

Ordinance without Optional Programs

WAKULLA COUNTY BOARD OF COUNTY COMMISSIONERS

COMPREHENSIVE IMPACT FEE ORDINANCE
ORDINANCE NO. 2007-_____

ADOPTED SEPTEMBER 17, 2007

TABLE OF CONTENTS

Page

ARTICLE I
SECTION 1.01. TITLE.
..... 2
SECTION 1.02 GENERAL DEFINITIONS. 2
SECTION 1.03. LEGISLATIVE FINDINGS. 6
SECTION 1.04. RULES OF CONSTRUCTION. 8
SECTION 1.05. MUNICIPAL PARTICIPATION. 9
ARTICLE II
PARKS AND RECREATIONAL FACILITIES IMPACT FEES
SECTION 2.01. DEFINITIONS APPLICABLE TO PARKS
AND RECREATIONAL FACILITIES IMPACT FEES. 10
SECTION 2.02. LEGISLATIVE FINDINGS APPLICABLE TO PARKS AND
RECREATIONAL FACILITIES IMPACT FEES. 11
SECTION 2.03 ADOPTION OF PARK IMPACT FEE STUDY. 13
SECTION 2.04. IMPOSITION OF PARKS AND RECREATION FACILITIES
IMPACT FEES. 14
SECTION 2.05. ALTERNATIVE PARK IMPACT FEE. 14
SECTION 2.06.
PAYMENT. 16
SECTION 2.07. USE OF
MONIES. 17
ARTICLE III
EMERGENCY MEDICAL SYSTEM IMPACT FEES
SECTION 3.01. DEFINITIONS APPLICABLE TO EMERGENCY
MEDICAL SYSTEM IMPACT FEES. 21
SECTION 3.02. LEGISLATIVE FINDINGS APPLICABLE TO EMERGENCY
MEDICAL SYSTEM IMPACT FEES. 22

SECTION 3.03. ADOPTION OF EMERGENCY MEDICAL SYSTEM
 IMPACT FEE STUDY. 24

SECTION 3.04. IMPOSITION OF EMERGENCY MEDICAL SYSTEM
 IMPACT FEES. 24

SECTION 3.05. ALTERNATIVE EMERGENCY MEDICAL SYSTEM
 IMPACT FEE. 25

SECTION 3.06. PAYMENT. 27

SECTION 3.07. USE OF MONIES. 28

SECTION 3.08. INDIVIDUAL CALCULATION OF EMERGENCY MEDICAL SYSTEM IMPACT FEES. 31

i

ARTICLE IV
FIRE PROTECTION IMPACT FEES

SECTION 4.01. DEFINITIONS APPLICABLE TO FIRE PROTECTION IMPACT FEES. 33

SECTION 4.02. LEGISLATIVE FINDINGS APPLICABLE TO FIRE PROTECTION IMPACT FEES. 34

SECTION 4.03. ADOPTION OF FIRE PROTECTION IMPACT FEE STUDY. 36

SECTION 4.04. IMPOSITION OF FIRE PROTECTION IMPACT FEES. 36

SECTION 4.05. ALTERNATIVE FIRE PROTECTION IMPACT FEE. 36

SECTION 4.06. PAYMENT. 38

SECTION 4.07. USE OF MONIES. 39

SECTION 4.08. INDIVIDUAL CALCULATION OF FIRE PROTECTION IMPACT FEES. 42

ARTICLE V
CORRECTIONAL FACILITIES IMPACT FEES

SECTION 5.01. DEFINITIONS APPLICABLE TO CORRECTIONAL FACILITIES IMPACT FEES. 44

SECTION 5.02. LEGISLATIVE FINDINGS APPLICABLE TO CORRECTIONAL FACILITIES IMPACT FEES. 45

SECTION 5.03. ADOPTION OF CORRECTIONAL FACILITIES

IMPACT FEE STUDY. 46

SECTION 5.04. IMPOSITION OF CORRECTIONAL FACILITIES

IMPACT FEES. 47

SECTION 5.05. ALTERNATIVE CORRECTIONAL FACILITIES

IMPACT FEE. 47

SECTION 5.06. PAYMENT. 49

SECTION 5.07. USE OF MONIES. 50

ARTICLE VI
ROAD IMPACT FEES

SECTION 6.01. DEFINITIONS APPLICABLE TO ROAD IMPACT FEES. 54

SECTION 6.02. LEGISLATIVE FINDINGS APPLICABLE TO ROAD IMPACT FEES. 57

SECTION 6.03. ADOPTION OF ROAD IMPACT FEE STUDY. 59

SECTION 6.04. IMPOSITION OF ROAD IMPACT FEES. 60

SECTION 6.05. ALTERNATIVE ROAD IMPACT FEE. 60

SECTION 6.06. PAYMENT. 62

SECTION 6.07. USE OF MONIES. 63

SECTION 6.08. INDIVIDUAL CALCULATION OF ROAD IMPACT FEES. 67

ii

ARTICLE VII
LIBRARY IMPACT FEES

SECTION 7.01. DEFINITIONS APPLICABLE TO LIBRARY IMPACT FEES. 68

SECTION 7.02. LEGISLATIVE FINDINGS APPLICABLE TO LIBRARY IMPACT FEES. 68

SECTION 7.03. ADOPTION OF LIBRARY IMPACT FEE STUDY. 70

SECTION 7.04. IMPOSITION OF LIBRARY IMPACT FEES. 71

SECTION 7.05. ALTERNATIVE LIBRARY IMPACT FEE. 71

SECTION 7.06. PAYMENT. 73

SECTION 7.07. USE OF MONIES. 74

ARTICLE VIII
LAW ENFORCEMENT IMPACT FEES

SECTION 8.01. DEFINITIONS APPLICABLE TO LAW ENFORCEMENT
IMPACT FEES. 78

SECTION 8.02. LEGISLATIVE FINDINGS APPLICABLE TO LAW
ENFORCEMENT IMPACT FEES. 79

SECTION 8.03. ADOPTION OF LAW ENFORCEMENT IMPACT FEE STUDY. 81

SECTION 8.04. IMPOSITION OF LAW ENFORCEMENT IMPACT FEES. 81

SECTION 8.05. ALTERNATIVE LAW ENFORCEMENT IMPACT FEE. 82

SECTION 8.06.
PAYMENT.
83

SECTION 8.07. USE OF
MONIES. 84

SECTION 8.08. INDIVIDUAL CALCULATION OF LAW ENFORCEMENT
IMPACT FEES. 88

ARTICLE IX
[RESERVED]

ARTICLE X
MISCELLANEOUS PROVISIONS

SECTION 10.01.
EXEMPTIONS.
90

SECTION 10.02. RESERVED
90

SECTION 10.03. RESERVED
90

SECTION 10.04. CHANGES IN SIZE AND
USE. 91

SECTION 10.05. REMEDIAL COLLECTION METHODS.
92

SECTION 10.06. ACCOUNTING AND REPORTING OF IMPACT FEE. 92

SECTION 10.07. DEVELOPER CONTRIBUTION CREDITS. 92

SECTION 10.08. REVIEW HEARINGS. 96

SECTION 10.09. REVIEW REQUIREMENT. 97

SECTION 10.10. DECLARATION OF EXCLUSION FROM
ADMINISTRATIVE PROCEDURES ACT. 98

SECTION 10.11.
SEVERABILITY.
98

SECTION 10.12. NOTICE OF IMPACT FEE RATES. 98

SECTION 10. 13. INCLUSION IN THE WAKULLA COUNTY CODE. 99

iii

SECTION 10. 14. REPEALER. 99
SECTION 10. 15. EFFECTIVE DATE. 99

APPENDICES:

APPENDIX A: PARK IMPACT FEE STUDY. A-1
APPENDIX B: PARK IMPACT FEE DISTRICTS. B-1
APPENDIX C: EMERGENCY MEDICAL SYSTEM IMPACT FEE STUDY. C-1
APPENDIX D: FIRE RESCUE IMPACT FEE STUDY D-1
APPENDIX E: CORRECTIONAL FACILITIES IMPACT FEE STUDY. E-1
APPENDIX F: ROAD IMPACT FEE STUDY. F-1
APPENDIX G: ROAD IMPACT FEE DISTRICTS G-1
APPENDIX H: LIBRARY IMPACT FEE STUDY. H-1
APPENDIX I: LAW ENFORCEMENT IMPACT FEE STUDY. I-1

iv

ORDINANCE NO. 2007-_____

AN ORDINANCE TO BE KNOWN AS THE WAKULLA COUNTY COMPREHENSIVE IMPACT FEE ORDINANCE; PROVIDING GENERAL DEFINITIONS APPLICABLE TO ALL IMPACT FEES, PROVIDING FOR RULES OF CONSTRUCTION AND LEGISLATIVE FINDINGS APPLICABLE TO ALL IMPACT FEES; IMPOSING PARKS AND RECREATIONAL FACILITIES IMPACT FEES; PROVIDING DEFINITIONS AND FINDINGS APPLICABLE TO PARKS AND RECREATIONAL FACILITIES IMPACT FEES; ADOPTING THE PARK IMPACT FEE STUDY; PROVIDING FOR THE USE OF PARKS AND RECREATIONAL FACILITIES IMPACT FEES; PROVIDING FOR AN ALTERNATIVE PARKS AND RECREATIONAL FACILITIES IMPACT FEE CALCULATION; IMPOSING EMERGENCY MEDICAL SYSTEM IMPACT FEES; PROVIDING DEFINITIONS AND FINDINGS APPLICABLE TO EMERGENCY MEDICAL SYSTEM IMPACT FEES; ADOPTING THE EMERGENCY MEDICAL SYSTEM IMPACT FEE STUDY; PROVIDING FOR THE USE OF EMERGENCY MEDICAL SYSTEM IMPACT FEES; PROVIDING FOR AN ALTERNATIVE EMERGENCY MEDICAL SYSTEM IMPACT FEE CALCULATION; IMPOSING FIRE RESCUE IMPACT FEES; PROVIDING DEFINITIONS AND FINDINGS APPLICABLE TO FIRE RESCUE IMPACT FEES; ADOPTING THE FIRE RESCUE IMPACT FEE STUDY; PROVIDING FOR THE USE OF FIRE RESCUE IMPACT FEES; PROVIDING FOR AN ALTERNATIVE FIRE RESCUE IMPACT FEE CALCULATION; IMPOSING CORRECTIONAL FACILITIES IMPACT FEES; PROVIDING DEFINITIONS AND

FINDINGS APPLICABLE TO CORRECTIONAL FACILITIES
IMPACT FEES; ADOPTING THE CORRECTIONAL FACILITIES
IMPACT FEE STUDY; PROVIDING FOR THE USE OF
CORRECTIONAL FACILITIES IMPACT FEES; PROVIDING FOR
AN ALTERNATIVE CORRECTIONAL FACILITIES IMPACT FEE
CALCULATION; IMPOSING ROAD IMPACT FEES; PROVIDING
DEFINITIONS AND FINDINGS APPLICABLE TO ROAD IMPACT
FEES; ADOPTING THE ROAD IMPACT FEE STUDY; PROVIDING
FOR THE USE OF ROAD IMPACT FEES; PROVIDING FOR AN
ALTERNATIVE ROAD IMPACT FEE CALCULATION; IMPOSING
LIBRARY IMPACT FEES; PROVIDING DEFINITIONS AND
FINDINGS APPLICABLE TO LIBRARY IMPACT FEES; ADOPTING
THE LIBRARY IMPACT FEE STUDY; PROVIDING FOR THE USE
OF LIBRARY IMPACT FEES; PROVIDING FOR AN ALTERNATIVE
LIBRARY IMPACT FEE CALCULATION; IMPOSING
CORRECTIONAL FACILITIES IMPACT FEES; PROVIDING
DEFINITIONS AND FINDINGS APPLICABLE TO LAW

1

ENFORCEMENT IMPACT FEES; ADOPTING THE LAW
ENFORCEMENT IMPACT FEE STUDY; PROVIDING FOR THE
USE OF LAW ENFORCEMENT IMPACT FEES; PROVIDING FOR
AN ALTERNATIVE LAW ENFORCEMENT IMPACT FEE
CALCULATION; PROVIDING FOR EXEMPTIONS; PROVIDING
FOR ACCOUNTING AND REPORTING OF THE IMPACT FEES;
PROVIDING CREDIT FOR DEVELOPER CONTRIBUTIONS;
PROVIDING FOR CHANGES IN SIZE AND USE; PROVIDING FOR
REVIEW HEARINGS; PROVIDING FOR APPLICABILITY;
REQUIRING REVIEW OF THE IMPACT FEE STUDIES AND THE
COMPREHENSIVE IMPACT FEE ORDINANCE; DECLARATION
OF EXCLUSION FROM THE ADMINISTRATIVE PROCEDURES
ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR
NOTICE OF IMPACT FEE RATES; PROVIDING FOR INCLUSION
IN THE WAKULLA COUNTY CODE; REPEALING SECTIONS

24.101 THROUGH 24.118 OF THE WAKULLA COUNTY CODE;
AND PROVIDING AN EFFECTIVE DATE.
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY

COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, that:

ARTICLE I

SECTION 1.01. TITLE. This Ordinance shall be known as the "Wakulla County
Comprehensive Impact Fee Ordinance."

SECTION 1.02 GENERAL DEFINITIONS. When used in this Ordinance, the
following terms shall have the following meaning, unless the context otherwise
clearly

requires:

"Accessory Building or Structure" shall mean 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 or use.

"Apartment" shall mean a rental Dwelling Unit located within the same Building as other Dwelling Units.

"Applicant" shall mean the Person who applies for a Building Permit.

2

"Board" shall mean the Board of County Commissioners of Wakulla County, Florida.

"Building" shall mean any structure, either temporary or permanent, designed or built for the support, enclosure shelter or protection of persons, chattels or property of any kind. This term shall include trailers, mobile homes or any other 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 construction.

"Building Permit" shall mean an official document or certificate issued by the County, under the authority of ordinance or law, authorizing the construction or siting of any Building. "Building Permit" shall also include tie-down permits for those structures or Buildings, such as a Mobile Home, that may not require a Building Permit.

"Capital Facilities" shall mean those facilities identified in this Ordinance for which Impact Fees are imposed.

"Capital Facilities Impact Construction" shall mean land development which changes the use of land in a manner which increases the impact upon the Capital Facilities for which Impact Fees are imposed under this Ordinance.

"Certificate of Occupancy" shall mean the official document or certificate issued by the County under the authority of ordinance or law, authorizing the occupancy of any Building, or parts thereof, within Residential Construction. "Certificate of Occupancy" shall also include tie-down permits for those structures or Buildings, such as a Mobile Home, that may not require a Certificate of Occupancy.

3

"Comprehensive Plan" shall mean the Comprehensive Plan of the County adopted and amended pursuant to Part II, Chapter 163, Florida Statutes, as amended and supplemented, or its successor in function.

"Condominium" shall mean a fee-titled Dwelling Unit that has at least one other similar unit within the same Building structure. The term "Condominium" includes all fee-simple or similarly titled multi-unit structures, including townhouses and duplexes.

"County" shall mean Wakulla County, a political subdivision of the State of Florida.

"County Administrator" shall mean the chief administrative officer of the County or such person's designee.

"Development Permit" shall mean any Building Permit, Certificate of Occupancy, zoning approval, subdivision approval, rezoning, development order, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

" Dwelling Unit " shall mean a Building, or a portion thereof, which is designed for Residential occupancy, consisting of one or more rooms which are arranged, designed or used as living quarters for one family only.

" Encumbered " shall mean moneys committed by contract or purchase order in a manner that obligates the County to expend the Encumbered amount upon delivery of goods, the rendering of services or the conveyance of real property by a vendor, supplier, contractor or Owner.

" Impact Fee " shall mean collectively and individually, as the context may require, the Park Impact Fee, the Emergency Medical System Impact Fee, the Fire Rescue Impact

4

Fee, the Correctional Facilities Impact Fee, the Road Impact Fee, the Library Impact Fee, and the Law Enforcement Impact Fee.

" Impact Fee Study " shall mean collectively the Park Impact Fee Study as defined in Section 2.01 hereof, the Emergency Medical System Impact Fee Study as defined in Section 3.01 hereof, the Fire Rescue Impact Fee Study as defined in Section 4.01 hereof, the Correctional Facilities Impact Fee Study as defined in Section 5.01 hereof, the Road Impact Fee Study as defined in Section 6.01 hereof, the Library Impact Fee Study as defined in Section 7.01 hereof, and the Law Enforcement Impact Fee Study as defined in Section 8.01 hereof.

" M. A. I. Appraiser " shall mean a member of the American Institute of Real Estate Appraisers.

" Mobile Home " shall mean a structure transportable in one (1) or more sections, which structure is eight (8) body feet or more in width and over thirty-five (35) feet in length, and which structure is built on an integral chassis and designed to be used as a Dwelling Unit when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

" Multi-Family Dwelling Unit " shall mean a Building or a portion of a Building, regardless of ownership, containing more than one Dwelling Unit designed for occupancy

by a single family, which units are not customarily offered for rent for one day, and shall include Apartments, townhouses, and Condominiums.

"Municipalities" or "Municipality" shall mean collectively and individually the Cities of Sopchoppy, St. Marks, and any other municipal corporation that may be subsequently incorporated within the County.

5

"Owner" shall mean the Person holding legal title to the real property upon which Capital Facilities Impact Construction is to occur.

"Person" shall mean an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

"Residential" means Multi-Family Dwelling Units, Mobile Homes and Single-Family Detached Houses.

"Single-Family House" shall mean a Dwelling Unit on an individual lot.

"Square Footage" shall mean the gross area measured in square feet from the

exterior faces of exterior walls or other exterior boundaries of the Building, including all

floors and mezzanines within said Building, but excluding areas within the interior of the Building that are utilized for parking.

SECTION 1.03. LEGISLATIVE FINDINGS. It is hereby ascertained, determined and declared:

A. Pursuant to Article VIII, Section 1, Florida Constitution, and sections 125.01 and 125.66, Florida Statutes, the Wakulla County Board of County Commissioners has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to adopt and impose impact fees through a county ordinance.

B. Section 163.3202(3), Florida Statutes, encourages the use of innovative land development regulations, including the use of impact fees, to implement the goals, objectives and policies of a county's Comprehensive Plan.

6

C. Future growth represented by Capital Facilities Impact Construction should contribute its fair share to the cost of improvements and additions to the Capital Facilities that are required to accommodate the use of such facilities by growth.

D. The required improvements and additions to the Capital Facilities needed to accommodate existing development at the adopted level of service shall be financed by revenue sources other than Impact Fees.

E. Implementation of an Impact Fee structure to require future Capital Facilities Impact Construction to contribute its fair share of the cost of improvements and additions to

Capital Facilities is an integral and vital element of the management of growth.

F. Based upon the studies prepared by Government Services Group and Nabors, Giblin & Nickerson, P.A. entitled "Wakulla County Parks and Recreation Facilities

Impact Fee Study" dated January, 2007, "Wakulla County Emergency Medical Services Impact Fee Study" dated August, 2006, "Wakulla County Fire Rescue Impact Fee Study" dated April, 2007, "Wakulla County Correctional Facilities Impact Fee Study" dated January, 2007, "Wakulla County Transportation Impact Fee Study" dated March, 2007, "Wakulla County Library Systems and Facilities Impact Fee Study" dated August, 2006,

and "Wakulla County Law Enforcement Impact Fee Study" dated August, 2006, the Board now desires to adopt a comprehensive impact fee ordinance, including provisions for the imposition of Park Impact Fees, Emergency Medical System Impact Fees, Fire Rescue Impact Fees, Correctional Facilities Impact Fees, Road Impact Fees, Library Impact Fees, and Law Enforcement Impact Fees.

G. The Board has determined that the adoption of a comprehensive impact fee ordinance and the implementation of impact fees for Parks and Recreational Facilities,

7

Emergency Medical System, Fire Rescue, Correctional Facilities, Roads, Libraries, and Law Enforcement are in the best interests of the citizens of Wakulla County, Florida.

SECTION 1.04. RULES OF CONSTRUCTION. For the purposes of the administration and enforcement of this Ordinance, unless otherwise stated in this Ordinance, the following rules of construction shall apply:

A. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

B. The word "shall" is always mandatory and not discretionary and the word "may" is permissive.

C. Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary; use of the masculine gender shall include the feminine gender.

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 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.

8

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.

G. All time periods contained within this Ordinance shall be calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of the

Board's decision in the event of an appeal. In the event the due date falls on a Saturday, Sunday or legal holiday, the due date shall be extended to the next business day.

SECTION 1.05. MUNICIPAL PARTICIPATION. The provisions of this Ordinance shall apply to Capital Facilities Impact Construction within the County as more fully described herein for each Impact Fee. Provided, however, the provisions of this Ordinance shall not be enforced within a Municipality unless the County and the Municipality enter into an interlocal agreement setting forth the terms and conditions under which the provisions of this Ordinance shall be implemented within the Municipality.

9

ARTICLE II PARKS AND RECREATIONAL FACILITIES IMPACT FEES

SECTION 2.01. DEFINITIONS APPLICABLE TO PARKS AND RECREATIONAL FACILITIES IMPACT FEES. In addition to the general definitions contained in Section 1.02 of this Ordinance, the following terms shall have the following meaning in the application of the Parks and Recreational Facilities Impact Fee:

"Alternative Park Impact Fee" shall mean any alternative fee calculated by an Applicant and approved by the County Administrator pursuant to Section 2.05 hereof.

"Alternative Park Impact Fee Study" shall mean a study prepared by an Applicant and submitted to the County Administrator pursuant to Section 2.05 hereof.

"Community Park" shall mean a park, which is designed to serve the recreation needs of several communities in the unincorporated areas of the County, and they may include restrooms, onsite parking, large landscaped areas, community centers, lighted sports fields, and other specialized recreational facilities. These parks are generally 6-20 acres in size.

"County Park System" shall include all Regional Parks and Community Parks owned and operated by the County, including active parks, passive parks, water access sites, and associated recreational facilities and Buildings, but does not include those parks and recreational facilities that are owned and operated by private entity, the federal government, or a City or those parks and recreational facilities that are owned and operated by the State of Florida. For the purposes of this Ordinance, the term "County Park System" also does not include Neighborhood Parks or Mini Parks.

10

"Mini Park" shall mean a small park that is primarily equipped with playgrounds, tot lots, benches or picnic tables. These parks are typically less than one acre in size and are

intended for the use of immediate property owners.

"Neighborhood Park" shall mean a local park, which is typically less than 10 acres in size and may include landscaping and recreational improvements such as sandboxes, play sculpture, playground equipment, benches, shelters, trees and fencing. These parks are used by the residents of one or more nearby neighborhoods, typically those within a half-mile radius of the park.

"Park Impact Fee" shall mean the fees for Parks and Recreational Facilities imposed pursuant to Section 2.04 of this Ordinance, as it may be amended from time to time.

"Park Impact Fee Study" shall mean the study adopted pursuant to Section 2.03, as amended and supplemented pursuant to Section 10.10

"Regional Park" shall mean a large, resource-based park of 40-100 acres or more in size and intended to serve residents of the entire unincorporated area, as well as residents of the municipalities. These parks contain primarily passive recreation uses, such as water-based recreation, beach access sites, camping, fishing, trails and nature study, but may also provide specialized recreational facilities, such as a sports complex.

"Residential Construction" shall mean land development designed or intended to permit more Dwelling Units than the existing use or non-use of land contains.

SECTION 2.02. LEGISLATIVE FINDINGS APPLICABLE TO PARKS AND RECREATIONAL FACILITIES IMPACT FEES. The Board of County Commissioners of Wakulla County, Florida, hereby finds, determines and declares that:

11

A. The County Park System benefits all residents of the unincorporated area of the County and, therefore, the Park Impact Fee shall be imposed in all unincorporated areas of the County.

B. Development necessitated by growth contemplated in the Comprehensive Plan and the Park Impact Fee Study will require improvements and additions to the County

Park System to accommodate the new development generated by such growth and maintain the standards of service currently provided by the County Park System.

C. Future growth, as represented by Residential Construction, should contribute its fair share to the cost of improvements and additions to the County Park System that are required to accommodate the impact generated by such growth.

D. Implementation of a Park Impact Fee to require future Residential Construction to contribute its fair share to the cost of required park capital improvements

and additions is an integral and vital element of the regulatory plan of growth management incorporated in the Comprehensive Plan of the County.

E. The imposition of a Park Impact Fee is to provide a source of revenue to fund the construction or improvement of the County Park System necessitated by growth.

F. The Board of County Commissioners expressly finds that the improvements and additions to the County Park System funded by the Park Impact Fee provide a benefit

to all Residential Construction within the unincorporated areas of the County in excess of the amount of the Park Impact Fee.

G. The County has the responsibility to provide parks and recreational facilities in the County Park System. Residential Construction occurring within the unincorporated areas of the County impacts upon the County Park System; therefore, such Residential
12

Construction should pay its fair share of the cost of maintaining the County's existing standard of service.

H. The purpose of this Ordinance is to require payment of Park Impact Fees by those who engage in Residential Construction within the unincorporated areas of the County and to provide for the cost of capital improvements to the County Park System which are required to accommodate such growth. This Ordinance shall not be construed to permit the collection of Park Impact Fees in excess of the amount reasonably anticipated to offset the demand on the County Park System generated by such Residential Construction.

I. The required improvements and additions to the County Park System needed to eliminate any deficiencies shall be financed by revenue sources of the County other than Park Impact Fees.

J. The data set forth in the Park Impact Fee Study which was employed in the calculation of the Park Impact Fee rates imposed herein is the most recent and localized data available for the County Park System.

K. The administrative fee set forth in Section 2.07(F) hereof constitutes the County's actual costs for collection of the Park Impact Fee including the actual costs related to the administration and the collection process.

SECTION 2.03 ADOPTION OF PARK IMPACT FEE STUDY. The County hereby adopts and incorporates by reference, the study entitled "Wakulla County Parks and Recreation Facilities Impact Fee Study" dated January, 2007, prepared by Government Services Group, including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the additions to the County Park System required to accommodate growth. The Park Impact Fee Study is attached hereto as Appendix A.

13

SECTION 2.04. IMPOSITION OF PARKS AND RECREATION FACILITIES IMPACT FEES.

A. All Residential Construction occurring within the unincorporated area of the County shall pay the Park Impact Fee established in this Ordinance at the time of issuance of a Building Permit for such Residential Construction.

B. The Board hereby establishes two (2) sub-county park districts, as provided in Appendix B, for the purposes of collection and expenditure of the Park Impact Fee.

C. All Residential Construction occurring within the unincorporated area of the

County shall pay the following Park Impact Fees:

Single-Family House \$329.18 per Dwelling Unit

Multi-Family Dwelling Unit \$287.24 per Dwelling Unit

Mobile Home \$325.37 per Dwelling Unit

SECTION 2.05. ALTERNATIVE PARK IMPACT FEE.

A. In the event an Applicant believes that the impact to the County Park System caused by the Residential Construction is less than the impact established in the Park Impact Fee Study and the fees provided in Section 2.04 hereof, such Applicant may, prior

to issuance of a Building Permit for such Residential Construction, file an Alternative Park Impact Fee Study with the County Administrator. The County Administrator shall review the

alternative calculations and make a determination within sixty (60) days of submittal as to whether such calculations comply with the requirements of this Section.

B. For purposes of any Alternative Park Impact Fee calculation, the Residential Construction shall be presumed to have the maximum impact on the County Park System.

14

C. The Alternative Park Impact Fee calculation shall be based on data, information or assumptions contained in this Ordinance and the Park Impact Fee Study or independent sources, provided that:

(1) The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Park Impact Fee Study; or

(2) The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Park Impact Fee Study.

D. If the County Administrator determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and that the calculation of the Alternative Park Impact Fee was by a generally accepted methodology that is consistent with the Park Impact Fee Study, then the Alternative Park Impact Fee shall be paid in lieu of the fees adopted in Section 2.04 hereof.

E. If the County Administrator determines that the data, information and assumptions utilized by the Applicant to compute an Alternative Park Impact Fee do not comply with the requirements of this Section, then the County Administrator shall provide to the Applicant by certified mail, return receipt requested, written notification of the rejection and the reasons therefore.

15

SECTION 2.06. PAYMENT.

A. Except as otherwise provided in this Ordinance, prior to the issuance of a Building Permit for Residential Construction, an Applicant shall pay the Park Impact Fees

set forth in Section 2.04 directly to the County.

B. The payment of the Park Impact Fee shall be in addition to all other fees, charges or assessments due for the issuance of a Building Permit.

C. The obligation for payment of the Park Impact Fees shall run with the land.

D. In the event that a Building Permit issued for a Residential Construction expires prior to completion of the construction for which it was issued, the Applicant may,

within ninety (90) days of the expiration of the Building Permit, apply for a refund of the

Park Impact Fee. Failure to timely apply for a refund of the Park Impact Fee shall waive

any right to a refund.

(1) The application for refund shall be filed with the County Administrator and contain the following:

(a) The name and address of the Applicant;

(b) The location of the property which was the subject of the Building Permit;

(c) The date the Park Impact Fee was paid;

(d) A copy of the receipt of payment for the Park Impact Fee; and

(e) The date the Building Permit was issued and the date of expiration.

16

(2) After verifying that the Building Permit has expired and that the Residential Construction has not been completed, the County Administrator shall refund the Park Impact Fee paid for such Residential Construction.

(3) A Building Permit which is subsequently issued for Residential Construction on the same property which was the subject of a refund shall pay the Park Impact Fee as required herein.

SECTION 2.07. USE OF MONIES.

A. The Board hereby creates two (2) Park Impact Fee trust accounts to correspond to the following two (2) park districts: the East Park District, which includes all lands east of Highway 319, and the West Park District, which includes all lands west of

Highway 319. Such accounts, which accounts shall be maintained separate and apart from

all other County accounts, shall be designated as follows: "East Park Impact Fee Trust

Account" and "West Park Impact Fee Trust Account."

B. Park Impact Fees shall, upon receipt by the County, be deposited into the appropriate Park Impact Fee Trust Account that corresponds with the district in which the

Residential Construction is occurring.

C. Funds on deposit in the two (2) Park Impact Fee trust accounts, as established in paragraph A. above, shall be used solely for the purpose of providing

growth-necessitated capital improvements to a Community Park within each corresponding

park district or for the purpose of providing growth-necessitated capital improvements to a

Regional Park providing a countywide benefit, including, but not limited to:

1. Land acquisition, including any cost of acquisition or condemnation;

17

2. Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and

construction management;

3. Design and construction plan preparation;

4. Site development and on-site and off-site improvements incidental to the construction thereto;

5. Any permitting or application fees necessary for the construction;

6. Design and construction of new parks and recreational facilities;

7. Design and construction of new drainage facilities required by the construction of parks and recreational facilities or improvements thereto;

8. Relocating utilities required by the construction of parks and recreational facilities or improvements or additions thereto;

9. Landscaping;

10. Construction management and inspection;

11. Surveying, soils, and materials testing;

12. Acquisition of capital equipment for the County Park System;

13. Repayment of monies borrowed from any budgetary fund of the County which were used to fund growth-necessitated capital improvements to the County Park System as provided herein;

14. 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 Park System subsequent to the effective date of this Ordinance; and

18

15. Costs related to the administration, collection, and implementation of the Park Impact Fees.

D. The monies deposited into the Park Impact Fee trust accounts shall be used solely to provide capital improvements or additions to the County Park System as necessitated by growth as projected in the Park Impact Fee Study and shall not be used for

any expenditure that would be classified as a maintenance or repair expense. A report will

be prepared annually by the County reflecting the collection and expenditures of Park

Impact Fees by the County during the previous year.

E. Any Park Impact Fee 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 appropriate Park Impact Fee trust account and used as provided herein.

F. The County may retain up to one percent (1%) of all Park Impact Fees received or the actual costs of administration and collection, whichever is less, as an

administrative fee to defray the costs of administering the Park Impact Fees.

G. The Park Impact Fees collected pursuant to this Ordinance shall be returned 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 eighth (8th) anniversary of the date upon which such fees were paid.

Refunds

shall be made only in accordance with the following procedure:

1. The then present Owner shall petition the County for the refund within six (6) months following the end of the calendar quarter immediately following eight (8)

years from the date on which the fee was received.

19

2. The petition for refund shall be submitted to the County Administrator

and shall contain:

- (a) A notarized sworn statement that the petitioner is the present Owner of the property on behalf of which the Park Impact Fee was paid;
- (b) A copy of the dated receipt issued for payment of the Park Impact Fee or such other record as would evidence payment; and
- (c) A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.

3. Within sixty (60) days from the date of receipt of a petition for refund, the County Administrator will advise the petitioner and the Board of the status of the Park

Impact Fee requested for refund, and if such Park Impact Fee has not been expended or

Encumbered within the applicable time period, then it shall be returned to the petitioner. For

the purposes of this 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.

20

ARTICLE III
EMERGENCY MEDICAL SYSTEM IMPACT FEES

SECTION 3.01. DEFINITIONS APPLICABLE TO EMERGENCY MEDICAL SYSTEM IMPACT FEES. In addition to the general definitions contained in Section 1.02

of this Ordinance, the following terms shall have the following meaning in the application of the Emergency Medical System Impact Fee.

"Alternative Emergency Medical System Impact Fee" shall mean any alternative fee calculated by an Applicant and approved by the County Administrator pursuant to Section 3.05 hereof.

"Alternative Emergency Medical System Impact Fee Study" shall mean a study prepared by an Applicant and submitted to the County Administrator pursuant to Section

3.05 hereof.

"Emergency Medical System" shall mean the Buildings, land, apparatus and capital equipment provided by the County that are used primarily for the providing of emergency medical care and transport of the sick, injured or incapacitated upon the streets, highways, waterways or airways of the County.

"Emergency Medical System Impact Construction" shall mean land development designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or Square Footage than the existing use of the land, or to otherwise change the use of the land in a manner that increases the impact upon the County Emergency Medical System.

21

"Emergency Medical System Impact Fee" shall mean the Emergency Medical System Impact Fee imposed by the County pursuant to Section 3.04 of this Ordinance,

as it may be amended from time to time.

"Emergency Medical System Impact Fee Land Use Category" shall mean those categories of land use incorporated in the Emergency Medical System Impact Fee Rate Schedule in Section 3.04 hereof.

"Emergency Medical System Impact Fee Study" shall mean the study adopted by the County pursuant to Section 3.03, as amended and supplemented pursuant to Section

SECTION 3.02. LEGISLATIVE FINDINGS APPLICABLE TO EMERGENCY MEDICAL SYSTEM IMPACT FEES. The Board of County Commissioners of Wakulla County, Florida, hereby finds, determines and declares that:

A. The Emergency Medical System is designed and intended to provide Emergency Medical Services for all citizens within the County and is exclusively provided by the County; therefore, the Emergency Medical System Impact Fee shall be imposed throughout the County, including within the boundaries of the Municipalities.
B. Development necessitated by growth contemplated in the Comprehensive Plan and the Emergency Medical System Impact Fee Study will require improvements and additions to the County Emergency Medical System to accommodate the new development generated by such growth and maintain the standards of service provided by the Emergency Medical System.

C. Future growth, as represented by Emergency Medical System Impact Construction, should contribute its fair share to the cost of improvements and additions to
22

the Emergency Medical System that are required to accommodate the impact generated by such growth.

D. The required improvements and additions to the Emergency Medical System needed to eliminate any deficiencies shall be financed by revenue sources of the County other than Emergency Medical System Impact Fees.

E. Implementation of the Emergency Medical System Impact Fee to require future Emergency Medical System Impact Construction within the County to contribute its fair share to the cost of required capital improvements and additions is an integral and vital element of the regulatory plan of growth management of the County.

F. The Board of County Commissioners expressly finds that the improvements and additions to the Emergency Medical System funded by the Emergency Medical System

Impact Fee provide a benefit to all Emergency Medical System Impact Construction within

the County in excess of the amount of the Emergency Medical System Impact Fee.

G. The purpose of this Ordinance is to require payment of Emergency Medical System Impact Fees by those who engage in Emergency Medical System Impact Construction and to provide for the cost of capital improvements to the Emergency Medical System which are required to accommodate such growth. This Ordinance shall not be construed to permit the collection of Emergency Medical System Impact Fees in excess of

the amount reasonably anticipated to offset the demand on the Emergency Medical System generated by such applicable Emergency Medical System Impact Construction.

H. The imposition of an Emergency Medical System Impact Fee is to provide a source of revenue to fund the construction or improvement of the Emergency Medical System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

I. The data set forth in the Emergency Medical System Impact Fee Study which was employed in the calculation of the Emergency Medical System Impact Fee rates imposed herein is the most recent and localized data available for the Emergency Medical System.

J. The administrative fee set forth in Section 3.07(F) hereof constitutes the County's actual costs for collection of the Emergency Medical System Impact Fee including the actual costs related to the administration and the collection process.

SECTION 3.03. ADOPTION OF EMERGENCY MEDICAL SYSTEM IMPACT FEE STUDY.

The County hereby adopts and incorporates by reference, the study entitled "Wakulla County Emergency Medical Services Impact Fee Study" dated August, 2006, prepared by Government Service Group, Inc., including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the additions to the County Emergency Medical System required to accommodate growth. The Emergency Medical System Impact Fee Study is attached hereto as Appendix C.

SECTION 3.04. IMPOSITION OF EMERGENCY MEDICAL SYSTEM IMPACT FEES.

A. All Emergency Medical System Impact Construction occurring within the County shall pay the Emergency Medical System Impact Fee established in this Ordinance, at the time of issuance of a Building Permit for such Emergency Medical System Impact Construction.

24

B. All Emergency Medical System Impact Construction occurring within the County shall pay the following Emergency Medical System Impact Fees:

Residential \$174.55 per Dwelling Unit

Non-residential \$ 0.34 per Square Foot

SECTION 3.05. ALTERNATIVE EMERGENCY MEDICAL SYSTEM IMPACT FEE.

FEE.

A. In the event an Applicant believes that the impact to the Emergency Medical System caused by Emergency Medical System Impact Construction is less than the impact established under the applicable Emergency Medical System Impact Fee Land Use Category specified in Section 3.04 hereof, such Applicant may, prior to issuance of a Building Permit for such Emergency Medical System Impact Construction, file an Alternative Emergency Medical System Impact Fee Study with the County Administrator.

The County Administrator shall review the alternative calculations and make a determination within sixty (60) days of submittal as to whether such calculations comply with the requirements of this Section.

B. For purposes of any Alternative Emergency Medical System Impact Fee calculation, the Emergency Medical System Impact Construction shall be presumed to have

the maximum impact on the County Emergency Medical System for the appropriate Emergency Medical System Impact Fee Land Use Category.

C. The Alternative Emergency Medical System Impact Fee calculation shall be based on data, information or assumptions contained in this Ordinance and the Emergency

Medical System Impact Fee Study, or independent sources, provided that:
25

1.

The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Emergency Medical System Impact Fee Study; or

2.

The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Emergency Medical System Impact Fee Study.

D. If the County Administrator determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and that

the calculation of the Alternative Emergency Medical System Impact Fee was by a generally accepted methodology that is consistent with the Emergency Medical System Impact Fee Study, then the Alternative Emergency Medical System Impact Fee shall be paid in lieu of the fees adopted in Section 3.04 hereof.

E. If the County Administrator determines that the data, information and assumptions utilized by the Applicant to compute an Alternative Emergency Medical System Impact Fee do not comply with the requirements of this Section, then the County

Administrator shall provide to the Applicant by certified mail, return receipt requested,

written notification of the rejection and the reasons therefore.
26

SECTION 3.06. PAYMENT.

A. Except as otherwise provided in this Ordinance, prior to the issuance of a Building Permit for Emergency Medical System Impact Construction, an Applicant shall pay the Emergency Medical System Impact Fees set forth in Section 3.04 directly to the County.

B. The payment of the Emergency Medical System Impact Fee shall be in addition to all other fees, charges or assessments due for the issuance of a Building Permit.

C. The obligation for payment of the Emergency Medical System Impact Fees shall run with the land.

D. In the event that a Building Permit issued for any Emergency Medical System Impact Construction expires prior to completion of the construction for which it was issued,

the Applicant may, within ninety (90) days of the expiration of the Building Permit, apply for a refund of the Emergency Medical System Impact Fee. Failure to timely apply for a refund

of the Emergency Medical System Impact Fee shall waive any right to a refund.

(1) The application for refund shall be filed with the County Administrator and contain the following:

- (a) The name and address of the Applicant;
- (b) The location of the property which was the subject of the Building Permit;
- (c) The date the Emergency Medical System Impact Fee was paid;
- (d) A copy of the receipt of payment for the Emergency Medical System Impact Fee; and

27

(e) The date the Building Permit was issued and the date of expiration.

(2) After verifying that the Building Permit has expired and that the Emergency Medical System Impact Construction has not been completed, the County Administrator shall refund the Emergency Medical System Impact Fee paid for such Emergency Medical System Impact Construction.

(3) A Building Permit which is subsequently issued for Emergency Medical System Impact Construction on the same property which was the subject of a refund shall pay the Emergency Medical System Impact Fee as required herein.

SECTION 3.07. USE OF MONIES.

A. The Board hereby creates the "Emergency Medical System Impact Fee Trust Account" which shall be maintained separate and apart from all other County accounts.

B. Emergency Medical System Impact Fees shall be deposited into the Emergency Medical System Impact Fee Trust Account immediately upon receipt.

C. Funds on deposit in the Emergency Medical System Impact Fee Trust Account, as established in paragraph A. above, shall be used solely for the purpose of

providing growth-necessitated capital improvements to the Emergency Medical System including, but not limited to:

1. Land acquisition, including any cost of acquisition or condemnation;
2. Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
3. Design and construction plan preparation;

28

4. Site development and on-site and off-site improvements incidental to the construction thereto;

5. Any permitting or application fees necessary for the construction;

6. Design and construction of new Emergency Medical System facilities;

7. Design and construction of new drainage facilities required by the construction of Emergency Medical System facilities or improvements thereto;

8. Relocating utilities required by the construction of Emergency Medical System facilities or improvements or additions thereto;

9. Landscaping;

10. Construction management and inspection;

11. Surveying, soils, and materials testing;

12. Acquisition of capital equipment for the Emergency Medical System;

13. Repayment of monies borrowed from any budgetary fund of the County which were used to fund growth-necessitated capital improvements to the Emergency Medical System as provided herein;

14. 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 Emergency Medical System subsequent to

the effective date of this Ordinance; and

15. Costs related to the administration, collection, and implementation of the Emergency Medical System Impact Fees.

D. The monies deposited into the Emergency Medical System Impact Fee Trust Account shall be used solely to provide capital improvements or additions to the

Emergency Medical System as necessitated by growth as projected in the Emergency Medical System Impact Fee Study and shall not be used for any expenditure that would be classified as a maintenance or repair expense. A report will be prepared annually by the County reflecting the collection and expenditures of Emergency Medical System Impact Fees by the County during the previous year.

E. Any Emergency Medical System Impact Fee 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 Emergency Medical System Impact Fee Trust Account and used as provided herein.

F. The County may retain up to one percent (1%) of all Emergency Medical System Impact Fees received or the actual costs of administration and collection, whichever is less, as an administrative fee to defray the costs of administering the

Emergency Medical System Impact Fees.

G. The Emergency Medical System Impact Fees collected pursuant to this Ordinance shall be returned 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 eighth (8th) anniversary of the date upon which such fees were paid. Refunds shall be made only in accordance with the following procedure:

1. The then present owner shall petition the County for the refund within six (6) months following the end of the calendar quarter immediately following eight (8) years from the date on which the fee was received.

2. The petition for refund shall be submitted to the County Administrator and shall contain:
(a) A notarized sworn statement that the petitioner is the present Owner of the property on behalf of which the Emergency Medical System Impact Fee was paid;
(b) A copy of the dated receipt issued for payment of the Emergency Medical System Impact Fee or such other record as would evidence payment; and
(c) A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.

3. Within sixty (60) days from the date of receipt of a petition for refund, the County Administrator will advise the petitioner and the Board of the status of the Emergency Medical System Impact Fee requested for refund, and if such Emergency Medical System Impact Fee has not been expended or Encumbered within the applicable time period, then it shall be returned to the petitioner. For the purposes of this 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.

SECTION 3.08. INDIVIDUAL CALCULATION OF EMERGENCY MEDICAL SYSTEM IMPACT FEES.

A. In the event Emergency Medical System Impact Construction involves a Land use not contemplated under the Emergency Medical System Impact Fee Land Use Categories set forth in Section 3.04 herein, the County Administrator shall determine the impact to be generated by the proposed Emergency Medical System Impact Construction and shall calculate the appropriate Emergency Medical System Impact Fees utilizing the methodology contained in the Emergency Medical System Impact Fee Study. The County
31

Administrator shall utilize as a standard in this determination the impact assumed in the most similar Emergency Medical System Impact Fee Land Use Category or any other generally accepted standard source of planning and cost impact analysis.

B. In the event any Emergency Medical System Impact Construction involves more than one Emergency Medical System Impact Fee Land Use Category, the County Administrator shall calculate the Emergency Medical System Impact Fees based upon the impact to be generated by each separate Emergency Medical System Impact Fee Land Use Category included in the proposed Emergency Medical System Impact Construction.
32

ARTICLE IV

FIRE RESCUE IMPACT FEES

SECTION 4.01. DEFINITIONS APPLICABLE TO FIRE RESCUE IMPACT

FEES. In addition to the general definitions contained in Section 1.02 of this Ordinance,

the following terms shall have the following meaning in the application of the Fire Rescue

Impact Fee:

"Alternative Fire Rescue Impact Fee" shall mean any alternative fee calculated by an Applicant and approved by the County Administrator pursuant to Section 4.05 hereof.

"Alternative Fire Rescue Impact Fee Study" shall mean a study prepared by an Applicant and submitted to the County Administrator pursuant to Section 4.05 hereof.

"Capital Equipment" shall mean equipment with a life expectation of three (3) years or more.

"County Fire Rescue System" shall mean the Buildings, Land, apparatus, and Capital Equipment provided by the County that are used for suppression and prevention of fires or other disasters and the handling of incidents involving hazardous materials.

"Fire Rescue Impact Construction" shall mean land development designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or Square Footage than the existing use of the land, or to otherwise change the use of the land in a manner that increases the impact upon the County Fire Rescue System.

"Fire Rescue Impact Fee" shall mean the Fire Rescue Impact Fee imposed by the County pursuant to Section 4.04 of this Ordinance, as it may be amended from time to time.

"Fire Rescue Impact Fee Land Use Category" shall mean those categories of Land use incorporated in the Fire Impact Fee Rate Schedule in Section 4.04 hereof.

"Fire Rescue Impact Fee Study" shall mean the study adopted by the County pursuant to Section 4.03, as amended and supplemented pursuant to Section 10.10

SECTION 4.02. LEGISLATIVE FINDINGS APPLICABLE TO FIRE RESCUE

IMPACT FEES. The Board of County Commissioners of Wakulla County, Florida, hereby finds, determines and declares that:

- A. The County Fire Rescue System benefits all residents of the County and, therefore, the Fire Rescue Impact Fee shall be imposed in all unincorporated areas of the County and within all Municipalities that consent to the imposition of the Fire Rescue Impact Fee within their municipal boundaries and which participate in the County Fire Rescue System.
- B. Development necessitated by the growth contemplated in the Comprehensive Plan and the Fire Rescue Impact Fee Study will require improvements and additions to the County Fire Rescue System to accommodate the new development generated by such growth and maintain the standards of service provided by the County.
- C. Future growth, as represented by Fire Rescue Impact Construction, should contribute its fair share to the cost of improvements and additions to the County Fire Rescue System that are required to accommodate the impact generated by such growth.
- D. The required improvements and additions to the County Fire Rescue System needed to eliminate any deficiencies shall be financed by revenue sources of the County other than Fire Rescue Impact Fees.
- E. Implementation of the Fire Rescue Impact Fee to require future Fire Rescue Impact Construction within the County to contribute its fair share to the cost of required

34

capital improvements and additions is an integral and vital element of the regulatory plan of growth management of the County.

- F. The Board of County Commissioners expressly finds that the improvements and additions to the County Fire Rescue System funded by the Fire Rescue Impact Fee provide a benefit to all Fire Rescue Impact Construction within the County in excess of the amount of the Fire Rescue Impact Fee.
- G. The purpose of this Ordinance is to require payment of Fire Rescue Impact Fees by those who engage in Fire Rescue Impact Construction and to provide for the cost of capital improvements to the County Fire Rescue System which are required to accommodate such growth. This Ordinance shall not be construed to permit the collection of Fire Rescue Impact Fees in excess of the amount reasonably anticipated to offset the demand on the County Fire Rescue System generated by such applicable Fire Rescue Impact Construction.
- H. The imposition of a Fire Rescue Impact Fee is to provide a source of revenue to fund the construction or improvement of the County Fire Rescue System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.
- I. The data set forth in the Fire Rescue Impact Fee Study which was employed

in the calculation of the Fire Rescue Impact Fee rates imposed herein is the most recent

and localized data available for the County Fire Rescue System.

J. The administrative fee set forth in Section 4.07(F) hereof constitutes the County's actual costs for collection of the Fire Rescue Impact Fee including the actual costs

related to the administration and the collection process.

35

SECTION 4.03. ADOPTION OF FIRE RESCUE IMPACT FEE STUDY. The County hereby adopts and incorporates by reference, the study entitled "Wakulla County Fire Rescue Impact Fee Study" dated April, 2007, prepared by Government Service Group, Inc., including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the additions to the County Fire Rescue System

required to accommodate growth. The Fire Rescue Impact Fee Study is attached hereto as Appendix D.

SECTION 4.04. IMPOSITION OF FIRE RESCUE IMPACT FEES.

A. All Fire Rescue Impact Construction occurring within the County, both within the unincorporated area and within the municipal boundaries of any Municipality that has consented to the imposition of the Fire Rescue Impact Fee and which participates in the

County Fire Rescue System, shall pay the Fire Rescue Impact Fee established in this Ordinance at the time of issuance of a Building Permit for such Fire Rescue Impact Construction.

B. All Fire Rescue Impact Construction occurring within the County, both within the unincorporated area and within the municipal boundaries of any consenting Municipality, shall pay the following Fire Rescue Impact Fees:

Residential \$343.62 Per Dwelling Unit

Commercial \$1.07 Per Square Foot

Industrial/Warehouse \$0.27 Per Square Foot

Institutional \$1.33 Per Square Foot

SECTION 4.05 ALTERNATIVE FIRE RESCUE IMPACT FEE.

A. In the event an Applicant believes that the impact to the County Fire Rescue System caused by Fire Rescue Impact Construction is less than the impact established

36

under the applicable Fire Rescue Impact Fee Land Use Category specified in Section 4.04

hereof, such Applicant may, prior to issuance of a Building Permit for such Fire Rescue

Impact Construction, file an Alternative Fire Rescue Impact Fee Study with the County

Administrator. The County Administrator shall review the alternative calculations and make

a determination within sixty (60) days of submittal as to whether such calculations comply

with the requirements of this Section.

B. For purposes of any Alternative Fire Rescue Impact Fee calculation, the Fire

Rescue Impact Construction shall be presumed to have the maximum impact on the County Fire Rescue System for the appropriate Fire Rescue Impact Fee Land Use Category.

C. The Alternative Fire Rescue Impact Fee calculation shall be based on data, information or assumptions contained in this Ordinance and the Fire Rescue Impact Fee

Study or independent sources, provided that:

1.

The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Fire Rescue Impact Fee Study; or

2.

The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Fire Rescue Impact Fee Study.

37

D. If the County Administrator determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and that

the calculation of the Alternative Fire Rescue Impact Fee was by a generally accepted methodology that is consistent with the Fire Rescue Impact Fee Study, then the Alternative

Fire Rescue Impact Fee shall be paid in lieu of the fees adopted in Section 4.04 hereof.

E. If the County Administrator determines that the data, information and assumptions utilized by the Applicant to compute an Alternative Fire Rescue Impact Fee do

not comply with the requirements of this Section, then the County Administrator shall

provide to the Applicant by certified mail, return receipt requested, written notification of the

rejection and the reasons therefore.

SECTION 4.06 PAYMENT.

A. Except as otherwise provided in this Ordinance, prior to the issuance of a Building Permit for Fire Rescue Impact Construction, an Applicant shall pay the Fire

Rescue Impact Fee set forth in Section 4.04 directly to the County.

B. The payment of the Fire Rescue Impact Fee shall be in addition to all other fees, charges or assessments due for the issuance of a Building Permit.

C. The obligation for payment of the Fire Rescue Impact Fees shall run with the land.

D. In the event that a Building Permit issued for Fire Rescue Impact Construction expires prior to completion of the construction for which it was issued, the Applicant may,

within ninety (90) days of the expiration of the Building Permit, apply for a refund of the Fire

Rescue Impact Fee. Failure to timely apply for a refund of the Fire Rescue Impact Fee

shall waive any right to a refund.

38

(1) The application for refund shall be filed with the County Administrator and contain the following:

- (a) The name and address of the Applicant;
 - (b) The location of the property which was the subject of the Building Permit;
 - (c) The date the Fire Rescue Impact Fee was paid;
 - (d) A copy of the receipt of payment for the Fire Rescue Impact Fee; and
 - (e) The date the Building Permit was issued and the date of expiration.
- (2) After verifying that the Building Permit has expired and that the Fire Rescue Impact Construction has not been completed, the County Administrator shall refund the Fire Rescue Impact Fee paid for such Fire Rescue Impact Construction.
- (3) A Building Permit which is subsequently issued for Fire Rescue Impact Construction on the same property which was the subject of a refund shall pay the Fire Rescue Impact Fee as required herein.

SECTION 4.07. USE OF MONIES.

A. The Board hereby creates the "Fire Impact Fee Trust Account," which shall be maintained separate and apart from all other County accounts.

B. Fire Rescue Impact Fees shall be deposited into the Fire Impact Fee Trust Account immediately upon receipt.

39

C. Funds on deposit in the Fire Impact Fee Trust Account, as established in paragraph A. above, shall be used solely for the purpose of providing growth-necessitated capital improvements to the County Fire Rescue System, including, but not limited to:

- 1. Land acquisition, including any cost of acquisition or condemnation;
- 2. Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
- 3. Design and construction plan preparation;
- 4. Site development and on-site and off-site improvements incidental to the construction thereto;
- 5. Any permitting or application fees necessary for the construction;
- 6. Design and construction of new Fire Rescue facilities;
- 7. Design and construction of new drainage facilities required by the construction of fire rescue facilities or improvements thereto;
- 8. Relocating utilities required by the construction of fire rescue facilities or improvements or additions thereto;
- 9. Landscaping;
- 10. Construction management and inspection;
- 11. Surveying, soils, and materials testing;
- 12. Acquisition of capital equipment for the County Fire Rescue System;
- 13. Repayment of monies borrowed from any budgetary fund of the County which were used to fund growth-necessitated capital improvements to the County Fire Rescue System as provided herein;

40

14. 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 Fire Rescue System subsequent to the effective date of this Ordinance; and

15. Costs related to the administration, collection, and implementation of the Fire Rescue Impact Fee.

D. The monies deposited into the Fire Impact Fee Trust Account shall be used

solely to provide capital improvements or additions to the County Fire Rescue System as necessitated by growth as projected in the Fire Rescue Impact Fee Study and shall not be

used for any expenditure that would be classified as a maintenance or repair expense. A

report will be prepared annually by the County reflecting the collection and expenditures of

Fire Rescue Impact Fees by the County during the previous year.

E. Any Fire Rescue Impact Fee 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 Impact Fee Trust Account and used as provided

herein.

F. The County may retain up to one percent (1%) of all Fire Rescue Impact Fees received or the actual costs of administration and collection, whichever is less, as an

administrative fee to defray the costs of administering the Fire Rescue Impact Fees.

G. The Fire Rescue Impact Fees collected pursuant to this Ordinance shall be returned 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

41

immediately following the eighth (8th) anniversary of the date upon which such fees were

paid. Refunds shall be made only in accordance with the following procedure:

1. The then present Owner shall petition the County for the refund within six (6) months following the end of the calendar quarter immediately following eight (8)

years from the date on which the fee was received.

2. The petition for refund shall be submitted to the County Administrator and shall contain:

(a) A notarized sworn statement that the petitioner is the present Owner of the property on behalf of which the Fire Rescue Impact Fee was paid;

(b) A copy of the dated receipt issued for payment of the Fire Rescue Impact Fee or such other record as would evidence payment; and

(c) A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.

3. Within sixty (60) days from the date of receipt of a petition for refund, the County Administrator will advise the petitioner and the Board of the status of the Fire

Rescue Impact Fee requested for refund, and if such Fire Rescue Impact Fee has not been

expended or Encumbered within the applicable time period, then it shall be returned to the

petitioner. For the purposes of this 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.

SECTION 4.08. INDIVIDUAL CALCULATION OF FIRE RESCUE IMPACT FEES.

A. In the event Fire Rescue Impact Construction involves a land use not contemplated under the Fire Rescue Impact Fee Land Use Categories set forth in Section

42

4.04 herein, the County Administrator shall determine the impact to be generated by the proposed Fire Rescue Impact Construction and shall calculate the appropriate Fire Rescue Impact Fee utilizing the methodology contained in the Fire Rescue Impact Fee Study. The County Administrator shall utilize as a standard in this determination the impact assumed in the most similar Fire Rescue Impact Fee Land Use Category or any other generally accepted standard source of planning and cost impact analysis.

B. In the event any Fire Rescue Impact Construction involves more than one Fire Rescue Impact Fee Land Use Category, the County Administrator shall calculate the Fire Rescue Impact Fee based upon the impact to be generated by each separate Fire Rescue Impact Fee Land Use Category included in the proposed Fire Rescue Impact Construction.

43

ARTICLE V

CORRECTIONAL FACILITIES IMPACT FEES

SECTION 5.01. DEFINITIONS APPLICABLE TO CORRECTIONAL

FACILITIES IMPACT FEES. In addition to the general definitions contained in Section

1.02 of this Ordinance, the following terms shall have the following meaning in the application of the Correctional Facilities Impact Fee.

"Alternative Correctional Facilities Impact Fee" shall mean any alternative fee calculated by an Applicant and approved by the County Administrator pursuant to Section

5.05 hereof.

"Alternative Correctional Facilities Impact Fee Study" shall mean a study prepared by an Applicant and submitted to the County Administrator pursuant to Section

5.05 hereof.

"Correctional Facilities" shall mean the Buildings, Land and equipment used by the County or a County officer for the detention of Persons charged with or convicted of either a felony or misdemeanor.

"Correctional Facilities Impact Fee" shall mean the Correctional Facilities Impact Fee imposed by the County pursuant to Section 5.04 of this Ordinance, as it may be amended from time to time.

"Correctional Facilities Impact Fee Study" shall mean the study adopted by the County pursuant to Section 5.03, as amended and supplemented pursuant to Section

"Residential Construction" shall mean land development designed or intended to permit more Dwelling Units than the existing use or non-use of land contains.

44

SECTION 5.02. LEGISLATIVE FINDINGS APPLICABLE TO CORRECTIONAL

FACILITIES IMPACT FEES. The Board of County Commissioners of Wakulla County, Florida, hereby finds, determines and declares that:

A. The Correctional Facilities of the County are designed and intended to provide for the detention of Persons charged with or convicted of felonies or

misdeemeanors

committed throughout Wakulla County, including within the boundaries of the Municipalities.

B. The provision of County Correctional Facilities is the exclusive responsibility of the County imposed pursuant to Florida Statutes.

C. Development necessitated by the growth contemplated in the Comprehensive Plan and the Correctional Facilities Impact Fee Study will require improvements and additions to the Correctional Facilities to accommodate the new development generated by

such growth and maintain the standards of service provided by the County.

D. Future growth, as represented by Residential Construction, should contribute its fair share to the cost of improvements and additions to the Correctional Facilities that are

required to accommodate the impact generated by such growth.

E. The required improvements and additions to the Correctional Facilities needed to eliminate any deficiencies shall be funded by revenue sources of the County

other than Correctional Facilities Impact Fees.

F. Implementation of the Correctional Facilities Impact Fees to require future Residential Construction within the County to contribute its fair share to the cost of required

capital improvements and additions is an integral and vital element of the regulatory plan of

growth management of the County.

45

G. The Board of County Commissioners expressly finds that the improvements and additions to the Correctional Facilities funded by the Correctional Facilities Impact Fee provide a benefit to all Residential Construction within the County in excess of the amount

of the Correctional Facilities Impact Fee.

H. The purpose of this Ordinance is to require payment of Correctional Facilities Impact Fees by those who engage in Residential Construction and to provide for the cost of

capital improvements to the Correctional Facilities which are required to accommodate

such growth. This Ordinance shall not be construed to permit the collection of Correctional

Facilities Impact Fees in excess of the amount reasonably anticipated to offset the demand

on the Correctional Facilities generated by such applicable Residential Construction.

I. The data set forth in the Correctional Facilities Impact Fee Study which was employed in the calculation of the Correctional Facilities Impact Fee rates imposed herein

is the most recent and localized data available for the Correctional Facilities.

J. The administrative fee set forth in Section 5.07(F) hereof constitutes the County's actual costs for collection of the Correctional Facilities Impact Fee including the

actual costs related to the administration and the collection process.

SECTION 5.03. ADOPTION OF CORRECTIONAL FACILITIES IMPACT FEE

STUDY. The County hereby adopts and incorporates by reference, the study entitled "Wakulla County Correctional Facilities Impact Fee Study" dated January, 2007, prepared

by Government Service Group, Inc., including the assumptions, conclusions and findings in

such study as to the determination of anticipated costs of the additions to the Correctional

Facilities required to accommodate growth. The Correctional Facilities Impact Fee Study is

attached hereto as Appendix E.

46

SECTION 5.04. IMPOSITION OF CORRECTIONAL FACILITIES IMPACT FEES.

A. All Residential Construction occurring within the County, both within the unincorporated area and within the municipal boundaries of any Municipality that has consented to the imposition of the Correctional Facilities Impact Fee, shall pay the

Correctional Facilities Impact Fee established in this Ordinance, at the time of issuance of a

Building Permit for such Residential Construction

B. All Residential Construction occurring within the County, both within the unincorporated area and within the municipal boundaries of any consenting Municipality,

shall pay the following Correctional Facilities Impact Fees:

Single-Family House \$639.94 per Dwelling Unit

Multi-Family Dwelling Unit \$558.39 per Dwelling Unit

Mobile Home \$632.52 per Dwelling Unit

SECTION 5.05. ALTERNATIVE CORRECTIONAL FACILITIES IMPACT FEE.

A. In the event an Applicant believes that the impact to the Correctional Facilities

caused by the Residential Construction is less than the impact established in the Correctional Facilities Impact Fee Study and the fee provided in Section 5.04 hereof, such

Applicant may, prior to issuance of a Building Permit for such Residential Construction, file

an Alternative Correctional Facilities Impact Fee Study with the County Administrator. The

County Administrator shall review the alternative calculations and make a determination

within sixty (60) days of submittal as to whether such calculations comply with the requirements of this Section.

47

B. For purposes of any Alternative Correctional Facilities Impact Fee calculation, the Residential Construction shall be presumed to have the maximum impact on the Correctional Facilities.

C. The Alternative Correctional Facilities Impact Fee calculation shall be based on data, information or assumptions contained in this Ordinance and the Correctional

Facilities Impact Fee Study or independent sources, provided that:

(1) The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Correctional Facilities Impact Fee Study; or

(2) The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Correctional Facilities Impact Fee Study.

D. If the County Administrator determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and that

the calculation of the Alternative Correctional Facilities Impact Fee was by a

generally accepted methodology that is consistent with the Correctional Facilities Impact Fee Study, then the Alternative Correctional Facilities Impact Fee shall be paid in lieu of the fees adopted in Section 5.04 hereof.

E. If the County Administrator determines that the data, information and assumptions utilized by the Applicant to compute an Alternative Correctional Facilities Impact Fee do not comply with the requirements of this Section, then the County

48

Administrator shall provide to the Applicant by certified mail, return receipt requested, written notification of the rejection and the reasons therefore.

SECTION 5.06. PAYMENT.

A. Except as otherwise provided in this Ordinance, prior to the issuance of a Building Permit for Residential Construction, an Applicant shall pay the Correctional Facilities Impact Fee set forth in Section 5.04 directly to the County.

B. The payment of the Correctional Facilities Impact Fee shall be in addition to all other fees, charges or assessments due for the issuance of a Building Permit.

C. The obligation for payment of the Correctional Facilities Impact Fees shall run with the land.

D. In the event that a Building Permit issued for a Residential Construction expires prior to completion of the Dwelling Unit for which it was issued, the Applicant may, within ninety (90) days of the expiration of the Building Permit, apply for a refund of the

Correctional Facilities Impact Fee. Failure to timely apply for a refund of the Correctional

Facilities Impact Fee shall waive any right to a refund.

(1) The application for refund shall be filed with the County Administrator and contain the following:

(a) The name and address of the Applicant;

(b) The location of the property which was the subject of the Building Permit;

(c) The date the Correctional Facilities Impact Fee was paid;

(d) A copy of the receipt of payment for the Correctional Facilities Impact Fee; and

49

(e) The date the Building Permit was issued and the date of expiration.

(2) After verifying that the Building Permit has expired and that the Residential Construction has not been completed, the County Administrator shall refund the Correctional Facilities Impact Fee paid for such Residential Construction.

(3) A Building Permit which is subsequently issued for Residential Construction on the same property which was the subject of a refund shall pay the Correctional Facilities Impact Fee as required herein.

SECTION 5.07. USE OF MONIES.

A. The Board hereby creates the "Correctional Facilities Impact Fee Trust Account," which shall be maintained separate and apart from all other County accounts.

B. Correctional Facilities Impact Fees shall be deposited into the Correctional

Facilities Impact Fee Trust Account immediately upon receipt.

C. Funds on deposit in the Correctional Facilities Impact Fee Trust Account, as established in paragraph A. above, shall be used solely for the purpose of providing

growth-necessitated capital improvements to the County's Correctional Facilities, including, but not limited to:

1. Design and construction plan preparation;
2. Any permitting or application fees necessary for the construction;
3. Land acquisition, including any cost of acquisition or condemnation;
4. Design and construction of new Correctional Facilities;
5. Design and construction of new drainage facilities required by the construction of Correctional Facilities or improvements thereto;

50

6. Relocating utilities required by the construction of Correctional Facilities or improvements or additions thereto;

7. Landscaping;

8. Construction management and inspection;

9. Surveying, soils and material testing;

10. Acquisition of apparatus or equipment required for the Correctional Facilities;

11. Repayment of monies borrowed from any budgetary fund of the County which were used to fund growth-necessitated capital improvements to Correctional Facilities as provided herein;

12. Costs relating to the administration, collection and implementation of the Correctional Facilities Impact Fee; and

13. 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 Correctional Facilities subsequent to the

effective date of this Ordinance.

D. The monies deposited in the Correctional Facilities Impact Fee Trust Account shall be used solely to provide capital improvements or additions to the Correctional

Facilities as necessitated by growth as projected in the Correctional Facilities Impact Fee

Study and shall not be used for any expenditure that would be classified as a maintenance

or repair expense. A report will be prepared annually by the County reflecting the collection

and expenditures of Correctional Facilities Impact Fees by the County during the previous

year.

51

E. Any Correctional Facilities Impact Fee 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 Correctional Facilities Impact Fee Trust

Account and used as provided herein.

F. The County may retain up to one percent (1%) of all Correctional Facilities Impact Fees received or the actual costs of administration and collection, whichever is less,

as an administrative fee to defray the costs of administering the Correctional Facilities

Impact Fees.

G. The Correctional Facilities Impact Fees collected pursuant to this Ordinance

shall be returned 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 eighth (8th) anniversary of the date upon which such fees were paid. Refunds shall be made only in accordance with the following procedure:

1. The then present Owner shall petition the County for the refund within six (6) months following the end of the calendar quarter immediately following eight (8) years from the date on which the fee was received.
2. The petition for refund shall be submitted to the County Administrator and shall contain:
 - (a) A notarized sworn statement that the petitioner is the present Owner of the property on behalf of which the Correctional Facilities Impact Fee was paid;
 - (b) A copy of the dated receipt issued for payment of the Correctional Facilities Impact Fee or such other record as would evidence payment; and

(c) A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.

3. Within sixty (60) days from the date of receipt of a petition for refund, the County Administrator will advise the petitioner and the Board of the status of the Correctional Facilities Impact Fee requested for refund, and if such Correctional Facilities Impact Fee has not been expended or Encumbered within the applicable time period, then it shall be returned to the petitioner. For the purposes of this 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.

ARTICLE VI
ROAD IMPACT FEES

SECTION 6.01. DEFINITIONS APPLICABLE TO ROAD IMPACT FEES. In addition to the general definitions contained in Section 1.02 of this Ordinance, the following terms shall have the following meanings in application of the Road Impact Fee:

"Access Improvements" shall mean improvements designed and constructed to provide safe and adequate ingress and egress from a Road Impact Construction, which include, but are not limited to, rights-of-way, easements, paving of adjacent or connecting roadways, turn lanes, deceleration and acceleration lanes, traffic control devices, signage and markings, and drainage and utilities. Access Improvements shall not be eligible for credits pursuant to Section 10.07 hereof.

"Alternative Road Impact Fee" shall mean any alternative fee calculated by an Applicant and approved by the County Administrator pursuant to Section 6.05 hereof.

"Alternative Road Impact Fee Study" shall mean a study prepared by an Applicant and submitted to the County Administrator pursuant to Section 6.05 hereof.

"Arterial Road" shall mean a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed and high mobility importance, as more particularly described in section 334.03(1), Florida Statutes, or its statutory successor in function.

"City Street System" shall mean the street system of any municipality within the County as defined in section 334.03(3), Florida Statutes, or its statutory successor in function.

54

"Collector Road" shall mean a route providing service which is of relatively moderate average traffic volume, moderately average trip length and moderately average operating speed, as more particularly described in section 334.03(4), Florida Statutes, or its statutory successor in function.

"County Engineer" shall mean the Person appointed by the Board to serve as its engineer or the designee of such Person.

"County Road System" shall mean the road system of the County as defined in section 334.03(8), Florida Statutes, or its statutory successor in function, including Collector Roads, Local Roads within the unincorporated area, and all Arterial Roads, but shall not include any roads within the City Street System or the State Highway System.

"External Trip" shall mean any Trip which either has its origins from or its destination to the Road Impact Construction and which impacts the County Road System.

"Local Road" shall mean a route providing service which is of relatively low average traffic volume and short average trip length, as more particularly described in section 334.03(15), Florida Statutes, or its statutory successor in function.

"Mixed Use Road Impact Construction" shall mean a Road Impact Construction in which more than one Road 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 Road Impact Construction.

"New Net Trip" shall mean the average daily External Trips, as adjusted by the Road Impact Fee Study.

55

"Off-Site Improvements" shall mean road improvements located outside of the boundaries of a Road Impact Construction which are required by the County in order to serve External Trips, but not including Access Improvements.

"Road Impact Construction" shall mean land development designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or Square

Footage than the existing use of the land, or to otherwise change the use of the land in a manner that increases the generation of vehicular traffic or the number of External Trips.

"Road Impact Construction Land Use Category" shall mean those categories of land use incorporated in the Road Impact Fee Rate Schedule adopted in Section 6.04 and set forth in the Road Impact Fee Study attached hereto as Appendix F.

"Road Impact Fee" shall mean the Road Impact Fee imposed by the County pursuant to Section 6.04 hereof, as it may be amended from time to time.

"Road Impact Fee District" shall mean those districts, as shown in Appendix G, that are established by the County in Section 6.04 for the purposes of collection and expenditure of the Road Impact Fees.

"Road Impact Fee Rate" shall mean a Road Impact Fee imposed for a particular Road Impact Construction under the applicable Road Impact Fee Land Use Category established in the schedules listed in Appendix F for Road Impact Fees.

"Road Impact Fee Study" shall mean the study adopted by the County pursuant to Section 6.03, as amended and supplemented pursuant to Section 10.10

"State Highway System" shall mean the road system of the State of Florida that lies within the County, as defined in Section 334.03(25), Florida Statutes, or its statutory successor in function.

56

"Trip" shall mean a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end). The word "Trip" shall have the meaning which it has in commonly accepted traffic engineering practice.

"Trip Generation or Trip Generator Rate" shall mean the maximum average daily trip generation rates for the applicable Trip Generation Land Use Category, as adjusted by the Road Impact Fee Study.

"Trip Generation Land Use Category" shall mean the trip generation land use categories established in Trip Generation, 7th edition, 2004 published by the Institute of Transportation Engineers.

SECTION 6.02. LEGISLATIVE FINDINGS APPLICABLE TO ROAD IMPACT

FEES. The Board of County Commissioners of Wakulla County, Florida, hereby finds, determines and declares that:

- A. The County Road System benefits all residents of the County and, therefore, the Road Impact Fee shall be imposed in all unincorporated areas of the County.
- B. Development necessitated by the growth contemplated in the Comprehensive Plan and the Road Impact Fee Study will require improvements and additions to the County Road System to accommodate the traffic generated by such growth and maintain the standards of service adopted by the County.
- C. Future growth, as represented by Road Impact Construction, should contribute its fair share to the cost of improvements and additions to the County

Road

System that are required to accommodate the traffic generated by such growth.

57

D. The required improvements and additions to the County Road System needed to eliminate any deficiencies shall be financed by revenue sources of the County other than Road Impact Fees.

E. Implementation of a Road Impact Fee to require future Road Impact Construction within the County to contribute its fair share to the cost of required improvements and additions is an integral and vital element of the regulatory plan of growth management incorporated in the Comprehensive Plan of the County.

F. The imposition of a Road Impact Fee is to provide a source of revenue to fund the construction or improvement of the County Road System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

G. The Board of County Commissioners expressly finds that the improvements and additions to the County Road System funded by the Road Impact Fee provide a benefit to all Road Impact Construction within the County in excess of the amount of the Road Impact Fee.

H. The County has the statutory responsibility to provide and maintain roads in the County Road System. Road Impact Construction occurring within the County impacts upon the County Road System; therefore, Road Impact Construction should pay its fair share of the cost of providing the improvements and additions to the County Road System.

I. Transportation planning is an evolving process and the capital improvements and additions to the County Road System identified upon the date of the adoption of this Ordinance constitute projections of growth patterns and transportation improvements and

additions 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

58

the Board that the identified improvements and additions to the County Road System be

reviewed and adjusted periodically, pursuant to Section 10.10 to ensure that Road Impact

Fees are imposed equitably and lawfully and are utilized effectively based upon actual and anticipated traffic conditions at the time of their imposition.

J. The purpose of this Ordinance is to require payment of Road Impact Fees by those who engage in Road Impact Construction and to provide for the cost of capital improvements to the County Road System which are required to accommodate such growth. This Ordinance shall not be construed to permit the collection of Road Impact

Fees in excess of the amount reasonably anticipated to offset the demand on the County

Road System generated by such applicable Road Impact Construction.

K. The data set forth in the Road Impact Fee Study which was employed in the calculation of the Road Impact Fee rates imposed herein is the most recent and localized

data available for the County Road System.

L. The administrative fee set forth in Section 6.07(F) hereof constitutes the County's actual costs for collection of the Road Impact Fee including the actual costs related to the administration and the collection process.

SECTION 6.03. ADOPTION OF ROAD IMPACT FEE STUDY. The County hereby adopts and incorporates by reference, the study entitled "Wakulla County, Transportation Impact Fee Study," dated March, 2007, prepared by Government Services Group, Inc., including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the additions to the County Road System required to accommodate growth. The Road Impact Fee Study is attached hereto as Appendix F.

59

SECTION 6.04. IMPOSITION OF ROAD IMPACT FEES.

A. All Road Impact Construction occurring within the County, both within the unincorporated area and within the municipal boundaries of any municipality that has consented to the imposition of the Road Impact Fee, shall pay the Road Impact Fee established in this Ordinance at the time of issuance of a Building Permit for such Road Impact Construction.

B. The Board hereby adopts the schedule of Road Impact Fees provided in Appendix B of the Road Impact Fee Study included in Appendix F hereto, which Road Impact Fees are imposed upon all Road Impact Construction occurring within the Road Impact Fee Districts within the County at a rate established under the applicable Road Impact Fee Land Use Category.

C. The Board hereby establishes three (3) Road Impact Fee Districts, as shown in Appendix G, for purposes of collection and expenditure of the Road Impact Fees.

All Road Impact Fees collected from Road Impact Construction occurring within a Road Impact Fee District shall be expended to construct or provide capacity improvements to the County Road System within the Road Impact Fee District or to construct or provide a capacity improvement to an Arterial Road providing a countywide benefit.

SECTION 6.05. ALTERNATIVE ROAD IMPACT FEE.

A. In the event an Applicant believes that the impact to the County Road System necessitated by its Road Impact Construction is less than the New Net Trips that are assumed under the applicable Road Impact Fee Land Use Category specified in Appendix F hereof, such Applicant may, prior to issuance of a Building Permit for such Road Impact Construction, file an Alternative Road Impact Fee Study with the County Administrator. The

60

County Administrator shall review the alternative calculations of the New Net Trips and make a determination within sixty (60) days of submittal as to whether such calculation complies with the requirements of this Section.

B. For purposes of any Alternative Road Impact Fee calculation, the Road Impact Construction shall be presumed to have the maximum impact on the County Road System for the Trip Generation Land Use Category contemplated under the Road Impact Fee Rate.

C. The Alternative Road Impact Fee calculation of New Net Trips shall be based on data, information or assumptions contained in this Ordinance and the Road Impact Fee

Study or an independent source, provided that:

(1) The independent source is a generally accepted standard source of transportation engineering 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 engineer pursuant

to a generally accepted methodology of transportation planning or engineering.

(3) If a previously approved Road Impact Construction project submitted, during its approval process, a traffic impact study substantially consistent with the criteria required

by this Section, and if such study is determined by the County Administrator to be current,

the traffic impacts of such previously approved Road Impact Construction shall be presumed to be as described in the prior study. In such circumstances, an Alternative

Road Impact Fee shall be established reflecting the traffic impact described in the prior

study. There shall be a rebuttable presumption that a traffic impact study conducted more

than one (1) year earlier is invalid.

61

(4) It is acknowledged that the Road Impact Fee Rates are based upon the applicable Trip Generator Rates for the Trip Generation Land Use Categories corresponding to the Impact Fee Land Use Categories set forth in Section 6.04. In recognition of such acknowledgment, the Trip Generator Rates for the Trip Generation

Land Use Categories shall be considered an independent source for the purpose of an Alternative Road Impact Fee calculation without the necessity of a study as required by

Subsections C(1) and (2) of this Section.

D. If the County Administrator determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and that

the calculation of the Alternative Road Impact Fee was by a generally accepted methodology that is consistent with the Road Impact Fee Study, then the Alternative Road

Impact Fee shall be paid in lieu of the fee adopted in Section 6.04 hereof.

E. If the County Administrator determines that the data, information and assumptions utilized by the Applicant to compute an alternative New Net Trips number do

not comply with the requirements of this Section, then the County Administrator shall

provide to the Applicant by certified mail, return receipt requested, written notification of the

rejection of the Alternative Road Impact Fee and the reasons therefore.

SECTION 6.06. PAYMENT.

A. Except as otherwise provided in this Ordinance, prior to the issuance of a Building Permit for a Road Impact Construction, an Applicant shall pay the Road Impact

Fee set forth in Section 6.04 directly to the County.

B. The payment of the Road Impact Fee shall be in addition to all other fees,

charges, or assessments due for the issuance of a Building Permit.

62

C. The obligation for payment of the Road Impact Fee shall run with the land.

D. In the event that a Building Permit issued for a Road Impact Construction expires prior to completion of the construction for which it was issued, the Applicant may,

within ninety (90) days of the expiration of the Building Permit, apply for a refund of the

Road Impact Fee. Failure to timely apply for a refund of the Road Impact Fee shall waive

any right to a refund.

(1) The application for refund shall be filed with the County Administrator and contain the following:

(a) The name and address of the Applicant;

(b) The location of the property which was the subject of the Building Permit;

(c) The date the Road Impact Fee was paid;

(d) A copy of the receipt of payment for the Road Impact Fee; and

(e) The date the Building Permit was issued and the date of expiration.

(2) After verifying that the Building Permit has expired and that the Road Impact Construction has not been completed, the County Administrator shall refund the Road Impact Fee paid for such Road Impact Construction.

(3) A Building Permit which is subsequently issued for a Road Impact Construction on the same property which was the subject of a refund shall pay the Road

Impact Fee as required herein.

SECTION 6.07. USE OF MONIES.

A. The Board hereby establishes three (3) separate trust accounts for the Road Impact Fee to correspond with the three (3) Road Impact Fee Districts established in

Section 6.04. These trust accounts are designated as the "Crawfordville and North Impact

63

Fee District Impact Fee Trust Account," the "Western Impact Fee District Impact Fee Trust

Account," and the "Coastal Road Impact Fee District Impact Fee Trust Account," which

accounts shall be maintained separate and apart from all other accounts of the County.

B. Road Impact Fees shall be deposited into the appropriate trust account for the Road Impact Fee District from which the fees were collected immediately upon receipt. All

Road Impact Fees and all interest accruing thereto shall be used solely for the Road Impact

Fee District from which such fees were collected or to provide a capacity improvement to

an Arterial Road that provides a countywide benefit.

C. Funds on deposit in the Road Impact Fee trust accounts, as established in paragraph A. above, shall be used solely for the purpose of providing

growth-necessitated

capital improvements to the County Road System in the appropriate Road Impact Fee District or to provide a capacity improvement to an Arterial Road that provides a

countywide

benefit, including, but not limited to:

(1) Design and construction plan preparation;

(2) Any permitting or application fees necessary for the construction;

- (3) Right-of-way acquisition, including any costs of acquisition or condemnation;
 - (4) Construction of new through lanes;
 - (5) Construction of new turn lanes;
 - (6) Construction of new bridges;
 - (7) Design and construction of new drainage facilities required by the construction of new roads;
 - (8) Purchase and installation of traffic signals;
 - (9) Construction of new curbs, medians and shoulders;
- 64

- (10) Relocating utilities to accommodate new roadway construction;
- (11) Construction management and inspection;
- (12) Surveying and soils and material testing;
- (13) Repayment of monies borrowed from any budgetary fund of the County which were used to fund growth-necessitated capital improvements to the County Road System

as provided herein;

- (14) 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 Road System subsequent to the effective date of this Ordinance; and

- (15) Transportation planning, development and engineering.

D. The monies deposited into the Road Impact Fee trust accounts shall be used solely to provide capital improvements or additions to the County Road System as necessitated by growth as projected in the Road Impact Fee Study and shall not be used

for any expenditure that would be classified as a maintenance or repair expense. A report

will be prepared annually by the County reflecting the collection and expenditures of Road

Impact Fees by the County during the previous year.

E. Any Road Impact Fee 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 appropriate Road Impact Fee trust account and used as provided herein.

65

F. The County may retain up to one percent (1%) of all Road Impact Fees received or the actual costs of administration and collection, whichever is less, as an

administrative fee to defray the costs of administering the Road Impact Fees.

G. The Road Impact Fees collected pursuant to this Ordinance shall be returned 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 eighth (8th) anniversary of the date upon which such fees were paid.

Refunds

shall be made only in accordance with the following procedure:

- (1) The then present Owner shall petition the County for the refund within six (6) months following the end of the calendar quarter immediately following eight (8) years from

the date on which the Road Impact Fee was received.

- (2) The petition for refund shall be submitted to the County Administrator and shall contain:

- (a) A notarized sworn statement that the petitioner is the present Owner of the property on behalf of which the Road Impact Fee was paid;
 - (b) A copy of the dated receipt issued for payment of the Road Impact Fee or such other record as would evidence payment;
 - (c) A certified copy of the latest recorded deed; and
 - (d) A copy of the most recent ad valorem tax bill.
- (3) Within sixty (60) days from the date of receipt of a petition for refund, the County Administrator will advise the petitioner and the Board of the status of the Road Impact Fee requested for refund, and if such Road Impact Fee has not been spent or Encumbered within the applicable time period, then it shall be returned to the petitioner.

66

For the purposes of this 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.

SECTION 6.08. INDIVIDUAL CALCULATION OF ROAD IMPACT FEES.

A. In the event a Road Impact Construction involves a Land use not contemplated under the Road Impact Fee Land Use Categories set forth in Section 6.04 herein, the County Administrator shall determine the number of New Net Trips to be generated by the proposed Road Impact Construction and shall calculate the appropriate Road Impact Fee utilizing the methodology contained in the Road Impact Fee Study. The County Administrator shall utilize as a standard in this determination the Trip Generation Rates in the most similar Trip Generation Land Use Category or any other generally accepted standard source of transportation engineering or planning.

B. In the event a Road Impact Construction involves a Mixed Use Road Impact Construction, the County Administrator shall calculate the Road Impact Fee based upon the number of New Net Trips to be generated by each separate Road Impact Fee Land Use Category included in the proposed Mixed Use Road Impact Construction.

67

ARTICLE VII
LIBRARY IMPACT FEES

SECTION 7.01. DEFINITIONS APPLICABLE TO LIBRARY IMPACT FEES. In addition to the general definitions contained in Section 1.02 of this Ordinance, the following terms shall have the following meanings in application of the Library Impact Fee:

"Alternative Library Impact Fee" shall mean any alternative fee calculated by an Applicant and approved by the County Administrator pursuant to Section 7.05 hereof.

"Alternative Library Impact Fee Study" shall mean a study prepared by an Applicant and submitted to the County Administrator pursuant to Section 7.05 hereof.

"County Library System" shall mean the Buildings, books, periodicals, audio and video resources and equipment, computer equipment and facilities and other collection items provided by the County.

"Library Impact Fee" shall mean the fee imposed by the County pursuant to Section 7.04 of this Ordinance, as it may be amended from time to time.

"Library Impact Fee Study" shall mean the study adopted by the County pursuant to Section 7.03, as amended and supplemented pursuant to Section 10.10.

"Residential Construction" shall mean land development designed or intended to permit more Dwelling Units than the existing use or non-use of land contains.

SECTION 7.02. LEGISLATIVE FINDINGS APPLICABLE TO LIBRARY IMPACT FEES. The Board of County Commissioners of Wakulla County, Florida, hereby finds, determines and declares that:

A. The County Library System benefits all residents of the County and, therefore, the Library Impact Fee shall be imposed in all unincorporated areas of the County and
68

within all Municipalities that have consented to the imposition of the Library Impact Fee within their municipal boundaries.

B. Development necessitated by the growth contemplated in the Comprehensive Plan and the Library Impact Fee Study will require improvements and additions to the

County Library System to accommodate the new development generated by such growth and maintain the standards of service provided by the County.

C. Future growth, as represented by Residential Construction, should contribute its fair share to the cost of improvements and additions to the County Library System that are required to accommodate the impact generated by such growth.

D. Implementation of the Library Impact Fee to require future Residential Construction to contribute its fair share to the cost of required capital improvements and additions is an integral and vital element of the regulatory plan of growth management incorporated in the Comprehensive Plan of the County.

E. The imposition of a Library Impact Fee is to provide a source of revenue to fund the construction or improvement of the County Library System necessitated by growth.

F. The Board of County Commissioners expressly finds that the improvements and additions to the County Library System funded by the Library Impact Fee provide a benefit to all Residential Construction within the County in excess of the amount of the Library Impact Fee.

G. The County has the responsibility to provide library facilities in the County Library System. Residential Construction occurring within the County impacts upon the County Library System; therefore, Residential Construction should pay its fair share of the cost of providing the improvements and additions to the County Library System.
69

H. The purpose of this Ordinance is to require payment of Library Impact Fees by those who engage in Residential Construction and to provide for the cost of capital improvements to the County Library System which are required to accommodate such growth. This Ordinance shall not be construed to permit the collection of Library

Impact

Fees in excess of the amount reasonably anticipated to offset the demand on the County Library System generated by such Residential Construction.

I. The required improvements and additions to the County Library System needed to eliminate any deficiencies shall be financed by revenue sources of the County other than Library Impact Fees.

J. The data set forth in the Library Impact Fee Study which was employed in the calculation of the Library Impact Fee rates imposed herein is the most recent and localized data available for the County Library System.

K. The administrative fee set forth in Section 7.07(F) hereof constitutes the County's actual costs for collection of the Library Impact Fee including the actual costs related to the administration and the collection process.

SECTION 7.03. ADOPTION OF LIBRARY IMPACT FEE STUDY. The County hereby adopts and incorporates by reference, the study entitled "Wakulla County Library Systems and Facilities Impact Fee Study," dated August, 2006, prepared by Government

Services Group, Inc., including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the additions to the County Library System required to accommodate growth. The Library Impact Fee Study is attached hereto as Appendix H.

70

SECTION 7.04. IMPOSITION OF LIBRARY IMPACT FEES.

A. All Residential Construction occurring within the County, both within the unincorporated area and within the municipal boundaries of any Municipality that has consented to the imposition of the Library Impact Fee shall pay the Library Impact Fee established in this Ordinance, at the time of issuance of the Building Permit for such Residential Construction.

B. All Residential Construction occurring within the County, both within the unincorporated area and within the municipal boundaries of any consenting Municipality, shall pay the following Library Impact Fees:
Single-Family Detached House \$310.08 per Dwelling Unit
Multi-Family \$286.66 per Dwelling Unit
Mobile Home \$333.50 per Dwelling Unit

SECTION 7.05. ALTERNATIVE LIBRARY IMPACT FEE.

A. In the event an Applicant believes that the impact to the County Library System caused by the Residential Construction is less than the impact established in the Library Impact Fee Study and the fee provided in Section 7.04 hereof, such Applicant may, prior to issuance of a Building Permit for such Residential Construction file an Alternative Library Impact Fee Study with the County Administrator. The County Administrator shall review the alternative calculations and make a determination within sixty (60) days of

submittal as to whether such calculations comply with the requirements of this Section.

B. For purposes of any Alternative Library Impact Fee calculation, the Residential Construction shall be presumed to have the maximum impact on the County Library System.

71

C. The Alternative Library Impact Fee calculation shall be based on data, information or assumptions contained in this Ordinance and the Library Impact Fee Study

or independent sources, provided that:

1. The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Library Impact Fee Study; or

2. The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Library Impact Fee Study.

D. If the County Administrator determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and that

the calculation of the Alternative Library Impact Fee was by a generally accepted methodology that is consistent with the Library Impact Fee Study, then the Alternative

Library Impact Fee shall be paid in lieu of the fees adopted in Section 7.04 hereof.

E. If the County Administrator determines that the data, information and assumptions utilized by the Applicant to compute an Alternative Library Impact Fee do not

comply with the requirements of this Section, then the County Administrator shall provide to

the Applicant by certified mail, return receipt requested, written notification of the rejection

and the reasons therefore.

72

SECTION 7.06. PAYMENT.

A. Except as otherwise provided in this Ordinance, prior to the issuance of a Building Permit for Residential Construction, an Applicant shall pay the Library Impact Fee

set forth in Section 7.04 directly to the County.

B. The payment of the Library Impact Fee shall be in addition to all other fees, charges or assessments due for the issuance of a Building Permit.

C. The obligation for payment of the Library Impact Fees shall run with the land.

D. In the event that a Building Permit issued for a Residential Construction expires prior to completion of the Dwelling Unit for which it was issued, the Applicant may,

within ninety (90) days of the expiration of the Building Permit, apply for a refund of the

Library Impact Fee. Failure to timely apply for a refund of the Library Impact Fee shall

waive any right to a refund.

(1) The application for refund shall be filed with the County Administrator and contain the following:

(a) The name and address of the Applicant;

(b) The location of the property which was the subject of the Building Permit;

- (c) The date the Library Impact Fee was paid;
- (d) A copy of the receipt of payment for the Library Impact Fee;
- and
- (e) The date the Building Permit was issued and the date of expiration.

73

(2) After verifying that the Building Permit has expired and that the Residential Construction has not been completed, the County Administrator shall refund the Library Impact Fee paid for such Residential Construction.

(3) A Building Permit which is subsequently issued for Residential Construction on the same property which was the subject of a refund shall pay the Library Impact Fee as required herein.

SECTION 7.07. USE OF MONIES.

A. The Board hereby creates the "Library Impact Fee Trust Account," which shall be maintained separate and apart from all other County accounts.

B. Library Impact Fees shall be deposited into the Library Impact Fee Trust Account immediately upon receipt.

C. Funds on deposit in the Library Impact Fee Trust Account, as established in paragraph A. above, shall be used solely for the purpose of providing growth-necessitated

capital improvements to the County Library System, including, but not limited to:

1. Design and construction plan preparation;
2. Any permitting or application fees necessary for the construction;
3. Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
4. Site development and on-site and off-site improvements incidental to the construction thereto;
5. Land acquisition, including any costs of acquisition or condemnation;
6. Design and construction of new library facilities;

74

7. Design and construction of new drainage facilities required by the construction of improvements and additions to the County Library System;

8. Relocating utilities required by the construction of improvements and additions to the County Library System;

9. Landscaping;

10. Construction management and inspection;

11. Surveying, soils and materials testing;

12. Acquisition of collection items, public access computers and other capital equipment required to provide library services within the County Library System;

13. Repayment of monies borrowed from any budgetary fund of the County which were used to fund growth-necessitated capital improvements to the County Library System as provided herein;

14. Costs related to the administration, collection and implementation of the Library Impact Fee; and

15. 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 Library System subsequent to the effective date of this Ordinance.

D. The monies deposited into the Library Impact Fee Trust Account shall be used solely to provide capital improvements or additions to the County Library System as

necessitated by growth as projected in the Library Impact Fee Study and shall not be used

for any expenditure that would be classified as a maintenance or repair expense. A

report
75

will be prepared annually by the County reflecting the collection and expenditures of Library Impact Fees by the County during the previous year.

E. Any Library Impact Fee 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 Library Impact Fee Trust Account and used as provided herein.

F. The County may retain up to one percent (1%) of all Library Impact Fees received or the actual costs of administration and collection, whichever is less, as an administrative fee to defray the costs of administering the Library Impact Fees.

G. The Library Impact Fees collected pursuant to this Ordinance shall be returned 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 eighth (8th) anniversary of the date upon which such fees were

paid. Refunds shall be made only in accordance with the following procedure:

1. The then present Owner shall petition the County for the refund within six (6) months following the end of the calendar quarter immediately following eight (8)

years from the date on which the fee was received.

2. The petition for refund shall be submitted to the County Administrator and shall contain:

(a) A notarized sworn statement that the petitioner is the present Owner of the property on behalf of which the Library Impact Fee was paid;

(b) A copy of the dated receipt issued for payment of the Library Impact Fee or such other record as would evidence payment; and

76

(c) A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.

3. Within sixty (60) days from the date of receipt of a petition for refund, the County Administrator will advise the petitioner and the Board of the status of the Library

Impact Fee requested for refund, and if such Library Impact Fee has not been expended or

Encumbered within the applicable time period, then it shall be returned to the petitioner. For

the purposes of this 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.

77

ARTICLE VIII
LAW ENFORCEMENT IMPACT FEES

SECTION 8.01. DEFINITIONS APPLICABLE TO LAW ENFORCEMENT

IMPACT FEES. In addition to the general definitions contained in Section 1.02 of this

Ordinance, the following terms shall have the following meanings in application of

the Law

Enforcement Impact Fee:

"Alternative Law Enforcement Impact Fee" shall mean any alternative fee calculated by an Applicant and approved by the County Administrator pursuant to Section

8.05 hereof.

"Alternative Law Enforcement Impact Fee Study" shall mean a study prepared by an Applicant and submitted to the County Administrator pursuant to Section 8.05 hereof.

"Law Enforcement Impact Construction" shall mean construction designed or intended to permit more Dwelling Units, Buildings or Square Footage than the existing use of the land, or to otherwise change the use of the land in a manner that increases the impact upon the County Law Enforcement System.

"Law Enforcement Impact Fee" shall mean the fee imposed pursuant to Section

8.04 of this Ordinance, as it may be amended from time to time.

"Law Enforcement Impact Fee Study" shall mean the study adopted by the County pursuant to Section 8.03, as amended and supplemented pursuant to Section

10.10.

"Law Enforcement System" shall mean the Buildings, land, apparatus, and equipment provided by the County that are used for calls for service for the apprehension

78

of criminals or prevention of criminal violations and investigation of illegal actions within the County.

SECTION 8.02. LEGISLATIVE FINDINGS APPLICABLE TO LAW ENFORCEMENT IMPACT FEES. The Board of County Commissioners of Wakulla County, Florida, hereby finds, determines and declares that:

A. The Law Enforcement System benefits all residents of the County and, therefore, the Law Enforcement Impact Fees shall be imposed in all unincorporated areas

of the County and within all Municipalities that consent to the imposition of the Law Enforcement Impact Fees within their municipal boundaries.

B. Development necessitated by the growth contemplated in the Comprehensive Plan and the Law Enforcement Impact Fee Study will require improvements and additions to the Law Enforcement System to accommodate the new development generated by such growth and maintain the standards of service provided by the Law Enforcement System.

C. Future growth, as represented by Law Enforcement Impact Construction, should contribute its fair share to the cost of improvements and additions to the Law Enforcement System that are required to accommodate the impact generated by such growth.

D. The required improvements and additions to the Law Enforcement System needed to eliminate any deficiencies shall be funded by revenue sources of the County

other than Law Enforcement Impact Fees.

E. Implementation of the Law Enforcement Impact Fees to require future Law

Enforcement Impact Construction within the County to contribute its fair share to the cost of
79

required capital improvements and additions is an integral and vital element of the regulatory plan of growth management of the County.

F. The Board of County Commissioners expressly finds that the improvements and additions to the Law Enforcement System funded by the Law Enforcement Impact Fee

provide a benefit to all Law Enforcement Impact Construction within the County in excess of the amount of the Law Enforcement Impact Fee.

G. The purpose of this Ordinance is to require payment of Law Enforcement Impact Fees by those who engage in Law Enforcement Impact Construction and to provide

for the cost of capital improvements to the Law Enforcement System which are required to

accommodate such growth. This Ordinance shall not be construed to permit the collection

of Law Enforcement Impact Fees in excess of the amount reasonably anticipated to offset

the demand on the Law Enforcement System generated by such applicable Law Enforcement Impact Construction.

H. The imposition of a Law Enforcement Impact Fee is to provide a source of revenue to fund the construction or improvement of the Law Enforcement System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

I. The data set forth in the Law Enforcement Impact Fee Study which was employed in the calculation of the Law Enforcement Impact Fee rates imposed herein is the

most recent and localized data available for the Law Enforcement System.

J. The administrative fee set forth in Section 8.07(F) hereof constitutes the County's actual costs for collection of the Law Enforcement Impact Fee including the actual

costs related to the administration and the collection process.

80

SECTION 8.03. ADOPTION OF LAW ENFORCEMENT IMPACT FEE STUDY.

The County hereby adopts and incorporates by reference, the study entitled "Wakulla County Law Enforcement Impact Fee Study," dated August, 2006, prepared by Government Services Group, Inc., including the assumptions, conclusions and findings in

such study as to the determination of anticipated costs of the additions to the County Law

Enforcement System required to accommodate growth. The Law Enforcement Impact Fee Study is attached hereto as Appendix I.

SECTION 8.04. IMPOSITION OF LAW ENFORCEMENT IMPACT FEES.

A. All Law Enforcement Impact Construction occurring within the County, both within the unincorporated area and within the municipal boundaries of any Municipality that

has consented to the imposition of the Law Enforcement Impact Fee, shall pay the Law

Enforcement Impact Fee established in this Ordinance, at the time of issuance of a Building

Permit for such Law Enforcement Impact Construction.

B. All Law Enforcement Impact Construction occurring within the County, both

within the unincorporated area and within the municipal boundaries of any consenting

Municipality shall pay the following Law Enforcement Impact Fees:

- Residential \$769.79 per Dwelling Unit
- Professional Office \$ 1.39 per Square Foot
- General Commercial \$ 4.79 per Square Foot
- Bar/Club/Restaurant \$ 5.64 per Square Foot
- Service Shop \$ 6.52 per Square Foot
- Institutional \$ 10.06 per Square Foot
- Industrial/Warehouse \$ 0.33 per Square Foot

81

SECTION 8.05. ALTERNATIVE LAW ENFORCEMENT IMPACT FEE.

A. In the event an Applicant believes that the impact to the Law Enforcement System caused by the Law Enforcement Impact Construction is less than the impact established under the applicable Law Enforcement Impact Fee Land Use Category specified in Section 8.04 hereof, such Applicant may, prior to issuance of a Building Permit

for such Law Enforcement Impact Construction file an Alternative Law Enforcement Impact

Fee Study with the County Administrator. The County Administrator shall review the alternative calculations and make a determination within sixty (60) days of submittal as to

whether such calculations comply with the requirements of this Section.

B. For purposes of any Alternative Law Enforcement Impact Fee calculation, the Law Enforcement Impact Construction shall be presumed to have the maximum impact on the Law Enforcement System for the appropriate Law Enforcement Impact Fee Land Use Category.

C. The Alternative Law Enforcement Impact Fee calculation shall be based on data, information or assumptions contained in this Ordinance and the Law Enforcement

Impact Fee Study or independent sources, provided that:

1. The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Law Enforcement Impact Fee Study; or

2. The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and cost

82

impact analysis which is consistent with the Law Enforcement Impact Fee Study.

D. If the County Administrator determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and that the calculation of the Alternative Law Enforcement Impact Fee was by a generally accepted methodology that is consistent with the Law Enforcement Impact Fee Study, then the Alternative Law Enforcement Impact Fee shall be paid in lieu of the fees adopted in Section 8.04 hereof.

E. If the County Administrator determines that the data, information and assumptions utilized by the Applicant to compute an Alternative Law Enforcement

Impact

Fee do not comply with the requirements of this Section, then the County Administrator shall provide to the Applicant by certified mail, return receipt requested, written notification of the rejection and the reasons therefore.

SECTION 8.06. PAYMENT.

A. Except as otherwise provided in this Ordinance, prior to the issuance of a Building Permit for Law Enforcement Impact Construction, an Applicant shall pay the Law

Enforcement Impact Fee set forth in Section 8.04 directly to the County.

B. The payment of the Law Enforcement Impact Fee shall be in addition to all other fees, charges or assessments due for the issuance of a Building Permit.

C. The obligation for payment of the Law Enforcement Impact Fees shall run with the land.

D. In the event that a Building Permit issued for a Law Enforcement Impact Construction expires prior to completion of the Building for which it was issued, the

83

Applicant may, within ninety (90) days of the expiration of the Building Permit, apply for a refund of the Law Enforcement Impact Fee. Failure to timely apply for a refund of the Law Enforcement Impact Fee shall waive any right to a refund.

(1) The application for refund shall be filed with the County Administrator and contain the following:

- (a) The name and address of the Applicant;
- (b) The location of the property which was the subject of the Building Permit;
- (c) The date the Law Enforcement Impact Fee was paid;
- (d) A copy of the receipt of payment for the Law Enforcement Impact Fee; and
- (e) The date the Building Permit was issued and the date of expiration.

(2) After verifying that the Building Permit has expired and that the Law Enforcement Impact Construction has not been completed, the County Administrator shall refund the Law Enforcement Impact Fee paid for such Law Enforcement Impact Construction.

(3) A Building Permit which is subsequently issued for Law Enforcement Impact Construction on the same property which was the subject of a refund shall pay the Law Enforcement Impact Fee as required herein.

SECTION 8.07. USE OF MONIES.

A. The Board hereby creates the "Law Enforcement Impact Fee Trust Account" which shall be maintained separate and apart from all other County accounts.

84

B. Law Enforcement Impact Fees shall be deposited into the Law Enforcement Impact Fee Trust Account immediately upon receipt.

C. Funds on deposit in the Law Enforcement Impact Fee Trust Account, as established in paragraph A above, shall be used solely for the purpose of providing growth-necessitated capital improvements to the Law Enforcement System including, but not limited to:

- 1. Land acquisition, including any cost of acquisition or condemnation;

2. Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
 3. Design and construction plan preparation;
 4. Site development and on-site and off-site improvements incidental to the construction thereto;
 5. Any permitting or application fees necessary for the construction;
 6. Design and construction of new law enforcement facilities;
 7. Design and construction of new drainage facilities required by the construction of law enforcement facilities or improvements thereto;
 8. Relocating utilities required by the construction of law enforcement facilities or improvements or additions thereto;
 9. Landscaping;
 10. Construction management and inspection;
 11. Surveying, soils, and materials testing;
 12. Acquisition of capital equipment for the Law Enforcement System;
- 85

13. Repayment of monies borrowed from any budgetary fund of the County which were used to fund growth-necessitated capital improvements to the Law Enforcement System as provided herein;
 14. 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 Law Enforcement System subsequent to the effective date of this Ordinance; and
 15. Costs related to the administration, collection, and implementation of the Law Enforcement Impact Fee.
- D. The monies deposited into the Law Enforcement Impact Fee Trust Account shall be used solely to provide capital improvements or additions to the Law Enforcement System as necessitated by growth as projected in the Law Enforcement Impact Fee Study and shall not be used for any expenditure that would be classified as a maintenance or repair expense. A report will be prepared annually by the County reflecting the collection and expenditures of Law Enforcement Impact Fees by the County during the previous year.
- E. Any Law Enforcement Impact Fee 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 Law Enforcement Impact Fee Trust Account and used as provided herein.
- F. The County may retain up to one percent (1%) of all Law Enforcement Impact Fees received or the actual costs of administration and collection, whichever is less, as an administrative fee to defray all costs of administering the Law Enforcement Impact Fees.
- 86

- H. The Law Enforcement Impact Fees collected pursuant to this Ordinance shall be returned 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 eighth (8th) anniversary of the date upon which such fees were paid. Refunds shall be made only in accordance with the following procedure:

1. The then present owner shall petition the County for the refund within six (6) months following the end of the calendar quarter immediately following eight (8) years from the date on which the fee was received.
2. The petition for refund shall be submitted to the County Administrator and shall contain:
 - (a) A notarized sworn statement that the petitioner is the present Owner of the property on behalf of which the Law Enforcement Impact Fee was paid;
 - (b) A copy of the dated receipt issued for payment of the Law Enforcement Impact Fee or such other record as would evidence payment; and
 - (c) A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.
3. Within sixty (60) days from the date of receipt of a petition for refund, the County Administrator will advise the petitioner and the Board of the status of the Law Enforcement Impact Fee requested for refund, and if such Law Enforcement Impact Fee has not been expended or Encumbered within the applicable time period, then it shall be returned to the petitioner. For the purposes of this 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.

SECTION 8.08. INDIVIDUAL CALCULATION OF LAW ENFORCEMENT IMPACT FEES.

- A. In the event Law Enforcement Impact Construction involves a Land use not contemplated under the Law Enforcement Impact Fee Land Use Categories set forth in Section 8.04 herein, the County Administrator shall determine the impact to be generated by the proposed Law Enforcement Impact Construction and shall calculate the appropriate Law Enforcement Impact Fee utilizing the methodology contained in the Law Enforcement Impact Fee Study. The County Administrator shall utilize as a standard in this determination the impact assumed in the most similar Law Enforcement Impact Fee Land Use Category or any other generally accepted standard source of planning and cost impact analysis.
- B. In the event a Law Enforcement Impact Construction involves more than one Law Enforcement Impact Fee Land Use Category, the County Administrator shall calculate the Law Enforcement Impact Fee based upon the impact to be generated by each separate Law Enforcement Impact Fee Land Use Category included in the proposed Law Enforcement Impact Construction.

ARTICLE IX
[RESERVED]

89

ARTICLE X

MISCELLANEOUS PROVISIONS

SECTION 10.01. EXEMPTIONS. The following shall be exempted from payment of the Impact Fees:

- A. Alterations or expansion of an existing Dwelling Unit where no additional Dwelling Units are created.
- B. The replacement or construction of Accessory Buildings or Structures which will not create an additional impact on the Capital Facilities for which Impact Fees are imposed under this Ordinance.
- C. The replacement of a Building or Dwelling Unit where no additional Square Footage or Dwelling Units are created and where the existing and replacement Building or Dwelling Units are located on the same lot. A Certificate of Occupancy must have been issued for such replacement Building or Dwelling Unit within seven (7) years of the date the previous Building or Dwelling Unit was previously occupied, otherwise no exemption shall be granted.
- D. The issuance of a tie-down permit for a Mobile Home on which the applicable Impact Fee has previously been paid for the lot upon which the Mobile Home is to be situated.
- E. Government-owned Residential Construction and Government-owned Buildings.

SECTION 10.02. [RESERVED]
SECTION 10.03. [RESERVED]

90

SECTION 10.04. CHANGES IN SIZE AND USE. An Impact Fee shall be imposed and calculated for the alteration, expansion or replacement of a Building or the construction of an Accessory Building or Structure if the alteration, expansion or replacement of the Building or the construction of an Accessory Building or Structure results in a land use determined to generate greater impact than the present use under the applicable Impact Fee rate schedules adopted herein. The Impact Fee imposed shall be calculated as follows:

- A. If the Impact Fee is calculated on a per Dwelling Unit basis and not on the basis of Square Footage, the Impact Fee imposed shall be the amount due under the applicable Impact Fee rate schedule for the Impact Fee Land Use Category resulting from the alteration, expansion or replacement, less the Impact Fee that would have been 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 Fee is calculated on the basis of Square Footage, in the event the Square Footage of a Building is increased, the Impact Fee due for the increased Square Footage represented by the Capital Facilities Impact Construction shall be calculated by determining the Impact Fee due according to the Square Footage resulting from the alteration, expansion or replacement, less the Impact Fee that would have been imposed for the original Square Footage prior to the alteration, expansion or replacement.
- C. If the Impact Fee is calculated on the basis of land use and not Square Footage, the Impact Fee imposed shall be the Impact Fee due under the applicable

Impact

Fee Land Use Category resulting from the alteration, expansion or replacement, less the
91

Impact Fee that would be imposed under the applicable Impact Fee Land Use Category prior to the alteration, expansion or replacement.

D. If an Impact Fee is imposed for an Accessory Building or Structure because such Accessory Building or Structure is determined to generate a greater impact than the present use, the fee shall be that applicable to the Impact Fee Land Use Category for the primary Building.

SECTION 10.05. REMEDIAL COLLECTION METHODS. In the event the Impact Fees are not paid prior to the issuance of a Building Permit for the affected Capital Facilities Impact Construction, such fees shall be collected at the issuance of a Certificate of Occupancy or by any other method which is authorized by law, unless otherwise exempted pursuant to this Ordinance.

SECTION 10.06. ACCOUNTING AND REPORTING OF IMPACT FEE. The revenues realized from Impact Fees imposed pursuant to this Ordinance shall be identified in the County's budget as a separate account required by section 163.31801(3)(b), Florida Statutes (2006). The County shall maintain adequate records to justify all expenditures from any Impact Fee trust fund and any accounts established within such trust fund. The County shall prepare an annual report reflecting the collection and expenditures during the previous year of the Impact Fees imposed pursuant to this Ordinance.

SECTION 10.07. DEVELOPER CONTRIBUTION CREDITS.

A. Subject to the terms and conditions of this Section 10.07, a credit shall be granted against an Impact Fee imposed by this Ordinance for the donation of land or equipment, or the construction of Capital Facilities required pursuant to a Development Permit or made voluntarily in connection with Capital Facilities Impact Construction. Such
92

donations or construction shall be subject to the approval and acceptance of the County Administrator. No credit shall be given for the donation of land or construction unless such property is conveyed, in fee simple to the County without remuneration.

B. Prior to issuance of a Building Permit, the Applicant shall submit a proposed plan for donations or contributions to the Capital Facilities to the County Administrator. The proposed plan shall include:
1. a designation of the Capital Facilities Impact Construction for which the plan is being submitted;
2. a legal description of any land proposed to be donated and a written appraisal prepared in conformity with Subsection E of this section;

3. a list of the contemplated Capital Facilities improvements, apparatus or equipment sought to be donated and an estimate of the proposed construction costs certified by a professional architect or engineer; and
 4. a proposed time schedule for completion of the proposed plan.
- C. The County Administrator shall approve or deny the proposed plan in accordance with Subsection D of this section and, if approved, establish the amount of credit in accordance with Subsection E of this section. The County Administrator shall issue a decision within sixty (60) days after the filing of the proposed plan.
- D. In reviewing the proposed plan, the County Administrator shall determine:
1. if such proposed plan is in conformity with contemplated improvements and additions to the Capital Facilities;
 2. if the proposed donation of land and construction by the Applicant is consistent with the public interest; and

3. if the proposed time schedule is consistent with the capital improvement program for the Capital Facilities.
- E. The amount of developer contribution credit shall be determined as follows:
1. The value of donated land shall be based upon a written appraisal of fair market value as determined by an M.A.I. Appraiser who was selected and paid for by the Applicant, and who used generally accepted appraisal techniques. If the appraisal does not conform to the requirements of this Ordinance and any applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the County Administrator accepts the methodology of the appraisal but disagrees with the appraised value, he may engage another M.A.I. Appraiser at the County's expense and the value shall be an amount equal to the average of the two appraisals. If either party does not accept the average of the two appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the County and the Owner or Applicant. The third appraiser shall be selected by the first two appraisers and the third appraisal shall be binding on the parties.
 2. The actual cost of construction to the Capital Facilities shall be based upon cost estimates certified by a professional architect or engineer. However, in no event shall any credit be granted in excess of the estimated construction costs approved by the Board unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost or 120% of the bid amounts, whichever is less; and
 3. The land donations and construction contributions shall only provide improvements or additions to the Capital Facilities which are required to accommodate growth.

94

- F. If a proposed plan is approved for credit by the County Administrator, the Applicant or Owner and the Board shall enter into a credit agreement which shall provide for the parties obligations and responsibilities, including, but not limited to:
1. The timing of actions to be taken by the Applicant and the obligations

and responsibilities of the Applicant, including, but not limited to, the construction standards and requirements to be complied with;

2. The obligations and responsibilities of the Board including, but not limited to, inspection of the project; and

3. The amount of the credit as determined in accordance with Subsection E of this section.

G. A credit for the donation of land or a credit for the construction of an improvement or addition to the Capital Facilities shall be granted at such time as the credit

agreement is approved and executed by both the Board and the Applicant or Owner; provided, however, that in the event the Applicant or Owner fails to convey the property

which is the subject of the donation to the County or such property is not ultimately

accepted by the County in accordance with the terms of the credit agreement, then the

credit for donation shall be revoked and all Impact Fees shall immediately become due and

payable. The administration of said contribution credits shall be the responsibility of the

County Administrator.

H. Any Applicant or Owner who submits a proposed plan pursuant to this section and desires the immediate issuance of a Building Permit prior to approval of the proposed

plan shall pay the Impact Fees prior to the issuance of the Building Permit. Any difference

95

between the amount paid and the amount due, should the County Administrator approve and accept the proposed plan, shall be refunded to the Applicant or Owner.

SECTION 10.08. REVIEW HEARINGS.

A. An Applicant or Owner who is required to pay an Impact Fee pursuant to this Ordinance, shall have the right to request a review hearing before the Board.

B. Such hearing shall include but not be limited to the review of the following:

1. The application of the Impact Fee.

2. Denial of an Alternative Impact Fee.

3. Denial of an exemption pursuant to Section 10.01.

4. Any dispute concerning an application for credits pursuant to Section 10.07.

C. Except as otherwise provided in this Ordinance, such hearing shall be requested by the Applicant or Owner within thirty (30) days of written notice of the event

sought to be reviewed.

D. The request for hearing shall be filed with the County Administrator and shall contain the following:

1. The name and address of the Applicant and Owner;

2. The legal description of the property in question;

3. If issued, the date the Building Permit was issued;

4. If paid, the date the Impact Fees were paid; and

5. A statement of the reasons why the Applicant or owner is requesting the hearing.

96

E. Upon receipt of such request, a hearing shall be scheduled before the Board at a regularly scheduled meeting or a special meeting called for the purpose of conducting

the hearing and shall provide the Applicant and Owner written notice of the time and place of the hearing. Such hearing shall be held within thirty (30) days of the date the request for hearing was filed.

F. Such hearing 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. A determination shall be in writing and issued within thirty (30) days of the hearing to the Applicant and Owner.

G. Any Applicant or Owner who requests a hearing pursuant to this section and desires the immediate issuance of a Building Permit, or if a Building Permit has been issued without the payment of the Impact Fees, shall pay prior to or at the time the request for hearing is filed the applicable Impact Fees pursuant to this Ordinance. Said payment shall be deemed paid under "Protest" and shall not be construed as a waiver of any review rights.

H. An Applicant or Owner may request a hearing under this section without paying the applicable Impact Fees but no Building Permit shall be issued until such Impact Fees are paid in the amount initially calculated or the amount approved upon completion of the review provided in this section.

SECTION 10.09. REVIEW REQUIREMENT. This Ordinance and the Impact Fee Studies adopted herein shall be reviewed by the County at least once every three (3) years.

97

The initial and each subsequent review shall consider but not be limited to all components of the Impact Fee Studies accepted herein. The purpose of this review is to demonstrate that the Impact Fees do not exceed reasonably anticipated costs associated with growth necessitated capital improvements. In the event the review of the Ordinance and the Impact Fee Studies required by this section alters or changes the assumptions, conclusions and findings of the Impact Fee Studies accepted herein then said studies shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and the Impact Fees shall be amended in accordance therewith.

SECTION 10.10. DECLARATION OF EXCLUSION FROM ADMINISTRATIVE PROCEDURES ACT. Nothing contained in this Ordinance 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 Procedures 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 Ordinance.

SECTION 10.11. SEVERABILITY. If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 10.12. NOTICE OF IMPACT FEE RATES. Upon adoption of this Ordinance or any amendment hereto imposing revised Impact Fee rates or revising the land use categories for any Impact Fee, the County Administrator shall publish a notice once in a newspaper of general circulation within the County which notice shall include: (A) a brief and general description of the affected Impact Fee, (B) a description of the

98

geographic area in which the Impact Fee will be collected; (C) the Impact Fee Rates to be imposed for each land use category for the applicable Impact Fee; and (D) the date of implementation of the Impact Fee rates set forth in the notice, which date shall not be earlier than ninety (90) days after the date of publication of the notice.

SECTION 10.13. INCLUSION IN THE WAKULLA COUNTY CODE. It is the intention of the Board and is hereby provided that the provisions of this Ordinance shall be made a part of the Wakulla County Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such codification; and that the word "Ordinance" may be changed to "section," "article," or other appropriate designation.

SECTION 10.14. REPEALER. Error! Bookmark not defined.

(A) The provisions of Chapter 24, Article V, Sections 24.101 through 24.118 of the Wakulla County Code, are hereby repealed in their entirety on the Effective Date of this Ordinance and upon the expiration of the notice period set forth in Section 10.12 hereof.

(B) All proceeds collected by the County pursuant to the repealed provisions in (A) above that are unspent as of the Effective Date of this Ordinance shall be expended by the County in accordance with the provisions of said repealed ordinances.

SECTION 10.15. EFFECTIVE DATE.

A. A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and shall take effect as provided herein.

B. This Ordinance and the obligations herein for the payment of Impact Fees shall apply to all Capital Facilities Impact Construction that applies for a Building Permit on

99

or after the Effective Date of this Ordinance and the expiration of the notice period set forth in Section 10.12 hereof.

PASSED AND ADOPTED on this 17th day of September, 2007.
BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA

BY:
Chairman
ATTEST:

Clerk
(SEAL)

100

APPENDIX A
PARK IMPACT FEE STUDY

APPENDIX B
PARK IMPACT FEE DISTRICTS

DESCRIPTION OF PARK IMPACT FEE DISTRICTS

East Park District

The East Park District, which includes all lands within the unincorporated area of the County east of Highway 319.

West Park District

The West Park District, which includes all lands within the unincorporated area of the County west of Highway 319.

APPENDIX C
EMERGENCY MEDICAL SYSTEM IMPACT FEE STUDY

APPENDIX D
FIRE RESCUE IMPACT FEE STUDY

APPENDIX E
CORRECTIONAL FACILITIES IMPACT FEE STUDY

APPENDIX F
ROAD IMPACT FEE STUDY

APPENDIX G
ROAD IMPACT FEE DISTRICTS

APPENDIX H
LIBRARY IMPACT FEE STUDY

APPENDIX I
LAW ENFORCEMENT IMPACT FEE STUDY