residential improvement, whichever is applicable, then, at the option of the Feepayer, seventy percent (70%)(the deferred portion) of the Educational Facilities Impact Fee that is due may be paid over time for a period not to exceed 12 months. The undeferred portion (30%)(the "initial portion") of said impact fee shall be paid at the time and in the manner otherwise required by the Educational Facilities Impact Fee Ordinance for payment of the Educational Facilities Impact Fee. The deferred portion of such impact fee shall be paid and provided for at the same time as the initial portion but in the manner hereinafter provided. Interest shall be paid on the unpaid balance of the deferred portion of the impact fee at the rate of 5% per annum. Simultaneously with the payment of such initial portion of the impact fee, the owner of the land upon which the residential improvement or mobile home is located or will be located shall execute and deliver a promissory note and mortgage, and deliver a title opinion or policy, to the County in form and substance satisfactory to the Clerk of Courts of St. Johns County dated the date that the payment of the initial portion of the impact fee is due. The promissory note shall provide for payment of the amount of the deferred portion of the impact fee (the "principal")

and the interest in equal consecutive monthly installments until paid in full with the first payment commencing one month from the date of the promissory note. The mortgage shall encumber the land upon which the residential improvement or mobile home is, or will be, located and shall secure payment of the promissory note. Unless secured by a letter of credit as hereinafter provided, the promissory note shall indicate that it is secured by a mortgage. Additionally, the promissory note and the mortgage shall each provide for (i) acceleration upon failure to make any payment when due, and (ii) payment of costs of collection, including reasonable attorneys fees. Additional provisions may be required by resolution(s) of the Board of County Commissioners of St. Johns County or by the Clerk of Court. The Feepayer shall pay for the documentary stamps on the promissory note and mortgage. The Clerk of Court shall promptly record the mortgage in the official public records of St. Johns County at the Feepayer's expense.

Upon all payments being made in full, the mortgage shall be satisfied of record by the Clerk. Should the mortgage not be paid on a timely basis, the County may foreclose such mortgage, together with the costs of such foreclosure, including attorney's fees, in the manner authorized by law. The note and mortgage may be prepaid at any time without penalty.

In lieu of securing the above-described promissory note with a mortgage on the subject property, the Feepayer may elect to secure the note with an irrevocable letter of credit. The issuer of the

letter of credit and the form and content of the letter of credit shall be approved by the Clerk of the Circuit Court. The letter of credit shall be held by the Clerk until the promissory note is paid in full. The letter of credit shall, at a minimum, provide that if the note payments are not paid on a timely basis as set forth in the promissory note, the County may demand payment under the letter of credit of the entire unpaid balance of the promissory note and all sums due thereunder after 15 days written notice to the maker of the promissory note of the County's intention to do so. The promissory note shall indicate that it is secured by a letter of credit. When the promissory note is paid in full, the letter of credit shall be returned by the Clerk to the maker of the promissory note.

Upon payment of the initial portion of the Educational Facilities Impact Fee and compliance with the other provisions of this section C, the Educational Facilities Impact Fee will be deemed paid for the purposes of section 6 of the St. Johns County Educational Facilities Impact Fee Ordinance. The preceding sentence shall not relieve the maker of the promissory note or the mortgagor or the issuer of the letter of credit from their duties and obligations under the promissory note, the mortgage and the letter of credit.

The terms, conditions and/or provisions of this paragraph C may be supplemented, modified, added to, deleted and/or changed by subsequent resolution(s) of the Board.



Section D. Non Applicability To Impact Fees Paid Prior To The Effective Date of This Ordinance. No provision of this Article I shall apply to impact fees paid prior to the effective date of this ordinance.

Section E. Documentation. The Board of County Commissioners of St. Johns County, Florida may, by resolution(s) passed subsequent to the adoption of this ordinance, require or suggest documentation that must or may be provided by the Feepayer or his agent to justify the request for deferred payment of the Educational Facilities Impact Fee. Such resolution(s) may also provide or establish additional or alternate criteria that will qualify a Feepayer for deferred payment of such impact fee.

Section 2. Effective Date: 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 AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida this 14th day of July, 1992.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: J. J. Bill  
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl Bud Markel  
Its Clerk

Effective date July 24, 1992

-8-

Ordinance Book 11 Page 506

**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 \_\_\_\_\_

SHERRY L. RAUCH 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 \_\_\_\_\_  
 ORDINANCE NO. 87-60

\_\_\_\_\_ in the \_\_\_\_\_ Court,  
 was published in said newspaper in the issues of \_\_\_\_\_  
 June 22, 1992

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.

*Sherry L. Rauch*  
 Zoe Ann Johns

Sworn to and subscribed before me \_\_\_\_\_

this \_\_\_\_\_ 22nd \_\_\_\_\_ day of \_\_\_\_\_ June

A.D. 19 \_\_\_\_\_ 92

*Zoe Ann Johns*  
 Notary Public  
 8/22/93

**COPY OF ADVERTISEMENT**

**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, July 14, 1992 at 11:00 a.m. in the County Administration Building, 402 Lewis Streetway (County Road 15-A) and U.S. #1 North St. Augustine, Florida, will hold a public hearing to consider the passage of the following ordinance:

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 7-60, AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE), THIS AMENDMENT MAKES FINDINGS AND PROVIDES PROCEDURES WHEREBY UNDER CERTAIN CIRCUMSTANCES THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE MAY BE PAID OVER TIME FOR OWNER OCCUPIED SINGLE UNIT RESIDENCES THAT WILL BE OCCUPIED BY VERY LOW OR LOW UNADJUSTED GROSS INCOME RESIDENTS, AND IT 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 Streetway, and may be examined by parties interested prior to said public hearing.

All parties having an interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.

If a person desires to appeal any decision made by the Board of County Commissioners with respect to any matter determined 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, Jr.  
 Its Clerk  
 By Yvonne Carter,  
 Deputy Clerk  
 L40 June 22, 1992

ORDINANCE NO. 95-27

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-60 (THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF EDUCATIONAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

WHEREAS, there are instances within the County wherein family or friends find it necessary to temporarily move a mobile home on their property or otherwise construct a temporary residence on their property to enable an elderly relative or friend or a temporarily disabled relative or friend to live near them so that they may provide care to such person during such persons' last days or temporary disability; and

WHEREAS, such temporary residence does not provide a long term impact on the County's educational facilities system.

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

Section 1. St. Johns County, Florida Ordinance 87-60, as previously amended, (the Educational Facilities Impact Fee ordinance) is hereby amended by adding the following subsection 6 to Section 12(A) thereof: (Section 12A provides exemptions.)

5. The temporary installation of a residential mobile home or the construction of a temporary residential unit on a lot or parcel under such circumstances that the County is assured that the mobile home or residential unit will be permanently removed within two years of the date of the issuance of the County permit for mobile home installation for such mobile home or within two years of the issuance of

the County building permit for such residential unit. This exemption shall not apply to mobile home parks or other sites or uses wherein it is contemplated or likely that a different mobile home or residential unit will replace the temporary mobile home or the temporary residential unit after it is removed.

Section 2. Effective Date: This ordinance shall take effect 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 AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida this 27 day of June, 1995.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA

By: Bonnie Wood  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl Bud Markel  
Clerk

Effective Date: July 12, 1995

COPY OF ADVERTISEMENT

# 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

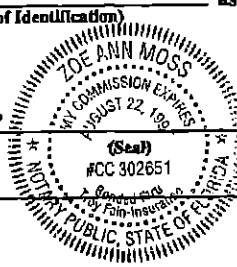
Before the undersigned authority personally appeared \_\_\_\_\_  
Barbara Dresslar who on oath says that she is  
Accounting Clerk of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement, being a \_\_\_\_\_  
Display Ad

In the matter of \_\_\_\_\_  
Amending Ordinances 87-57, 87-58, 87-59, 87-60  
in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of June 5, 1995

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 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 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 this 6th day of June, 1995,  
by Barbara Dresslar who is personally  
known to me or who has produced personally known as  
identification. (Type of Identification)

Zoe Ann Moss  
(Signature of Notary Public)  
Zoe Ann Moss  
(Print, Type or Stamp Commissioned Name of Notary Public)



## COMMISSIONERS ON ESTABLISHMENT OF CHANGE OF A REGULATION AFFECTING THE USE OF LAND

The St. Johns County Board of County Commissioners proposes to adopt or change regulation affecting the use of land for the unincorporated areas of St. Johns County, Florida, being the area of land shown on the map in this advertisement. Public hearings on the proposed ordinances will be held at regular meetings on Tuesday, June 13, and Tuesday, June 27, 1995 at 5:30 p.m. The hearings will be held in the St. Johns County Auditorium, County Administration Building, 4020 Lewis Speedway, (CR 16A and U.S. #1), St. Augustine, FL 32095. At the hearings the St. Johns County Board of County Commissioners will hear comments from the public and at the June 27th, 1995 meeting will consider and may take action on the following ordinances:

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-60 (THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF EDUCATIONAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57 (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF ROAD IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-58 (THE ST. JOHNS COUNTY PARK IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PARK IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-59 (THE ST. JOHNS COUNTY PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF PUBLIC CAPITAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

The proposed ordinances are on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearings. Please take note that the ordinances are subject to revision prior to the hearings or adoption of the ordinances.

All parties having any interest in said ordinances will be afforded an opportunity to be heard at the public hearings.

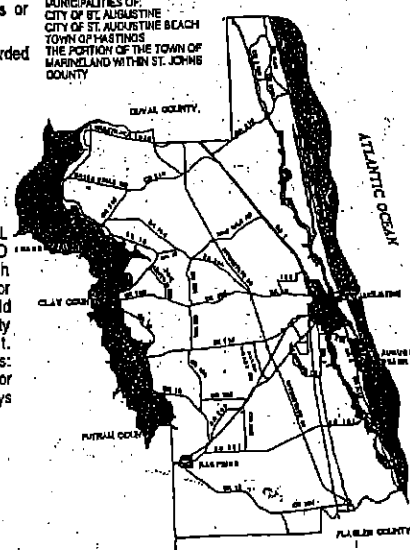
If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearings, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in these proceedings should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 3 days prior to the dates of these hearings.

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK**

By: *Patricia DeGranda*  
Patricia DeGranda, Deputy Clerk

**St. Johns County**  
EXCLUDING THE INCORPORATED  
MUNICIPALITIES OF:  
CITY OF ST. AUGUSTINE  
CITY OF ST. AUGUSTINE BEACH  
TOWN OF HASTINGS  
THE PORTION OF THE TOWN OF  
MARINELAND WITHIN ST. JOHNS  
COUNTY



COPY OF ADVERTISEMENT

# 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

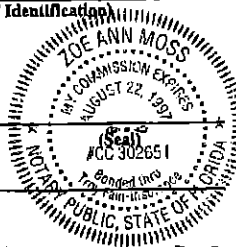
Before the undersigned authority personally appeared \_\_\_\_\_  
Barbara Dresslar \_\_\_\_\_ who on oath says that she is  
Accounting Clerk \_\_\_\_\_ of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement, being a \_\_\_\_\_  
Display Ad \_\_\_\_\_  
in the matter of Amending Ordinances 87-60, 87-57, 87-58, 87-59

in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of June 20, 1995

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 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  
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 this 20th day of June, 1995,  
by Barbara Dresslar who is personally  
known to me or who has produced personally known as  
identification. (Type of Identification)

Zoe Ann Moss  
(Signature of Notary Public)  
Zoe Ann Moss  
(Print, Type or Stamp Commissioned Name of Notary Public)



**ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND**

The St. Johns County Board of County Commissioners proposes to adopt or change regulation affecting the use of land for the unincorporated areas of St. Johns County, Florida, being the area of land shown on the map in this advertisement. Public hearings on the proposed ordinances will be held at regular meetings on Tuesday, June 13, and Tuesday, June 27, 1995 at 5:30 p.m. The hearings will be held in the St. Johns County Auditorium, County Administration Building, 4020 Lewis Speedway, (CR 16A and U.S. #1), St. Augustine, FL 32095. At the hearings the St. Johns County Board of County Commissioners will hear comments from the public and at the June 27th, 1995 meeting will consider and may take action on the following ordinances:

**ORDINANCE NO. 95-**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-80 (THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE). THIS AMENDMENT EXEMPTS CERTAIN TEMPORARY RESIDENTIAL UNITS FROM THE PAYMENT OF EDUCATIONAL FACILITIES IMPACT FEES AND IT PROVIDES AN EFFECTIVE DATE.

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The proposed ordinances are on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearings. Please take note that the ordinances are subject to revision prior to the hearings or adoption of the ordinances.

All parties having any interest in said ordinances will be afforded an opportunity to be heard at the public hearings.

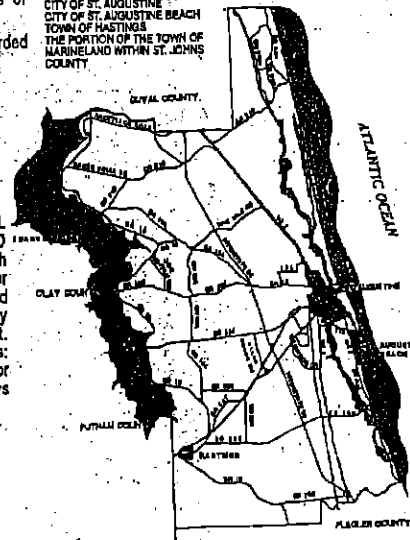
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BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK

By: *Patricia DeGrande*  
Patricia DeGrande, Deputy Clerk

**St. Johns County**  
EXCLUDING THE INCORPORATED MUNICIPALITIES OF:  
CITY OF ST. AUGUSTINE  
CITY OF ST. AUGUSTINE BEACH  
TOWN OF HASTINGS  
THE PORTION OF THE TOWN OF MARINELAND WITHIN ST. JOHNS COUNTY





AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING THE COUNTY'S EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE (ORDINANCE NO. 87-60) AS PREVIOUSLY AMENDED. THIS ORDINANCE MAKES FINDINGS; MODIFIES THE DOLLAR AMOUNTS OF THE EDUCATIONAL FACILITIES IMPACT FEES; CONFIRMS THAT EDUCATIONAL FACILITIES IMPACT FEES MUST BE PAID AND COLLECTED FOR RESIDENTIAL DEVELOPMENT WITHIN MUNICIPALITIES; SPECIFICALLY AUTHORIZES ENFORCEMENT PROCEEDINGS; ALLOWS ADDITIONAL USES FOR THE COLLECTED FEES; PROVIDES FOR APPEALS; AND PROVIDES AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of St. Johns County, Florida (the "Board"), made the following findings of fact when it enacted St. Johns County Ordinance 91-14 which amended Ordinance No. 87-60, the County's Educational Facilities Impact Fee Ordinance:

- The School Board of St. Johns County is required by Section 235.19, Florida Statutes, to coordinate school site planning with the county's comprehensive plan; and
- Section 235.193(1), Florida Statutes, requires the coordination of planning between school boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are coordinated in time and place with plans for residential development and other necessary services; and
- The Florida Legislature through the enactment of Section 163.3202(3), Florida Statutes, has sought to encourage St. Johns County to enact impact fees; and
- The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of educational capital facilities necessary to accommodate such development; and
- Each of the types of land development described in Section Seven (of the County's Educational Facilities Impact Fee Ordinance), will place additional students in the public schools of St. Johns County necessitating the acquisition of school sites, the expansion of existing educational facilities and the construction of new educational facilities; and

WHEREAS, Ordinance No. 87-60 explains that one of the purposes of the Educational Facilities Impact Fee Ordinance is to assure that new development bears a proportionate share of the

cost of capital expenditures necessary to provide public educational sites and facilities in St. Johns County necessitated by such new development; and

WHEREAS, in St. Johns County v. Northeast Florida Builders Association, Inc., 583 So.2d 635 (Fla. 1991) the Florida Supreme Court upheld the validity of countywide educational facility impact fee ordinances; and

WHEREAS, Section Two of Ordinance No. 87-60 provides that the County's Educational Facilities Impact Fee Ordinance shall apply in the unincorporated area of St. Johns County, Florida and in the incorporated areas of St. Johns County; and

WHEREAS, the County's Educational Facilities Impact Fee Ordinance, as amended by Ordinance 91-14, requires any person who seeks to develop land within St. Johns County (by applying for a residential building permit; a permit for residential mobile home installation; Electrical Energizing for residential properties, . . . or a permit to make an improvement to land which may reasonably be expected to place additional students in the public schools of St. Johns County) to pay an Educational Facilities Impact Fee to the County Administrator or his designee prior to the issuance of the permit or prior to the request for Electrical Energizing depending on the type of development; and

WHEREAS, the County's Educational Facilities Impact Fee Ordinance mandates that no such permits or approval for Electrical Energizing shall be requested, issued or approved until the applicable Educational Facilities Impact Fee is paid; and

WHEREAS, Ordinance 91-14 provides that a violation of the County's Educational Facilities Impact Fee Ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law and that in addition to or in lieu of any criminal prosecution the County shall have the power to sue in Civil Court to enforce the provisions of the Educational Facilities Impact Fee Ordinance. It also provides that each day that a violation of the ordinance continues shall constitute a separate offense; and

WHEREAS, it has come to the attention of the Board that residential development permits and Electrical Energizing for residential properties have been requested, issued and received within one or more of the municipalities within the County without the payment of the required Educational Facilities Impact Fee; and

WHEREAS, it is now necessary and appropriate to revise the amounts of the County's Educational Facilities Impact Fees.

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

Section 1. St. Johns County Ordinance No. 87-60, as previously amended, is hereby amended

by adding the following Section 17 thereto:

Section 17. The governing bodies of each incorporated municipality within the County wherein municipal permits are being issued or Electrical Energizing is being approved by the municipality without the prior payment of the Educational Facilities Impact Fees required by the County's Educational Facilities Impact Fee Ordinance are respectfully requested to enter into an interlocal agreement with St. Johns County whereby such municipality agrees to timely collect and remit to the County or its designee the Educational Facilities Impact Fees that are required to be paid pursuant to St. Johns County Ordinance No. 87-60, as amended, when such impact fees are attributable to residential development within the municipality's boundaries.

Section 2. St. Johns County Ordinance No. 87-60, as previously amended, is hereby amended by adding the following Section 18 thereto:

Section 18. Commencing March 15, 1999, County Administrator and his designees are hereby specifically authorized to take any and all steps and actions that are legally available to the County, including such civil and criminal court proceedings as are authorized by law, against any and all person who request or approve Electrical Energizing for residential properties or who receive or issue residential development permits pertaining to residential development within incorporated municipalities located within St. Johns County when such permits or approvals for Electrical Energizing are approved, received or issued in violation of St. Johns County Ordinance 87-60, as amended.

Section 3. The Board of County Commissioners of St. Johns County hereby finds, determines and declares that the findings, determinations and declarations set forth in the above "Whereas" paragraphs are true.

Section 4. St. Johns County Ordinance No. 87-60, as previously amended, is hereby amended by adding the following Section 19 thereto:

Section 19. The Board of County Commissioners of St. Johns County finds, determines and declares that:

A. St. Johns County must continue to expand its educational facilities 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 report entitled "Technical Memorandum on the Methods of Updating Impact Fees" dated February 9, 1998 and prepared for the Board of County Commissioners of St. Johns County by James C. Nicholas, Ph.D. sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional school sites and educational facilities in St. Johns County.

C. The fees established by Section Seven of St. Johns County Ordinance No. 87-60 as hereby amended are derived from the above described Technical Memorandum and are based upon, and do not exceed, the costs of providing for the acquisition of school sites, the expansion and equipping of existing educational facilities and the construction and equipping of new educational facilities necessitated by new land developments for which the fees are levied.

Section 5. St. Johns County Ordinance No. 87-60, as previously amended, is hereby amended by deleting Section Seven therefrom and by adding and substituting the following therefor:

Section 7. Computation of the Amount of Educational Facilities Impact Fee.

(1) Commencing March 15, 1999, the amount of the educational facilities impact fee shall be determined by the following fee schedule. The fees contained in the schedule reflect a past payment credit of 8.92% from net cost.

<u>FEE SCHEDULE</u>					
Land Use Type (UNIT) Residential Units Per Structure	Total Cost	Credit	Net Cost	Past Payment Credit	Fee
One Unit	\$4,075	\$3,274	\$801	\$72	\$729
2, 3 Or 4 Units Each Unit	2,355	1,892	463	41	422
5 Or More Units Each Unit	2,355	1,892	463	41	422
Mobile Home Each Unit	4,074	3,273	801	72	729
Hotel/Motel Room Per Room	0	0	0	0	0
Other Residential Each Unit	4,074	3,273	801	72	729

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

(3) If the type of residential 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 of land use by information provided by the School Board of St. Johns County. If the County Administrator determines that there is no comparable type of land use on the above fee schedule then the County Administrator shall request a determination by the School Board of the appropriate fee using the guidelines set forth in the Technical Memorandum described in Section 19(B).

(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 student generation statistics provided by the St. Johns County School Board.

(5) (a) Building Permits or Mobile Home Installation Permits issued prior to March 15, 1999 shall be subject to payment of Impact Fees in effect at the time of issuance of the permit.

(b) If a building permit or permit for mobile home installation expires without commencement of construction, then the fee payer shall be subject to the fees in effect at the time of renewal of the Building Permit or the Mobile Home Installation Permit.

(c) Applications for Building Permit or Permit for Mobile Home Installation

(1) Applications for Building Permit or Permit for Mobile Home Installation submitted in a completed application form with all necessary attachments, forms, plans as provided on the Clearance Sheet and "Detailed Requirements" information sheet prior to March 15, 1999 shall be subject to the Impact Fees in effect prior to March 15, 1999.

(2) Applications for Building Permit or Permit for Mobile

Home Installation must have been accepted by the Building Department and Logged in prior to March 15, 1999. Evidence that the applicant has filed for required permits from other agencies must be provided prior to logging in the permit application.

(3) If the applicant has experienced delays in Health Department or other agencies permit review, then a receipt must be provided from that agency documenting that the applicant submitted the appropriate request to the agency prior to March 15, 1999.

(4) The applicant must pick-up the Building Permit or Mobile Home Installation Permit within 30 days of the date stamped (Logged) on the application by the Building Permit. Failure to pick up the permit within the 30 days will require payment of fees in effect at the time the permit is picked up.

Section 6. St. Johns County Ordinance No. 87-60, as previously amended, is hereby amended by adding the following subparagraph F to Section Ten thereof (Use of Funds):

F. Funds may be used to pay court costs, legal fees, and associated expenses, including judgements, if any, incurred in the administration, enforcement and defense of the educational facilities impact fee program.

Section 7. St. Johns County Ordinance No. 87-60, as previously amended, is hereby amended by adding the following Section 20 thereto:

Section 20. Appeals.

A. Any decision made by the County Administrator in the course of administering the provisions of this ordinance may be appealed to the Board of County Commissioners by filing a petition of appeal with the County Administrator within thirty(30) calendar days of the date of the rendition of the decision.

B. The Board of County Commissioners shall review the petition at a public meeting within thirty (30) calendar days from the date of appeal of said decision. The petitioner shall be provided reasonable notice of the time, date, and place of the public meeting by certified mail, return receipt requested,

and invited to attend. Testimony at the public meeting shall be limited to ten (10) minutes per side, unless an extension of time is granted by the Board. The Board's decision shall be final for the purpose of administrative appeals.

The Board of County Commissioners shall revoke the decision of the County Administrator only if there is competent, substantial evidence in the record that the decision fails to comply with this Ordinance.

Section 8. This Ordinance shall take effect upon its being filed with the Secretary of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 8 day of December, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone  
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By:

Patricia DeBlonde  
Deputy Clerk

Effective Date: December 14, 1998

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA RESTATING, AMENDING, COMBINING AND SUPPLEMENTING ST. JOHNS COUNTY ORDINANCES 87-60, 91-14, 92-24, 95-27, AND 98-74, ALL OF WHICH TOGETHER HAVE CONSTITUTED THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE. THIS ORDINANCE RESTATES, CONSOLIDATES, SUPPLEMENTS AND AMENDS SAID ORDINANCES; IT REPEALS THE INDIVIDUAL ORDINANCES 87-60, 91-14, 92-24, 95-27, AND 98-74, AND REINSTATES IN PART THEIR PROVISIONS HEREIN AS AMENDED, RESTATED AND SUPPLEMENTED INCLUDING BUT NOT LIMITED TO AMENDING, RESTATING AND/OR SUPPLEMENTING THE PROVISIONS ORIGINALLY TITLED LEGISLATIVE FINDINGS; SHORT TITLE, AUTHORITY AND APPLICABILITY; INTENTS AND PURPOSES; RULES OF CONSTRUCTION; DEFINITIONS; IMPOSITION OF EDUCATIONAL FACILITIES IMPACT FEE; COMPUTATION OF THE AMOUNT OF EDUCATIONAL FACILITIES IMPACT FEES; PAYMENT OF FEE; ESTABLISHMENT OF EDUCATIONAL FACILITIES IMPACT FEE TRUST FUND; USE OF FUNDS; REFUND OF FEES PAID; EXEMPTIONS AND CREDITS; REVIEW; PENALTY PROVISIONS; PROCEDURES FOR PAYMENT OVER TIME FOR OWNER OCCUPIED SINGLE UNIT RESIDENCES THAT WILL BE OCCUPIED BY VERY LOW OR LOW UNADJUSTED GROSS INCOME RESIDENTS; APPEALS; AND SEVERABILITY. THIS ORDINANCE ALSO PROVIDES AN EFFECTIVE DATE.

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

Section I. Legislative Findings.

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

- A. Section 235.193(1), Florida Statutes, states that it is the policy of the State to require the coordination of planning between school boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services; and

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ORDINANCE BOOK 22 PAGE 1616



B. In 1986, St. Johns County initiated a comprehensive study of whether to impose impact fees to finance additional infrastructure required to serve new growth and development in the County. At the request of the St. Johns County School Board, the County included educational facilities impact fees within the scope of the study; and

C. As a result of the study and at the request of the St. Johns County School Board, the County enacted its Ordinance 87-60, the County's original educational facilities impact fee ordinance; and

D. In St. Johns County, Florida v Northeast Florida Builders Association, Inc., 583 So.2d 635 (Fla. 1991) the Florida Supreme Court upheld the validity of the County's educational facility impact fee provided that "substantially all of the population of St. Johns County is subject to the ordinance" or "substantially all of the projected (residential) development for the county falls within those areas which are subject to the impact fee" (Emphasis added.) and;

E. St. Johns County must continue to expand its educational facilities in order to maintain current levels of service if new development that creates a need for educational facilities 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; and

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

G. Each of the types of land development described in Section 7 hereof will place additional students in the public schools of St. Johns County necessitating the acquisition of school sites, the expansion of existing educational facilities and the construction of new educational facilities; and

H. The report entitled "Technical Memorandum on the Methods of Updating Impact Fees" dated February 9, 1998 and prepared for the Board of County Commissioners of St. Johns County by James C. Nicholas, Ph.D. sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional school sites and educational facilities in St. Johns County; and

I. The fees established by Section 7 herein are derived from the above described Technical Memorandum and are based upon, and do not exceed, the costs of providing for the acquisition of school sites, the expansion and equipping of existing educational facilities and the construction and equipping of new educational facilities necessitated by the new land development activity for which the fees are levied; and

J. There are instances within the County wherein family or friends find it necessary to

temporarily move a mobile home on their property or otherwise construct a temporary residence on their property to enable an elderly relative or friend or a temporarily disabled relative or friend to live near them so that they may provide care to such person during such person's last days or temporary disability. Such temporary facilities will not impact the public school system within the County; and

K. The construction and the moving on of the structures and the improvements identified in this Ordinance as creating a need for additional educational facilities infrastructure is a business activity that may be regulated by the County. It is in the public interest that the owner of the property upon which the structure or improvement will be constructed or moved on to, or his or her contractor, be required to pay a business fee in an amount that will pay such person's pro rata share of the cost of the public educational facilities infrastructure that will be necessitated or caused by such business activity. The payment of the impact fees required by this Ordinance will accomplish that purpose.

**Section 2. Short Title and Applicability.**

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

B. This Ordinance shall apply in the unincorporated areas of St. Johns County, Florida and in the incorporated areas of St. Johns County, Florida, except for those incorporated areas that are exempted by then current, non repealed, County resolution(s) finding or determining that substantially all of the projected development within the County that will create the need for educational facilities falls or will occur outside the exempted area. Such exemption shall only apply during the times indicated in the resolution and only for such time as the resolution remains in effect. Section 6 and other provisions of this Ordinance imposing Impact Fees shall not apply to development that occurs on land that is exempted pursuant to this section during the period of time that the land is exempt.

**Section 3. Primary Purpose.**

The primary purpose of this Ordinance is to assure that new development that creates a need for capital educational facilities bears a proportionate share of the cost of capital expenditures necessary to provide the public educational sites and facilities in St. Johns County that are necessitated or caused by such development.

**Section 4. 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 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 legal 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.

Section 5. Definitions.

- A. "Capital Cost of Educational Facilities" means expenditures for the acquisition of fixed assets or additions to fixed assets and expenditures for site acquisition, construction, design, site development, necessary off-site improvements, and Capital Equipment pertaining to educational facilities.
- B. "Capital Equipment" means equipment with an expected useful life of three (3) years or more.
- C. "Clerk of Court" or "Clerk" shall mean the Clerk of the Courts for St. Johns County,

Florida and/or his or her designees.

D. "County" means St. Johns County, Florida.

E. "County Administrator" means the county administrator for the County and/or the county officials he/she may designate to carry out the administration of this Ordinance. It shall also mean any municipal official or officials designated by a municipality to carry out the provisions of this Ordinance within all or portions of their municipality.

F. "Development Order" means a regulatory approval by the County or a municipality therein.

G. "Electrical Energizing" means 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.

H. "Encumber" means to legally obligate by contract or otherwise to commit to use by appropriation or other official act of the School Board.

I. "Feepayer" means a person or his or her successor in interest commencing a Land Development Activity Which May Reasonably Be Expected To Place Students in the Public Schools of the County and which requires the issuance of a building permit for a residential building or structure or permit for mobile home installation who pays an Impact Fee. The Feepayer is the Owner, unless the Impact Fee is paid by another person. If the Impact Fee is paid by a person other than the Owner, such person is the Feepayer.

J. "Impact Fees" means the educational facilities impact fees imposed by and through this Ordinance (and until paid, the educational facilities impact fees imposed by ordinances 87-60, 91-14, 92-24, 95-27 and 98-74) for the financing of additional public education infrastructure required to serve the new growth and development in the County that creates the need for such infrastructure.

K. "Land Development Activity Which May Reasonably Be Expected To Place Students in the Public Schools of the County" means any change in land use or any construction or installation of residential buildings or structures or any change in the use of any structure that will result in additional students in the public schools of the County.

L. "Mandatory or Required Land Dedications and/or Educational Facilities Improvements" means such dedications and/or educational facilities improvements required by the County or by a municipality within the County.

M. "Owner" means a person or his successor in interest having a legal title or beneficial title in equity to the real property on which a Land Development Activity Which May Reasonably Be Expected To Place Students in the Public Schools of the County which requires the issuance of a building permit for a residential building or structure or a permit

for mobile home installation is to commence. If more than one individual has legal title or beneficial title in equity to the real property, then each such person shall be an Owner.

N. "School Board" means the School Board of St. Johns County.

**Section 6. Imposition of Educational Facilities Impact Fee.**

The Owner of any land within St. Johns County, Florida (other than those lands within a municipality that are then currently exempted as provided in Section 2), who seeks to commence on such land a Land Development Activity Which May Reasonably Be Expected To Place Students in the Public Schools of the County by applying, either personally or through a contractor or agent, for a residential building permit; a permit for residential mobile home installation; a permit for an addition to or remodeling of a residential structure which will increase the number of dwelling units; a permit for remodeling a structure to change the use to residential; or for Electrical Energizing or for a certificate of occupancy for a residential building or residential mobile home; is hereby required to pay an Impact Fee in the manner and amount set forth in this Ordinance.

**Section 7. Computation of the Amount of Educational Facilities Impact Fee.**

A. The amount of the Impact Fee shall be determined by the following fee schedule. The fees contained in the schedule reflect a past payment credit of 8.92% from net cost.

FEE SCHEDULE					
Land Use Type (UNIT) Residential Units Per Structure	Total Cost	Credit	Net Cost	Past Payment Credit	Fee
One Unit	\$4,075	\$3,274	\$801	\$72	\$729
2, 3 or 4 Units Each Unit	2,355	1,892	463	41	422
5 or More Units Each Unit	2,355	1,892	463	41	422
Mobile Home Each Unit	4,074	3,273	801	72	729
Hotel/Motel Room Per Room	0	0	0	0	0
Other Residential Each Unit	4,074	3,273	801	72	729

B. If a building permit is requested for mixed uses, then the Impact Fee shall be determined through using the above schedule by apportioning the space committed to uses specified on the schedule.

C. If the type of residential development activity that a building permit is applied for is not specified on the above fee schedule, the County Administrator shall use the Impact 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 of land use by information provided by the School Board of St. Johns County. If the County Administrator determines that there is no comparable type of land use on the above fee schedule then the County Administrator shall request a determination by the School Board of the appropriate Impact Fee using the guidelines set forth in the Technical Memorandum described in Section 1.H.

D. 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 student generation statistics provided by the St. Johns County School Board.

E. (1) Building permits or mobile home installation permits shall be subject to payment of Impact Fees in effect at the time of issuance of the permit, except as provided in subparagraph (3) below.

(2) If a building permit or permit for mobile home installation expires without commencement of construction, then the Feepayer shall be subject to the Impact Fees in effect at the time of renewal of the building permit or the mobile home installation permit.

(3) Applications for building permit or permit for mobile home installation.

(a) Applications for a building permit or a permit for mobile home installation submitted in a completed application form with all necessary attachments, forms, plans as provided on the clearance sheet and "Detailed Requirements" information sheet prior to the effective date of a change in the Impact Fee Schedule shall be subject to the Impact Fees in effect prior to said change.

(b) Applications for a building permit or a permit for mobile home installation must have been accepted by the Building Department and logged in prior to the effective date of a change in the Impact Fee Schedule in order to qualify for the Impact Fee amounts in existence immediately prior to the change in the Impact Fee Schedule amounts. Evidence that the applicant has filed for required permits from other agencies must be provided prior to logging in the permit application.

(c) If the applicant has experienced delays in Health Department or other agencies permit review, then a receipt must be provided from that agency

documenting that the applicant submitted the appropriate request to the agency prior to the effective date of the change in Impact Fee amounts.

(d) The applicant must pick-up the building permit or mobile home installation permit within 30 days of the date stamped (logged) on the application by the building department. Failure to pick up the permit within the 30 days will require payment of Impact Fees in effect at the time the permit is picked up.

Section 8. Payment of Fees.

A. The Owner of any land within the County, who seeks to commence a Land Development Activity Which May Reasonably Be Expected To Place Students in the Public Schools of the County on such land, by applying, personally or through a contractor or agent, for the issuance of a permit for an addition to or remodeling of a residential structure which will increase the number of dwelling units, a permit for the remodeling of a structure to change the use to residential, or a permit for residential mobile home installation shall pay the Impact Fee, less any applicable credits as provided for in Section 12, to the County Administrator or his/her designee prior to the issuance of the building permit or permit for mobile home installation. No such permit shall be approved or issued until the applicable Impact Fee is paid.

B. The Owner of any land within the County, who seeks to commence a Land Development Activity Which May Reasonably Be Expected To Place Students in the Public Schools of the County on such land, by applying, personally or through a contractor or agent, for the issuance of a residential building permit (other than for a permit for an addition to or remodeling of a residential structure or a permit for residential mobile home installation) shall pay the Impact Fee, less any applicable credits as provided for in Section 12, to the County Administrator or his/her designee prior to approval of Electrical Energizing or issuance of certificate of occupancy, whichever shall first occur. Electrical Energizing shall not be approved and a certificate of occupancy shall not be issued until the applicable Impact Fee is paid.

C. All funds collected shall be properly identified and properly transferred for deposit in the Educational Facilities Impact Fee Trust Fund to be held in a separate account as determined in Section 10 of this Ordinance and used solely for the purposes specified in this Ordinance.

D. If payment is required under Section 8.A, and a building permit or permit for mobile home installation is approved or issued without prior payment of the Impact Fee because: (1) a municipality or municipal official fails, neglects, or refuses to collect the Impact Fee, or (2) a municipality chooses not to collect the Impact Fee, or (3) for any other reason the Impact Fee has not been collected by a municipal or County official as required by this Ordinance, then the Impact Fee shall be paid under such circumstance by the Owner to the County Administrator or his/her designee no later than thirty (30) days from the date the permit is issued.

E. If payment is required under Section 8.B, and a certificate of occupancy is issued or Electrical Energizing is approved without prior payment of the Impact Fee because: (1) a municipality or municipal official fails, neglects, or refuses to collect the Impact Fee, or (2) a municipality chooses not to collect the Impact Fee, or (3) for any other reason the Impact Fee has not been collected by a municipal or County official as required by this Ordinance, then the Impact Fee shall be paid under such circumstances by the Owner to the County Administrator or his/her designee no later than thirty (30) days from the date of Electrical Energizing or issuance of a certificate of occupancy whichever shall first occur.

F. If more than one person is the Owner of the real property, then each such person shall be jointly and severally liable for, and obligated to pay, the Impact Fee.

Section 9. Educational Facilities Impact Fee Trust Fund Established.

A. The Educational Facilities Impact Fee Trust Fund established by ordinance 87-60 is recognized and hereby continued.

B. Funds withdrawn from this account must be used in accordance with the provisions of Section 10 of this Ordinance.

Section 10. Use of Funds.

A. Funds collected from Impact Fees and deposited in the Educational Facilities Impact Fee Trust Fund by the County and municipalities located therein shall be remitted at least monthly to the School Board of St. Johns County. The collecting governmental entity shall be entitled to retain not more than three percent (3%) of the funds collected as compensation for the administrative expense of collecting the Impact Fees 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 cost of administering this Ordinance. The County shall adjust this administrative cost according to the findings of those studies, and shall amend this provision of the Ordinance, as well as Section 11, if the costs are found to exceed three percent.

B. The remaining funds collected shall be transmitted to a separate trust fund established by the School Board and shall be spent solely to acquire, construct, expand and equip the educational sites and educational capital facilities necessitated by new development and for the other purposes set forth in this Section 10.

C. The Board of County Commissioners of St. Johns County and the School Board have entered into or will enter into an appropriate interlocal agreement to ensure proper use of the funds collected pursuant to this Ordinance. The School Board shall appropriate Impact Fee funds only for Capital Costs of Educational Facilities designed to provide capacity in order to serve the improvements for which the Impact Fees are charged and for the other purposes set forth in this Section 10.



D. Funds may be used to provide refunds as described in Section 11.

E. Funds may be used to make refunds required under Chapter 380, Florida Statutes, or any Development Order hereto before or hereafter issued or entered into by the County or its municipalities as such refunds pertain to the subject matter of this Ordinance.

F. Funds may be used to pay court costs, legal fees, and associated expenses, including judgements, if any, incurred in the administration, enforcement and defense of the educational facilities Impact Fee program.

Section 11. Refund of Fees Paid.

A. If a residential building permit or permit for residential 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 of its issuance except that the School Board shall retain three percent (3%) of the fee to offset the administrative cost of collection and three percent (3%) of the fee to offset the administrative costs of refunding the fee. The School Board shall adjust these administrative costs whenever determined necessary, according to results of conducted studies. As a condition to be eligible for such a refund, the Feepayer must submit an application for such a refund to the School Board within thirty (30) days of the expiration of the permit. The application shall include such supporting documentation as the School Board may reasonably require.

B. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the Impact Fee was paid shall, upon application of the then current Owner of the land for which the unexpended unencumbered Impact Fee was paid, be refunded to such Owner with interest at the rate of six percent (6%) per annum, provided that the Owner submits an application for a refund to the School Board of St. Johns County within 180 days of the expiration of the six year period.

Section 12. 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 residential units are created, where the use is not changed, and where no additional public school enrollment will be produced over and above that produced by the existing use.

2. The construction of accessory buildings or structures which will not produce additional public school enrollment over and above that 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 or less size and use provided that no additional public school enrollment will be produced over and above that produced by the original use of the land.

4. The installation of a replacement mobile home on a lot or other such site when an Impact Fee for such mobile home site has previously been paid pursuant to this Ordinance or its predecessors, or where a residential 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 by the County prior to January 1, 1989.

5. Non-residential buildings, structures or non-residential mobile homes.

6. Any other land use that is not capable of creating educational facilities demand during its useful lifetime as a matter of either law or fact.

7. The temporary installation of a residential mobile home or the construction of a temporary residential unit on a lot or parcel under such circumstances that the County is assured that the mobile home or residential unit will be permanently removed within two (2) years of the date of the issuance of the County permit for mobile home installation for such mobile home or within two (2) years of the issuance of the County building permit for such residential unit. This exemption shall not apply to mobile home parks or other sites or uses wherein it is contemplated or likely that a different mobile home or residential unit will replace the temporary mobile home or the temporary residential unit after it is removed. Any such use not removed within two (2) years of the issuance of such permit shall immediately upon the passage of the two (2) years subject the Owner to payment of the applicable Impact Fee.

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. All Mandatory or Required Land Dedications and/or Educational Facility Improvements made by a Feepayer subsequent to November 2, 1987 for education purposes shall be credited on a pro rata basis against Impact Fees otherwise due or to become due for the development that prompted the County or the municipality to require such dedications or education facility improvements. Such credits shall be determined and provided as set forth in Section 12.B.2. a, b, c and d.

2. A Feepayer may obtain credit against all or a portion of Impact Fees otherwise due or to become due by offering to dedicate needed school sites and/or construct needed educational facility improvements. This offer must specifically

request or provide for an educational facilities Impact Fee credit. Such construction must be in accordance with School Board or State design standards, whichever is applicable. If the School Board 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 land 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 School Board may have accepted prior to the effective date of this Ordinance for particular land dedications and/or facility improvements; or
  - (iii) At the option of the Feepayer, by fair market value established by private appraisers acceptable to the School Board.

Credit for the dedication of land shall be provided when the property has been conveyed at no charge, or nominal charge, to, and accepted by, the School Board in a manner satisfactory to the School Board.

b. Applicants for credit for construction of facility improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the School Board. The School Board shall determine credit for facility improvements based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the School Board determines that such estimates submitted by the applicant are either unreliable or inaccurate. The School Board shall provide the applicant and the County Administrator 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 the applicant's agreement to the terms of the letter or certificate and return such signed document to the School Board and the County Administrator before credit shall 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:

- (i) the construction is completed and deemed acceptable to the School Board or the State, whichever is applicable;

(ii) a suitable maintenance and warranty bond is received and approved by the School Board when applicable; and

(iii) all design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the then current requirements of the School Board or the Florida Department of Education, when applicable.

d. Credit may be provided before completion of specified facility 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 School Board in the amount determined by the School Board. If the construction will not be completed within one (1) year of the acceptance of the offer by the School Board, the amount of the security may be increased in the amount as determined by the School Board consistent with School Board policy and procedures.

3. 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.

4. Credits shall not be transferable from one project or development to another without the approval of the School Board.

5. In the event Impact 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 the payment of credits required by Chapter 380, Florida Statutes, as amended.

Section 13. Review. The fee schedule contained in Section 7 shall be reviewed by the School Board and the Board of County Commissioners at least once every two years.

Section 14. 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 punished according to law; however, in addition to or in lieu of any prosecution, St. Johns County shall have the option and the power to sue in civil court to enforce the provisions of this Ordinance or take action pursuant to Section 16 of this Ordinance. Each day that a violation of this Ordinance continues shall constitute a separate offense.

Section 15. Municipality Participation. The governing bodies of each incorporated municipality within the County wherein building permits are being issued or Electrical Energizing is being

approved by the municipality for locations within the municipality that have not been exempted as provided in Section 2 without the prior payment of the Impact Fees required by this Ordinance are respectfully requested to enter into an interlocal agreement with the County whereby such municipality agrees to timely collect and remit to the County or its designee the Impact Fees that are required to be paid pursuant to this Ordinance, when such Impact Fees are attributable to development within the non-exempt portions of the municipality's boundaries.

**Section 16. County Enforcement.**

The County Administrator and his or her designees are specifically authorized to take any and all steps and actions that are legally available to the County, including any court proceedings as are authorized by law, or Code Enforcement proceedings (Chapter 162, F.S., Parts I and II), against any person who fails, neglects or refuses to pay an Impact Fee as required by the provisions of this Ordinance.

**Section 17. Appeals.**

A. Any decision made by the County Administrator in the course of administering the provisions of this Ordinance may be appealed to the Board of County Commissioners of St. Johns County (the "Board") by filing a petition of appeal with the county administrator of St. Johns County within thirty (30) calendar days of the date of the rendition of the decision.

B. The Board shall review the petition at a public meeting within thirty (30) calendar days from the date of appeal of said decision. The petitioner and the County Administrator shall be provided reasonable notice of the time, date, and place of the public meeting by certified mail, return receipt requested, and invited to attend. Testimony at the public meeting shall be limited to ten (10) minutes per side, unless an extension of time is granted by the Board. The Board's decision shall be final for the purpose of administrative appeals.

The Board shall reverse the decision of the County Administrator only if there is competent substantial evidence in the record that the decision fails to comply with this Ordinance.

**Section 18. 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 19. Qualified Repeal of Certain Ordinances.** St. Johns County Ordinances 87-60, 91-14, 92-24, 95-27, and 98-74 (hereinafter the "repealed ordinances") are repealed as of the effective date of this Ordinance, with the exception that such repealed ordinances shall remain in effect as to all educational facilities impact fees required thereunder that are attributable to permits or electrical energizing (as described in Sections 6, 7 and 8 of Ordinance 87-60, as amended and existing prior to this qualified repeal) that were applied for prior to the effective date of this Ordinance. In that regard, the repeal of said ordinances and the adoption of this Ordinance shall not affect or limit the duty or responsibility of any person to pay educational facilities impact fees which such person was

obligated or required to pay under the provisions of said repealed ordinances. Any educational facilities impact fees required to be paid under those repealed ordinances that have not been paid by the effective date of this Ordinance shall be paid no later than the time required for payment under the repealed ordinances or within thirty (30) days of the effective date of this Ordinance, whichever shall last occur. The repeal of said ordinances shall not be deemed to impair any pre-existing contractual obligations of the County or the School Board.

Section 20. ARTICLE I.

Subsection A. **Definitions.** As used in this Section 20, also to be known as Article I, unless the context otherwise indicates:

- (1) "Adjusted For Family Size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility determined as provided in subsection (3) below or subsection (5) below, based upon a formula as established by the United States Department of Housing and Urban Development.
- (2) "Adjusted Gross Income" means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits of the household as may be determined to be income of the household by the United States Department of Housing and Urban Development, Adjusted For Family Size.
- (3) "Low-Income Residents" means one or more natural persons or a family, not including Students, that will occupy the subject residential unit or mobile home, the total annual household unadjusted gross income of which does not exceed 80 percent of the median annual Adjusted Gross Income for households within the state, or 80 percent of the median annual Adjusted Gross Income for households within the metropolitan statistical area (MSA) applicable to the County or, if not within an MSA, within the County, whichever is greater.
- (4) "Student" means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the Federal Income Tax Code and who is enrolled on at least a half-time basis in a secondary school, vocational-technical center, community college, college, or university.
- (5) "Very Low-Income Residents" means one or more natural persons or a family, not including Students, that will occupy the subject residential unit or mobile home, the total annual household unadjusted gross income of which does not exceed 50 percent of the median annual Adjusted Gross Income for households within the state, or 50 percent of the median annual Adjusted Gross Income for households within the metropolitan statistical area (MSA) applicable to the County or, if not

within an MSA, within the County, whichever is greater.

**Subsection B. Findings.** The Board of County Commissioners of St. Johns County, Florida finds, determines and declares as follows:

- (1) Decent, safe and sanitary housing for Very Low Income and Low Income Residents are a critical need in S. Johns County, Florida.
- (2) New and rehabilitated housing must be provided at a cost affordable to such persons in order to alleviate this critical need.
- (3) The private-sector housing construction industry primarily produces housing units for middle-income and upper-income households and often has limited experience in housing development which provides quality housing for Very Low-Income and Low-Income Residents.
- (4) Among other things, the high cost of project financing tends to restrict the development of housing affordable to Very Low-Income and Low-Income Residents.
- (5) For these reasons, private capital and existing state housing programs do not provide an adequate remedy to this situation.
- (6) Special programs are needed to stimulate private enterprise to build and rehabilitate housing in order to help provide housing for Very Low-Income and Low-Income Residents as a matter of public purpose.
- (7) The Florida Legislature through the enactment of Florida Statutes, Chapter 159, Part IV (The Florida Housing Finance Authority Law), Florida Statutes, Section 187.201(5)(b)(3) (The State Comprehensive Plan), and Florida Statutes Section 163.3177(6)(f)(1)(d) (The Local Government Comprehensive Planning and Land Development Regulation Act) has sought to encourage the provision of incentives for the construction of affordable housing and housing for Very Low-Income and Low-Income Residents; and
- (8) The Housing Element of The St. Johns County Comprehensive Plan (1990-2005) encourages the County to consider ways to help encourage affordable housing.
- (9) Florida Attorney General Opinion 90-16 opines that the payment of impact fees in several payments with interest added does not violate the Florida Constitution.
- (10) Florida Statute Section 125.01(1)(j) specifically authorizes the Board of County Commissioners to establish and administer housing programs.

**Subsection C. Payment of Impact Fee Over Time.** When the Owner of an owner occupied single unit residential improvement for which a building permit or a permit for mobile home

installation is applied for can demonstrate to the Board of County Commissioners (the "Board") or its designee(s) that such residential improvement will be continuously occupied by only Very-Low Income Residents and/or Low-Income Residents for the next 12 consecutive months immediately following issuance of the certificate of occupancy or move on permit for such residential improvement, whichever is applicable, then, at the option of the Owner, seventy percent (70%) (the "deferred portion") of the Impact Fee that is due may be paid over time for a period not to exceed 12 months. The undeferred portion (30%) (the "initial portion") of said Impact Fee shall be paid at the time and in the manner otherwise required by this Ordinance. The deferred portion of such Impact Fee shall be paid and provided for at the same time as the initial portion but in the manner hereinafter provided. Interest shall be paid on the unpaid balance of the deferred portion of the Impact Fee at the rate of five (5%) percent per annum. Simultaneously with the payment of such initial portion of the Impact Fee, the Owner of the land upon which the residential improvement or mobile home is located or will be located shall execute and deliver a promissory note and mortgage, and deliver a title opinion or policy, to the County in form and substance satisfactory to the Clerk of Court dated the date that the payment of the initial portion of the Impact Fee is due. The promissory note shall provide for payment of the amount of the deferred portion of the Impact Fee (the "principal") and the interest in equal consecutive monthly installments until paid in full with the first payment commencing one month from the date of the promissory note. The mortgage shall encumber the land upon which the residential improvement or mobile home is, or will be, located and shall secure payment of the promissory note. Unless secured by a letter of credit as hereinafter provided, the promissory note shall indicate that it is secured by a mortgage. Additionally, the promissory note and the mortgage shall each provide for (i) acceleration upon failure to make any payment when due, and (ii) payment of costs of collection, including reasonable attorneys fees. Additional provisions may be required by resolution(s) of the Board of County Commissioners of St. Johns County or by the Clerk of Court. The Owner shall pay for the documentary stamps on the promissory note and mortgage. The Clerk of Court shall promptly record the mortgage in the official public records of St. Johns County at the Feepayer's expense.

Upon all payments being made in full, the mortgage shall be satisfied of record by the Clerk. Should the mortgage not be paid on a timely basis, the County may foreclose such mortgage, together with the costs of such foreclosure, including attorney's fees, in the manner authorized by law. The note and mortgage may be prepaid at any time without penalty.

In lieu of securing the above-described promissory note with a mortgage on the subject property, the Owner may elect to secure the note with an irrevocable letter of credit. The issuer of the letter of credit and the form and content of the letter of credit shall be approved by the Clerk of Court. The letter of credit shall be held by the Clerk until the promissory note is paid in full. The letter of credit shall, at a minimum, provide that if the note payments are not paid on a timely basis as set forth in the promissory note, the County may demand payment under the letter of credit of the entire unpaid balance of the promissory note and all sums due thereunder after 15 days written notice to the maker of the promissory note of the County's intention to do so. The promissory note shall indicate that it is secured by a letter of credit. When the promissory note is paid in full, the letter of credit shall be returned by the



Clerk to the maker of the promissory note.

Upon payment of the initial portion of the Impact Fee and compliance with the other provisions of this subsection C, the Impact Fee shall be deemed paid for the purposes of Sections 6 and 8 of the Ordinance. The preceding sentence shall not relieve the maker of the promissory note or the mortgagor or the issuer of the letter of credit from their duties and obligations under the promissory note, the mortgage and the letter of credit.

The terms, conditions and/or provisions of this subsection C may be supplemented, modified, added to, deleted and/or changed by subsequent resolution(s) of the Board.

Subsection D. Documentation. The Board of County Commissioners of St. Johns County, Florida may, by resolution(s) passed subsequent to the adoption of this Ordinance, require or suggest documentation that must or may be provided by the Owner or his/her agent to justify the request for deferred payment of the Impact Fee. Such resolution(s) may also provide or establish additional or alternate criteria that will qualify an Owner for deferred payment of such Impact Fee.

Section 21. Effective Date. This Ordinance shall take effect upon its being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 1<sup>st</sup> day of June, 1999.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone  
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland  
Deputy Clerk

Effective Date: June 8, 1999



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 Linda Y. Murray 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 BUDGET HEARING in the matter of JUNE 1, 1999 S.J.C. EDUCATIONAL FACILITIES in the Court, was published in said newspaper in the issues of MAY 17, 1999

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 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, for a period of one year preceding the first publication of the 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 this 17TH day of MAY, 1999,

by Linda Y. Murray who is personally known to me or who has produced PERSONALLY KNOWN as identification.

Zoe Ann Moss  
(Signature of Notary Public)



Zoe Ann Moss  
MY COMMISSION # CC641814 EXPIRES  
August 22, 2001  
BOND TO FULLY TROY FAIR INSURANCE (Seal)

Zoe Ann Moss

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing at a special meeting on Tuesday, June 1, 1999 at 1:30 p.m. in the County Auditorium, at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, RESTATING, AMENDING, COMBINING AND SUPPLEMENTING ST. JOHNS COUNTY ORDINANCES 87-00, 91-14, 92-24, 95-27 AND 95-74, ALL OF WHICH TOGETHER HAVE CONSTITUTED THE ST. JOHNS COUNTY EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE. THIS ORDINANCE RESTATES, CONSOLIDATES, SUPPLEMENTS AND AMENDS SAID ORDINANCES. IT REPEALS THE INDIVIDUAL ORDINANCES 87-00, 91-14, 92-24, 95-27 AND 95-74, AND REINSTATES IN PART THEIR PROVISIONS HEREIN AS AMENDED, RESTATED AND SUPPLEMENTED INCLUDING BUT NOT LIMITED TO AMENDING, RESTATING AND OR SUPPLEMENTING THE PROVISIONS ORIGINALLY TITLED LEGISLATIVE FINDINGS, SHORT TITLE, AUTHORITY AND APPLICABILITY, INTENT AND PURPOSES, RULES OF CONSTRUCTION, DEFINITIONS, IMPOSITION OF EDUCATIONAL FACILITIES IMPACT FEES, COMPUTATION OF THE AMOUNT OF EDUCATIONAL FACILITIES IMPACT FEES, PAYMENT OF FEES, ESTABLISHMENT OF EDUCATIONAL FACILITIES IMPACT FEE TRUST FUND, USE OF FUNDS, REFUND OF FEES PAID, EXEMPTIONS AND CREDITS, REVIEW PENALTY PROVISIONS, PROCEDURES FOR PAYMENT OVER TIME FOR OWNER OCCUPIED SINGLE UNIT RESIDENCES THAT WILL BE OCCURRED BY VERY LOW OR LOW UNADJUSTED GROSS INCOME RESIDENTS, APPEALS AND SEVERABILITY. THIS ORDINANCE ALSO PROVIDES AN EFFECTIVE DATE. The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. 1), St. Augustine, Florida, and may be examined by parties interested prior to the public hearing. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance. If a person desires to appear, any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she 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. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons

ORDINANCE BOOK 22 PAGE 634

ORDINANCE BOOK 36 PAGE 378

DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing  
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS  
Historic Florida Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE  
Katherine Harris  
Secretary of State  
DIVISION OF ELECTIONS

June 9, 1999

Honorable Cheryl Strickland  
Clerk to Board of Commissioners  
St. Johns County  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande, Deputy Clerk  
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated June 3, 1999 and certified copies of St. Johns County Ordinance No. 99-41, which was filed in this office on June 8, 1999.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/c

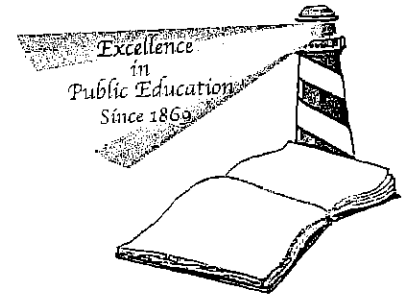
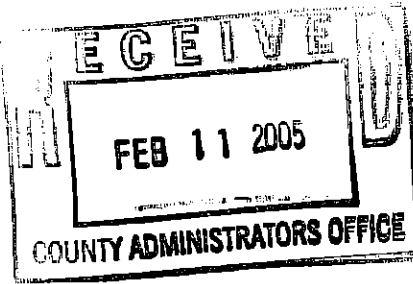
ORDINANCE BOOK 22 PAGE 635

BUREAU OF ADMINISTRATIVE CODE  
The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427  
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: [election@mail.dos.state.fl.us](mailto:election@mail.dos.state.fl.us)

ORDINANCE BOOK 36 PAGE 379

St. Johns County School District  
40 Orange Street  
St. Augustine, Florida 32084  
(904) 819-7500  
www.stjohns.k12.fl.us

Joseph G. Joyner, Ed.D.  
Superintendent



February 9, 2005

Mr. Ben Adams, Administrator  
St. Johns County  
4020 Lewis Speedway  
P. O. Box 349  
St. Augustine, FL 32085-0349

**Re: Public Educational Impact Fees**

Dear Ben:

The School Board, at its regular meeting last night, approved the following recommendations and requests of the County as it relates to public educational impact fees:


- 1) The School Board accepts the *Public Educational Impact Fee Update* dated January 7, 2005 as prepared by Dr. Nicholas.
- 2) The School Board requests the St. Johns County Board of County Commissioners to increase the Educational Impact Fees based on the *Public Educational Impact Fee Update*.
- 3) The School Board agrees that the impact fees for education should be implemented in the same manner that other County impact fees are implemented. The School Board recommends using the same method of imposing educational impact fees as the Board of County Commissioners uses for other fees. The *Public Educational Impact Fee Update* bases the fees on the number of bedrooms, and it was indicated at the workshop that other methods were being reviewed by the County for implementing the impact fees including square footage. The School Board will concur with whatever method the County determines for imposing the impact fees. However, the School Board recommends that the County consider basing the fees on square footage.
- 4) The School Board concurs that the educational impact fees should be indexed and that the same method that is used for indexing other County impact fees should be used for indexing educational impact fees. The School Board will concur with whatever method the County determines. However, the School Board recommends that the index be based on construction cost.
- 5) The School Board recommends that the impact fee methodology be updated and re-evaluated every five (5) years.
- 6) The School Board request that the County study and implement, as appropriate, what is referred to as "equity issue" or "past payment credits" adjustment.

David Toner, Executive Director for Facilities & Operations, is the District staff member coordinating this issue and he will be available for meetings with County Staff of County Commissioners if they have any questions or need additional information.

Page two  
Mr. Ben Adams  
February 9, 2005

I would like to thank the County for their consideration of the School Board's requests as it relates to public educational impact fees. Since we have a joint workshop between the School Board and the Board of County Commissioners scheduled for February 22<sup>nd</sup>, it might be appropriate to place this item on the agenda for any further discussion between the two Boards.

Sincerely,

  
Joseph G. Joyner, Ed.D.  
Superintendent

Cc: Scott Clem  
Teresa Bishop  
Nicole Cubbedge  
David Toner  
School Board Members  
Board of County Commissioners

**THE ST. AUGUSTINE RECORD**

PUBLISHED EVERY MORNING 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 **CHARLES BARRETT**  
who on oath says that he is an 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 **NOTICE OF PUBLIC HEARINGS**  
in the matter of **SJC BCC ORD/ REG LAND USE**  
was published in said newspaper in the issues of  
**FEBRUARY 19, 2005.**

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  
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, for a period of one year preceding  
the first publication of the 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 the advertisement for  
publication in the said newspaper.

Sworn to and subscribed before me this **21<sup>ST</sup>** day of **FEBRUARY 2005.**

by *Charles Barrett* who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

*Brian Fike*  
(Signature of Notary Public)

 Brian Fike  
My Commission DD327588  
Expires June 09, 2008  
(Seal)

BRIAN FIKE

# NOTICE OF PUBLIC HEARINGS

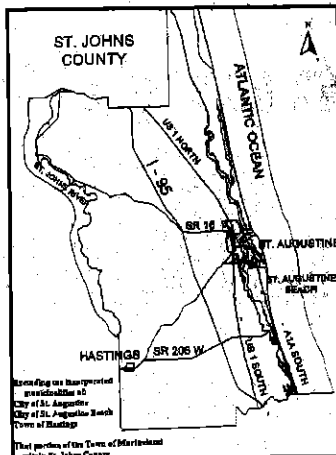
## OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at special meetings on Wednesday, March 2, 2005 at 9:00 a.m. and Wednesday, March 16, 2005 at 5:30 p.m. in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida, will hold public hearings to consider adoption of the following proposed ordinance:

ORDINANCE NO. 2005-\_\_\_\_\_

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE REAFFIRMS, READOPTS, CONSOLIDATES AND INCORPORATES WITHIN THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE THE FOLLOWING ORDINANCES: NO. 87-57 (ROAD IMPACT FEE ORDINANCE), AS PREVIOUSLY AMENDED; NO. 87-58 (PARK IMPACT FEE ORDINANCE), AS PREVIOUSLY AMENDED; NO. 87-59 (PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE), AS PREVIOUSLY AMENDED; AND NO. 87-60 (EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE), AS PREVIOUSLY AMENDED; MAKES CHANGES APPLICABLE TO ALL IMPACT FEES AS CONSOLIDATED, INCLUDING AND RELATING TO: PROVIDING SUPPLEMENTAL AND ADDITIONAL FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; MODIFYING THE DEFINITION OF FEEPAVER; MODIFYING THE BOUNDARIES OF THE IMPACT FEE DISTRICTS AND RELATED MAPS; MODIFYING THE AMOUNTS PAYABLE PURSUANT TO THE IMPACT FEE SCHEDULE AND CONSOLIDATING THE FIRE AND EMS FUNDS; PROVIDING FOR AUTOMATIC UPDATING OF FEES BASED ON INDEXING; PROVIDING FOR REVIEW AND UPDATING OF IMPACT FEES BY THE BOARD OF COUNTY COMMISSION EVERY FIVE (5) YEARS; MODIFYING IMPACT FEES FOR RESIDENTIAL UNITS BASED ON HEATED AND AIR-CONDITIONED SQUARE FOOTAGE OF EACH UNIT; AMENDING AND READOPTING THE IMPACT FEES GENERAL ADMINISTRATIVE GUIDELINES AND PROCEDURES MANUAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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



The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the said public hearings. Please take note that the proposed ordinance is subject to revision prior to the hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the hearings, such person will need a record of the proceedings, and for such purposes he/she 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.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2235 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS CLERK

**THE ST. AUGUSTINE RECORD**

PUBLISHED EVERY MORNING 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 **CHARLES BARRETT**  
who on oath says that he is an 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 **DISPLAY ADVERTISEMENT**  
in the matter **PUBLIC HEARINGS USE OF LAND**  
was published in said newspaper in the issues of  
**MARCH 5, 2005.**

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  
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, for a period of one year preceding  
the first publication of the 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 the advertisement for  
publication in the said newspaper.

Sworn to and subscribed before me this **11 TH** day of **MARCH 2005.**

by *Charles Barrett* who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

*Brian Fike*

(Signature of Notary Public)



Brian Fike  
My Commission DD327588  
Expires June 09, 2008

(Seal)

BRIAN FIKE



# NOTICE OF PUBLIC HEARINGS

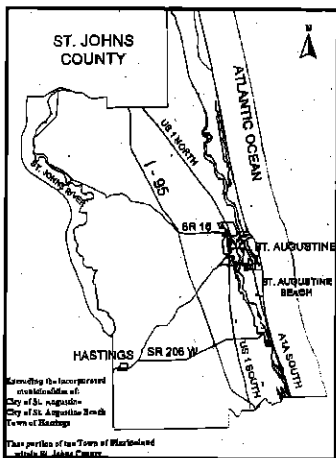
## OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at special meetings on Wednesday, March 2, 2005 at 9:00 a.m. and Wednesday, March 16, 2005 at 5:30 p.m. in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida, will hold public hearings to consider adoption of the following proposed ordinance:

ORDINANCE NO. 2005-\_\_\_\_\_

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE REAFFIRMS, READOPTS, CONSOLIDATES AND INCORPORATES WITHIN THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE THE FOLLOWING ORDINANCES: NO. 87-57 (ROAD IMPACT FEE ORDINANCE), AS PREVIOUSLY AMENDED; NO. 87-58 (PARK IMPACT FEE ORDINANCE), AS PREVIOUSLY AMENDED; NO. 87-59 (PUBLIC CAPITAL FACILITIES IMPACT FEE ORDINANCE), AS PREVIOUSLY AMENDED; AND NO. 87-60 (EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE), AS PREVIOUSLY AMENDED; MAKES CHANGES APPLICABLE TO ALL IMPACT FEES AS CONSOLIDATED, INCLUDING AND RELATING TO: PROVIDING SUPPLEMENTAL AND ADDITIONAL FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; MODIFYING THE DEFINITION OF FEEPAAYER; MODIFYING THE BOUNDARIES OF THE IMPACT FEE DISTRICTS AND RELATED MAPS; MODIFYING THE AMOUNTS PAYABLE PURSUANT TO THE IMPACT FEE SCHEDULE AND CONSOLIDATING THE FIRE AND EMS FUNDS; PROVIDING FOR AUTOMATIC UPDATING OF FEES BASED ON INDEXING; PROVIDING FOR REVIEW AND UPDATING OF IMPACT FEES BY THE BOARD OF COUNTY COMMISSION EVERY FIVE (5) YEARS; MODIFYING IMPACT FEES FOR RESIDENTIAL UNITS BASED ON HEATED AND AIR-CONDITIONED SQUARE FOOTAGE OF EACH UNIT; AMENDING AND READOPTING THE IMPACT FEES GENERAL ADMINISTRATIVE GUIDELINES AND PROCEDURES MANUAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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



The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the said public hearings. Please take note that the proposed ordinance is subject to revision prior to the hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the hearings, such person will need a record of the proceedings, and for such purposes he/she 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.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2235 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS CLERK

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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 CHARLES BARRETT who on oath says that he is an 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 NOTICE OF MEETING in the matter IMPACT FEE was published in said newspaper in the issues of MARCH 7, 2005.

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 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, for a period of one year preceding the first publication of the 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 the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 7TH day of MARCH 2005.

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

[Signature of Brian Fike]

(Signature of Notary Public)



Brian Fike My Commission DD327588 Expires June 09, 2008

(Seal)

BRIAN FIKE

NOTICE OF SPECIAL MEETING OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida will hold a special meeting on Wednesday, March 16, 2005 at 5:30 p.m. in the County Auditorium of the County Administration

Building, 400 Lewis Speedway, (CR 16A & US1 North), St. Augustine, Florida.

The purpose of the special meeting will be to hold a public hearing and to consider and possibly take action to approve a proposed ordinance amending and supplementing the St. Johns County Land Development Code. This ordinance reaffirms, readopts, consolidates and incorporates within the Land Development Code the following ordinances, as previously amended: the Road Impact Fee Ordinance, the Park Impact Fee Ordinance, the Public Capital Facilities Impact Fee Ordinance and the Educational Facilities Impact Fee Ordinance. The Board may also discuss and take action on any other business that may lawfully come before it at the special meeting.

If a person decides to appeal any decision made with respect to any matter considered at the meeting, he/she will need a record of the proceedings, and for such purpose he/she 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.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2235 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: Patricia DeGrande, Deputy Clerk L549-5, March 7, 2005



FILED

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FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

CHERYL STRICKLAND  
CLERK COUNTY COMMISSION  
ST. JOHNS COUNTY FL

March 22, 2005

Ms. Cheryl Strickland  
Clerk  
St. Johns County  
Minutes & Records Division  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 18, 2005 and certified copy of St. Johns County Ordinance No. 2005-27, which was filed in this office on March 21, 2005.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/kcs

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ORDINANCE BOOK 36 PAGE 387