

CHAPTER 1300. CAPITAL FACILITIES, FEES, AND INCENTIVES RELATED TO FEES

SECTION 1302. IMPACT FEES

1302.4. Parks and Recreation Impact Fees

A. Intent and Purpose

1. To establish uniform parks and recreation impact fees throughout the County and establish procedures for the imposition, calculation, collection, administration, and expenditure of parks and recreation impact fees imposed on new residential construction.
2. To facilitate the implementation of the Goals, Objectives and Policies of the Comprehensive Plan, specifically Objective REC 1.3 and Policy REC 1.3.1 of the Recreation and Open Space Element relating to assuring that new residential construction contributes its fair share towards the costs of parks and recreation facilities necessitated by such new residential construction.
3. To ensure that new residential construction is reasonably benefited by the provision of the public parks and recreation facilities provided with the proceeds of parks and recreation impact fees.
4. To ensure that all applicable legal standards and criteria are properly incorporated in these procedures.

B. Park Impact Fee Study and Modifications

1. The Board of County Commissioners (BCC) has adopted and incorporates by reference the parks and recreation impact fee study by Wade-Trim, Inc., entitled Pasco County Parks and Recreation Master Plan, dated April 2001, and as supplemented pursuant to this section.
2. This section and the parks and recreation impact fee study may be reviewed by the BCC at least once every three (3) years. The purpose of this review is to demonstrate that the parks and recreation impact fee does not exceed reasonably anticipated costs associated with growth necessitated capital improvements. In the event the review demonstrates that anticipated costs have changed, the study and the parks and recreation impact fee shall be amended in accordance therewith.
3. The County Administrator or designee shall be assisted by the Impact Fee Advisory Committee as established by the BCC pursuant to Resolution No. 88-245, as may be amended, or other advisory committee(s) in the review of the parks and recreation impact fee.
4. The initial and each subsequent review shall include all of the following to be compiled into a report:

- a. Recommendations on amendments, if appropriate, to these procedures;
 - b. Proposed changes to the County Comprehensive Plan and/or an applicable Capital Improvement Plan, including the identification of parks and recreation system projects anticipated to be funded wholly or partially with parks and recreation impact fees;
 - c. Proposed changes to the parks and recreation impact fee schedule;
 - d. Proposed changes to the level of service standards;
 - e. Proposed changes in the parks and recreation impact fee calculation methodology; and
 - f. Other data, analysis, or recommendations as the County Administrator or designee may deem appropriate, or as may be requested by the BCC.
5. The County Administrator or designee shall submit the report to the BCC, which shall receive the report and take such actions as it deems appropriate which may include, but is not limited to, requesting additional data or analyses and holding public workshops and/or public hearings.
 6. The failure to prepare or to submit a report as provided herein shall not affect the effectiveness or the administration of this section.

C. Imposition

1. Parks and recreation impact fees shall be imposed on new residential construction occurring within the unincorporated area of the County not otherwise exempted in this section or waived by general or special law. For the purposes of the parks and recreation impact fee, the County shall be divided into three districts (West, Central, and East), as indicated on Exhibit 1302.4-A. The parks and recreation impact fee amount is as follows and is subject to any adjustments to the said fee made pursuant to this section:

| | |
|--|-----------------------------------|
| Single-Family Detached House | |
| Park Land | \$174.48 Per Dwelling Unit |
| Parks and Recreation Facilities | 717.34 Per Dwelling Unit |
| Total | \$891.82 Per Dwelling Unit |
| All Other Residential Construction (including multifamily/mobile homes) | |
| Park Land | \$122.67 Per Dwelling Unit |
| Parks and Recreation Facilities | 504.33 Per Dwelling Unit |
| Total: | \$627.00 Per Dwelling Unit |

2. The parks and recreation impact fee shall be determined at the time a completed application for a Building Permit for new residential construction is submitted.

Notwithstanding anything to the contrary in this section, the facilities portion of the parks and recreation impact fee shall be suspended for:

- a. Complete and unexpired Building Permit applications submitted on or after March 1, 2011, and on or prior to December 31, 2013; and
- b. Building Permits issued on or after March 1, 2011, through December 31, 2013, which do not subsequently expire.

This suspension shall not apply to any building that was issued a Building Permit prior to March 1, 2011, even if the Building Permit for such building expires or is revoked.

3. Exemptions. An exemption must be claimed by the applicant or it shall be waived. Payment of the parks and recreation impact fee shall not apply to the following situations if the applicant clearly demonstrates with competent substantial evidence to the County Administrator or designee one of the following:

- a. Other uses. No parks and recreation impact fee shall be imposed on a structure which cannot result in an increase in the demand for parks and recreation facilities.
- b. Alterations or expansions. No parks and recreation impact fee shall be imposed for alterations or expansions of a dwelling unit that existed on January 29, 2002, or that a parks and recreation impact fee has been paid for the unit. However, where an alteration or expansion will create an additional dwelling unit; e.g., a single-family detached house altered to create two (2) or more multifamily dwelling units, a parks and recreation impact fee equivalent to the difference between the parks and recreation impact fee amount for the existing use and the new use shall be due for each additional dwelling unit pursuant to the parks and recreation impact fee schedule in place at the time of the change in circumstances.
- c. Accessory buildings. No parks and recreation impact fee shall be imposed for construction of accessory buildings or structures that cannot create additional dwelling units.
- d. Replacement of dwelling unit. No parks and recreation impact fee shall be imposed for the replacement of a dwelling unit, in whole or in part, as long as the owner can demonstrate that the same use existed as of January 29, 2002, or that a parks and recreation impact fee has been paid for the unit.

However, where a replacement will create a greater parks and recreation demand generator; e.g., a mobile home replaced by a single-family detached house, a parks and recreation impact fee equivalent to the difference shall be due for the resulting dwelling unit pursuant to the parks and recreation impact fee schedule in place at the time of the change in circumstances.

- e. Mobile homes. No parks and recreation impact fee shall be imposed for the issuance of a Tie-Down Permit for a mobile home where the applicant is able to demonstrate to the County Administrator or designee that a parks and recreation impact fee has previously been paid for the lot upon which the mobile home is to be situated.
4. Alternative form of payment. Nothing herein precludes the County from entering into agreements with affordable housing providers to subsidize the parks and recreation impact fee assessed by this section.
5. Any new residential construction which is determined to be waived from the payment of parks and recreation impact fees but which, as a result of a change in circumstances, produces a dwelling unit not exempt shall pay the parks and recreation impact fee according to the impact fee schedule in effect at such time as the change in circumstances occurs.

D. Calculation

1. The applicable parks and recreation impact fee shall be based upon the above table upon receipt of a complete application for a Building Permit. If an applicant has received a parks and recreation impact fee credit pursuant to this chapter, that credit shall be subtracted from the otherwise applicable parks and recreation impact fee.
2. In the alternative, the applicable parks and recreation impact fee may be based upon an independent fee calculation as provided for in this chapter.
3. An applicant may request at any time a nonbinding estimate of parks and recreation impact fees due for a particular development; however, such estimate is subject to change when a complete application for a Building Permit for new residential construction is made.
4. Parks and recreation impact fees shall be calculated based on the parks and recreation impact fee schedule in effect at the time of the County's issuance of a Building Permit except where provided for in this section.

E. Payment/Collection

1. The parks and recreation impact fee shall be paid prior to the issuance of a Certificate of Occupancy (CO) for the new residential construction. Where a CO is not required, the parks and recreation impact fee shall be paid prior to the final inspection.
2. Notwithstanding the foregoing, nothing in this section shall prevent the County from studying or adopting an alternate method of payment of the parks and recreation impact fee; e.g., payment over time through special assessments.

F. Parks and Recreation Impact Fee Fund/Appropriation of Funds

1. The County shall establish a parks and recreation impact fee fund for parks and recreation impact fees. Such fund shall clearly be identified as monies collected as parks and recreation impact fees. The BCC shall establish and implement necessary accounting controls to ensure that all parks and recreation impact fees are properly deposited, accounted for, and appropriated in accordance with this section and any other applicable legal requirements.
2. The parks and recreation impact fee fund shall be segregated into separate accounts for each of the three (3) parks and recreation impact fee districts and shall further segregate the funds for parkland acquisition and parks and recreation facility development.
3. The parks and recreation impact fees paid will be earmarked to a separate fund for each parks and recreation impact fee district and expended only in each parks and recreation impact fee district to acquire parkland and develop capital parks and recreation facilities needed to accommodate growth resulting from new residential construction in such district, except that funds for saltwater boat access parkland or boat access parks and recreation facilities may be expended from the parks and recreation impact fees collected in any of the parks and recreation fee districts.
4. Parks and recreation impact fees shall be appropriated for parks and recreation facilities necessitated by new residential construction and for the payment of principal, interest, and other financing costs on contracts, bonds, notes, or other obligations issued by or on behalf of the County to finance such parks and recreation facilities.
5. Within each parks and recreation impact fee district, all interest or investment income earned shall be available for appropriation or expenditure for parkland or parks and recreation facilities regardless of the source of the interest or investment income.

6. The BCC shall use parks and recreation impact fee fund monies for the following:
 - a. Planning (with specific BCC approval), design, permitting, and construction plan costs for the parks and recreation system;
 - b. Parkland acquisition costs;
 - c. Construction costs of parks and recreation facilities;
 - d. Repayment of monies borrowed from any budgetary fund of the County subsequent to the effective date of this section, where such borrowed monies were used to fund growth necessitated capital improvements to parks and recreation facilities as provided herein; and
 - e. 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 to the parks and recreation system subsequent to the effective date of this section.

Exhibit "1302.4-A," Parks and Recreation Districts

