

DIVISION 6. - IMPACT FEES

Sec. 34-168. - Imposed.

It is hereby found and determined that the public interest, convenience, health and safety require the establishment of police and general administrative services impact fees for new construction within the town. The construction of publicly owned governmental buildings or facilities shall be exempt from such impact fees.

(Ord. No. 207, § 14.00, 8-8-1979; Ord. No. 398, 9-17-1990; Ord. No. 452, 11-8-1995)

Sec. 34-169. - Police services.

- (a) *Residential property.* All owners of residential property within the town shall, prior to the issuance of a building permit, pay to the town the sum of \$32.32 per dwelling unit for new construction as a police services impact fee.
- (b) *Nonresidential property.* All owners of nonresidential property within the town, including, but not limited to, hotels, motels, and commercial buildings, shall, prior to the issuance of a building permit, pay to the town the sum of \$0.0824 per square foot for new construction as a police services impact fee.
- (c) *Expenditure of funds.* All funds collected hereunder shall be deposited into an interest-bearing account to be known as the police services fund, with all interest to accrue to the benefit of the town. Funds deposited therein shall be expended only for the purposes of the improvement and expansion of police services and the acquisition of related equipment within the town.

(Ord. No. 207, § 14.19, 8-8-1979; Ord. No. 345, 10-19-1988)

Sec. 34-170. - General administrative services.

- (a) *Residential property.* All owners of residential property within the town shall, prior to the issuance of building permit, pay to the town the sum of \$298.35 per dwelling unit for new construction as a general administrative services impact fee.
- (b) *Nonresidential property.* All owners of nonresidential property within the town, including, but not limited to, hotels, motels, and commercial buildings, shall, prior to the issuance of a building permit, pay to the town the sum of \$0.5134 per square foot for new construction as a general administrative services impact fee.
- (c) *Expenditure of funds.* All funds collected hereunder shall be deposited into an interest-bearing account to be known as the general administrative services fund with all interest to accrue to the benefit of the town. Funds deposited therein shall be expended only for the purposes of the

improvement and expansion of government services, park and recreation services, maintenance services, code enforcement services and general administrative services and the acquisition of related equipment within the town.

- (d) *Credits or waivers.* The town council may provide the owner of residential or nonresidential property with a credit or a waiver as to said administrative services impact fee for on-site or recreational facilities.

(Ord. No. 207, § 14.20, 8-8-1979; Ord. No. 345, 10-19-1988)

Sec. 34-171. - Automatic adjustment.

The impact fees assessed hereunder shall adjust on January 1 of each year beginning January 1, 1997, by a percentage equal to the percentage change in the Engineering News-Record Construction Cost Index over the 12-month period ending November 30 of the previous year. The adjustment shall occur automatically, without any action required by the town council. In the event the Engineering News-Record Construction Cost Index is no longer published, the town council may, by resolution, substitute an index they determine to be comparable to the Engineering News-Record Construction Cost Index, and such index shall thereupon be the basis for all future adjustments to the impact fees assessed herein.

(Ord. No. 207, § 14.21, 8-8-1979)

Sec. 34-172. - Imposition of increases.

- (a) There are hereby assessed the impact fees stated herein on all development issued a building permit for which a complete application was made on or after January 1, 1996. For those land uses which do not require a building permit, the impact fees stated herein are hereby assessed on the final development order approved for which a complete application was made on or after January 1, 1996.
- (b) For applications which are pending on January 1, 1996, or January 1 of any subsequent year, the building permit must be issued within 30 days of the date the application is approved for issuance of the building permit; and the construction must proceed in good faith or the impact fees stated herein, or as may be automatically adjusted, will be assessed. It is the responsibility of the applicant for the building permit to ensure the permit is issued once the application is approved for issuance. For the purpose of this section, construction shall be presumed to be proceeding in good faith if an inspection is scheduled on completed work prior to 180 days following the issuance of the building permit or the previous approved inspection, as the case may be. For the purpose of this section, the application shall be considered to have been approved for issuance of the building permit when the building official has completed review of the application and the plans and specifications, determined that the Florida Building Code, as amended, is met, and is prepared to issue the building permit upon payment of all fees.

- (c) There are hereby assessed impact fees stated herein, or as may be automatically adjusted, on all development for which the building permit application was made prior to June 1, 1995, or June 1 of any subsequent year, and for which the building permit expired, lapsed, or was abandoned or canceled, and then renewed on or after January 1, 1996, or January 1 of any subsequent year.

(Ord. No. 207, § 14.22, 8-8-1979)

Sec. 34-173. - Encumbrance; expenditure; refund.

- (a) Funds collected hereunder shall be encumbered within six years of the date of payment and spent within nine years of the date of payment or refund shall be made provided the requirements of subsection (b) of this section are met.
- (b) The then-present owner must petition the town for the refund within one year following the end of the sixth or ninth year, as the case may be, from the date on which the impact fee was paid. The petition must contain the following:
- (1) A notarized statement that the petitioner is the current fee simple owner of the property and is entitled to the refund, and the basis for the refund;
 - (2) A copy of the dated receipt issued for payment of the impact fees; or other proof of the date and amount of payment of the fees for the development;
 - (3) A certified copy of the latest recorded deed; and
 - (4) A copy of the most recent ad valorem tax bill.
- (c) Within three months from the date of receipt of a petition for refund, the town shall advise the petitioner of the status of the fee requested for refund. For the purpose of this section, fees collected shall be deemed to be encumbered and spent on the basis of the first fee in shall be the first fee out. In other words, the first money placed in the impact fee fund account shall be deemed to be the first money taken out of that account when withdrawals have been made.
- (d) When the money requested is still in the trust fund after the petition has been made and has not been encumbered by the end of the calendar quarter immediately following six years from the date the fees were paid or has not been spent by the end of the calendar quarter immediately following nine years from the date the fees were paid, the money shall be returned with interest accrued at the rate of six percent per annum.

(Ord. No. 207, § 14.23, 8-8-1979)

Sec. 34-174. - Appeal from provisions.

Any appeal from the application of the town's impact fee provisions shall be made in writing to the town manager within 30 days of the decision or action complained of. An adverse decision by the town manager may be appealed to the town council by filing a written appeal with the town manager stating the basis for

such relief within ten days of the town manager's decision. The town council shall not modify or reject the town manager's decision if it is supported by competent substantial evidence.

(Ord. No. 207, § 14.24, 8-8-1979)

Sec. 34-175. - Periodic review.

As often as the town council may deem necessary, but in any event at least every five years, the terms and provisions of this division shall be reviewed.

(Ord. No. 207, § 14.25, 8-8-1979)

Secs. 34-176—34-203. - Reserved.