

ORDINANCE NO. 2015- A07

**AN ORDINANCE OF CITRUS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE FEE SCHEDULE OF CHAPTER 54 OF THE CITRUS COUNTY CODE, ALSO KNOWN AS THE CITRUS COUNTY IMPACT FEE ORDINANCE, FOR TRANSPORTATION, SCHOOLS, PARKS, LIBRARY, FIRE, EMERGENCY MEDICAL SERVICES (EMS), LAW, AND PUBLIC BUILDINGS; PROVIDING FOR SHORT TITLE, AUTHORITY, APPLICABILITY, AND ADOPTION OF TECHNICAL REPORT; PROVIDING FOR INTENT, PURPOSE AND FINDINGS; PROVIDING FOR DEFINITIONS AND RULES OF CONSTRUCTION; PROVIDING FOR FEE TO BE IMPOSED; PROVIDING FOR INDIVIDUAL ASSESSMENT; PROVIDING FOR CREDITS; PROVIDING FOR BENEFIT DISTRICTS; PROVIDING FOR USE OF FUNDS; PROVIDING FOR RETURN OF FEES; PROVIDING FOR LIBERAL CONSTRUCTION, SEVERABILITY, AND PENALTY; CONFLICTS OF LAW; CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Citrus County, has determined that future growth and new development that creates the need for and benefits from the provision of new County Facilities should contribute its fair share of the costs of providing such facilities; and

**WHEREAS**, the Board of County Commissioners of Citrus County has studied the necessity for and implications of updating current impact fees for County Facilities, and has retained James Duncan and Associates, Inc. to prepare a technical report (hereinafter the "Technical Report": "Citrus County, Florida Impact Fee Update," dated June 2014; and

**WHEREAS**, the Technical Report sets forth reasonable methodologies for determining the impact of new development, or "Impact-Generating Land Development," on capital transportation, schools, parks, library, fire, emergency medical services, law, and public building facilities; and

**WHEREAS**, the Board of County Commissioners of Citrus County has determined that the impact fees calculated in the Technical Report are based on the most recent and localized data; and

**WHEREAS**, the Technical Report and the impact fees established by said report reflect the proportionate demand created by the new Impact-Generating Land Development for additional capital transportation, schools, parks, library, fire, emergency medical services, law, and public building facilities; and

**WHEREAS**, the Board of County Commissioners of Citrus County has determined that a nexus exists between new Impact-Generating Land Development and the need for additional capital transportation, schools, parks, library, fire, emergency medical services, law, and public building facilities; and

**WHEREAS**, this ordinance includes provisions for use of impact fee funds for capital transportation facilities for multi-modal improvements undertaken to accommodate and which will substantially benefit additional vehicular, pedestrian and bicycle traffic resulting from new Impact-Generating Land Development; and

**WHEREAS**, the County provided notice on the 13th day of April, 2015, prior to the effective date of this Ordinance; and

**WHEREAS**, an updated impact fee schedule that requires new Impact-Generating Land Development to contribute its fair share of the capital facility costs for new users and is consistent with the Citrus County Comprehensive Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Citrus County, Florida, as follows:

**SECTION 1.** Amendment to Code of Ordinances, Section 54-1 of Part II, Chapter 54, Impact Fees, of the Citrus County Code of Ordinances is hereby amended to read as follows:

**Sec. 54-01. Temporary Suspension of Impact Fees.**

The imposition of impact fees as outlined in this Chapter shall be temporarily suspended for all residential and non-residential building permits for which an application has been date-stamped received on or after February 1, 2015.

*[Ordinance No. 2015-A02 which adopted Section 54-01 shall automatically sunset on January 13, 2017 but shall be reviewed by the Board of County Commissioners in January, 2016 to determine the effectiveness of this ordinance.]*

**Sec. 54-1. Short title, authority, applicability, and adoption of technical report.**

- (a) *Short title.* This chapter shall be known and may be cited as the "Citrus County Impact Fee Ordinance."
- (b) *Authorization.* The Board of County Commissioners of Citrus County has the authority to adopt this chapter pursuant to Article VIII of the Florida Constitution and F.S. ch. 125 and F.S. §§ 163.31801, 163.3201, 163.3202 and 380.06(16).
- (c) *Applicability.* This chapter shall apply to the unincorporated area of Citrus County, and to the incorporated area of Citrus County to the extent authorized by the Florida Constitution, Article VIII, Section 1(f) and as specifically provided herein.
  - (1) *Incorporation of technical report.* The Board of County Commissioners of Citrus County has reviewed and accepted, and incorporates into this chapter by reference, the report prepared by Duncan Associates, titled "Citrus County, Florida Impact Fee Update" and dated June 2014 (hereinafter the "Technical Report"), which establishes the need for and appropriate amount of impact fees for capital transportation, park, school, fire, emergency medical services (EMS), law enforcement, library, and public building facilities, necessary to serve new development.

The technical report is hereby adopted, including particularly the assumptions, conclusions and findings in such study as to the allocation of anticipated costs of capital improvements and additions to the County Facilities between those costs required to accommodate existing development and those costs required by new growth.

(Ord. No. 2011-A03, §§ 1, 4, 2-22-11)

**SECTION 2.** Amendment to Code of Ordinances, Section 54-2 of Part II, Chapter 54, Impact Fees, of the Citrus County Code of Ordinances is hereby amended to read as follows:

## **Sec. 54-2. Intent, purpose and findings.**

- (a) *Implementation of comprehensive plan.* This chapter is intended to implement and be consistent with the Citrus County Comprehensive Plan pursuant to F.S. § 163.3161 et seq., the Florida Local Government Comprehensive Planning and Land Development Regulation Act.
- (b) *Contribution of proportionate share.* This objective is accomplished by requiring all new impact-generating land development to contribute its fair share of the funds, land, or public facilities necessary to accommodate any impacts on county facilities having a rational nexus to the proposed land development for which the need is reasonably attributable to the proposed development.
- (c) *Allocation of fair share cost.* This chapter is intended to be consistent with the principles for allocating a fair share of the cost of new county facilities to new users as established by the Florida Statutes, the Florida Supreme Court, and the District Courts of Appeal of Florida.
- (d) Both existing development and development resulting from growth, as contemplated by the Comprehensive Plan, will require improvements and additions to County Facilities to accommodate and maintain the level of service adopted by the County.
- (e) Future growth represented by Impact-generating Land Development should contribute its fair share to the cost of improvements and additions to County Facilities that are required to accommodate the use of such facilities by growth. The required improvements and additions to the County Facilities needed to accommodate existing development at the adopted level of service shall be financed by revenue sources other than impact fees.
- (f) Implementation of an impact fee structure to require future Impact-generating Land Development to contribute its fair share of the cost of improvements and additions to County Facilities is an integral and vital element of the management of growth.
- (g) The administrative costs imposed herein are limited to the actual costs of administration and collection of the Impact Fees imposed herein.
- (h) The data set forth in the Impact Fee Technical Report, which was employed in the calculation of the Impact Fee rates to be imposed in conformance with this Ordinance, is the most recent and localized data available for the applicable County Facilities as of the date of each Impact Fee Technical Report.
- (i). County facilities planning is an evolving process and the level of service adopted by the County for such County Facilities constitutes a balancing of anticipated need and the corresponding cost to implement such standard, based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns, the needs of the community and the dynamics of County Facilities planning, it is the intent of the Board that the level of service and the cost of the various County Facilities be reviewed and adjusted periodically, pursuant to section 54-4(b)(3), to insure that the Impact Fees imposed pursuant to this Ordinance are equitable and lawful based on the impact of growth upon these County Facilities.
- (j) This Ordinance shall not be construed to permit the collection of Impact Fees from Impact-generating Land Development in excess of the amount reasonably anticipated to offset the need for and demand on those County Facilities generated by such Impact-generating Land Development.
- (k) Development necessitated by growth contemplated in the Comprehensive Plan and the Impact Fee Technical Report will require improvements and additions to the County Facilities to accommodate the new development generated by such growth and maintain the standards of service provided by the County Facilities.
- (l) The Board expressly finds based on the information provided in the Impact Fee Technical Report that any improvements and additions to the County Facilities funded by the Impact Fees will provide a benefit to all Impact-generating Land Development in proportion to the Impact Fees imposed.
- (m) The imposition of the Impact Fees is to provide a source of revenue to fund the construction or improvement of the County Facilities necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan or the School's Board's Capital Improvement Plan.

(Ord. No. 2011-A03, §§ 1, 4, 2-22-11)

**SECTION 3.** Amendment to Code of Ordinances, Section 54-3 of Part II, Chapter 54, Impact Fees, of the Citrus County Code of Ordinances is hereby amended to read as follows:

**Sec. 54-3. Definitions and rules of construction.**

(a) *Definitions.* For the purposes of this chapter, the following terms shall have the following meanings:

- (1) *Access improvements* means improvements primarily designed to insure safe and adequate ingress and egress to the site of a proposed development. The term "access improvements" includes, but is not limited to, acceleration, deceleration and turn lanes, traffic signals and signs and any transportation capital facility which does not increase transportation system capacity.
- (2) *Board* means the Board of County Commissioners of Citrus County, Florida.
- (3) *Building permit* means that development permit issued by the Citrus County Division of Building, or the City of Inverness or the City of Crystal River, whichever is appropriate, before any building or construction activity can be initiated on a parcel of land.
- (4) *Capital EMS facilities* means capital improvements, including, land improvements, buildings, and equipment related to the provision of emergency medical services (EMS) to new impact-generating development and having a useful life of at least five years and a cost of at least \$5,000.00.
- (5) *Capital fire facilities* mean capital improvements, including, land improvements, buildings, and equipment related to the provision of fire protection services to new impact-generating development and having a useful life of at least five years and a cost of at least \$5,000.00.
- (6) *Capital law enforcement facilities* means capital improvements, including, land improvements, buildings, and equipment related to the provision of law enforcement services to new impact-generating development and having a useful life of at least five years and a cost of at least \$5,000.00.
- (7) *Capital library facilities* means capital improvements, including land, land improvements, buildings, library volumes, equipment, or other capacity-adding capital improvements having a useful life of at least five years and a cost of at least \$5,000.00 necessary for the provision of library services to new impact-generating land development.
- (8) *Capital park facilities* means capital improvements, including land, land improvements, buildings, and equipment having a useful life of at least five years and a cost of at least \$5,000.00 necessary for the provision of park and recreation services to new impact-generating development.
- (9) *Capital public building facilities* mean capital improvements, including land, land improvements, equipment, buildings or other capacity-adding capital improvements with a cost of at least \$50,000.00, which are necessary for the provision of public services to new impact-generating land development.
- (10) *Capital transportation facilities* means capacity-expanding capital improvements to the major road system as well as pedestrian improvements, bikeways and trails along major roadways or on off-road alignments that provide comparable connectivity, including the transportation planning, preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting, and construction of all necessary features for improvements undertaken to accommodate and which will substantially benefit additional vehicular, pedestrian and bicycle traffic resulting from new impact-generating land development. These include but are not limited to:
  - a. Construction of new through lanes,
  - b. Construction of new bridges,
  - c. Construction of new drainage facilities in conjunction with new road construction,

- d. Purchase and installation of traffic signals, including new and upgraded signalization,
- e. Construction of curbs, gutters, medians and shoulders,
- f. Relocating utilities to accommodate new road construction,
- g. The construction and reconstruction of intersections,
- h. The widening of existing roads,
- i. Acceleration and deceleration lanes,
- j. Interchanges,
- k. Traffic control devices,
- l. Sidewalks,
- m. Bikeways, and
- n. Trails.

Capital transportation facilities have a total cost of at least \$50,000.00 and do not include maintenance as defined in F.S. §§ 334.03(19) or (24).

- (11) *Capital school facilities* mean capital improvements, including land, buildings, vehicles, equipment, or other capacity-adding capital improvement having a useful life of at least five years and a cost of at least \$5,000.00 necessary for the provision of educational services to new impact-generating land development.
- (12) *Certificate of occupancy* means that development permit issued by the Citrus County Division of Building, or the City of Inverness or the City of Crystal River, after completion of the final inspection for building or construction activity as required pursuant to the Florida Building Code or other laws that are enforced by the department of building safety.
- (13) *Commencement of impact-generating land development* occurs upon any of the following events, whether in unincorporated Citrus County or within a participating city, as provided in section 54-7 of this chapter:
  - a. The approval of a development of regional impact.
  - b. The issuance of any permit to authorize building or construction of any kind on the property.
  - c. The issuance of any certificate of occupancy.
- (14) *County facilities* mean the capital facilities for which impact fees are imposed pursuant to this chapter.
- (15) *Existing impact-generating land development* means the most intense use of land since December 9, 1986.
- (16) *Expansion of the capacity of a road* includes any widening, intersection improvement or other capital improvement which results in an increase of the existing road's capacity.
- (17) *Fee payer* means a person commencing impact-generating land development who is obligated to pay an impact fee in accordance with the terms of this chapter.
- (18) *Housing for older persons* means a dwelling unit in a subdivision, mobile home or manufactured housing park, or multifamily structure operated as a community for older persons in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995, 42 U.S.C., §§ 3601 through 3619, that also prohibits persons under the age of 18 from residing within the dwelling units on the property as a permanent resident, as evidenced by a recorded declaration of covenants and restrictions that run with the land and are not subject to revocation or amendment for a period of at least 30 years from the date of recording.

- (19) *Impact-generating land development* is land development designed or intended to permit a use of the land which will contain more dwelling units or floor space than the then existing use of the land in a manner that increases the generation of vehicular traffic or the demand on county facilities. The type of proposed impact-generating land development shall be based on the proposed use of the land.
- (20) *Land* shall have the same meaning as set forth in F.S. § 380.031(7).
- (21) *Major road system* means all existing and planned state, county, and city arterials and major collector roads within Citrus County, including the incorporated areas of the county.
- (22) Reserved.
- (23) *Office* shall mean a building not located in a shopping center and exclusively containing establishments providing executive, management, administrative or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, photocopy and reproduction, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.
- (24) Reserved.
- (25) *Person* means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity.
- (26) *Public/institutional* shall mean a governmental, quasi-public, institutional or nonprofit recreational use, not located in a shopping center. Typical uses include elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, fire stations, city halls, county court houses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, parks and playgrounds.
- (27) *Retail/commercial* means establishments engaged in the selling or rental of goods, services or entertainment to the general public. Such uses include, but are not limited to, amusement parks, automobile sales and service, banks, bowling alleys, barber shops, building material and lumber stores, car washes, convenience stores, dance studios, discount stores, funeral homes, furniture stores, health clubs, golf courses and driving ranges, hardware and paint stores, home improvement stores, marinas, miniature golf courses, movie theaters, pharmacies, restaurants, shopping centers, supermarkets, tire stores and vocational or technical schools. Any land use within a shopping center shall be considered a retail/commercial use.
- (28) *Road* shall have the same meaning as set forth in F.S. § 334.03(22).
- (b) *Rules of construction.* In the construction of this chapter, the rules set out in this section shall be observed unless such construction is inconsistent with the manifest intent of the Citrus County Board of County Commissioners. The rules of construction set out here shall not be applied to any section of this chapter which contains any express provisions excluding such construction, or where the subject matter or content of such section would be inconsistent with this section.
  - (1) *Generally.* All provisions, terms, phrases and expressions contained in this chapter shall be liberally construed in order that the true intent and meaning of the Citrus County Board of County Commissioners may be fully carried out. Terms used in this chapter, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.
  - (2) *Text.* In case of any difference of meaning or implication between the text of this chapter and any figure, the text shall control.

- (3) *Statutory references.* All references to state law in this chapter refers to the Florida Statutes, as amended.
- (4) *Computation of time.* Periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other business days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.
- (5) *Delegation of authority.* Whenever a provision appears requiring the head of a department or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or some other officer or employee to designate, delegate and authorize professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
- (6) *Gender.* Words importing the masculine gender shall be construed to include the feminine and neuter.
- (7) *Month.* The word "month" shall mean a calendar month.
- (8) *Technical and nontechnical words.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- (9) *Number.* A word importing the singular number only, may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.
- (10) *Mandatory and discretionary terms.* The word "shall" is mandatory; and "may" is permissive.
- (11) *Tense.* Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary.
- (12) *Written or in writing.* The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.
- (13) *Year.* The word "year" shall mean a calendar year, unless a fiscal year is indicated.
- (14) *Boundaries.* Where a road right-of-way is used to define benefit district boundaries, that portion of the road right-of-way demarcating the boundary shall be considered as part of the benefit district it bounds.
- (15) *Square feet.* Residential fees that are assessed by the square footage of the dwelling unit shall be based on the gross floor area of air-conditioned space. Nonresidential fees that are assessed by square footage shall be based on the gross floor area of the building, exclusive of parking garages.

(Ord. No. 2011-A03, §§ 1, 4, 2-22-11)

**SECTION 4.** Amendment to Code of Ordinances, Section 54-4 of Part II, Chapter 54, Impact Fees, of the Citrus County Code of Ordinances is hereby amended to read as follows:

**Sec. 54-4. Fee to be imposed.**

(a) *Fee obligation, determination, and payment.*

- (1) *General.* After the effective date of this chapter, any person or governmental body who shall commence any impact-generating land development, except those exempted pursuant to subsection 54-4(a)(2), exemptions, shall be obligated to pay an impact fee upon the commencement of impact-generating land development, pursuant to the fee schedule attached to this chapter as Exhibit "A" and incorporated herein by reference. The fee shall be determined and paid to the county administrator, or a designee, or the appropriate city official in the cities, at the time of issuance of a building permit or any such approval as may be required to initiate

an impact-generating land development. If the building permit or other approval is for less than the entire development, the fee shall be computed separately for the amount of development covered by the permit. If the fee is exacted for impact-generating land development that increases impact because of the expansion of an existing use, the fee shall be determined by computing the difference in the fee schedule between the new impact-generating land development and the existing impact-generating land development. The obligation to pay the impact fee shall run with the land.

If the issuance of a conventional building permit for the development is not required, then an applicant shall pay the impact fee prior to the occurrence of any one of the following events, whichever occurs first:

- a. The date when the first building permit has been issued for any building or structure accessory to the principal use or structure of the development; or
- b. The date when the first building permit is issued for the first nonaccessory building or nonaccessory structure to be used by any part of the development; or
- c. The date when a final development order, final development permit or other final authorization is issued authorizing construction of a parking facility for any portion of the development; or
- d. The date when a final development order, final development permit or other final approval is issued for any part of the development in instances where no further building permit is required for that part of the development; or
- e. The date when any part of the development opens for business or goes into use.

Owners of all golf courses must submit to the county a certified legal description and a certified surveyor's sketch, to scale, of the course prepared by a professional engineer before the date the construction of the golf course commences.

(2) *Exemptions.* The following development shall be exempt from the terms of this chapter. An exemption shall be claimed by the fee payer at the time of application for a building permit.

- a. Alterations or expansion of an existing building where no additional dwelling units are created, and no additional vehicular trips will be produced over and above that produced by the existing use, or no additional impact will be made on the demand for county facilities.
- b. The construction of accessory buildings or structures which will not produce additional vehicular trips over and above that produced by the principal building or use of the land, or increase the demand for county facilities above that produced by the principal building or use of the land.
- c. The replacement of a residential building or structure of the same use, provided no additional dwelling units are added as such term is defined by the Citrus County Building Code.
- d. The replacement of a nonresidential building or structure with a building of the same size and use, as long as no additional vehicular trips are added, or there is no increase in the demand for county facilities.
- e. All public educational and ancillary plants constructed by a district school board or a community college district board of trustees, pursuant to F.S. § 1013.371(1)(a).
- f. Charter school facilities, pursuant to F.S. § 1002.33(18)(d).
- g. Housing for older persons, as defined herein, shall be exempt from the capital school facility component of the impact fee only.
- h. An addition or expansion of an existing dwelling unit, provided no additional dwelling units are created.
- i. A change of use within an existing building.

- (3) *Payment deferral.* For commercial, industrial, or other nonresidential development, the landowner may delay payment by executing a noninterest bearing promissory note payable to the county or participating city for the amount of the fee. The promissory note shall be paid prior to the issuance of a certificate of occupancy for the impact-generating land development. If the building permit is for less than the entire development, the fee shall be computed separately for the amount of the development covered by the permit. The obligation to pay the impact fee shall run with the land. A longer term payment plan will be made available to fee payers, which will be implemented and administered through the county's administrative regulations.
  - (4) *Dedication of land or facilities.* Any land or facilities agreed to be dedicated to the county as a condition of development approval shall be dedicated by either easement or deed, at the discretion of the county, no later than the time at which impact fees are required to be paid under this section.
  - (5) *Fee agreement.* At any time prior to issuance of a building permit, the owner of property may enter into a fee agreement with the board of county commissioners providing for payment of the fee pursuant to the terms of this chapter.
- (b) *Establishment of fee schedule.*
- (1) *Fee schedule.* Any person who shall initiate any new impact-generating land development, except those exempted pursuant to subsection 54-4(a)(2), exemptions, or those preparing an individual assessment pursuant to section 54-5, individual assessment, shall pay an impact fee as determined by the revised fee schedule attached to this chapter as Exhibit "A" and incorporated herein by reference.
  - (2) *Fee computation.*
    - a. If a building permit is requested for mixed uses, then the fee shall be determined according to the above schedule by apportioning the space committed to uses specified on the schedule.
    - b. If the type of impact-generating land development for which a building permit is requested is not specified on the fee schedule, the county administrator or designee shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule, or if there is not a comparable land use, conduct an individual assessment pursuant to section 54-5, individual assessment.
  - (3) *Five-year review.* At least once every five years, the county administrator or a designee, after consultation with the Citrus County School Superintendent on school fees, and all other appropriate providers of county facilities, shall recommend to the board of county commissioners whether any changes should be made to the impact fee schedule to reflect changes in the factors that affect the fee schedule. The purpose of this review is to analyze the effects of inflation on the actual costs of facilities, to assess potential changes in needs, to assess any changes in the characteristics of land uses, and to ensure that the fee charged new impact-generating land development will not exceed its pro rata share for the reasonably anticipated expansion costs of facilities necessitated by its presence.

(Ord. No. 2011-A03, §§ 1, 4, 2-22-11)

**SECTION 5.** Amendment to Code of Ordinances, Section 54-5 of Part II, Chapter 54, Impact Fees, of the Citrus County Code of Ordinances is hereby amended to read as follows:

**Sec. 54-5. Individual assessment.**

- (a) *Criteria for use of individual assessment.* One, several, or all components of the impact fee shall be computed by the use of an individual assessment if:

- (1) It is determined by the county administrator or a designee or a city official (whichever is appropriate) that the type of impact-generating land development being commenced is not one of those types listed on the fee schedule in subsection 54-4(b)(1), fee schedule; or
  - (2) The potential fee payer chooses to have the amount of the fee determined by the use of an individual assessment; or
  - (3) The county administrator or a designee or a city official (whichever is appropriate), concludes the nature, timing or location of the proposed impact-generating land development makes it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule.
- (b) *Preparation of individual assessment.*
- (1) The potential fee payer shall be responsible for preparation of the individual assessment if the potential fee payer chooses to conduct the analysis. The county administrator or a designee or the participating city (whichever is appropriate), shall be responsible for preparation of the individual assessment if the type of impact-generating land development being proposed is interpreted not to be one of those types listed in the fee schedule, or analysis of the proposed impact-generating land development concludes that the nature, timing or location of the proposed impact-generating land development make it likely to generate impacts costing substantially more than the amount of the fee generated by the use of the fee schedule.
  - (2) The person who prepares the individual assessment shall be a qualified professional in the preparation of impact analysis, and shall be approved by the county administrator or a designee or a city official (whichever is appropriate), on the basis of professional training and experience. If the county administrator or a designee or a city official is responsible for preparation of the assessment, they may request the fee payer to prepare the individual assessment, and credit the cost of such preparation against the impact fee.
- (c) *Individual assessment standards.* The individual assessments shall be in accordance with the following standards:
- (1) *Capital transportation facilities.* The individual assessment for the transportation component shall be in accordance with the following standards:
    - a. The individual assessment shall be calculated in a manner consistent with the formulas and methodology used in the technical report.
    - b. The fee calculations shall be based on data, information or assumptions contained in this chapter or independent sources, provided that:
      1. The source is an accepted standard source of transportation engineering or planning data or information; or
      2. The independent source is a local study carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering.
      3. The county administrator or a designee or a city official (whichever is appropriate), will approve the methodology in writing prior to the applicant undertaking the individual assessment study.
    - c. The trip rate, trip length and percent new trips used in the individual assessment shall be based on actual surveys conducted in Citrus County. In the absence of like impact generating land development activity in Citrus County, the county administrator or a designee or a city official (whichever is appropriate) may allow the applicant undertaking the individual assessment study using a like impact generating land development activity in an area outside of Citrus County, provided that the proposed study site has similar demographic characteristics as the location in Citrus County. For the purposes of this analysis, the percent new trips figure shall be the percentage of trips that a proposed use will generate that constitutes new or additional trips not already on the major road system.
  - (2) *County facilities other than capital transportation facilities.* The individual assessment for any county facilities other than the transportation component shall determine if the proposed impact-

generating land development is designed or located so that the occupants of the development will use the particular county facility more or less than that projected in the fee schedule for the same county facility. The county administrator or a designee or a city official (whichever is appropriate) will approve the methodology in writing prior to the applicant undertaking the individual assessment study.

(d) *Individual assessment procedure.*

- (1) *Submission of application.* An individual assessment shall be undertaken through the submission of an application of assessment of fiscal impact for the facility component for which an assessment is requested. A potential fee payer may submit such an application at the fee payer's discretion. The county or a participating city shall submit such an application for any proposed impact-generating land development interpreted as not one of those types listed on the fee schedule, and for any proposed impact-generating land development for which it concludes the nature, timing, or location of the proposed development make it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule.
- (2) *Determination of completeness.* Within seven days of receipt of an application, the county administrator or a designee or the appropriate city official shall determine if the application is complete. If it is determined that the application is not complete, a written statement shall be sent to the applicant, by mail, specifying the deficiencies. The application shall be deemed complete if no deficiencies are specified. The county administrator or a designee or the appropriate city official shall take no further action on the application until it is deemed complete.
- (3) *Review of application.*
  - a. Within 30 days of the date the application is determined complete, the county administrator or a designee or the appropriate city official shall review the application and render a written decision on whether the fee of the impact-generating land development that is the subject of the assessment should be modified, and if so, what the amount of the impact fee should be.
  - b. If, on the basis of generally recognized principles of impact analysis, it is determined the data, information and assumptions used by the applicant to calculate the individual assessment for the particular county facility satisfies the requirements of this section and the standards in subsection 54-5(c), individual assessment standards, the fee determined in the individual assessment shall be deemed the fee due and owing for the proposed impact-generating land development. The adjustment shall be set forth in a fee agreement which shall be entered into pursuant to subsection 54-4(a)(5), fee agreement. If the independent fee calculation study fails to satisfy the requirements of this section, the fee applied shall be that fee established in the fee schedule pursuant to subsection 54-4(b)(1), fee schedule.

(e) *Appeal.*

- (1) *Application.* A potential fee payer affected by the decision on an individual assessment may appeal the decision to the board of county commissioners, by filing with the county administrator or a designee within 30 days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The county administrator or a designee shall place the appeal on the board of county commissioners' agenda for the next regularly scheduled meeting.
- (2) *Board of county commissioners' decision.* The board of county commissioners, after a hearing, shall have the power to affirm or reverse the decision. In making its decision, the board of county commissioners shall make written findings of fact and conclusions of law, and apply the standards in subsection 54-5(c), individual assessment standards. If the board of county commissioners reverses the administrative decision, it shall direct the county administrator or a designee to recalculate the fee in accordance with its findings. In no case shall the board of county commissioners have the authority to negotiate the amount of the fee or waive the fee. The decision of the board of county commissioners shall be final.

(Ord. No. 2011-A03, §§ 1, 4, 2-22-11)

**SECTION 6.** Amendment to Code of Ordinances, Section 54-6 of Part II, Chapter 54, Impact Fees, of the Citrus County Code of Ordinances is hereby amended to read as follows:

**Sec. 54-6. Credits.**

(a) *General.*

- (1) *Application.* Any person who shall initiate any impact-generating land development may apply for a credit against any impact fee assessed for county facilities, pursuant to this chapter, for any contribution, payment, construction, or dedication of land accepted and received by Citrus County for those capital facilities, including any contribution, payment, construction or dedication made pursuant to a development order issued by Citrus County pursuant to its local development regulations, F.S. § 380.06, or any additional development requirement imposed by the Florida Land and Water Adjudicatory Commission on a development of regional impact. If the county increases the impact fee schedule pursuant to the terms of this chapter after a DRI development order is issued pursuant to F.S. § 380.06, the DRI developer may petition the county and the county shall modify the affected provisions of the development order to give the DRI developer credit for any contribution of land for a public facility, or construction, expansion or contribution of funds for land acquisition or construction or expansion of a public facility, or portion thereof, required by the development order towards the needs met by the impact fee.
- (2) *Amount of credit for each component.* The credit provided for each component shall not exceed the total amount of the impact fees due and payable for the component for which the credit is proposed.
- (3) *Transferability.* Credit for contributions, payments, construction or dedications of an impact fee component shall not be transferable to another component. Credit shall be transferable within the same component and within the same development or district. Any transfer out of district must be in a BCC approved credit agreement.

(b) *Capital transportation facilities.*

- (1) *General.* For any credit against any transportation fee proposed to be paid, the contribution, payment, or construction may be credited in an amount equal to its full fair market value if it is for a capital transportation improvement as herein defined. No credit shall be provided for right-of-way dedication, since costs for right-of-way have been excluded from the impact fee calculation.
- (2) *Establishment of fair market value.* Credit may be in an amount equal to the fair market value of the construction at the time of its completion, or the value of the contribution or payment at the time it is made.
- (3) *Capital contribution front-ending agreement.* Citrus County may enter into a capital contribution front-ending agreement with any person who proposes to construct capital transportation facilities. To the extent that the fair market value of the construction of these capital transportation facilities exceed the obligation to pay impact fees for which a credit is provided pursuant to this section, the capital contribution front-ending agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the capital transportation facilities constructed.

(c) *County facilities other than capital transportation facilities.*

- (1) *General.* For any credit against an impact fee other than for capital transportation facilities, a proposed contribution, payment, construction or dedication may be credited under the following conditions:
  - a. A credit of 100 percent of the fair market value may be provided for any contribution, payment, construction or dedication for a county facility.

- b. Any county facility proposed for contribution, construction, payment, or dedication, including capital school facilities, which are owned by an entity other than the county must be accepted and approved by that entity prior to the approval of a credit under this section.
- (2) *Establishment of fair market value.* Credit shall be in an amount equal to fair market value of the land dedicated at the time of dedication, the fair market value of construction at the time of its completion, or the value of the contribution or payment at the time it is made.
- (d) *Credit agreement procedures.*
  - (1) *Submission of application.* The determination of any credit shall be undertaken through the submission of an application for credit agreement, which shall be submitted to the administrator or a designee or the designated official of the participating city if the proposed impact-generating land development is in a participating city.
  - (2) *Application contents.* The application for credit agreement shall include the following information:
    - a. If the proposed application involves credit for the dedication of land:
      - 1. A drawing and legal description of the land;
      - 2. The appraised fair market value of the land at the date a building permit is proposed to be issued for the impact-generating land development, prepared by a professional real estate appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA); and if applicable;
      - 3. A certified copy of the development order in which the land was agreed to be dedicated.
    - b. If the proposed application involves construction:
      - 1. The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Florida engineer or contractor; and
      - 2. The project costs for the suggested improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, cost of plans and specifications, surveys of estimates of costs and of revenues, cost of professional services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.
    - c. If the proposed application involves a credit for any other contribution or payment:
      - 1. A certified copy of the development order in which the contribution or payment was agreed;
      - 2. If payment has been made, proof of payment; or
      - 3. If payment has not been made, the proposed method of payment.
  - (3) *Determination of completeness.* Within five days of receipt of the proposed application for credit agreement, the county administrator or a designee or the city official (whichever is appropriate) shall determine if the application is complete. If it is determined that the proposed application is not complete, the county administrator or a designee shall send a written statement to the applicant outlining the deficiencies. No further action shall be taken on the proposed application until all deficiencies have been corrected or otherwise settled.
  - (4) *Review and action.*
    - a. Within five days after an application for credit under the school component is determined complete, it shall be forwarded by the county administrator or a designee or the city official (whichever is appropriate) to the Citrus County School Board or its designee for review and

comment. Within 45 days after receipt of the application, the Citrus County School Board or a designee shall review the application and provide written comments approving, approving with recommendations or rejecting the application for credit, based on the standards in subsection 54-6(d), credit for school component and the Florida Department of Education State Requirements for Educational Facilities. Within ten days of receipt of the school board's written comments, the county administrator or a designee or the appropriate city official shall review the application and approve the proposed credit if it complies with the standards of subsection 54-6(d), credit for school component and has been recommended for approval by the Citrus County School Board.

- b. For applications for credit under all other components of this chapter, the county administrator or a designee or the city official (whichever is appropriate) shall review the application within 20 days and grant the proposed credit if it meets the standards set forth in subsections 54-6(a)—(c), as applicable.
- (5) *Provisions in credit agreement.* If the application for credit agreement is approved, a credit agreement shall be prepared and signed by the applicant, the county or the participating city, and any other agency responsible for the facility, as appropriate, including the Citrus County School Board. It shall specifically outline the contribution, payment, construction or land dedication; the time by which it shall be completed, dedicated, or paid, and any extensions thereof; and the dollar credit the applicant shall receive for the contribution, payment or construction.
- (g) *Appeal.*
  - (1) *General.* An applicant affected by the decision of the county administrator or a designee, or the city official of a participating city on an application for credit agreement may appeal the decision to the board of county commissioners, by filing with the county administrator or a designee within 30 days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The county administrator or a designee shall place the appeal on the board of county commissioners' agenda for the next regularly scheduled meeting.
  - (2) *Board of county commissioners' decision.* The board of county commissioners, after a hearing, shall have the power to affirm or reverse the decision on an application for credit agreement. In making its decision, the board of county commissioners shall make written findings of fact and conclusions of law, and apply the standards in subsections 54-6(a)—(e), whichever is applicable. If the board of county commissioners reverses the decision, it shall direct the county administrator or a designee or the appropriate city official to readjust the credit in accordance with its findings. The decision of the board of county commissioners shall be final.

(Ord. No. 2011-A03, §§ 1, 4, 2-22-11; Ord. No. 2013-A05(Rev.), § 1, 2-26-13 )

**SECTION 7.** Amendment to Code of Ordinances, Section 54-7 of Part II, Chapter 54, Impact Fees, of the Citrus County Code of Ordinances is hereby amended to read as follows:

**Sec. 54-7. Benefit districts.**

- (a) *Establishment.* For the purpose of further ensuring fee payers, receive sufficient benefit for fees paid, the following benefit districts are established for each component of the chapter:
  - (1) *Capital transportation facilities.* Four transportation benefit districts are established. The boundaries of the transportation benefit districts are shown in Exhibit "B", which is attached hereto and incorporated herein by reference. The transportation benefit districts are described as follows:
    - a. Transportation benefit district A is the area north of SR 44 west of US 41 and north of CR 486 east of US 19, west of CR 491 and west of US 41/SR45, excluding the incorporated area of Crystal River;

- b. Transportation benefit district B is the area north of SR 44 east of US 41 and north of CR 486 west of US 41, east of CR 491 and east of US 41/SR 45, excluding the incorporated area of Inverness;
  - c. Transportation benefit district C is the area south of SR 44 west of US 19 and south of CR 486 east of US 19, and west of CR 491, excluding the incorporated area of Crystal River;
  - d. Transportation benefit district D is the area south of SR 44 east of US 41 and south of CR 486 west of US 41, and east of CR 491, excluding the incorporated area of Inverness;
  - e. Crystal River transportation benefit district is the area within the corporate limits of the City of Crystal River;
- (2) *Capital park facilities.* Four park benefit districts are established. The boundaries of the park benefit districts are shown in Exhibit "C", which is attached hereto and incorporated herein by reference.
  - (3) *Capital school facilities.* The school benefit district shall include the entirety of Citrus County and its municipalities.
  - (4) *Capital EMS facilities.* The EMS benefit district shall include the entirety of Citrus County and its municipalities.
  - (5) *Capital library facilities.* The library benefit district shall include the entirety of Citrus County and its municipalities.
  - (6) *Capital public building facilities.* The public building benefit district shall include the entirety of Citrus County and its municipalities.
  - (7) *Capital fire facilities.* The fire benefit district shall include unincorporated Citrus County and the City of Inverness, but shall not include the City of Crystal River, which provides its own fire protection services and facilities.
  - (8) *Capital law enforcement facilities.* The law enforcement benefit district shall include the entirety of Citrus County and its municipalities.
- (Ord. No. 2011-A03, §§ 1, 4, 2-22-11)

**SECTION 8.** Amendment to Code of Ordinances, Section 54-8 of Part II, Chapter 54, Impact Fees, of the Citrus County Code of Ordinances is hereby amended to read as follows:

**Sec. 54-8. Use of funds.**

- (a) *Intent.* Fees collected for county facilities under this chapter are expressly and solely designated for providing growth-necessitated capital improvements to the identified County Facilities for which the Impact Fees were collected.
- (b) *Establishment of trust fund and trust accounts.*
  - (1) *General.* There is hereby established the Citrus County Impact Fee Trust Fund for the purpose of insuring that the fees collected pursuant to this chapter are designated for the accommodation of impacts reasonably attributable to new impact-generating land development. The trust fund shall be divided into the following trust accounts:
    - a. Transportation Benefit District A Trust Fund.
    - b. Transportation Benefit District B Trust Fund.
    - c. Transportation Benefit District C Trust Fund.
    - d. Transportation Benefit District D Trust Fund.
    - e. Crystal River Transportation Benefit District Trust Fund.

- f. Reserved.
  - g. Park Benefit District 1 Trust Fund.
  - h. Park Benefit District 2 Trust Fund.
  - i. Park Benefit District 3 Trust Fund.
  - j. Park Benefit District 4 Trust Fund.
  - k. School Benefit District Trust Fund.
  - l. Law Enforcement Benefit District Trust Fund.
  - m. Fire Benefit District Trust Fund.
  - n. EMS Benefit District Trust Fund.
  - o. Library Benefit District Trust Fund.
  - p. Public Buildings Benefit District Trust Fund.
- (2) *Participating cities.* Each participating city shall maintain an impact fee trust fund for the purpose of insuring that the fees collected within the cities, pursuant to this chapter, are designated for the accommodation of impacts reasonably attributable to new impact-generating land development. Each participating city trust fund shall be divided into a trust account for each component of the chapter in which the city is participating with the county, set forth in this section.
- (c) *Deposit and management of trust fund.*
- (1) *County.* Upon collection by the county, all impact fees shall be deposited into the appropriate trust account in the Citrus County Impact Fee Trust Fund.
  - (2) *Participating cities.* All fees collected by the participating cities shall be immediately deposited into the appropriate trust account in the participating city's trust fund.
  - (3) *Investment of proceeds.* All proceeds shall be invested in interest-bearing accounts. All income derived from these investments shall be retained in the trust fund until transferred or spent, whichever is appropriate. Record of each trust fund and account shall be available for public inspection.
  - (4) *Transfer of funds from cities to county.* Pursuant to interlocal agreement, the participating cities shall transfer the impact fee funds in their trust funds to the county administrator or a designee for deposit in the appropriate county trust account in the county impact fee trust fund. All proceeds not immediately necessary for expenditure shall be invested in an interest bearing account. All income derived from these investments shall be retained in the county's appropriate trust fund account. Record of the county's impact fee trust fund and trust fund accounts shall be available for public inspection in the county administrator's or a designee's office, during normal business hours.
- (d) *Limitation on expenditure of fees in trust accounts.*
- (1) *Generally.* Impact fee proceeds shall not be appropriated for operation or maintenance costs or to correct existing deficiencies or needs not created by new impact-generating land development. Rather Impact Fee proceeds collected pursuant to this chapter shall be spent only in accordance with this subsection (d) and only on capacity-adding capital transportation, park, fire, EMS, law enforcement, library, public buildings, and school facilities, the need for which is created by and the provision of which will substantially benefit new impact-generating land development, including, but not limited to the following:
    - a. Design and construction plan preparation;
    - b. Any permitting or application fees necessary for the construction;
    - c. Site development and on-site and off-site improvements incidental to the construction thereto;
    - d. Land acquisition, including any costs of acquisition or condemnation;
    - e. Construction and design of County Facilities;

- f. Design and construction of new drainage facilities required by the construction of County Facilities or capacity-adding improvements thereto;
- g. Relocating utilities required by the construction of County facilities or capacity-adding improvements or additions thereto;
- h. Landscaping required by the construction of County facilities or capacity-adding improvements or additions thereto;
- i. Construction management and inspection;
- j. Surveying, soils and materials testing required by the construction of County facilities or capacity-adding improvements or additions thereto;
- k. Acquisition of capital equipment for the County Facilities;
- l. Repayment of monies transferred or borrowed from any budgetary fund of the County which were used to fund growth-necessitated improvements and additions to the County Facilities;
- m. Actual Costs related to the administration, collection and implementation of the Impact Fees;
- n. Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the County to fund growth-necessitated improvements and additions to the County Facilities; and
- o. Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and materials testing, legal, appraisals, and construction management.

(2) *Transportation component.*

- a. Except as provided in b. below, proceeds collected from the transportation component of the fee and all interest accrued on such funds shall be used for the purpose of capital transportation facilities within the transportation benefit district from which the fees have been collected.
- b. Proceeds collected from the transportation component of the fee and all interest accrued on such funds may be appropriated for a capital transportation facility located outside of the transportation benefit district from which the fees have been collected, only if the county administrator makes the following written findings:
  - 1. That the planned capital transportation facility is of a nature such that it will add capacity to the capital transportation facility system beyond the transportation benefit district in which it is situated;
  - 2. That the demand for the capital transportation facility is reasonably attributable to new impact-generating land development in the transportation benefit district from which the fees have been collected; and
  - 3. That the capital transportation facility will substantially benefit the new impact-generating land development in the transportation benefit district from which the fees have been collected.

(3) *Park component.*

- a. Except as provided in b. below, proceeds collected from the park component of the fee and all interest accrued on such funds shall be used for park capital facilities in the park benefit district in which the development is located, provided that they shall not be spent on improvements within the City of Inverness, which provides its own park facilities. In locating and constructing park capital facilities within each park benefit district, the county shall be guided by the standards of the Citrus County Comprehensive Plan.
- b. Proceeds collected from the park component of the fee, and all interest accrued on such funds, may be appropriated for a district or community capital park facility located outside of the park benefit district from which the fees have been collected, only if the county administrator makes the following written findings:

1. That the planned district or community capital park facility is of a nature such that it will add capacity to the park system beyond the park benefit district in which it is situated;
  2. That the demand for the district or community capital park facility is reasonably attributable to new impact-generating land development in the park benefit district from which the fees have been collected; and
  3. That the district or community capital park facility will substantially benefit the new impact-generating land development in the park benefit district from which the fees have been collected.
- (4) *School component.*
- a. Proceeds collected from the school component of the impact fee and all interest accrued on such funds shall be used for capital school facilities within Citrus County or its municipalities.
  - b. Trust account monies shall be distributed by the county to the school district after the county through the budgetary process has reviewed those capital school facilities on the district work plan.
- (5) *EMS component.* Proceeds collected from the EMS component of the impact fee and all interest accrued on such funds shall be used for capital EMS facilities within Citrus County or its municipalities.
- (6) *Fire component.* Proceeds collected from the fire component of the impact fee and all interest accrued on such funds shall be used for capital fire facilities within unincorporated Citrus County or the City of Inverness, but may not be spent within the City of Crystal River, which provides its own fire protection services and facilities.
- (7) *Law enforcement component.* Proceeds collected from the law enforcement component of the impact fee and all interest accrued on such funds shall be used for capital law enforcement facilities within Citrus County or its municipalities.
- (8) *Library component.* Proceeds collected from the library component of the impact fee and all interest accrued on such funds shall be used for capital library facilities within Citrus County or its municipalities.
- (9) *Public building component.* Proceeds collected from the public building component of the impact fee and all interest accrued on such funds shall be used for capital public building facilities within Citrus County or its municipalities.
- (e) *Annual recommendation for expenditure of fees.*
- (1) *Schools.* For school fees, at least annually, the school board shall submit to the board of county commissioners a list of projects for which school impact fees are proposed to provide the funding source. The board of county commissioners shall either approve or reject the expenditures proposed to be made by the school district as being consistent or inconsistent with this chapter. The school district shall provide the board of county commissioners an annual accounting of the funds received from Citrus County. Any amounts not appropriated from the trust account, together with any interest earnings, shall be carried over in the trust account to the following fiscal period.
  - (2) *All other fees.* For all other fee components, each year, at the time the annual budget is reviewed, the county administrator or a designee shall propose appropriations to be spent from the individual trust accounts to the board of county commissioners which include recommendations for the expenditure of the fee monies within the boundaries of all participating cities. After review of the recommendations, the board of county commissioners shall either approve, modify, or deny the recommended expenditures of the trust account funds. Any amounts not appropriated from the trust accounts together with any interest earnings shall be carried over in the specific trust account to the following fiscal period.

(Ord. No. 2011-A03, §§ 1, 4, 2-22-11)

**SECTION 9.** Amendment to Code of Ordinances, Section 54-9 of Part II, Chapter 54, Impact Fees, of the Citrus County Code of Ordinances is hereby amended to read as follows:

**Sec. 54-9. Return of fees.**

- (a) *General.* Any fees collected shall be returned to the current owner of record for the property having submitted a refund application if the fees have not been spent within ten years from the date the building permit for the development was issued, along with interest of two percent a year. Provided, however, that the board of county commissioners may by resolution extend for up to five years the date at which fees must be refunded. Such an extension shall be made upon a finding that within such five-year period, specific capital improvements are planned and evidenced by the adoption and incorporation into the Citrus County Comprehensive Plan, that these capital improvements shall be constructed within the next five years, that these improvements are reasonably attributable to the property owner's impact-generating land development; and that the fees whose time of refund is extended shall be spent for these capital improvements. Fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent.
- (b) *Procedure.* The refund of fees shall be undertaken through the following process and as further prescribed by county administrative regulation:
  - (1) *General.* A refund application shall be submitted within one year following the end of the tenth year from the date on which the building permit was issued on the proposed development. If the time of refund has been extended pursuant to subsection 54-9(a), general, the refund application shall be submitted within one year following the end of this extension. The refund application shall include the following information:
    - a. A copy of the dated receipt issued for building permit;
    - b. A copy of the certificate of occupancy permit;
    - c. A copy of the receipt issued by the county for payment of the fee; and
    - d. Evidence that the applicant is the current owner of record for the property.
  - (2) *Determination of completeness.* Within 20 days of receipt of the refund application, the Department of Planning and Development shall determine if it is complete. If it is determined that the application is not complete, a written statement specifying the deficiencies shall be sent to the person submitting the application. Unless the deficiencies are corrected, the county shall take no further action on the refund application.
  - (3) *Review and decision.* When the Department of Planning and Development determines the refund application is complete, it shall be reviewed by the Department of Management and Budget within 20 days to determine eligibility for refund.
  - (4) *Standards.* The refund application shall be approved if it is determined that a fee was paid which the county has not spent within the period of time permitted under this section. The refund shall include the fee paid plus interest of two percent a year.
  - (5) *Appeal.* Any applicant may appeal the decision of a refund application by filing a petition with the county administrator within 30 days of the decision. In reviewing the decision, the county administrator shall use the standards established in subsection 54-9(b)(4), standards.

## **SECTION 10. LIBERAL CONSTRUCTION, SEVERABILITY, AND PENALTY**

- (a) Liberal construction. The provisions of this chapter shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.
- (b) Severability. If any section, phrase, sentence or portion of this chapter 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. All ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.
- (c) Violation; remedies. A violation of this chapter shall be a misdemeanor punishable according to law; however, in addition to or in lieu of any criminal prosecution, Citrus County shall have the power to sue in civil court to enforce the provisions of this chapter.

## **SECTION 11. CONFLICT OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Citrus County Ordinance or Florida Statutes, the more restrictive shall apply.

## **SECTION 12. CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS**

It is the intention of the Board of County Commissioners of Citrus County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Citrus County, Florida. To this end, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, the word "ordinance" may be changed to "section," "article," or other appropriate designation, and typographical errors that do not affect the intent may be authorized by the County Administrator, or the County Administrator's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Clerk of Circuit Court.

## **SECTION 13. MODIFICATION**

It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated in the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

## **SECTION 14. EFFECTIVE DATE**

This Ordinance shall become effective July 29, 2015.

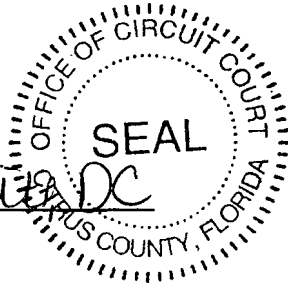
DONE AND ADOPTED in a regular meeting of the Board of County Commissioners of Citrus County, Florida, this 28th day of April, 2015.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF  
CITRUS COUNTY, FLORIDA, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA

BY: \_\_\_\_\_

SCOTT ADAMS, CHAIRMAN



*for* Tifani L. White DC  
ANGELA VICK, CLERK

APPROVED AS TO FORM FOR THE  
THE RELIANCE OF CITRUS COUNTY ONLY:

*Denise Dymond Lyn*  
DENISE DYMOND LYN,  
INTERIM COUNTY ATTORNEY

Exhibit "A"  
Impact Fee Schedule

<u>Land Use</u>	<u>Unit</u>	<u>Transp.</u> <u>(50%)</u>	<u>Schools</u> <u>(50%)</u>	<u>Parks</u>	<u>Library</u>	<u>Fire</u>	<u>EMS</u>	<u>Law</u>	<u>Public</u> <u>Bldgs</u>	<u>Total</u>
Single-Family Detached	Dwelling	\$1,697	\$1,261	\$675	\$268	\$350	\$41	\$267	\$250	\$4,809
Low Income/SHIP	Dwelling	\$802	\$1,045	\$621	\$247	\$322	\$37	\$246	\$230	\$3,550
Retirement/Age Rest.	Dwelling	\$654	\$0	\$513	\$204	\$267	\$31	\$204	\$191	\$2,064
Townhouse/Duplex	Dwelling	\$1,038	\$1,295	\$479	\$190	\$247	\$29	\$189	\$177	\$3,644
Multi-Family	Dwelling	\$1,038	\$1,295	\$479	\$190	\$247	\$29	\$189	\$177	\$3,644
Multi-Family, Age-Rest.	Dwelling	\$566	\$0	\$358	\$142	\$185	\$21	\$141	\$132	\$1,545
Mobile Home Park	Pad/space	\$614	\$1,307	\$675	\$268	\$350	\$41	\$267	\$250	\$3,772
RV Park	Pad/space	\$614	\$0	\$0	\$0	\$350	\$41	\$267	\$250	\$1,522
Assisted Care Facility	Dwelling	\$139	\$0	\$0	\$0	\$233	\$27	\$178	\$167	\$744
Hotel/Motel	Room	\$743	\$0	\$0	\$0	\$203	\$24	\$155	\$145	\$1,270
Retail/Commercial	1,000 sq. ft.	\$1,248	\$0	\$0	\$0	\$422	\$49	\$322	\$302	\$2,343
	1,000 sq. ft.	\$1,687	\$0	\$0	\$0	\$199	\$23	\$152	\$142	\$2,203
Office	1,000 sq. ft.	\$584	\$0	\$0	\$0	\$75	\$9	\$58	\$54	\$780
	1,000 sq. ft.	\$544	\$0	\$0	\$0	\$34	\$4	\$26	\$24	\$632
Warehousing	1,000 sq. ft.	\$219	\$0	\$0	\$0	\$32	\$4	\$24	\$23	\$302
	1,000 sq. ft.	\$523	\$0	\$0	\$0	\$152	\$18	\$116	\$109	\$918
Mini Warehouse	1,000 sq. ft.									
Public/Institutional	ft.									

Exhibit "B"  
Transportation Impact Fee Benefit Districts

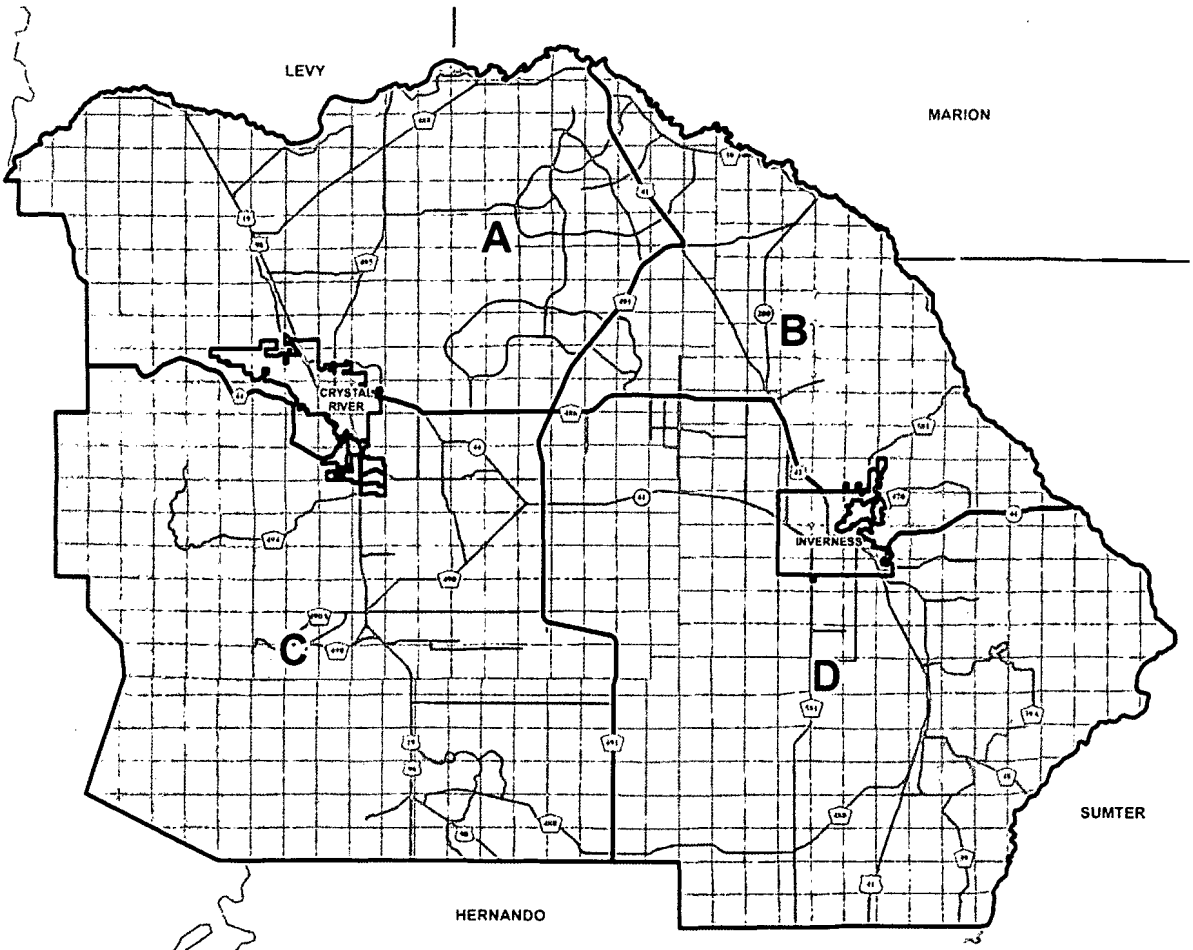


Exhibit "C"  
Park Impact Fee Benefit Districts

