

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE II OF THE PASCO CODE OF ORDINANCES RELATING TO IMPACT FEES; AMENDING DIVISIONS 4 THROUGH 7, PARKS AND RECREATION, LIBRARY, FIRE COMBAT AND RESCUE SERVICE, AND HURRICANE PREPAREDNESS IMPACT FEES TO PROVIDE FOR THE TEMPORARY SUSPENSION OF THE FACILITIES PORTION OF THE PARKS AND RECREATION, LIBRARY, FIRE COMBAT AND RESCUE SERVICE IMPACT FEES, AND THE TEMPORARY SUSPENSION OF THE HURRICANE PREPAREDNESS IMPACT FEES FOR BUILDING PERMITS APPLIED FOR OR ISSUED ON OR AFTER MARCH 1, 2011 THROUGH DECEMBER 31, 2012; PROVIDING FOR SEVERABILITY, APPLICABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, this Ordinance is enacted to carry out the purpose and intent of and exercise the authority set forth in the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended; and

WHEREAS, the recent downturn in the local economy has resulted in unprecedented rates of unemployment in Pasco County that are greater than the State unemployment rates; and

WHEREAS, the Pasco County Board of County Commissioners ("Board") has determined that putting its citizens back to work is a high priority for every level of government; and

WHEREAS, the Board finds that constructing new parks and recreation, library, fire combat and rescue service, and hurricane shelter facilities does provide employment to the local construction industry, but Pasco County has no immediate plans to construct such facilities due to declining ad valorem revenue to operate and maintain such facilities; and

WHEREAS, the Board desires to continue acquiring land for future parks and recreation, library, and fire combat and rescue service facilities, and provide credits to developments that provide land for such facilities, to ensure that there are locations to place such facilities when Pasco County has sufficient funds to operate and maintain such facilities; and

WHEREAS, due to the continued downturn in the local economy, and specifically, the local construction and home building industries, and due the Board's present inability to fund the operation and maintenance of new parks and recreation, library, fire combat and rescue service, and hurricane shelter facilities, the Board desires to attempt to boost economic development and new construction by temporarily suspending the facilities portion of the parks and recreation, library, and fire combat and rescue service impact fees, and temporarily suspending the hurricane preparedness impact fees (the "Suspended Fees"); and

WHEREAS, the Board intends for this to be a short-term measure applicable to building permits applied for or issued on or after March 1, 2011 through December 31, 2012 for which neither the application or building permit subsequently expire, and desires to use this specific time period to analyze whether reducing the Suspended Fees has the effect of boosting economic development and new construction in Pasco County; and

WHEREAS, the Board does not desire to apply the suspension to buildings with building permits issued prior to March 1, 2011, because such buildings were issued building permits prior to the Board deciding to temporarily suspend impact fees, and applying the suspension to such buildings would skew the Board's analysis of the effect of the impact fee suspension on construction activity; and

WHEREAS, this temporary suspension shall not affect the validity of any studies, master plans, or data supporting the calculation, imposition or expenditure of the Suspended Fees, and the Suspended Fees shall not be considered new or increased impact fees when the suspension terminates on December 31, 2012; and

WHEREAS, to the extent it is determined that the Suspended Fees are new or increased impact fees when the suspension terminates on December 31, 2012, the Board hereby gives notice, by publication and adoption of this Ordinance, of its intent to increase the Suspended Fees effective December 31, 2012; and

WHEREAS, notice of the imposition of these amended impact fees effective June 1, 2011, or thereafter, and retroactive to all building permits applied for or issued on or after March 1, 2011 was published in a paper of general circulation in the County on February 27, 2011; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in the County, notifying the public of this proposed ordinance and of a public hearing; and

WHEREAS, a public hearing before the Board was held pursuant to the published notice described above, at which the parties in interest and all other citizens so desiring had an opportunity to be and were in fact heard.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follow:

SECTION 1. FINDINGS.

The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2. AMENDMENTS TO CHAPTER 78, ARTICLE II., PARKS AND RECREATION IMPACT FEES.

Pasco County, Florida, Code of Ordinances, Part 1. Code of Ordinances, Chapter 78. Planning and Development, Article II. Impact and Similar Fees, Division 4. Parks and Recreation Impact Fees, Subdivision II. Applicability, Section 78-171, Imposition, is hereby amended as follows:

Section 78-171. Imposition

- (b) Upon this division becoming effective, all new residential construction occurring within the county shall pay the following parks and recreation impact fee according to the following parks and recreation impact fee schedule:

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 multi-family/mobile homes)	
Park land:	\$122.67 per dwelling unit
Parks and recreation facilities:	\$504.33 per dwelling unit
Total:	\$627.00 per dwelling unit

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

1. complete and unexpired building permit applications submitted on or after March 1, 2011 and on or prior to December 31, 2012; and

2. building permits issued on or after March 1, 2011 through December 31, 2012, 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.

SECTION 3. AMENDMENTS TO CHAPTER 78, ARTICLE II., LIBRARY IMPACT FEES.

Pasco County, Florida, Code of Ordinances, Part 1. Code of Ordinances, Chapter 78. Planning and Development, Article II. Impact and Similar Fees, Division 5. Library Impact Fees, Subdivision II. Applicability, Section 78-241, Imposition, is hereby amended as follows:

Section 78-241. Imposition

- (b) Upon this division becoming effective, all new residential construction occurring within the county shall pay the following library impact fee according to the following library impact fee schedule:

Single-Family Detached House	
Library land:	\$15.06 per dwelling unit
Library facilities:	\$129.52 per dwelling unit
Total:	\$144.58 per dwelling unit
<i>All Other Residential Construction (Including Multi-Family/Mobile Homes)</i>	
Library land:	\$10.06 per dwelling unit
Library facilities:	\$86.52 per dwelling unit
Total:	\$96.58 per dwelling unit

Notwithstanding anything to the contrary in this Division, the facilities portion of the library impact fee shall be suspended for:

1. complete and unexpired building permit applications submitted on or after March 1, 2011 and on or prior to December 31, 2012; and
2. building permits issued on or after March 1, 2011 through December 31, 2012, 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.

SECTION 4. AMENDMENTS TO CHAPTER 78, ARTICLE II., FIRE COMBAT AND RESCUE SERVICE IMPACT FEES.

Pasco County, Florida, Code of Ordinances, Part 1. Code of Ordinances, Chapter 78. Planning and Development, Article II. Impact and Similar Fees, Division 6. Fire Combat and Rescue Service Impact Fees, Subdivision II. Applicability, Section 78-302, Imposition, is hereby amended as follows:

Section 78-302. Applicability

- (a) Imposition.
 - (1) Except as provided hereafter and except to the extent exempted by general or special law, all new building construction occurring within the county shall be subject to the provisions of this division and the imposition of fire combat and rescue service impact fees.
 - (2) Upon this division becoming effective, new building construction occurring within the county shall pay the following fire combat and rescue service impact fee according to the following fire combat and rescue service impact fee schedule:

<i>Fire combat district:</i>	
Residential uses:	
Fire combat land	\$27.45 per dwelling unit
Facilities and equipment	\$221.00 per dwelling unit
Total	\$248.45 per dwelling unit
Non-residential uses:	
Fire combat land	\$35.83 per 1,000 square feet of gross floor area
Facilities and equipment	\$288.50 per 1,000 square feet of gross floor area
Total	\$324.33 per 1,000 square feet of gross floor area
<i>Rescue service district</i>	
Residential uses:	
Rescue service land	\$19.79 per dwelling unit
Facilities and equipment	\$152.15 per dwelling unit
Total	\$171.94 per dwelling unit
Non-residential uses:	
Rescue service land	\$25.83 per 1,000 square feet of gross floor area
Facilities and equipment	\$198.61 per 1,000 square feet of gross floor area
Total	\$224.44 per 1,000 square feet of gross floor area

Notwithstanding anything to the contrary in this Division, the facilities and equipment portion of the fire combat and rescue service impact fee shall be suspended for:

1. complete and unexpired building permit applications submitted on or after March 1, 2011 and on or prior to December 31, 2012; and

2. building permits issued on or after March 1, 2011 through December 31, 2012 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.

SECTION 5. AMENDMENTS TO CHAPTER 78, ARTICLE II., HURRICANE PREPAREDNESS IMPACT FEES.

Pasco County, Florida, Code of Ordinances, Part 1. Code of Ordinances, Chapter 78. Planning and Development, Article II. Impact and Similar Fees, Division 7. Hurricane Preparedness Requirements and Mitigation for New Development in the Hurricane Vulnerability Zone and for New Mobile Homes, Section 78-325, Mitigation Techniques and Implementation, is hereby amended as follows:

Section 78-325. Mitigation Techniques and Implementation

(a) *Mitigation of hurricane preparedness impacts.* All developers must make adequate provisions for the public facilities needed to accommodate the impacts of the proposed development. For any development subject to this division pursuant to section 78-323, a developer shall pay a shelter mitigation fee per subsection 78-325(b) of this division and an evacuation mitigation fee per subsection 78-325(c) and the developer must comply with section 78-333, if applicable. Notwithstanding anything to the contrary in this Division, the hurricane preparedness (shelter mitigation fee and evacuation mitigation fee) impact fee shall be suspended for:

1. complete and unexpired building permit applications submitted on or after March 1, 2011 and on or prior to December 31, 2012; and

2. building permits issued on or after March 1, 2011 through December 31, 2012 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.

As a credit towards the shelter mitigation fee, if approved by the director, the developer may provide other mitigation per subsections 78-326(a)—(d) and section 78-328 of this division. As a credit towards the evacuation mitigation fee, if approved by the director, the developer may provide other mitigation per subsections 78-327(a), (b) of this division. Any alternative mitigation shall be approved by the director, along with the amount of the credit, and the mitigation shall be provided for in the written development conditions of approval (or in an agreement with the county). Any fees to be paid pursuant to this section shall be calculated at the time a building permit application is submitted. The fee(s) shall be paid prior to the issuance of a certificate of occupancy. Where a certificate of occupancy is not issued, payment shall be made before final inspection.

SECTION 6. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

SECTION 7. APPLICABILITY.

For purposes of jurisdictional applicability, this Ordinance shall apply in all unincorporated areas of the County. This Ordinance shall apply in a municipality within Pasco County only if the municipality expressly adopts this Ordinance and repeals all ordinances inconsistent with these provisions.

SECTION 8. INCLUSION IN CODE.

It is the intent of the Board of County Commissioners that the provision of this Ordinance shall become and be made a part of the Pasco County Code of Ordinances and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article", "regulation, "or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 9. EFFECTIVE DATE.

A certified copy of this Ordinance shall be filed with the Department of State by the Clerk to the Board within ten (10) days after adoption of this Ordinance, and this Ordinance shall take effect on June 1, 2011.

ADOPTED this 22nd day of March, 2011.



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

By: Paula S. O'Neil
Paula S. O'Neil, Ph.D.
Clerk & Comptroller

By: Ann Hildebrand
Ann Hildebrand, Chairman

APPROVED

MAR 22 2011

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