SUMTER COUNTY, FLORIDA

THE VILLAGES FIRE RESCUE IMPACT FEE ORDINANCE

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ORDINANCE NO. 2005-28

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, TO BE KNOWN AS THE VILLAGES FIRE RESCUE IMPACT FEE ORDINANCE; PROVIDING FOR DEFINITIONS APPLICABLE TO THE ORDINANCE; PROVIDING LEGISLATIVE FINDINGS AND RULES OF CONSTRUCTION; ADOPTING A CERTAIN IMPACT FEE STUDY; PROVIDING FOR IMPOSITION OF FIRE RESCUE IMPACT FEES WITHIN THE VILLAGES; PROVIDING FOR LEGISLATIVE FINDINGS APPLICABLE TO FIRE RESCUE IMPACT FEES; PROVIDING FOR THE PAYMENT AND USE OF FIRE RESCUE IMPACT FEES COLLECTED; PERMITTING AN ALTERNATIVE CALCULATION OF FIRE RESCUE IMPACT FEES; PROVIDING FOR AN INDIVIDUAL CALCULATION OF FIRE RESCUE IMPACT FEES; PROVIDING FOR CHANGES IN SIZE AND USE; PROVIDING FOR DONATIONS AND CREDITS FOR DEVELOPER CONTRIBUTIONS; PROVIDING CERTAIN EXEMPTIONS; REQUIRING REVIEW OF THE IMPACT FEE STUDY AND THE FIRE RESCUE IMPACT FEE ORDINANCE; DECLARATION OF EXCLUSION FROM ADMINISTRATIVE PROCEDURES ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Sumter County, Florida, that:

ARTICLE I

GENERAL

Section 1.01. Title. This Ordinance shall be known as the "The Villages Fire Rescue Impact Fee Ordinance."

Section 1.02. Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"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.

"Alternative Fire Rescue Impact Fee" shall mean any alternative fee calculated by an applicant and approved by the Impact Fee Coordinator pursuant to Section 2.03 hereof.

"Alternative Fire Rescue Impact Fee Study" shall mean a study prepared by an applicant and submitted to the Impact Fee Coordinator pursuant to Section 2.03 hereof.

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

"Board" shall mean the Board of County Commissioners of the County.

"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 or other development orders for those structures or Buildings, such as a Mobile Home, that may not require a Building Permit.

"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. "Certificate of Occupancy" shall also include tie-down permits or other

development orders for those structures or Buildings, such as a Mobile Home, that may not require a Certificate of Occupancy.

"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 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 Sumter County, a political subdivision of the State of Florida.

"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.

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

"Fire Rescue Impact Fee" shall mean The Villages Fire Rescue Impact Fee imposed by the County pursuant to Section 2.02 hereof.

"Fire Rescue Impact Fee Land Use Category" shall mean those categories of land use incorporated in the Fire Impact Fee Rate Schedule in Section 2.02 hereof.

"Fire Rescue Impact Fee Study" shall mean that certain study entitled "Impact Fees for Fire Protection Facilities in The Villages in Sumter County, Florida," dated as of September 5, 2005, prepared by Henderson, Young & Company., as adopted by the Board of County Commissioners in Section 1.04(A) of this Ordinance.

"Impact Fee Coordinator" shall mean the person designated by the Board to be responsible for the administration of the Fire Rescue Impact Fee or such person's designee.

"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. The term Mobile Home includes manufactured homes designed to be used as a Dwelling Unit, as defined in Chapter 553, Florida Statutes.

"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 and Condominiums.

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

"Single-Family Detached House" is a Dwelling Unit on an individual lot, including detached houses on lots less than 50 feet wide.

"The Villages" shall mean the portion of The Villages Center Community Development District within the boundaries of Sumter County, Florida.

"The Villages Fire Rescue System" shall mean the Buildings, apparatus, and equipment provided by The Villages Public Safety Department that are used for suppression and prevention of fires or other disasters and the handling of incidents involving hazardous materials within The Villages.

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 Sumter 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.

C. Based upon the study prepared by Henderson, Young & Company, entitled "Impact Fees for Fire Protection Facilities in The Villages in Sumter County, Florida" dated September 5, 2005, the Board now desires to adopt a fire rescue impact fee ordinance for The Villages.

D. The Board has determined that the adoption of a fire rescue impact fee ordinance and the implementation of impact fees for The Villages Fire Rescue System are in the best interests of the citizens of Sumter County, Florida.

Section 1.04. Rules of Construction. For the purposes of 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, appendix, 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 shall be interpreted as follows:

1. "And" indicates that all the connected terms, conditions, provisions or events apply in combination.

2. "Or" indicates that the connected terms, conditions, provisions or events may apply singly or in any combination.

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

F. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

G. All time periods contained within this Ordinance shall be calculated on a calendar day basis, including Sundays and legal holidays. In the event the due date falls on a Sunday or legal holiday, the due date shall run until the end of the next day that is neither a Sunday nor legal holiday.

Section 1.05. Adoption of Impact Fee Study.

A. The Board of County Commissioners hereby adopts and incorporates by reference, the study entitled "Impact Fees for Fire Protection Facilities in The Villages in Sumter County, Florida," dated September 5, 2005, prepared by Henderson, Young & Company, including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the additions to The Villages Fire Rescue System required to accommodate growth. The Fire Rescue Impact Fee Study is attached hereto as Appendix A.

ARTICLE II

FIRE RESCUE IMPACT FEES

Section. 2.01. Legislative Findings Applicable to Fire Rescue Impact Fees. The Board of County Commissioners of Sumter County, Florida, hereby finds, determines and declares that:

A. The Villages Fire Rescue System benefits all County residents within The Villages and, therefore, The Villages Fire Rescue Impact Fees shall be imposed within The Villages.

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 Villages Fire Rescue System to accommodate the new development generated by such growth and maintain the standards of service provided by The Villages Fire Rescue System.

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

D. The required improvements and additions to The Villages 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 Fees to require Fire Rescue Impact Construction within The Villages to contribute its fair share to the cost of required capital improvements 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 Villages Fire Rescue System to be funded by the Fire Rescue Impact Fee

provide a benefit to all Fire Rescue Impact Construction within The Villages that is in excess of the actual Fire Rescue Impact Fees.

G. The purpose of this Article is to require payment of Fire Rescue Impact Fees by those who engage in Fire Rescue Impact Construction within The Villages and to provide for the cost of capital improvements to The Villages Fire Rescue System which are required to accommodate such growth. This Article 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 Villages 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 Villages Fire Rescue System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

Section 2.02. Imposition.

A. All Fire Rescue Impact Construction occurring within The Villages shall pay the Fire Rescue Impact Fee, as established in this Article, at the time of issuance of a Building Permit for such Fire Rescue Impact Construction.

B. All Fire Rescue Impact Construction occurring within The Villages shall pay the following Fire Rescue Impact Fees:

Residential	$243.36	per Dwelling Unit
Non-Residential		
Hospital/Clinic	$ 2.33	per Square Foot
Nursing Home	$ 5.30	per Square Foot
Retail	$ 0.63	per Square Foot
Restaurant/Bar/Lounge	$ 1.47	per Square Foot
Leisure/Outdoors	$ 4.54	per Square Foot
Schools/Colleges	$ 0.22	per Square Foot

Section 2.03. Alternative Fire Rescue Impact Fee.

A. In the event an applicant believes that the impact to The Villages Fire Rescue System caused by Fire Rescue Impact Construction is less than the impact established under the applicable Fire Rescue Impact Fee Land Use Category specified in Section 2.02 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 Impact Fee Coordinator. The Impact Fee Coordinator 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 Villages 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 Article 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.

D. If the Impact Fee Coordinator 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, then the Alternative Fire Rescue Impact Fee shall be paid in lieu of the fees adopted in Section 2.02.

E. If the Impact Fee Coordinator 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 Impact Fee Coordinator shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection and the reasons therefore.

Section 2.04. 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 Fees set forth in Section 2.02 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 a Fire Rescue Impact Construction expires prior to completion of the Building 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.

(1) The application for refund shall be filed with the Impact Fee Coordinator 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 Impact Fee Coordinator shall refund the Fire Rescue Impact Fee paid for such Fire Rescue Impact Construction. The County shall retain one percent (1%) of the Fire Rescue Impact Fee to offset the costs of administering the refund.

(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 2.05. Use of Monies.

A. The Board hereby creates the "The Villages Fire Rescue 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 Villages Fire Rescue Impact Fee Trust Account immediately upon receipt.

C. Funds on deposit in The Villages Fire Rescue 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 Villages 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 Villages 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 Villages Fire Rescue 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 Villages 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 Fees.

E. The monies deposited into The Villages Fire Rescue Impact Fee trust account shall be used solely to provide capital improvements to The Villages 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.

F. Any funds on deposit which are not immediately necessary for expenditure shall be invested by the County. All income derived from such investments shall be deposited in The Villages Fire Rescue Impact Fee trust account and used as provided herein.

G. The County may retain up to one percent (1%) of all Fire Rescue Impact Fees received as an administrative fee to defray the costs of administering the Fire Rescue Impact Fees.

H. 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 immediately

following the eighth 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 Impact Fee Coordinator 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 Impact Fee Coordinator 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 2.06. 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 2.02 herein, the Impact Fee Coordinator shall determine the impact to be generated by the proposed Fire Rescue Impact Construction and shall calculate the appropriate Fire Rescue Impact Fees

utilizing the methodology contained in the Fire Rescue Impact Fee Study. The Impact Fee Coordinator 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 a Fire Rescue Impact Construction involves more than one Fire Rescue Impact Fee Land Use Category, the Impact Fee Coordinator shall calculate the Fire Rescue Impact Fees 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.

ARTICLE III

MISCELLANEOUS

Section 3.01. Changes in Size and Use. A Fire Rescue 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 Fire Rescue Impact Fee rate schedules adopted herein. The Fire Rescue Impact Fee imposed shall be calculated as follows:

A. If the Fire Rescue Impact Fee is calculated on a per Dwelling Unit basis and not on the basis of square footage, the Fire Rescue Impact Fee imposed shall be the amount due under the applicable Impact Fee rate schedule for the Fire Rescue Impact Fee Land Use Category resulting from the alteration, expansion or replacement, less the Fire Rescue Impact Fee that would have been imposed under the applicable Fire Rescue Impact Fee rate for the Fire Rescue Impact Fee Land Use Category prior to the alteration, expansion or replacement.

B. If the Fire Rescue Impact Fee is calculated on the basis of square footage, in the event the square footage of a Building is increased, the Fire Rescue Impact Fee due for the increased square footage represented by the Fire Rescue Impact Construction shall be calculated by determining the Fire Rescue Impact Fee due according to the square footage resulting from the alteration, expansion or replacement, less the Fire Rescue Impact Fee that would have been imposed for the original square footage prior to the alteration, expansion or replacement.

C. If a Fire Rescue 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 Fire Rescue Impact Fee Land Use Category for the primary Building.

Section 3.02. Developer Contribution Credits.

A. In order to provide lands to meet the need for growth-related capital improvements created by Fire Rescue Impact Construction or to provide necessary capital equipment or facilities, a developer of Fire Rescue Impact Construction may dedicate suitable land, capital equipment or facilities to the County in lieu of paying the Fire Rescue Impact Fee imposed herein, as agreed to by the County.

B. Any land, capital equipment or facilities dedicated to the County in lieu of paying the Fire Rescue Impact Fees imposed herein must be acceptable to the County in terms of suitable size, dimension, soil type, topography, dimensions, location, accessibility and general character, type and specifications.

C. Subject to the terms and conditions of this Section, credit shall be granted against the Fire Rescue Impact Fees imposed herein for the donation of land, capital equipment or facilities that is required pursuant to a development order or permit or made voluntarily in connection with Fire Rescue Impact Construction. Such donations, equipment or facilities shall be subject to the approval and acceptance of the Impact Fee Coordinator. No credit shall be given for the donation of land, capital equipment or construction of facilities unless such property is conveyed in fee simple to the County without consideration.

D. Prior to issuance of a Building Permit, the applicant shall submit a proposed plan for donations or contributions to the Impact Fee Coordinator. The proposed plan shall include:

1. a designation of the Fire Rescue 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 G of this section;

3. a list of the contemplated contributions to the County and an estimate of the proposed construction costs certified by a professional architect or engineer or an estimate of the proposed value of a proposed donation of capital equipment; and

4. a proposed time schedule for completion of the proposed plan.

E. Within sixty (60) days after receipt, the Impact Fee Coordinator shall approve or deny the proposed plan in accordance with Subsection F of this section and, if approved, establish the amount of credit in accordance with Subsection G of this section.

F. In reviewing the proposed plan, the Impact Fee Coordinator shall determine:

1. if such proposed plan is in conformity with contemplated improvements and additions to The Villages Fire Rescue System;

2. if the proposed donation of land or capital equipment 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 County.

G. 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 Section and the applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the Impact Fee Coordinator 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 value of the construction of an improvement or the value of donated capital equipment shall be based upon the actual cost of construction or acquisition of said improvement or capital equipment as certified by a professional architect or engineer or as shown by a manufacturer's or supplier's invoice. However, as to the construction of improvements, in no event shall any credit be granted in excess of the estimated construction costs provided by a professional architect or engineer and approved by the County unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost of construction. The cost of professional services shall be competitively bid in accordance with section 287.055, Florida Statutes, in order to be eligible for impact fee credits; and

3. The land donations, construction and capital equipment contributions shall only provide improvements or additions required to accommodate growth.

H. If a proposed plan is approved for credit by the Impact Fee Coordinator, the applicant or owner and the County shall enter into a credit agreement which shall provide for the timing of the action to be taken by the applicant and the obligations and responsibilities of the applicant, 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 of County Commissioners, including but not limited to inspection of the project; and

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

I. A credit for the donation of land shall be granted at such time as the property which is the subject of the donation has been conveyed to and accepted by the County. A credit for the construction of an improvement or donation of capital equipment shall be granted at such time as the construction is completed, approved and accepted by the County or the time the capital equipment is approved and accepted by the County. The administration of said contribution credits shall be the responsibility of the Impact Fee Coordinator.

J. 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 applicable Fire Rescue Impact Fee as provided herein. Any difference between the amount paid and the amount due, should the Impact Fee Coordinator approve and accept the proposed plan, shall be refunded to the applicant or owner.

K. Credits provided pursuant to this Section 3.02 shall not be transferable from one Impact Construction to another.

Section 3.03. Remedial Collection Methods. In the event the Fire Rescue Impact Fees are not paid prior to the issuance of a Building Permit for the affected Fire Rescue 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 3.04. 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 Villages Fire Rescue System.

C. The replacement of a Building or Dwelling Unit where no additional Dwelling Units or square footage are created and where the existing and replacement Buildings or Dwelling Units are located on the same lot. A Certificate of Occupancy must have been issued for such replacement Buildings or Dwelling Units within five (5) 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 Fire Rescue Impact Fee has previously been paid for the lot upon which the Mobile Home is to be situated.

Section 3.05. Review Hearings.

A. An applicant or owner who is required to pay a Fire Rescue 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 Fire Rescue Impact Fees.
2. Denial of an Alternative Fire Rescue Impact Fee.
3. Denial of an exemption pursuant to Section 3.04.
4. Any dispute concerning an application for credits pursuant to Section 3.02.

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 Impact Fee Coordinator 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 Fire Rescue Impact Fees were paid; and

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

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 Fire Rescue Impact Fees, shall pay prior to or at the time the request for hearing is filed the applicable Fire Rescue 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 Fire Rescue Impact Fees but no Building Permit shall be issued until such Fire Rescue Impact Fees are paid in the amount initially calculated or the amount approved upon completion of the review provided in this section.

Section 3.06. Review Requirement. This Ordinance and the impact fee study adopted in Section 1.05 of this Ordinance shall be reviewed by the County at least once every three (3) years. The initial and each subsequent review shall consider but not be limited to all components of the impact fee study accepted in Section 1.05 herein. Said review shall also include detailed analyses of the economic impacts of this Ordinance. The purpose of this review is to demonstrate that the Fire Rescue Impact Fee does not exceed reasonably anticipated costs associated with growth necessitated capital improvements. In the event the review of the Ordinance and the impact fee study required by this section alters or changes the assumptions, conclusions and findings in the impact fee study accepted by reference in Section 1.05 then said study shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and the Fire Rescue Impact Fee shall be amended in accordance therewith.

Section 3.07. 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.

Section 3.08. 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 3.09. Inclusion in the Code. It is the intention of the Board of County Commissioners and it is hereby provided that the provisions of this Ordinance shall be made a part of the Sumter County Code; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

Section 3.10. Effective Date. A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board and shall take effect on October 21, 2005.

DULY ADOPTED in regular session, this 11th day of October, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SUMTER COUNTY, FLORIDA

_____
Joey A. Chandler, Chairman

ATTEST:

_____
Clerk

Approved as to form and legality:

_____
County Attorney

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APPENDIX A

THE VILLAGES
FIRE IMPACT FEE STUDY