

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA RELATING TO FIRE AND RESCUE IMPACT FEES: AMENDING CHAPTER 110 (FIRE AND RESCUE IMPACT FEES) OF THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY TO REVISE AND UPDATE THE FIRE AND RESCUE IMPACT FEE PROVISIONS AND FIRE AND RESCUE IMPACT FEE RATES BY AMENDING APPENDIX D (FIRE AND RESCUE SYSTEM IMPACT FEES) OF THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION IN THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Seminole County commissioned the Seminole County Impact Fee Update Study: Fire Rescue and Library Facilities prepared by Tindale Oliver & Associates, and dated June 22, 2021; and

**WHEREAS**, based upon the findings and recommendations contained in the Seminole County Impact Fee Update Study: Fire Rescue and Library Facilities, Seminole County now desires to revise and update Land Development Code Chapter 110, Fire and Rescue Impact Fees; and

**WHEREAS**, Governor DeSantis, on June 4, 2021, signed and made effective HB337 pertaining to impact fees with amendments to Section 163.31801, Florida Statutes; and

**WHEREAS**, HB337 has a retroactive effective date to January 1, 2021; and

**WHEREAS**, Section 163.31801, Florida Statutes, as amended by HB337, requires "notice at least ninety (90) days before the effective date of an ordinance or resolution imposing a new or increased impact fee". Accordingly, notice of the new rate schedule for the Fire and Rescue Impact Fees were noticed and published on March 28, 2021 and will have an effective date of June 29, 2021; and



**WHEREAS**, HB337 limits an increase to current impact fees rates to less than fifty percent (50%) of the existing rate unless, as set forth in Section 163.31801(6)(g), Florida Statutes, the following criteria are met:

- (1) A demonstrated need study completed within the last twelve (12) months justifying an increase in excess of fifty percent (50%);
- (2) The local government holds not less than two (2) publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the fifty percent (50%) limit;
- (3) The impact fee increase ordinance is approved by at least two-thirds vote of the governing body; and

**WHEREAS**, the Seminole County Impact Fee Update Study: Fire Rescue and Library Facilities has been completed within the last twelve (12) months; and

**WHEREAS**, the Seminole County Board of County Commissioners have held publicly noticed workshops dedicated to establishing the extraordinary circumstances necessitating the need to exceed the proposed fifty percent (50%) limit in HB337 with these workshops occurring on May 18, 2021 and June 8, 2021; and

**WHEREAS**, this Ordinance has been approved by at least a two-thirds vote of the Board of County Commissioners; and

**WHEREAS**, the Seminole County Local Planning Agency held a public hearing, with all required public notice on June 2, 2021, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Ordinance amending the Land Development Code and recommended that the Board of County Commissioners adopt the Ordinance amending the Land Development Code to revise the Fire and Rescue Impact Fee provisions and rates; and

**WHEREAS**, the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts and economic costs of this Ordinance upon the public and taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public review and copying prior to the enactment of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

**Section 1. Incorporation of Recitals.** The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

**Section 2. Short Title.** This Ordinance shall be known and referred to as the Fire and Rescue Impact Fee Land Development Code Amendment.

**Section 3. Intent and Purpose.** The intent and purpose of this Ordinance is to amend the Seminole County Land Development Code to revise the existing Chapter 110 (Fire and Rescue Impact Fees) and amend the Impact Fee rates consistent with Sections 163.3180 and 163.31801, Florida Statutes (2020), as amended by HB337 (2021), which was signed into law on June 4, 2021, and the Seminole County Impact Fee Update Study: Fire Rescue and Library Facilities prepared by Tindale Oliver & Associates, and dated June 22, 2021.

**Section 4.** Chapter 110 (Fire and Rescue Impact Fees) of the Land Development Code of Seminole County is hereby amended to read as follows:

## **Chapter 110 - FIRE AND RESCUE IMPACT FEES**

### **PART 1. – GENERAL**

**Sec. 110.1. Definitions.** When used in this ~~chapter~~ Chapter, the following terms shall have the following meanings, unless the content clearly otherwise requires:

*Accessory building or structure:* A detached, subordinate building, the use of which is clearly indicated and related to the use of the principal building or use of the land and which is located on the same lot as the principal building.

*Accessory Dwelling Unit:* A dwelling unit, subordinate in size to the principal dwelling unit, which is attached to a principal unit, or located on the same lot, and having an independent means of entry. Except as provided in Section 5.19(b), an accessory dwelling unit shall not exceed thirty-five percent (35%) of the gross floor area of the principal dwelling unit, or one thousand (1,000) square feet, whichever is less.

*Affordable housing:* A dwelling unit for which monthly rents or monthly mortgage payments, including taxes, insurance and utilities, do not exceed thirty percent (30%) of that amount which represents the percentage of the median adjusted gross annual income for households or persons indicated in Section 420.0004, Florida Statutes, at one hundred forty percent (140%) or less of the median annual adjusted gross income for the household within Seminole County. The period of affordability shall be for a minimum of thirty (30) years as evidenced by a restrictive covenant or similar document running with the land.

*Alternative fire and rescue system impact fee:* Any alternative fee calculated by an applicant and approved by the County ~~Public Safety~~Fire Chief/Director or board pursuant to this ~~chapter~~ Chapter.

*Applicant:* The person who applies for a building permit.

*Board:* The Board of County Commissioners of Seminole County, Florida.

*Building:* Any structure, either temporary or permanent, built for the support, shelter or enclosure of persons, chattels or property of any kind. This term shall include tents, trailers, mobile homes or any vehicles serving in any way the function of a building. This term shall not include

temporary construction sheds or trailers erected to assist in construction and maintained during the term of a building permit.

*Building permit:* An official document or certificate issued by the authority having jurisdiction, authorizing the construction or siting of any building. For purposes of this ~~chapter~~ Chapter, the term “building permit” shall also include tie-down permits for those structures or buildings, such as a mobile home, that do not require a building permit in order to be occupied.

*Certificate of occupancy:* An official document or certificate issued by the County under the authority of ordinance or law authorizing the occupancy for its intended use of a building, or any portion thereof, within a fire and rescue system impact construction.

*Comprehensive plan:* The comprehensive plan of the County adopted and amended pursuant to the ~~Local Government Comprehensive Community Planning and Land Development Regulation Act~~ and Chapter 74-612, as amended by Chapter 2011-139, Laws of Florida.

*County:* Seminole County, a political subdivision of the State of Florida.

*County Attorney:* The person appointed as County Attorney pursuant to the Seminole County Home Rule Charter, or the designee of such person.

*County fire and rescue system:* The buildings, apparatus, and equipment provided by the County that are used primarily for suppression and prevention of fires, responses to medical emergencies or other disasters and the handling of incidents involving hazardous material.

*County Manager:* The chief administrative officer of the County, appointed by the ~~board~~ Board or the designee of such person.

*Dwelling unit:* A building, or portion thereof, designed for residential occupancy, consisting of one or more rooms which are arranged, designed or used as living quarters for one family only.

*Encumbered:* Moneys committed by contract or purchase order in a manner that obligates the County to expend the encumbered amount upon delivery or completion of goods, services or real property provided by a vendor, supplier, contractor or owner.

*Equivalent residential unit:* One residential single family detached dwelling unit 1,500 to 2,499 square feet, or the amount of nonresidential property that contains the same number of people as one single family detached dwelling unit 1,500 to 2,499 square feet, as determined by the impact fee study.

*Fire and rescue system impact construction:* Land development designed or intended to permit a use of the land which will contain more dwelling units, buildings or residential floor space than the existing use of land, or to otherwise change the use of the land in a manner that increases the number or persons that may reside on such land or the occupancy of a nonresidential use of the land.

*Fire and rescue system impact fee trust account:* The separate trust account created pursuant to ~~section~~ Section 110.13.

*Fire Chief/Director:* The person appointed by the County Manager to supervise the administration of the acquisition, construction and operation of the County fire and rescue system, or the designee of such person.

*Gross square footage:* The total floor area designed for occupancy and use. The area is measured from the centerlines of joint partitions to the outside of the tenant walls. All floor area, including areas used for storage, shall be included in calculating gross square footage.

*Impact fee:* The fee imposed by the County pursuant to ~~section~~ Section 110.11 of this ~~chapter~~ Chapter.

*Impact fee rate:* An impact fee imposed for a particular fire and rescue system impact construction under the applicable impact fee land use category established in the schedules incorporated in ~~section~~ Section 110.11 of this ~~chapter~~ Chapter.

*Impact fee statement:* The document, valid for up to sixty (60) days, issued to an applicant prior to the issuance of a building permit containing the calculation of the impact fees imposed on fire and rescue system impact construction under ~~section~~ Section 110.11.

*Impact fee study:* The study adopted pursuant to ~~section~~ Section 110.4, as amended and supplemented pursuant to ~~section~~ Section 110.30.

*Land Development Code:* Seminole County Ordinance No. 80-35, as amended and supplemented, or its successor in function.

*Mixed use fire and rescue system construction:* A fire and rescue system impact construction in which more than one impact fee land use category is contemplated with each category constituting a separate and identifiable enterprise not subordinate to or dependent on other enterprises within the fire and rescue system impact construction.

*Net usable square footage:* The minimum floor area designed for occupancy and use, netting out all non-public areas such as restrooms and kitchens, pursuant to the “Life Safety Code” published by the National Fire Protection Association, Inc. in the current edition on the effective date of this ~~chapter~~ Chapter or the most current edition on the effective date of any revisions to the impact fee study.

*Occupancy:* The total number of persons that may occupy a building or portion thereof at any one time, as determined in the impact fee study.

*On-site improvements:* Improvements within the boundaries of a fire and rescue impact construction.

*Owner:* The person holding legal title to the real property upon which fire and rescue system impact construction is to occur.

*Person:* An individual, a corporation, a partnership, an incorporated association, or any other similar entity.

~~*Public safety director:* The person appointed by the County Manager to supervise the administration of the acquisition, construction and operation of the County fire and rescue system, or the designee of such person.~~

*Service demand:* The proportion of fire/rescue alarms (or incidents) generated by a category of land uses, as determined in the impact fee study.

**Sec. 110.2. Rules of construction.** For the purposes of administration and enforcement of this ~~chapter~~ Chapter, unless otherwise stated in this ~~chapter~~ Chapter, the following rules of construction shall apply:

(a) In case of any difference of meaning or implication between the text of this ~~chapter~~ Chapter and any caption, illustration, summary table, or illustrative table, the text shall control.

(b) The word “shall” is always mandatory and not discretionary; the word “may” is permissive.

(c) 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.

(d) The phrase “used for” includes “arranged for,” “designed for,” “maintained for,” or “occupied for.”



(e) 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:

(1) “And” indicates that all the connected terms, conditions, provisions or events shall apply.

(2) “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(f) 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.

**Sec. 110.3. Findings.** It is hereby ascertained, determined and declared that:

(a) Future growth represented by fire and rescue system impact construction should contribute its fair share to the cost of improvements and additions to the County fire and rescue system that are required to accommodate the use of such fire and rescue facilities by such growth.

(b) Implementation of an impact fee structure to require future fire and rescue system impact construction to contribute its fair share of the cost of improvements and additions to the County fire and rescue system is an integral and vital element of the regulatory plan of growth management incorporated in the comprehensive plan.

(c) The standard of service, as determined in the impact fee study is hereby approved and adopted by the County and found to be in conformity with the comprehensive plan.

(d) Fire and rescue system planning is an evolving process and the standard of service of the County fire and rescue system constitutes a projection of anticipated need for fire and rescue

systems, based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns and the dynamic nature of population growth, it is the intent of the ~~board~~ Board that the standard of service for the County fire and rescue system be reviewed and adjusted periodically, pursuant to ~~section~~ Section 110.30, to insure that the County fire and rescue system impact fees are imposed equitably and lawfully, based upon actual and anticipated growth at the time of their imposition.

(e) The County fire and rescue system is designed and intended to provide fire and rescue facilities for all citizens residing within the unincorporated area of the County.

(f) This ~~chapter~~ Chapter shall not be construed to permit the collection of impact fees from fire and rescue system impact construction in excess of the amount reasonably anticipated to offset the demand on the County fire and rescue system generated by the fire and rescue system impact construction occurring subsequent to the effective date of this ~~chapter~~ Chapter.

(g) The existing County fire and rescue system and other improvements and additions, contemplated by the ~~board~~ Board and funded by revenues other than impact fees, shall eliminate any deficiency between the existing fire and rescue system and the adopted standard of service, and shall be sufficient for the needs of the existing population of the County. Therefore the revenue derived from the fire and rescue impact fee shall be utilized only for the improvements and additions to the County fire and rescue system which are necessitated by new fire and rescue system impact construction.

**Sec. 110.4. Adoption of impact fee study.** The ~~board~~ County hereby adopts and incorporates by reference, the study entitled "~~Fire—Rescue Impact Fees Update for Seminole County, Florida~~" "Seminole County Impact Fee Update Study: Fire Rescue and Library Facilities" prepared by Tindale Oliver & Associates and dated February, 1992 June 22, 2021, particularly the

assumptions, conclusions and findings in such study as to the determination of anticipated costs of improvements and additions to the County fire and rescue system required to accommodate growth contemplated in the comprehensive plan.

**Secs. 110.5—110.10. Reserved.**

## **PART 2. - FIRE AND RESCUE SYSTEM IMPACT FEES**

### **Sec. 110.11. Imposition.**

(a) All fire and rescue system impact construction occurring within the unincorporated areas of the County shall pay the impact fees as established in this ~~chapter~~ Chapter.

(b) ~~The board~~ Board hereby adopts the fire and rescue system impact fee incorporated in Appendix D, which shall be imposed upon all fire and rescue system impact construction occurring within the unincorporated area of the County for the net equivalent residential unit established for that applicable impact fee land use category.

**Sec. 110.12. Calculation of fire and rescue system impact fee.** Except as otherwise provided in this ~~chapter~~ Chapter, an impact fee statement shall be issued for all fire and rescue system impact construction occurring within the unincorporated areas of the County following application for, but prior to the issuance of, a building permit.

### **Sec. 110.13. Use of monies.**

(a) ~~The board~~ Board hereby establishes a separate trust account for the fire and rescue system impact fees, to be designated as the “fire and rescue system impact fee trust account” which shall be maintained separate and apart from all other accounts of the County. All such impact fees shall be deposited into such trust fund immediately upon receipt.

(b) The monies deposited into the fire and rescue system impact fee trust account shall be used solely for the purpose of constructing or improving the County's fire and rescue system, including, but not limited to:

- (1) Design and construction plan preparation;
- (2) Permitting;
- (3) Land acquisition including any costs of acquisition or condemnation;
- (4) Construction and design of new fire and rescue facilities;
- (5) Design and construction of new drainage facilities required by the construction of new fire and rescue facilities;
- (6) Relocating utilities required by the construction of new fire and rescue facilities;
- (7) Landscaping;
- (8) Construction management and inspection;
- (9) Surveying, soils and material testing;
- (10) Acquisition of apparatus or equipment necessitated by fire and rescue system impact construction;
- (11) Repayment of monies transferred or borrowed from any budgetary fund of the County, subsequent to the adoption of this ~~chapter~~ Chapter which were used to fund any of the construction, acquisitions or improvements herein defined; and
- (12) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the County to provide funds to construct or acquire contemplated fire and rescue system improvements, subsequent to the adoption of this ~~chapter~~ Chapter.

Funds on deposit in the fire and rescue system impact fee trust account shall not be used for any expenditure that would be classified as a maintenance or repair expense.

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

(d) The impact fee collected pursuant to this ~~chapter~~ Chapter shall be returned by the County to the then current owner of the property on behalf of which such fee was paid if such fees have not been expended or encumbered prior to the end of the fiscal year immediately following the sixth (6<sup>th</sup>) anniversary of the date upon which such fees were paid. Refunds shall be made in accordance with procedures to be established by the ~~board~~ Board.

(1) If such impact fee has not been expended or encumbered by the end of the fiscal year immediately following the sixth (6<sup>th</sup>) anniversary of the date such fees were paid, then it shall be returned to the then current owner with interest paid at the rate of six ~~(6)~~ percent (6%) per annum or the average net interest rate earned by the County in the fire and rescue system impact fee trust account during the time such refunded impact fee was on deposit, whichever is less. For the purposes of this ~~section~~ Section, fees collected shall be deemed to be spent or encumbered on the basis of the first fee in shall be the first fee out.

#### **Sec. 110.14. Alternative fee calculation.**

(a) In the event an applicant believes that the impact to the County fire and rescue system necessitated by its fire and rescue system impact construction is less than the fee established in ~~section~~ Section 110.11, such applicant may, prior to issuance of a building permit for such fire and rescue system impact construction, submit a calculation of an alternative fire and rescue system impact fee to the ~~Public Safety~~ Fire Chief/Director pursuant to the provisions of this ~~section~~

Section. The ~~Public Safety Fire Chief~~/Director shall review the calculations and make a determination within fifteen (15) calendar days of submittal as to whether such calculation complies with the requirements of this ~~section~~ Section.

(b) The alternative fire and rescue system impact fee shall be calculated by use of the following formula:

ALTERNATIVE FIRE AND RESCUE SYSTEMS IMPACT FEE = NCPERU × OPTSF × SDCF / PPH

NCPERU: Net cost per Equivalent Residential Unit (~~\$172.07~~)

OPTSF: Occupancy Per Thousand Square Feet

PPH: Persons Per Household (2.75)

SDCF: Service Demand Call Factor.

(c) The alternative fire and rescue system impact fee calculations shall be based on data, information or assumptions contained in this ~~chapter~~ Chapter or independent sources, provided that:

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

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

(3) If a previously approved fire and rescue system impact construction project submitted, during its approval process, a fire and rescue system impact study substantially consistent with the criteria required by this ~~section~~ Section, and if such study is determined by the ~~Public Safety Fire Chief~~/Director to be current, the fire and rescue system impact of such previously approved fire and rescue system impact construction shall be presumed to be as described in the prior study. In such circumstances, an alternative fire and rescue system impact fee shall be established reflecting the impact described in the prior study.

(d) If the ~~Public Safety~~ Fire Chief/Director determines that the data, information and assumptions utilized by the applicant to calculate the alternative fire and rescue system impact fee complies with the requirements of this ~~section~~ Section, the alternative fire and rescue system impact fee shall be paid in lieu of the fee set forth in ~~section~~ Section 110.11.

(e) If the ~~Public Safety~~ Fire Chief/Director determines that the data, information and assumptions utilized by the applicant to calculate the alternative fire and rescue system impact fee does not comply with the requirements of this ~~section~~ Section, then the County shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection of the alternative fire and rescue system impact fee and the reason therefor. The applicant shall have fifteen (15) calendar days from the receipt of the written notification of rejection to request a hearing pursuant to ~~section~~ Section 110.29.

**Secs. 110.15—110.20. Reserved.**

### **PART 3. - MISCELLANEOUS PROVISIONS**

#### **Sec. 110.21. Exemptions.**

(a) The following shall be exempted from payment of the impact fees:

(a) (1) Alterations or expansion of an existing dwelling unit where no additional dwelling units are created, or of an existing building when no additional usable square footage is created and the use of the building is not changed.

(2) The construction of accessory buildings or structures which will not create additional dwelling units or will not increase the usable square footage space associated with the principal building or of the land.

(3) The replacement of a dwelling unit or building with a new dwelling unit or building of the same size and use and which will not increase the square footage associated therewith.

(4) The construction of publicly owned buildings used for governmental purposes.

(5) Any construction, alteration or expansion of a private school or public school.

(b) Notwithstanding subsections (a)(1), (2) and (3), if the alteration, expansion or replacement increases the square footage of the dwelling unit, the new construction shall be charged the rate difference per Section 110.11(b) between the prior existing structure and the new resulting structure.

(c) An affordable housing unit at eighty percent (80%) or less of the median annual adjusted gross income for the household within Seminole County and with a deed restriction having an affordability period of a minimum of thirty (30) years.

**Sec. 110.22. Changes of size and use.** Impact fees shall be imposed and calculated for the alteration, expansion or replacement of a building or dwelling unit or the construction of an accessory building if the alteration, expansion or replacement of the building or dwelling unit or the construction of an accessory building results in a land use determined to: (1) increase the number of dwelling units; (2) increase the usable square footage; or (3) change the land use so as to constitute a different impact fee land use category. The impact fee imposed under the applicable impact fee rate shall be calculated as follows:

(a) If the impact fees are calculated on land use, the impact fees imposed shall be the impact fees due under the applicable impact fee rate for the impact fee land use category resulting



from the alteration, expansion or replacement less the impact fee that would be imposed under the applicable impact fee rate for the impact fee land use category prior to the alteration, expansion or replacement.

(b) If the impact fees are calculated on square footage and the square footage of a hotel, motel or non-residential building as defined in Appendix D is increased, the impact fee rate for the additional square footage created by fire and rescue system impact construction shall be at the impact fee rate applicable to the land use size and category for fire and rescue system impact construction with square footage equal to the existing square footage plus the additional square footage.

(c) For existing buildings, the present use may be defined as the highest intensity actual tenant use or occupancy which has occurred in the building so long as such use would have been allowed and permitted in the building under the land use designation in effect for the property on October 1, 1987, the effective date of Seminole County Ordinance 87-11. The owner or applicant shall be responsible for providing reasonable documentation as to such actual prior use.

(d) The impact fee imposed for any accessory buildings shall be that applicable under the impact fee rate for the land use for the primary building.

(e) For alteration, expansion or replacement of a dwelling unit, the impact fee due shall be the change to the impact fee rate based on the increased square footage of the dwelling unit pursuant to Section 110.11(b).

**Sec. 110.23. Vested rights.** A written agreement which establishes, restricts, or prohibits the imposition of Fire and Rescue System Impact Fees on property within the County entered into on or before September 27, 2021, which is ninety (90) days from the effective date of the new Fire and Rescue System Impact Fee Rules under this Chapter and which is between the owner and the

County for property within the unincorporated area of the County shall be binding upon the County; such property shall not be subject to the provisions of this Chapter but shall pay such impact fee rates as established in such written agreement provided a building permit utilizing the impact fee rates in such written agreement is obtained within eighteen (18) months of the effective date of such written agreement. Such written agreement is deemed void if not utilized within eighteen (18) months of its effective date. Provided, however, if the agreement is amended subsequent to the effective date of this Chapter or any subsequent amendment to this Chapter increasing the net new impact to the County fire and rescue system resulting from fire and rescue system impact construction, the impact fee imposed by Section 110.11 shall be required to be paid as provided by this Chapter on the increased net new impact to the County fire and rescue system.

~~(a) Any owner of land which was the subject of a development order prior to October 1, 1987, the effective date of this chapter, may petition the board for a vested rights determination which would exempt the landowner from the provisions of this chapter. Such petition shall be evaluated by the County Attorney and a determination made based on the following criteria:~~

~~(1) The existence of a valid, unexpired governmental act of the County authorizing the specific development for which a determination is sought;~~

~~(2) Expenditures or obligations made or incurred in reliance upon the authorizing governmental act that are reasonably equivalent to the fees required by this chapter;~~

~~(3) Other factors that demonstrate it is inequitable to deny the petitioner the opportunity to complete the previously approved development under the conditions of approval by requiring the petitioners to comply with the requirements of this chapter. For the purposes of this paragraph, the following factors shall be considered in determining whether it is inequitable to deny the petitioner the opportunity to complete the previously approved development:~~

~~(A) Whether the injury suffered by the petitioner outweighs the public cost of allowing the development to go forward without payment of the impact fee required by this chapter; and~~

~~(B) Whether the expenses or obligations for the development were made or incurred subsequent to the effective date of this chapter.~~

~~(b) The County Attorney shall make a written determination as to whether the owner has a vested right and, if so, whether the vested right would exempt the owner from the provisions of this chapter.~~

~~(c) Any owner aggrieved by the determination of the County Attorney pursuant to this section may appeal said determination to the board within thirty (30) days of the date of the written determination by filing said appeal with the clerk to the board and with a copy to the County Attorney.~~

~~(d) Any written agreement entered into prior to October 1, 1987, the effective date of this chapter, between the owner of any property and the County, which establishes, restricts or prohibits the imposition of fire and rescue system impact fees by the County shall be binding upon the County and not subject to the provisions of this chapter. Provided, however, that if such vested written agreement is subsequently amended to increase the amount of fire and rescue system impact construction permitted on the property, that such additional fire and rescue system impact construction shall be required to pay the fire and rescue system impact fee as provided by the chapter.~~

#### **Sec. 110.24. Payment.**

~~(a) Except as otherwise provided in this chapter~~ Chapter, an applicant shall pay the amount specified in the impact fee statement issued pursuant to ~~section~~ Section 110.11 above. The

Board of County Commissioners (BCC) shall, by resolution adopted after a duly noticed public hearing, determine the point in the development process when such payments must be made. The timing of such payments may not be changed on an individual case by case basis.

(b) In the event the impact fee rate or payment provisions for a particular fire and rescue system impact construction is changed subsequent to the issuance of an impact fee statement, the impact fee rate calculation in the issued impact fee statement or payment provisions set forth therein shall be the impact fee imposed or payment provisions applicable for such fire and rescue system impact construction.

(c) The payment of the fire and rescue system impact fee shall be in addition to any other fees, charges or assessments due for the issuance of a building permit.

(d) The obligation for payment of the fire and rescue system impact fee shall run with the land. However, this ~~section~~ Section shall not be construed to relieve an applicant of responsibility or liability for payment of the impact fee imposed by this ~~chapter~~ Chapter.

**Sec. 110.25. Collection of fees when not paid by mistake or inadvertence.** In the event the fire and rescue system impact fee is not paid when specified by BCC resolution because of mistake or inadvertence, the ~~county~~ County shall proceed to collect the fire and rescue system impact fee as follows:

(a) The ~~county~~ County shall serve, by certified mail, return receipt requested, or by hand delivery an impact fee statement notice upon the applicant, at the address set forth in the application for building permit, and the owner at the address appearing on the most recent records maintained by the property appraiser of the ~~county~~ County. The ~~county~~ County shall also file a copy of the impact fee statement notice in the official records of the ~~county~~ County. Service of the impact fee statement notice shall be deemed notice of the impact fees due and service shall be

deemed effective on the date the return receipt indicates the notice was received by either the applicant or the owner or the date said notice was hand delivered to either the applicant or owner, whichever occurs first. Provided, however, that should none of these methods of service be successful, service shall be deemed effective on the date the copy of the impact fee statement notice was filed in the official records of the ~~county~~ County. The impact fee statement notice shall contain the legal description of the property and shall advise the applicant and the owner as follows:

(1) The amount due and the general purpose for which the fire and rescue system impact fee was imposed;

(2) That administrative review pursuant to ~~section~~ Section 110.28 may be requested no later than forty-five (45) calendar days from the date of receipt of the impact fee statement notice, by making application to the office of the ~~public safety director~~ Fire Chief/Director.

(3) That the ~~county~~ County shall file a release of the impact fee statement notice in the official records of the ~~county~~ County upon collection of payment in full.

(4) That the fire and rescue system impact fee shall be delinquent if not paid and received by the ~~county~~ County within sixty (60) calendar days of the date the impact fee statement notice is received, excluding the date of receipt. Upon becoming delinquent, such impact fees shall be subject to the imposition of a delinquent fee and interest on the unpaid amount until paid; and

(5) That in the event the fire and rescue system impact fee becomes delinquent, a lien against the property for which the building permit was secured shall be recorded in the official records book of the ~~county~~ County.

(b) The fire and rescue system impact fee shall be delinquent if, within sixty (60) calendar days from the date of receipt of the impact fee statement notice by either the applicant or owner or the date said notice was filed in the official records, the impact fees have not been paid and received by the ~~county~~ County. Said time periods shall be calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of the earliest receipt of said impact fee statement notice. In the event the 60th day prior to becoming delinquent falls on a Sunday or legal holiday, then the impact fee shall become delinquent at 5:00 p.m. of the next business day. Upon becoming delinquent, a delinquency fee equal to ten-(10) percent (10%) of the total impact fee imposed shall be assessed. Such total impact fee, plus delinquency fee, shall bear interest at the statutory rate for final judgments calculated on a calendar day basis, until paid.

(c) Should the fire and rescue system impact fee become delinquent as set forth in subsection (b), the County shall serve, by certified mail return receipt requested, a "notice of lien" upon the delinquent applicant, if the building is under construction at the address indicated in the application for the building permit, and upon the delinquent owner at the address appearing on the most recent records maintained by the property appraiser of the County. The notice of lien shall notify the delinquent applicant and delinquent owner that due to their failure to pay the fire and rescue system impact fee, the County shall file a claim of lien with the ~~clerk~~ Clerk of the ~~circuit court~~ Circuit Court.

(d) Upon the mailing of the notice of lien, the County Attorney shall file a claim of lien with the ~~clerk~~ Clerk of the ~~circuit court~~ Circuit Court for recording in the official records of the County. The claim of lien shall contain the legal description of the property, the amount of the delinquent impact fee and the date of its imposition. Once recorded, the claim of lien shall

constitute a lien against the property described therein. The County Attorney shall proceed expeditiously to collect, foreclose or otherwise enforce said lien.

(e) After the expiration of one (1) year from the date of recording of the claim of lien, as provided herein, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted, conducted and enforced in conformity with the procedures for the foreclosure of municipal special assessment liens, as set forth in ~~sections~~ Sections 173.04 through 173.12, inclusive, Florida Statutes, which provisions are hereby incorporated herein in their entirety to the same extent as if such provisions were set forth herein verbatim.

(f) The liens for delinquent impact fees imposed hereunder shall remain liens, coequal with the lien of all state, County, district and municipal taxes, superior in dignity to all other liens and claims, until paid as provided herein.

(g) The collection and enforcement procedures set forth in ~~the section~~ this Section shall be cumulative with, supplemental to and in addition to, all other applicable procedures provided in any other ordinances or administrative regulations of the County or any applicable law or administrative regulation of the State of Florida. Failure of the County to follow the procedure set forth in ~~this section~~ Section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the County or any applicable law or administrative regulation of the State of Florida.

**Sec. 110.26. Contribution credit.**

(a) The County shall grant a credit against the fire and rescue system impact fee imposed by ~~section~~ Section 110.11, for the donation of land, apparatus or equipment, or the construction of a fire and rescue facility improvement made to the County fire and rescue system pursuant to a development order or to be made by agreement with the County in connection with

fire and rescue system impact construction. Such donations or construction shall be subject to the approval of the ~~Public Safety~~ Fire Chief/Director.

(b) The amount of developer contribution credit to be applied shall be determined according to the following standards of valuation:

(1) The value of donated land shall be based upon a written appraisal of fair market value by a qualified and professional real estate appraiser based upon comparable sales of similar property between unrelated parties in an arms length transaction.

(2) The cost of anticipated construction to the County fire and rescue system shall be based upon cost estimates certified by a professional architect or engineer; and

(3) The value of apparatus and equipment shall be based on the actual cost.

(c) Prior to issuance of a building permit the contributor shall submit to the ~~Public Safety~~ Fire Chief/Director a proposed plan and estimates of costs for contributions to the County fire and rescue system. The proposed plan and estimates shall include:

(1) A legal description prepared and sealed by a licensed surveyor indicating compliance with minimal technical standards of any land proposed to be donated and a written appraisal prepared in conformity with subsection (b)(1) of this ~~section~~ Section;

(2) A list of the contemplated fire and rescue system improvements, apparatus or equipment sought to be donated;

(3) An estimate of proposed construction costs certified by a professional architect or engineer;

(4) A written statement of the actual cost for any equipment or apparatus sought to be donated; and

(5) A proposed time schedule for completion of the proposed plan.



(d) The ~~Public Safety~~ Fire Chief/Director shall determine:

(1) If such proposed plan is in conformity with contemplated improvements and additions to the County fire and rescue system;

(2) If the proposed donation of land, apparatus or equipment and construction by the contributor is consistent with the public interest; and

(3) If the proposed time schedule is consistent with the County's capital improvement program for the County fire and rescue system.

Upon approval of a proposed plan the ~~Public Safety~~ Fire Chief/Director shall determine the amount of credit based upon the above standards of valuation and shall approve the timetable for completion of the plan.

(e) All construction cost estimates shall be based upon, and all construction plans and specifications shall be in conformity with the fire and rescue facilities construction standards of the County. All plans and specifications shall be approved by the ~~Public Safety~~ Fire Chief/Director prior to commencement of construction.

(f) Any contributor shall have a right of review pursuant to ~~section~~ Section 110.29 of the determinations and certifications of a proposed plan and the determination and valuation of the contribution credit by the ~~Public Safety~~ Fire Chief/Director.

(g) In the event the amount of contribution credit determined to be applicable by the ~~Public Safety~~ Fire Chief/Director exceeds the total amount of impact fees due by a contributor, or exceeds the ~~Public Safety~~ Fire Chief/Director's estimates of impact fees that would be paid based on the potential development of the parcel to which the contribution is associated, the County shall execute with the contributor an agreement for future use of the credits or reimbursement of the excess of such contribution credit. The agreement would provide for:

(1) Reimbursement of the excess credit out of existing and/or future collections of fire and rescue system impact fees;

(2) Permitting credits to be transferred to other eligible property, i.e., property within the unincorporated area of Seminole County, said property to be identified in the agreement and the owner of said property to be a party to the agreement;

(3) Leaving the surplus on the parent tract to absorb future increases in the fire and rescue system impact fee or to be used in the event of redevelopment; or

(4) Some combination of the above.

(h) Credits shall be given as a fixed dollar deduction from the fire and rescue system impact fee in place at the time the fee otherwise becomes due and payable.

**Sec. 110.27. On-site improvements credit.**

(a) The County shall grant a credit against the fire and rescue system impact fee imposed by ~~section~~ Section 110.11 for the construction of on-site improvements at a fire and rescue system impact construction which exceed the minimum requirements of the Life Safety Code and which either reduces the response time between the receipt of a request for fire and rescue system service and the delivery of such service or which reduces the need for a required item of apparatus or equipment.

(b) In no event shall the County grant credit against the fire and rescue systems impact fee imposed by ~~section~~ Section 110.11 for any on-site improvements required by the Life Safety Code.

(c) The amount of on-site improvement credit granted pursuant to this section shall be limited to twenty-five~~-(25)~~ percent (25%) of the actual cost of construction of the on-site

improvement and in no event shall such on-site improvement credit exceed the fire and rescue system impact fee due for that fire and rescue system impact construction.

(d) Prior to issuance of a building permit the applicant shall submit to the ~~Public Safety~~ Fire Chief/Director a proposed plan and estimate of costs for those on-site improvements which credit is sought. The proposed plan and estimate shall include:

- (1) A list of contemplated on-site improvements for which credit is sought;
- (2) An estimate of proposed construction costs of the on-site improvement certified by a professional architect or engineer;
- (3) A proposed time schedule for completion of the on-site improvement; and
- (4) A statement indicating how such on-site improvements will either reduce the response time between the receipt of a request for fire and rescue system service and the delivery of such service or will reduce the need for a required item of apparatus or equipment.

(e) The ~~Public Safety~~ Fire Chief/Director shall determine:

- (1) If such proposed on-site improvement is required by the Life Safety Code;
- (2) If the proposed on-site improvement would reduce the response time between the receipt of a request for fire and rescue system service and the delivery of such service; and
- (3) If the proposed on-site improvement would reduce the need for a required item of apparatus or equipment.

(f) The applicant shall be notified in writing of the determination of the ~~Public Safety~~ Fire Chief/Director as to whether an on-site improvement credit will be granted and if so, the amount thereof.

(g) Any applicant shall have a right of review pursuant to ~~section~~ Section 110.29 of the determinations of a proposed plan and the determination and valuation of the on-site credit by the ~~Public Safety-Fire Chief/Director~~.

**Sec. 110.28. Administrative review procedures.**

(a) An applicant or owner who is required to pay a fire and rescue system impact fee pursuant to ~~section~~ Section 110.11 shall have the right to request a special review by the ~~Public Safety-Fire Chief/Director~~.

(b) Such review shall be for the purpose of the ~~Public Safety-Fire Chief/Director~~ rendering a determination concerning the application or calculation of the fire and rescue system impact fee pursuant to ~~section~~ Section 110.11.

(c) Except as otherwise provided in this ~~chapter~~ Chapter, such review shall be requested by the applicant or owner within forty-five (45) calendar days of the date of receipt of the impact fee statement or by the date of issuance of the certificate of occupancy whichever is earlier. Failure to request a review within the time provided shall be deemed a waiver of such right.

(d) A written request for review shall be filed with the office of the ~~Public Safety-Fire Chief/Director~~ and shall contain the following:

- (1) The name and address of the applicant or owner;
- (2) The telephone number at which the applicant or owner may be reached during daytime hours;
- (3) The legal description of the property in question;
- (4) If issued, the date the building permit was issued and the building permit number;
- (5) The impact fee statement number;

(6) A brief description of the nature of the construction being undertaken pursuant to the building permit;

(7) If paid, the date the fire and rescue system impact fee was paid; and

(8) A statement of the reasons why the applicant or owner is requesting the review, including any supporting information and site or construction plan.

(e) Within ten (10) business days of receipt of such request, the ~~Public Safety Fire~~ Chief/Director shall forward to the applicant or owner his written review of and determination concerning the fire and rescue system impact fee.

(f) The applicant or owner shall have fifteen (15) calendar days from the receipt of the written special review or, in the event of lack of response by the ~~Public Safety Fire~~ Chief/Director, thirty (30) days from filing of the request for review, whichever is later, to request a hearing pursuant to ~~section~~ Section 110.29.

#### **Sec. 110.29. Review hearings.**

(a) An applicant or owner who is required to pay a fire and rescue system impact fee pursuant to ~~section~~ Section 110.11, shall have the right to request a review hearing.

(b) Such hearing shall be limited to the review of the following:

(1) The special review determination made by the ~~Public Safety Fire~~ Chief/Director concerning the application or calculation of the fire and rescue system impact fee pursuant to ~~section~~ Section 110.28 or, in the event of nonresponse of the ~~Public Safety Fire~~ Chief/Director, direct review concerning the application or calculation of the fire and rescue system impact fee pursuant to ~~section~~ Section 110.11.

(2) The rejection of the alternative fire and rescue system impact fee calculation pursuant to ~~section~~ Section 110.14.

(3) The failure to grant or granting insufficient credits for the donation of land, apparatus or equipment or construction of improvements or additions pursuant to ~~section~~ Section 110.26.

(4) The failure to grant or granting insufficient credits for an on-site improvement pursuant to ~~section~~ Section 110.27.

(c) Except as otherwise provided in this ~~chapter~~ Chapter such hearing shall be requested by the applicant or owner within fifteen (15) calendar days, including Sundays and legal holidays, of the date of: (1) receipt of the impact fee special review determination; (2) receipt of notification of the calculation of any alternative impact fee; or (3) receipt of notification of decision on the credit for the donation of land, apparatus or equipment, construction credit or on-site improvement credit. Failure to request a hearing within the time provided shall be deemed a waiver of such right.

(d) The request for hearing shall be filed with the office of County Manager and shall contain the following:

- (1) The name and address of the applicant or owner;
- (2) The legal description of the property in question;
- (3) If issued, the date the building permit was issued and the building permit number;
- (4) The impact fee statement number, if issued;
- (5) A brief description of the nature of the construction being undertaken pursuant to the building permit;
- (6) If paid, the date the fire and rescue system impact fee was paid; and

(7) A statement of the reasons why the applicant or owner is requesting the hearing.

(e) Upon receipt of such request, the County Manager shall schedule a hearing before the ~~board~~ Board at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the applicant or owner written notice of the time and place of the hearing. Such hearing shall be held within forty-five (45) calendar days of the date the request for hearing was filed.

(f) Such hearing shall be before the ~~board~~ Board and shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence.

**Sec. 110.30. Review requirement.**

(a) This ~~chapter~~ Chapter and the impact fee study shall be reviewed by the ~~board~~ Board initially in connection with its approval of the capital improvements element of its comprehensive plan as required by ~~section~~ Section 163.3177, Florida Statutes. Thereafter, this ~~chapter~~ Chapter and the impact fee study shall be reviewed every four (4) years unless otherwise directed by the ~~board~~ Board. The initial and each subsequent review shall consider new estimates of population per household, employment, and other socioeconomic data; changes in cost of construction, land acquisition, apparatus, equipment and related costs; review of the response time standard of service; and adjustments to the assumptions, conclusions or findings set forth in the study adopted by ~~section~~ Section 110.4. The purpose of this review is to review and revise, if necessary, the County fire and rescue system, and to ensure that the fire and rescue system impact fees do not

exceed the reasonably anticipated costs associated with the improvements necessary to offset the demand generated by the fire and rescue system impact construction on the County fire and rescue system. In the event the review of ~~the chapter~~ this Chapter required by this ~~section~~ Section alters or changes the assumptions, conclusions and findings of the study adopted by reference in ~~section~~ Section 110.4, revises or changes the County fire and rescue system or alters or changes the amount of impact fees, the study adopted by reference in ~~section~~ Section 110.4 shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and ~~section~~ Section 110.4 shall be amended to adopt by reference such updated studies. If, upon the conclusion of the review of ~~the chapter~~ this Chapter required by this ~~section~~ Section, the ~~board~~ Board determines in its legislative discretion that a rebate of impact fees previously collected is appropriate because of an alteration or change in the amount of impact fees previously collected, the ordinance amending ~~section~~ Section 110.4 shall establish the procedures and determinations for any such rebate.

(b) ~~In conjunction with the initial and each subsequent review of the impact fee study required in subsection (a) of this section, the board shall review the capital improvements element for the availability and adequacy of revenue sources to construct improvements and additions to the County fire and rescue system determined in the impact fee study to be required to accommodate existing development.~~

**Sec. 110.31. Fire and rescue system impact fee citizens advisory committee.** There is hereby created an advisory committee to the ~~board~~ Board to be known as the fire and rescue system impact fee citizens advisory committee. The number of members and their terms shall be established by the ~~board~~ Board by resolution; provided however, there shall be included in the membership of the committee representatives of the business community, the industrial community, the homebuilders and the homeowners. The terms of the members shall be staggered



to ensure continuity and experience on the committee. The committee shall set its own rules of procedure and meeting dates and shall meet additionally as requested by the County Manager. The committee shall consider and review the assumptions utilized in the initial and each subsequent review of the impact fee study as required in ~~section~~ Section 110.30. In such consideration and review, the committee is requested to provide such comments and recommendations as are necessary and appropriate to assist the County Manager and the ~~board~~ Board in the review required in ~~section~~ Section 110.30.

**Sec. 110.32. Declaration of exclusion from Administrative Procedures Act.** Nothing contained in this ~~chapter~~ Chapter shall be construed or interpreted to include the County in the definition of agency contained in Section 120.52, Florida Statutes, or to otherwise subject the County to the application of the Administrative Procedure Act, Chapter 120, Florida Statutes. This declaration of intent and exclusion shall apply to all proceedings taken as a result of or pursuant to this ~~chapter~~ Chapter including specifically, but not limited to, consideration of a petition for vested rights determination under ~~section~~ Section 110.23 and a review hearing under ~~section~~ Section 110.29.

**Sec. 110.33. Individual calculation of impact fees.**

(a) In the event a fire and rescue system impact construction involves a land use not contemplated under the impact fee land use categories set forth in Appendix D, the ~~Public Safety~~ Fire Chief/Director shall determine the number of occupants per thousand square feet to be generated by the proposed fire and rescue system impact construction and shall calculate appropriate impact fees. The ~~Public Safety~~ Fire Chief/Director shall utilize as a standard, in his determination of the number of occupants per thousand square feet, the occupancy in the most

similar land use category, any generally accepted standard source of planning or an approved local study.

(b) In the event fire and rescue system impact construction involves a mixed use fire and rescue system impact construction, the ~~Public Safety~~ Fire Chief/Director shall calculate the impact fees based upon the number of dwelling units or occupants per thousand square feet to be generated by each separate impact fee land use category included in the proposed mixed use fire and rescue system impact construction.

**Section 5.** Appendix D (Fire and Rescue System Impact Fees) of the Land Development Code of Seminole County is hereby amended to read as follows:

#### **APPENDIX D - FIRE AND RESCUE SYSTEM IMPACT FEES**

**Definitions.** For the purposes of calculating the amount of Impact Fees to be imposed under Section 110.11 of Chapter 110 on all Fire and Rescue System Impact Construction the following definitions shall be utilized:

*Assembly:* All buildings or portions of buildings used for gathering together 50 or more persons for such purposes as church sanctuary, marina, racquet club/health spas, golf course clubhouse and sit-down and drive-in restaurants. Separate definitions are applied to ancillary spaces such as offices and bulk storage areas. Net usable square footage as calculated for assembly uses excludes all non-public areas such as restrooms and kitchens. Concentrated Assembly is occupancy assigned based on 7 square feet per person. Less concentrated assembly is occupancy assigned based on 15 square feet per person per NFPA, Life Safety Code, 1985 Issue.

*Business/Office:* A building housing one or more tenants where the affairs of a business, commercial or industrial organization, professional person or firm are conducted. Office shall include medical clinics and offices, and drive-in/walk-in banks or savings institutions.

Business/Office is also the definition applied to public assembly uses with an occupancy of less than 50 persons. Separate definitions apply to ancillary spaces such as bulk storage and cafeterias.

*Educational:* Facilities that are used for the gathering of groups of persons for purposes of instruction such as schools, colleges, universities and academies. Educational shall also include part-day nursery schools, kindergartens, and other schools whose primary purposes are education. Separate definitions are applied to ancillary spaces such as gymnasiums, laboratories, offices, bulk storage areas and cafeterias. Net usable square footage as calculated for educational uses includes all "instruction room" areas but excludes non-gathering areas such as kitchens.

*Hospital:* Any institution where medical or surgical care is given on a 24-hour basis to four or more inpatients. Hospital shall include general hospitals, hospitals for psychiatric care, tuberculosis hospitals, children's hospitals, and any such facilities providing inpatient care. Hospital does not include facilities that provide diagnosis and are only for outpatients (see Business/Office) nor do they include facilities that are devoted to the care of persons unable to care for themselves (see Nursing Home). Treatment areas include such facilities as x-ray, laboratories, surgical rooms and emergency rooms. Patient room areas are generally defined in groups as wards. Separate definitions are applied to ancillary spaces such as offices, cafeterias, lobbies, chapels, waiting areas, pharmacy, laundry and bulk storage.

*Hotel:* A place of lodging providing sleeping accommodations for hire primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. A hotel may house conference rooms, restaurants, cocktail lounges, however, separate definitions apply to these uses. So-called apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels.

*Industry:* A use dedicated to agriculture, forestry, the extractive and mining industries, mineral products, utilities, testing, nuclear plants, communication facilities, and national defense sites. Included are properties such as television broadcasting stations, utility plants, laboratories and petroleum processing sites such as refineries and asphalt plants. Offices within the same building as the primary industrial use are included in the industry definition if the office area is no more than 10% of the total building, up to 2,500 square feet maximum office area per tenant, whichever is less. Separate definitions apply to ancillary spaces such as offices exceeding the allowance.

*Manufacturing:* Properties where materials or parts are converted into finished products. Included are properties where there is mechanical or chemical transformation of inorganic or organic substances into new products. Also included are factories making products of all kinds and properties devoted to operations such as processing, assembling, mixing, packing, finishing or decorating, repairing and similar operations. Example: Manufacturing uses include lumber mills, dry-cleaning plants, paper/publishing plants, metal fabrication and electronic assembly plants. Offices within the same building as the primary manufacturing use are included in the manufacturing definition if the office area is no more than 10% of the total building, up to 2,500 square feet maximum office area per tenant, whichever is less. Separate definitions apply to ancillary spaces such as offices exceeding the allowance.

*Mercantile:* One or more establishments devoted to selling merchandise, services, goods and products to consumers whether on a wholesale or retail basis. Mercantile shall include service stations, supermarkets, convenience markets, garage/auto repair, laundromats, dry cleaners, printing shops and other rooms, buildings or structures used for the sale of merchandise. Separate definitions are applied to ancillary spaces such as offices or bulk storage.

*Nursing Home:* A building or part thereof used for the housing and nursing care, on a 24-hour basis, of four or more persons who, because of mental or physical incapacity, may be unable to provide for their own needs and safety without the assistance of another person. Nursing home shall include nursing and convalescent homes, skilled nursing facilities, intermediate care facilities and residential care facilities, and infirmaries in homes for the aged. Treatment areas include such facilities as x-ray, laboratories, surgical rooms and emergency rooms. Patient room areas are generally defined in groups as wards. Separate definitions are applied to ancillary spaces such as offices, cafeterias, lobbies, chapels, waiting areas, pharmacy, laundry and bulk storage.

*Residential:* Property in which sleeping accommodations are provided for normal residential purposes, including, but not limited to, apartments, condominiums, mobile homes, multi-family and single-family structures.

*Warehousing:* A building that is primarily devoted to the storage of materials and may also include some office and maintenance areas and distribution areas for receiving and shipping materials and goods and minor assembly. This shall include mini-warehouses. Offices within the same building as the primary warehouse use are included in the warehouse definition if the office area is no more than 10% of the total building, up to 2,500 square feet maximum office area per tenant, whichever is less. Separate definitions apply to ancillary spaces such as offices exceeding the allowance.

### **FIRE AND RESCUE SYSTEM IMPACT FEE**

For the purpose of calculating the Fire and Rescue System Impact Fee to be imposed under Section 110.11, the following schedule shall be utilized:

Land Use Category	Size Base	Net Equivalent Residential	Impact Fee @ \$172.07 Net Cost
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		Units (Net ERU's)	Per ERU (in Whole Dollars)
<b>Residential</b>	Per dwelling-unit	1.00	\$172.00
<del>1. Including Single Family, Apartment, Condominium and Mobile Home</del>			
<del>Hotel/Motel</del>	<del>Per 1,000 gross square feet</del>	<del>1.82</del>	<del>\$313.00</del>
<del>2. Hotel/Motel (Offices, Conference Rooms, Restaurants—separate)</del>			
<b>Commercial</b>			
<del>Assembly (50 persons or more)</del>			
<del>(Concentrated)</del>			
<del>3. Church Sanctuary</del>	<del>Per 1,000 net usable square feet</del>	<del>3.98</del>	<del>\$684.00</del>
<del>(Less Concentrated)</del>			
<del>4. Marina</del>	<del>Per 1,000 net usable square feet</del>	<del>1.86</del>	<del>\$320.00</del>
<del>5. Racquet Clubs/ Health Spas</del>	<del>Per 1,000 net usable square feet</del>	<del>1.86</del>	<del>\$320.00</del>
<del>6. hq; Golf Course Clubhouse</del>	<del>Per 1,000 net usable square feet</del>	<del>1.86</del>	<del>\$320.00</del>
<del>7. Restaurant: Sit-down</del>	<del>Per 1,000 net usable square feet</del>	<del>1.86</del>	<del>\$320.00</del>
<del>8. Restaurant: Drive-in</del>	<del>Per 1,000 net usable square feet</del>	<del>1.86</del>	<del>\$320.00</del>
<b>Institutional</b>			
<del>9. Hospital (Offices, etc.—separate)</del>	<del>Patient room area—per 1,000 gross sq. ft.</del>	<del>0.03</del>	<del>\$10.00</del>
	<del>Treatment area—per 1,000 gross sq. ft.</del>	<del>0.06</del>	<del>\$ 5.00</del>
<del>10. Nursing Home (Offices, etc.—separate)</del>	<del>Patient room area—per 1,000 gross sq. ft.</del>	<del>0.06</del>	<del>\$10.00</del>
	<del>Treatment area—per 1,000 gross sq. ft.</del>	<del>0.03</del>	<del>\$ 5.00</del>
<b>Educational</b>			
<del>11. Day Care Note: Educational other than Day Care is a Special calculation</del>	<del>Per 1,000 net usable square feet</del>	<del>0.30</del>	<del>\$51.00</del>
<b>Store/Office</b>			

12. Business (Office) (including medical clinics and offices, banks/savings drive-in and Assembly of less than 50 persons)	Per 1,000 gross square feet	0.42	\$72.00
<b>Retail/Wholesale</b>			
13. Mercantile <300,000 sq ft	Per 1,000 gross square feet	0.93	\$160.00
14. Mercantile 300,000 – 400,000 sq ft	Per 1,000 gross square feet	0.84	\$144.00
15. Mercantile >400,000 sq ft (Mercantile/ Retail includes service stations, super markets, convenience markets, garage/auto repair, and wholesale out lets, Offices, etc., separate)	Per 1,000 gross square feet	0.76	\$130.00
16. Basic Industry (Includes utility substations. Offices within same building included if no more than 10% of total building or 2,500 sq. ft. per tenant, whichever is less)	Per 1,000 gross square feet	0.08	\$13.00
17. Manufacturing (Offices within same building included if not more than 10% of total building or 2,500 sq. ft. per tenant, whichever is less)	Per 1,000 gross square feet	0.04	\$6.00
18. Warehouse/Storage (Includes mini warehouses. Offices within same building included if no more than 10% of total building or 2,500 sq. ft. per tenant, whichever is less)	Per 1,000 gross square feet	0.04	\$6.00

<u>ITE LUC</u>	<u>Land Use</u>	<u>Impact Unit</u>	<u>Calculated Impact Fee</u>
<b><u>Residential:</u></b>			
<u>210</u>	Single Family (detached)		
	- Affordable Housing*	du	\$249
	- Less than 1,500 sf	du	\$440
	- 1,500 to 2,499 sf	du	\$497
	- 2,500 sf or greater	du	\$557
<u>220/221/222</u>	Multi-Family (Apartment/Condominium/Townhouse)		
	- Affordable Housing*	du	\$183
	- All Other	du	\$332
<u>240</u>	Mobile Home	du	\$318
* Greater than eighty percent (80%) and less than or equal to one hundred forty percent (140%) of the median annual adjusted gross income for the household within Seminole County			
<b><u>Transient, Assisted, Group:</u></b>			
<u>253</u>	Congregate Care Facility	du	\$436
<u>310</u>	Hotel	room	\$397
<u>320</u>	Motel	room	\$342
<u>620</u>	Nursing Home	1,000 sf	\$836
<b><u>Recreational:</u></b>			
<u>420</u>	Marina	boat berth	\$42
<u>430</u>	Golf Course	hole	\$273
<u>444</u>	Movie Theater	screen	\$1,688
<u>491</u>	Racquet/Tennis Club	court	\$416
<u>492</u>	Health/Fitness Club	1,000 sf	\$784
<b><u>Institutional:</u></b>			
<u>520</u>	Elementary School (Private)	student	\$26
<u>522</u>	Middle/Junior High School (Private)	student	\$29
<u>530</u>	High School (Private)	student	\$29
<u>540</u>	University/Jr. College (7,500 or fewer students)(Private)	student	\$33

<u>550</u>	<u>University/Jr. College (more than 7,500 students)(Private)</u>	<u>student</u>	<u>\$26</u>
<u>560</u>	<u>Church</u>	<u>student</u>	<u>\$120</u>
<u>565</u>	<u>Day Care Center</u>	<u>student</u>	<u>\$264</u>
<b>Medical:</b>			
<u>630</u>	<u>Hospital</u>	<u>1,000 sf</u>	<u>\$420</u>
<b>Office:</b>			
<u>710</u>	<u>Office</u>	<u>1,000 sf</u>	<u>\$290</u>
<u>720</u>	<u>Medical Office 10,000 sq ft or less</u>	<u>1,000 sf</u>	<u>\$390</u>
	<u>Medical Office greater than 10,000 sq ft</u>	<u>1,000 sf</u>	<u>\$560</u>
<b>Retail:</b>			
<u>813</u>	<u>Discount Superstore, Free-Standing</u>	<u>1,000 sf</u>	<u>\$554</u>
<u>820</u>	<u>Retail/Shopping Center</u>	<u>1,000 sf</u>	<u>\$491</u>
<u>840/843</u>	<u>New/Used Auto Sales</u>	<u>1,000 sf</u>	<u>\$511</u>
<u>850</u>	<u>Supermarket</u>	<u>1,000 sf</u>	<u>\$784</u>
<u>880/881</u>	<u>Pharmacy/Drug Store with &amp; without Drive-Thru</u>	<u>1,000 sf</u>	<u>\$602</u>
<u>890</u>	<u>Furniture Store</u>	<u>1,000 sf</u>	<u>\$104</u>
<b>Services:</b>			
<u>911</u>	<u>Bank w/Walk-In</u>	<u>1,000 sf</u>	<u>\$335</u>
<u>912</u>	<u>Bank w/Drive-In</u>	<u>1,000 sf</u>	<u>\$485</u>
<u>931</u>	<u>Quality Restaurant</u>	<u>1,000 sf</u>	<u>\$1,874</u>
<u>932</u>	<u>High-Turnover (Sit-Down) Restaurant</u>	<u>1,000 sf</u>	<u>\$1,812</u>
<u>934</u>	<u>Fast Food Restaurant w/Drive-Thru</u>	<u>1,000 sf</u>	<u>\$3,156</u>
<u>942</u>	<u>Automobile Care Center</u>	<u>1,000 sf</u>	<u>\$543</u>
<u>944</u>	<u>Gas Station w/Convenience Market &lt;2,000 sq ft</u>	<u>fuel pos.</u>	<u>\$475</u>
<u>945</u>	<u>Gas Station w/Convenience Market 2,000-2,999 sq ft</u>	<u>fuel pos.</u>	<u>\$579</u>
<u>960</u>	<u>Gas Station w/Convenience Market 3,000+ sq ft</u>	<u>fuel pos.</u>	<u>\$657</u>
<b>Industrial:</b>			
<u>110</u>	<u>General Light Industrial</u>	<u>1,000 sf</u>	<u>\$163</u>
<u>140</u>	<u>Manufacturing</u>	<u>1,000 sf</u>	<u>\$150</u>
<u>150</u>	<u>Warehouse</u>	<u>1,000 sf</u>	<u>\$36</u>
<u>151</u>	<u>Mini-Warehouse</u>	<u>1,000 sf</u>	<u>\$13</u>
<u>170</u>	<u>Utility</u>	<u>1,000 sf</u>	<u>\$342</u>

**NOTE:** Net usable square footage is based on netting out all non-public areas.

**Section 6. Conflicts.** This Ordinance shall control over any County ordinances or parts of ordinances in conflict herewith.

**Section 7. Codification.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Land Development Code of Seminole County, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that Sections 6, 7, 8 and 9 of this Ordinance shall not be codified.



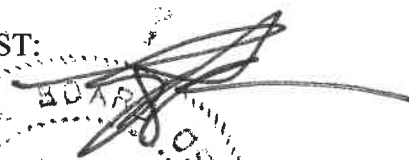
**Section 8. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

**Section 9. Effective date.** This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners. Notwithstanding the above, pursuant to Section 163.31801(3)(d), Florida Statutes, the revised Fire and Rescue Impact Fee Rates as set forth in Appendix D as incorporated by Section 110.11(b) and the time by which an applicant shall pay the appropriate Fire and Rescue Impact Fee as that time is to be established by resolution pursuant to Section 110.24(a) of the Land Development Code of Seminole County, Florida, as amended by this Ordinance, shall be effective on June 29, 2021, which is more than ninety (90) days from the date of publication of notice stating the maximum amount of the revised Fire and Rescue Impact Fee rates. Until the resolution establishing the time of payment of the Fire and Rescue Impact Fee pursuant to Section 110.24(a) is effective, the time of such collection shall remain consistent with Resolution No. 2018-R-45. The Board of County Commissioners of Seminole County declares that it is the intent of Seminole County that the Fire and Rescue Impact Fee Rates as have been established under the existing Chapter 110, Seminole County Land Development Code, will remain applicable to and enforceable on new development and redevelopment until the revised Fire and Rescue Impact Fee Rates as adopted under this Ordinance are effective.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this

22 day of June, 2021.

ATTEST:

  
JENNY SPENCER, DIRECTOR, for  
GRANT MALOY 6/28/21  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

  
LEE CONSTANTINE, Chairman

PHC/sjs/DWM

6/9/21

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## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

June 29, 2021

Honorable Grant Maloy  
Clerk of the Circuit Court  
Seminole County  
County Commission Records  
1101 E. First Street, Room 2204  
Sanford, Florida 32771

Attention: Chariti Colon

Dear Mr. Maloy:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Seminole County Ordinance No. 2021-27, which was filed in this office on June 28, 2021.

Sincerely,

Anya Grosenbaugh  
Program Administrator

AG/lb