
NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS

COMPREHENSIVE IMPACT FEE ORDINANCE

ORDINANCE NO. 2016-_____

ADOPTED _____, 2016

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ORDINANCE NO. 2016-_____

AN ORDINANCE TO BE KNOWN AS THE NASSAU 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; PROVIDING FOR MUNICIPAL PARTICIPATION; 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; 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 INDIVIDUAL CALCULATION OF FIRE RESCUE IMPACT FEES; IMPOSING LAW ENFORCEMENT IMPACT FEES; PROVIDING DEFINITIONS AND FINDINGS APPLICABLE TO LAW ENFORCEMENT IMPACT FEES; ADOPTING THE LAW ENFORCEMENT IMPACT FEE STUDY; PROVIDING FOR THE USE OF LAW ENFORCEMENT IMPACT FEES; PROVIDING FOR INDIVIDUAL CALCULATION OF LAW ENFORCEMENT IMPACT FEES; IMPOSING ADMINISTRATIVE FACILITIES IMPACT FEES; PROVIDING DEFINITIONS AND FINDINGS APPLICABLE TO ADMINISTRATIVE FACILITIES IMPACT FEES; ADOPTING THE ADMINISTRATIVE FACILITIES IMPACT FEE STUDY; PROVIDING FOR THE USE OF ADMINISTRATIVE FACILITIES IMPACT FEES; PROVIDING FOR INDIVIDUAL CALCULATION OF ADMINISTRATIVE FACILITIES IMPACT FEES; IMPOSING EDUCATIONAL SYSTEM IMPACT FEES; PROVIDING DEFINITIONS AND FINDINGS APPLICABLE TO EDUCATIONAL SYSTEM IMPACT FEES; ADOPTING THE EDUCATIONAL FACILITIES IMPACT FEE STUDY; PROVIDING FOR THE USE OF EDUCATIONAL SYSTEM IMPACT FEES; PROVIDING FOR INDIVIDUAL CALCULATION OF EDUCATIONAL SYSTEM IMPACT FEES; PROVIDING FOR PAYMENT OF IMPACT FEES; PROVIDING FOR ALTERNATIVE IMPACT FEES; PROVIDING FOR EXEMPTIONS; PROVIDING AN AFFORDABLE HOUSING DEFERRAL; 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 ENFORCEMENT; PROVIDING FOR INCLUSION IN THE NASSAU COUNTY CODE; REPEALING SECTIONS 7-151 THROUGH 7-162 OF THE NASSAU COUNTY CODE CONCERNING IMPACT FEES; AMENDING SECTION 3.04 OF NASSAU COUNTY ORDINANCE NO. 2007-05, AS AMENDED, CONCERNING THE PLANNING AND ZONING BOARD; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, that:

ARTICLE I

GENERAL

SECTION 1.01. TITLE. This Ordinance shall be known as the "Nassau 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, meeting all property development regulations, the use of which is clearly indicated and related to the use of the principal Building or incidental to the previous use to which the vacant land is devoted, and which is located on the same lot as the principal Building or use.

"Affordable Housing" shall mean a Dwelling Unit which is offered for sale or rent to Low-Income Persons or Very-Low-Income Persons and which monthly rent or monthly mortgage payments, including taxes, insurance and utilities, do not exceed 30 percent of

that amount which represents the percentage of the median adjusted gross income for Low-Income Persons and Very-Low-Income Persons.

"Alternative Impact Fee" shall mean any alternative Impact Fee calculated by an Applicant and approved by the County Manager or Superintendent pursuant to Section 6.05 or 7.02 hereof.

"Alternative Impact Fee Study" shall mean a study prepared by an Applicant and submitted to the County Manager or Superintendent pursuant to Section 6.05 or 7.02 hereof.

"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.

"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 manufactured homes, 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 move-on permits or other development approvals for those structures or Buildings, such as a Mobile Home, that do not require a Building Permit in order to be constructed or occupied.

"Capital Equipment" shall mean equipment with an original value of \$750 or more and a life expectation of one (1) year or more.

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

"Capital Facilities Impact Construction" shall mean land development, including but not limited to Residential Construction, 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.

"Comprehensive Plan" shall mean the comprehensive plan of the County adopted and amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act as contained in Part II, Chapter 163, Florida Statutes, or its statutory successor in function.

"Commission" shall mean the Board of County Commissioners of Nassau County, Florida.

"Condominium" shall mean a single-family or time-sharing ownership unit that has at least one other similar unit within the same building structure. The term Condominium includes all fee simple or titled multi-unit structures, including townhouses and duplexes.

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

"County Manager" 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. The terms shall not include hotels, motels, tourist or trailer camps allowing a rental of less than three (3) months.

"Equivalent Use" shall mean a subject use that is similar to the historic use. The historic use being any one or a combination of Residential, Retail/Commercial, Office, Industrial, Warehouse, and Public/Institutional.

"Government Building" shall mean property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district, a school district, or a municipal corporation.

"Impact Fee" shall mean collectively and individually, as the context may require, the Park Impact Fee, the Fire Rescue Impact Fee, the Administrative Facilities Impact Fee, the Educational System Impact Fee, and the Law Enforcement Impact Fee.

"Impact Fee Land Use Category" shall mean those categories of land use incorporated in the Impact Fee Rate Schedules, which collectively includes Single Family Houses, Multi-Family Dwelling Units, Retail/Commercial, Office, Industrial, Warehouse, and Public/Institutional properties.

"Impact Fee Study" shall mean individually and collectively, as the context may require, the study prepared by Duncan Associates entitled "Park, Fire Rescue, Law

Enforcement and Administrative Facility Impact Fee Study for Nassau County, Florida" dated April 2015, and the study prepared by Fishkind & Associates, Inc. entitled "Nassau County School Impact Fee Study" dated November 7, 2011.

"Industrial" shall mean an establishment primarily engaged in the fabrication, assembly or processing of goods. Typical uses include manufacturing plants, welding shops, wholesale bakeries, dry cleaning plants, bottling works and research and development centers.

"Low-Income Persons" shall mean one or more natural persons, the total adjusted gross household income of which does not exceed 80% of the median adjusted gross income for households within the metropolitan statistical area covering the County as reported by the U. S. Department of Housing and Urban Development or its governmental successor in function.

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

"Mobile Home" means all "manufactured buildings" and "mobile homes" as defined in Chapter 553, Florida Statutes, or its statutory successor in function.

"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 City of Fernandina Beach and the Towns of Hilliard and Callahan, and any other municipal corporation that may be subsequently incorporated within the County.

"Office" shall mean a building not located in a shopping center and exclusively containing establishments providing executive, management, administrative or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics and kennels; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.

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

"Person" shall mean any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, property owners' association, two (2) or more persons having a joint or common interest, governmental agency, or other legal entity.

"Planning and Zoning Board" shall mean the board created pursuant to section 3.04 of Ordinance No. 2007-05, as amended herein.

"Public/Institutional" shall mean a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center. Typical uses include elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, assisted living facilities, fire stations, city halls,

courthouses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, and recreational buildings.

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

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

"Retail/Commercial" shall mean an establishment engaged in the selling or rental of goods, services or entertainment to the general public. Such uses include, but are not limited to, shopping centers, discount stores, supermarkets, home improvement stores, building, material and lumber stores, garden centers, car dealerships, convenience markets, furniture stores, pharmacies, restaurants, bars, nightclubs, automobile sales and service, banks, movie theaters, amusement arcades, bowling alleys, golf courses open to the public, marinas, movie theaters, barber shops, laundromats, funeral homes, private vocational or technical schools, dance studios, health clubs, racquet clubs, banquet halls and conference facilities, hotels, motels and lodging facilities.

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

"Square Footage" shall mean the gross area measured in feet from the exterior faces of exterior walls or other exterior boundaries of the Building, excluding areas within the interior of the Building which are utilized for parking.

"Very-Low-Income Persons" shall mean one or more natural persons, the total adjusted gross household income of which does not exceed 50% of the median adjusted gross income for households within the metropolitan statistical area covering the County as

reported by the U. S. Department of Housing and Urban Development or its governmental successor in function.

"Warehouse" shall mean an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, activities involving significant movement and storage of products or equipment, and self-storage facilities. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations, major mail processing centers and mini-warehouses.

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 Nassau 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. 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 study prepared by Duncan Associates entitled "Park, Fire Rescue, Law Enforcement and Administrative Facility Impact Fee Study for Nassau County, Florida" dated April 2015, the Commission now desires to adopt a comprehensive impact fee ordinance, including provisions for the imposition of Park Impact Fees, Fire Rescue Impact Fees, Law Enforcement Impact Fees, Administrative Facilities Impact Fees, and Educational System Impact Fees.

G. The School Board previously authorized an impact fee study to be completed by Fishkind & Associates, Inc., entitled "Nassau County School Impact Fee Study," dated November 7, 2011, and then submitted same to the board of county commissioners.

H. The Commission has determined that the adoption of a comprehensive impact fee ordinance and the collection of impact fees for Parks and Recreational Facilities, Fire Rescue, Law Enforcement, Administrative Facilities and Educational Facilities are in the best interests of the citizens of Nassau County, Florida.

I. In Chapter 420, Florida Statutes, the Florida Legislature directly recognizes the critical shortage of affordable housing in the State of Florida for very low to moderate income families, the problems associated with rising housing costs in the State, and the lack of available housing programs to address these needs. In recognition of these problems and the State's encouragement to local governments to work in partnership with the State and private sector to solve these housing problems, the County finds a need for local programs to stimulate and provide for the development of Affordable Housing for Low

and Very-Low Income Persons.

J. The Board desires to provide incentives to develop and provide Affordable Housing stock within the County so that Low and Very-Low Income Persons who desire to live and to work in the County may have access to housing, and thus to offset the negative consequences of the shortage of such housing.

K. To accomplish this objective the Board finds that it is fair and reasonable to provide for deferral of Impact Fees for Affordable Housing to reduce the burden of Impact Fees on Low and Very-Low Income Persons and encourage the development of Affordable Housing.

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.

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 Commission'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 relating to the Park Impact Fee, Fire Rescue Impact Fee, Administrative Facilities Impact Fee, and Law Enforcement Impact Fee 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.

SECTION 1.06. PROCEDURAL IRREGULARITIES. Any informality or irregularity in the proceedings in connection with the levy of any Impact Fee under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Impact Fee as finally approved shall be competent and sufficient evidence that such Impact Fees were duly levied, that the Impact Fees were duly made and adopted, and that all other proceedings adequate to such Impact Fees were duly had, taken, and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

SECTION 1.07. ADOPTION OF IMPACT FEE STUDIES.

A. The County hereby adopts and incorporates by reference, the study entitled "Park, Fire Rescue, Law Enforcement and Administrative Facility Impact Fee Study for Nassau County, Florida" prepared by Duncan Associates, dated April 2015. The Impact Fee Study is attached hereto as Appendix A.

B. The County previously adopted the "Nassau County School Impact Fee Study," dated November 7, 2011, prepared by Fishkind & Associates, Inc. The School Impact Fee Study is attached hereto as Appendix B.

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:

"Community Park" shall mean a park, which is designed to serve the recreation needs of several communities in the unincorporated areas of the County generally within a 1-~~2~~5 mile service radius. They may include restrooms, onsite parking, large landscaped areas, community centers, lighted sports fields, athletic complexes, large swimming pools, and other specialized recreational facilities. These parks are generally at least 10 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.

"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 collectively the Community Park Impact Fee and the Regional Park Impact Fee imposed pursuant to Section 2.03 of this Ordinance, as they may be amended from time to time.

"**Regional Park**" shall mean either water-based recreation sites, sites with specialized recreational facilities, or a large, resource-based park that are generally of at least 30 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 recreation uses, such as water-based recreation, beach access sites, boating facilities, camping, fishing, trails and nature study, but may also provide specialized recreational facilities, such as a sports complex.

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

A. The County's network of Community Parks benefit all residents of the County and, therefore, the Park Impact Fee for Community Parks shall be imposed by sub-district in all unincorporated areas of the County and within the municipal limits of the Municipalities that have consented by interlocal agreement pursuant to Section 1.05 hereof, except for the City of Fernandina Beach, which provides its own park facilities.

B. Regional Parks benefit all residents of the County, and, therefore, the Park Impact Fee for Regional Parks shall be imposed in all unincorporated areas and within the Municipalities that have consented by interlocal agreement pursuant to Section 1.05 hereof,

except for the City of Fernandina Beach. The City of Fernandina Beach currently provides its own park system for its residents and is therefore excluded.

C. Development necessitated by growth contemplated in the Comprehensive Plan and the 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.

D. 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.

E. Implementation of a revised 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.

F. 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.

G. 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 and the incorporated areas of the Towns of Hilliard and Callahan in excess of the amount of the Park Impact Fee.

H. The County has the responsibility to provide parks and recreational facilities in the County Park System. Residential Construction impacts upon the County Park System;

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

I. The purpose of this Ordinance is to require payment of Park Impact Fees by those who engage in Residential Construction 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.

J. 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.

K. The data set forth in the 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 at the time the Impact Fee Study was developed. Based upon subsequent cost trends, existing levels of service in the County, and the County's current funding abilities, the Commission determines that the data set forth in the Impact Fee Study is still relevant and valid for purposes of the Park Impact Fee and results in a conservative rate to ensure that Residential Construction is not paying more than its fair share of the costs of providing the necessary improvements and additions to the County Park System necessitated by growth.

L. The administrative fee set forth in Section 2.04(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. IMPOSITION OF PARKS AND RECREATION FACILITIES

IMPACT FEES.

A. All Residential Construction subject to the Park Impact Fee shall pay the fee established in this Ordinance at the time of issuance of a Building Permit for such Residential Construction.

B. The Commission hereby establishes four (4) sub-county park districts, as provided in the Impact Fee Study, for the purposes of collection and expenditure of the Community Park Impact Fee.

C. All Residential Construction occurring within the unincorporated area of the County and within the municipal limits of the Municipalities that have consented by interlocal agreement pursuant to Section 1.05 hereof, except for Fernandina Beach which has its own park facilities, shall pay the following Community Park Impact Fee and Regional Park Impact Fee:

Type of Residential Construction	Unit	Community Park Fee per Dwelling Unit by District				Regional Park Fee per Dwelling Unit
		502	503	504	505	
Single-Family Houses	Dwelling	\$242	\$282	\$198	\$258	\$314
Multi-Family	Dwelling	\$218	\$254	\$179	\$233	\$283

D. Annually on October 1, the Park Impact Fee shall automatically be adjusted by the percent change for the latest 12 month period as of the previous May 1 of the Consumer Price Index for all Urban Consumers for the U.S. City Average for all Services as published monthly by the U.S. Department of Commerce, Bureau of Labor Statistics. Provided, however, that in the event the Commission determines that the requested rate adjustment will cause Residential Construction to pay more than its fair share of the costs of improvements and additions to the County Park System that are necessary to accommodate the expected impact generated by such growth, said rate adjustment will be

decreased accordingly. The adjusted Park Impact Fee rates shall take effect on October 1 of each year subject to the notice provisions in Section 7.12.

SECTION 2.04. USE OF MONIES.

A. The Commission hereby creates four (4) Community Park Impact Fee trust accounts to correspond to the four (4) Community Park Impact Fee sub-county districts created in Section 2.03, which shall be designated by the name of the applicable corresponding census tract. The Commission hereby creates the "Regional Park Impact Fee Trust Account" for the Regional Park Impact Fees. Such accounts, which accounts shall be maintained separate and apart from all other County accounts.

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

C. Park Impact Fees shall not be used for any expenditure that would be classified as a maintenance or repair expense. Funds on deposit in the 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 sub-county district or for the purpose of providing growth-necessitated capital improvements to a Regional Park providing a countywide benefit, as applicable; however, to the extent that a Community Park provides reasonable benefits beyond the sub-county district within which it is located, it may be funded with Park Impact Fee funds collected from an adjacent sub-county district. However, prior to encumbering any Park Impact Fee funds in this manner, the County Manager or designee shall make a written determination that (1) the Community Park capital improvement will substantially benefit the

development in the sub-county district from which the Park Impact Fees have been collected; (2) the planned Community Park capital improvements is of a nature such that it will add capacity to the County Park System beyond the sub-county district in which it is situated; and (3) the demand for the Community Park capital improvement is reasonably attributable to development in the sub-county district from which the Park Impact Fees have been collected.

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 Impact Fee Study, as these improvements may be amended from time-to-time, 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 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

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 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 1.5% 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. The Nassau County Clerk of Court may retain an additional .5% 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 ninth (9th) 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 nine (9) years from the date on which the fee was received.

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

ARTICLE III

FIRE RESCUE IMPACT FEES

SECTION 3.01. 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:

"**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 Fee**" shall mean the Fire Rescue Impact Fee imposed by the County pursuant to Section 3.03 of this Ordinance, as it may be amended from time to time.

SECTION 3.02. LEGISLATIVE FINDINGS APPLICABLE TO FIRE RESCUE IMPACT FEES. The Board of County Commissioners of Nassau County, Florida, hereby finds, determines and declares that:

A. The County Fire Rescue System benefits all residents of the County and is exclusively provided by the County except for those areas within the City of Fernandina Beach; therefore, the Fire Rescue Impact Fee shall be imposed throughout the County, including within the municipal limits of the Municipalities that have consented by interlocal agreement pursuant to Section 1.05 hereof, except for the City of Fernandina Beach.

B. Development necessitated by the growth contemplated in the Comprehensive Plan and the 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 Capital Facilities 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 Capital Facilities 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 County Fire Rescue System funded by the Fire Rescue Impact Fee provide a benefit to all Capital Facilities Impact Construction within the County, except the City of Fernandina Beach, 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 Capital Facilities 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 Capital Facilities 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.

I. The data set forth in the 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 at the time the Impact Fee Study was developed. Based upon subsequent cost trends, existing levels of service in the County, and the County's current funding abilities, the Commission determines that the data set forth in Impact Fee Study is still relevant and valid for purposes of the Fire Rescue Impact Fee and results in a conservative rate to ensure that Capital Facilities Impact Construction is not paying more than its fair share of the costs of providing the necessary improvements and additions to the County Fire Rescue System necessitated by growth.

J. The administrative fee set forth in Section 3.04(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.

SECTION 3.03. IMPOSITION OF FIRE RESCUE IMPACT FEES.

A. All Capital Facilities Impact Construction subject to the Fire Rescue Impact Fee shall pay the fee established in this Ordinance at the time of issuance of a Building Permit for such Capital Facilities Impact Construction.

B. All Capital Facilities Impact Construction occurring within the unincorporated area of the County and within the municipal limits of the Municipalities that have consented by interlocal agreement pursuant to Section 1.05 hereof, except for Fernandina Beach which has its own fire rescue facilities, shall pay the following Fire Rescue Impact Fee:

Impact Fee Land Use Categories	Unit	Fee Per Unit
Single-Family Detached	Dwelling	\$158
Multi-Family	Dwelling	\$142
Retail/Commercial	1,000 sq. ft.	\$191
Office	1,000 sq. ft.	\$102
Industrial	1,000 sq. ft.	\$46
Warehouse	1,000 sq. ft.	\$20
Public/Institutional	1,000 sq. ft.	\$68

C. Annually on October 1, the Fire Rescue Impact Fee shall automatically be adjusted by the percent change for the latest 12 month period as of the previous May 1 of the Consumer Price Index for all Urban Consumers for the U.S. City Average for all Services as published monthly by the U.S. Department of Commerce, Bureau of Labor Statistics. Provided, however, that in the event the Commission determines that the requested rate adjustment will cause Capital Facilities Impact Construction to pay more than its fair share of the costs of improvements and additions to the County Fire Rescue System that are necessary to accommodate the expected impact generated by such growth, said rate adjustment will be decreased accordingly. The adjusted Fire Rescue Impact Fee rates shall take effect on October 1 of each year subject to the notice provisions in Section 7.12.

SECTION 3.04. USE OF MONIES.

A. The Commission 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.

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;
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 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 1.5% 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. The Nassau County Clerk of Court may retain an additional .5% 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

immediately following the ninth (9th) 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 nine (9) years from the date on which the fee was received.

2. The petition for refund shall be submitted to the County Manager 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 Manager 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 3.05. INDIVIDUAL CALCULATION OF FIRE RESCUE IMPACT FEES.

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

3.03 herein, the County Manager shall determine the impact to be generated by the proposed Capital Facilities Impact Construction and shall calculate the appropriate Fire Rescue Impact Fee utilizing the methodology contained in the Impact Fee Study. The County Manager 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 Capital Facilities Impact Construction involves more than one Fire Rescue Impact Fee Land Use Category, the County Manager 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 Capital Facilities Impact Construction.

ARTICLE IV

LAW ENFORCEMENT IMPACT FEES

SECTION 4.01. 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:

"Law Enforcement Impact Fee" shall mean the fee imposed pursuant to Section 4.03 of this Ordinance, as it may be amended from time to time.

"Law Enforcement System" shall mean the Buildings, land, apparatus, and Capital Equipment provided by the County that are used for calls for service for the apprehension of criminals or prevention of criminal violations and investigation of illegal actions within the County.

SECTION 4.02. LEGISLATIVE FINDINGS APPLICABLE TO LAW ENFORCEMENT IMPACT FEES. The Board of County Commissioners of Nassau 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 throughout the County, including the Municipalities that have consented by interlocal agreement pursuant to Section 1.05 hereof, except for Fernandina Beach which has its own police department.

B. Development necessitated by the growth contemplated in the Comprehensive Plan and the 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 Capital Facilities 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 Capital Facilities 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 Law Enforcement System funded by the Law Enforcement Impact Fee provide a benefit to all Capital Facilities 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 Capital Facilities 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 Capital Facilities 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 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 at the time the Impact Fee Study was developed and subsequently revised. Based upon subsequent cost trends, existing levels of service in the County, and the County's current funding abilities, the Commission determines that the data set forth in the Impact Fee Study is still relevant and valid for purposes of the Law Enforcement Impact Fee and results in a conservative rate to ensure that Capital Facilities Impact Construction is not paying more than its fair share of the costs of providing the necessary improvements and additions to the Law Enforcement System necessitated by growth.

J. The administrative fee set forth in Section 4.04(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.

SECTION 4.03. IMPOSITION OF LAW ENFORCEMENT IMPACT FEES.

A. All Capital Facilities Impact Construction subject to the Law Enforcement Impact Fee shall pay the fee established in this Ordinance at the time of issuance of a Building Permit for such Capital Facilities Impact Construction.

B. All Capital Facilities Impact Construction occurring within the unincorporated area of the County and within the municipal limits of the Municipalities that have consented

by interlocal agreement pursuant to Section 1.05 hereof, except for Fernandina Beach which has its own police facilities, shall pay the following Law Enforcement Impact Fee:

Impact Fee Land Use Category	Unit	Fee Per Unit
Single-Family Detached	Dwelling	\$73
Multi-Family	Dwelling	\$66
Retail/Commercial	1,000 sq. ft.	\$88
Office	1,000 sq. ft.	\$47
Industrial	1,000 sq. ft.	\$21
Warehouse	1,000 sq. ft.	\$9
Public/Institutional	1,000 sq. ft.	\$31

C. Annually on October 1, the Law Enforcement Impact Fee shall automatically be adjusted by the percent change for the latest 12 month period as of the previous May 1 of the Consumer Price Index for all Urban Consumers for the U.S. City Average for all Services as published monthly by the U.S. Department of Commerce, Bureau of Labor Statistics. Provided, however, that in the event the Commission determines that the requested rate adjustment will cause Capital Facilities Impact Construction to pay more than its fair share of the costs of improvements and additions to the Law Enforcement System that are necessary to accommodate the expected impact generated by such growth, said rate adjustment will be decreased accordingly. The adjusted Law Enforcement Impact Fee rates shall take effect on October 1 of each year subject to the notice provisions in Section 7.12.

SECTION 4.04. USE OF MONIES.

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

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;

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 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 1.5% of all Law Enforcement 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 Law Enforcement Impact Fees. The Nassau County Clerk of Court may retain an additional .5% of all Law Enforcement 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 Law Enforcement Impact Fees.

G. 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 ninth (9th) 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 nine (9) years from the date on which the fee was received.

2. The petition for refund shall be submitted to the County Manager 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 Manager 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 4.05. INDIVIDUAL CALCULATION OF LAW ENFORCEMENT IMPACT FEES.

A. In the event Capital Facilities Impact Construction involves a land use not contemplated under the Law Enforcement Impact Fee Land Use Categories set forth in Section 4.03 herein, the County Manager shall determine the impact to be generated by the proposed Capital Facilities Impact Construction and shall calculate the appropriate Law Enforcement Impact Fee utilizing the methodology contained in the Impact Fee Study. The County Manager 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 Capital Facilities Impact Construction involves more than one Law Enforcement Impact Fee Land Use Category, the County Manager 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 Capital Facilities Impact Construction.

ARTICLE V

ADMINISTRATIVE FACILITIES IMPACT FEES

SECTION 5.01. DEFINITIONS APPLICABLE TO ADMINISTRATIVE FACILITIES 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 Administrative Facilities Impact Fee:

"Administrative Facilities Impact Fee" shall mean the fee imposed pursuant to Section 5.03 of this Ordinance, as it may be amended from time to time.

"Administrative Facilities System" shall mean the Buildings, land, apparatus, and Capital Equipment provided by the County for the provision of courthouse facilities and other government offices, constitutional officers' offices (excluding the Sheriff), judicial facilities, detention facilities, emergency operations and health facilities serving the entire County.

SECTION 5.02. LEGISLATIVE FINDINGS APPLICABLE TO ADMINISTRATIVE FACILITIES IMPACT FEES. The Board of County Commissioners of Nassau County, Florida, hereby finds, determines and declares that:

A. The Administrative Facilities System benefits all residents of the County and, therefore, the Administrative Facilities Impact Fees shall be imposed in all unincorporated areas of the County and within all Municipalities that have consented by interlocal agreement pursuant to Section 1.05 hereof.

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

growth and maintain the standards of service provided by the Administrative Facilities System.

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

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

E. Implementation of the Administrative Facilities Impact Fees to require future Capital Facilities 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 Administrative Facilities System funded by the Administrative Facilities Impact Fee provide a benefit to all Capital Facilities Impact Construction within the County in excess of the amount of the Administrative Facilities Impact Fee.

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

reasonably anticipated to offset the demand on the Administrative Facilities System generated by such applicable Capital Facilities Impact Construction.

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

I. The data set forth in the Impact Fee Study which was employed in the calculation of the Administrative Facilities Impact Fee rates imposed herein is the most recent and localized data available for the Administrative Facilities System at the time the Impact Fee Study was developed and subsequently revised. Based upon subsequent cost trends, existing levels of service in the County, and the County's current funding abilities, the Board determines that the data set forth in the Impact Fee Study is still relevant and valid for purposes of the Administrative Facilities Impact Fee and results in a conservative rate to ensure that Capital Facilities Impact Construction is not paying more than its fair share of the costs of providing the necessary improvements and additions to the Administrative Facilities System necessitated by growth.

J. The administrative fee set forth in Section 5.04(F) hereof constitutes the County's actual costs for collection of the Administrative Facilities Impact Fee including the actual costs related to the administration and the collection process.

SECTION 5.03. IMPOSITION OF ADMINISTRATIVE FACILITIES IMPACT

FEES.

A. All Capital Facilities Impact Construction subject to the Administrative Facilities Impact Fee shall pay the fee established in this Ordinance at the time of issuance of a Building Permit for such Capital Facilities Impact Construction.

B. All Capital Facilities Impact Construction occurring within the unincorporated area of the County and within the municipal limits of the Municipalities that have consented by interlocal agreement pursuant to Section 1.05 hereof shall pay the following Administrative Facilities Impact Fee:

Impact Fee Land Use Category	Unit	Fee Per Unit
Single-Family Detached	Dwelling	\$836
Multi-Family	Dwelling	\$753
Retail/Commercial	1,000 sq. ft.	\$1,009
Office	1,000 sq. ft.	\$541
Industrial	1,000 sq. ft.	\$241
Warehouse	1,000 sq. ft.	\$108
Public/Institutional	1,000 sq. ft.	\$359

C. Annually on October 1, the Administrative Facilities Impact Fee shall automatically be adjusted by the percent change for the latest 12 month period as of the previous May 1 of the Consumer Price Index for all Urban Consumers for the U.S. City Average for all Services as published monthly by the U.S. Department of Commerce, Bureau of Labor Statistics. Provided, however, that in the event the Commission determines that the requested rate adjustment will cause Capital Facilities Impact Construction to pay more than its fair share of the costs of improvements and additions to the Administrative Facilities System that are necessary to accommodate the expected impact generated by such growth, said rate adjustment will be decreased accordingly. The adjusted Administrative Facilities Impact Fee rates shall take effect on October 1 of each

year subject to the notice provisions in Section 7.12.

SECTION 5.04. USE OF MONIES.

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

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

C. Funds on deposit in the Administrative 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 Administrative Facilities 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 administrative facilities;
7. Design and construction of new drainage facilities required by the construction of administrative facilities or improvements thereto;

8. Relocating utilities required by the construction of administrative 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 Administrative Facilities System;

13. Repayment of monies borrowed from any budgetary fund of the County which were used to fund growth-necessitated capital improvements to the Administrative Facilities 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 Administrative Facilities System subsequent to the effective date of this Ordinance; and

15. Costs related to the administration, collection, and implementation of the Administrative Facilities Impact Fee.

D. The monies deposited into the Administrative Facilities Impact Fee Trust Account shall be used solely to provide capital improvements or additions to the Administrative Facilities System as necessitated by growth as projected in the 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 Administrative Facilities Impact Fees by the County during the previous year.

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

F. The County may retain 1.5% of all Administrative 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 Administrative Facilities Impact Fees. The Nassau County Clerk of Court may retain an additional .5% of all Administrative 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 Administrative Facilities Impact Fees.

G. The Administrative 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 ninth (9th) 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 nine (9) years from the date on which the fee was received.

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

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

(b) A copy of the dated receipt issued for payment of the Administrative 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 Manager will advise the petitioner and the Board of the status of the Administrative Facilities Impact Fee requested for refund, and if such Administrative 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.

SECTION 5.05. INDIVIDUAL CALCULATION OF ADMINISTRATIVE FACILITIES IMPACT FEES.

A. In the event Capital Facilities Impact Construction involves a land use not contemplated under the Administrative Facilities Impact Fee Land Use Categories set forth in Section 5.03 herein, the County Manager shall determine the impact to be generated by the proposed Capital Facilities Impact Construction and shall calculate the appropriate Administrative Facilities Impact Fee utilizing the methodology contained in the Impact Fee Study. The County Manager shall utilize as a standard in this determination the impact assumed in the most similar Administrative Facilities Impact Fee Land Use Category or any other generally accepted standard source of planning and cost impact analysis.

B. In the event a Capital Facilities Impact Construction involves more than one Administrative Facilities Impact Fee Land Use Category, the County Manager shall calculate the Administrative Facilities Impact Fee based upon the impact to be generated

by each separate Administrative Facilities Impact Fee Land Use Category included in the proposed Capital Facilities Impact Construction.

ARTICLE VI

EDUCATIONAL SYSTEM IMPACT FEES

SECTION 6.01. DEFINITIONS APPLICABLE TO EDUCATIONAL SYSTEM 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 Educational System Impact Fee:

"Ancillary Plant" shall mean the Buildings, sites and site improvements necessary to provide support services to educational programs and shall include, but not be limited to, such facilities as vehicle maintenance, warehouse, maintenance or administrative Buildings not located at Educational Plants.

"Auxiliary Facilities" shall mean those portions of an Educational Plant which are not designated for Student Occupant Stations.

"Educational Facilities" shall mean the Building, vehicles, and equipment that are built, installed or established to serve educational purposes and are designated for Student Occupant Stations or to facilitate the delivery of educational services.

"Educational Plant" shall mean the land, Building, furniture, equipment, and site improvements necessary to accommodate students, faculty, administrators, staff and the activities of the educational programs and services for each student and shall include both the Educational and Auxiliary Facilities.

"Educational System" shall mean the Educational and Ancillary Plants which are used to provide instruction within the Public Schools or the administrative or support activities related thereto.

"Educational System Impact Fee" shall mean the fee imposed pursuant to Section 6.03 of this Ordinance, as it may be amended from time to time.

"Housing for Older Persons" shall mean Residential Dwelling Units that (1) are within a community or subdivision that is operated as Housing for Older Persons in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Acts of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995, 42 U.S.C. §§ 3601-19, or its statutory successor in function; and (2) prohibit any person under the age of 18 years of age from residing within any Dwelling Unit on the property as a permanent resident, as evidenced by a recorded declaration of covenants and restrictions that runs with the land and is not subject to revocation or amendment for a period of at least 30 years from the date of recording.

"Public Schools" shall mean all kindergarten classes; elementary, middle and high school grades and special classes; and all adult, part-time, vocational and evening school, courses or classes operated by law under the control of the School Board.

"School Board" shall mean the governing body of the School District of Nassau County, Florida.

"Student Occupant Stations" shall mean the area necessary for a student to engage in educational activities, excluding Ancillary Plants and Auxiliary Facilities.

"Superintendent" shall mean the chief administrative officer of the Public Schools pursuant to Section 5, Article IX of the Florida Constitution, or the designee of such person.

SECTION 6.02. LEGISLATIVE FINDINGS APPLICABLE TO EDUCATIONAL SYSTEM IMPACT FEES. The Board of County Commissioners of Nassau County, Florida, hereby finds, determines and declares that:

A. The School Board previously requested the County to adopt an Educational System Impact Fee requiring future Residential Construction to contribute its fair share of the cost of improvements and additions to the Educational System necessary to accommodate such growth.

B. The School Board determined that ad valorem tax revenue, gross receipts tax revenue, and other revenue generated by such future Residential Construction will not be sufficient to provide the improvements and additions to the Educational System required to accommodate such growth.

C. Pursuant to Section 1013.33, Florida Statutes, the School Board and the Board are required to coordinate the planning of Educational Facilities with the planning of Residential development and the providing of other necessary services.

D. Implementation of an Educational System Impact Fee to require future growth to contribute its fair share of the cost of required capital improvements and additions is an integral and vital element of the regulatory plan of growth management in the County.

E. The projected capital improvements and additions to the Educational System and the allocation of projected costs between those necessary to serve existing development and those required to accommodate the educational needs of future Residential Construction as presented in the study entitled "Nassau County School Impact Fee Study" dated November 7, 2011 is hereby acknowledged by the County, and such projections are hereby found to conform with the Comprehensive Plan.

F. As set forth in the Educational System Impact Fee Study, the student capacity of the public Educational System available as of the original implementation date of the Educational System Impact Fee must be expanded in order to maintain the public Educational System's level of service within the County, as of such date, if new residential development is to be accommodated without a reduction in such level of service. For purposes of this Ordinance, the County is merely revising its code provisions relating to the structure of all Impact Fees; the County is leaving the Educational System Impact Fees as they existed prior to the adoption of this new ordinance.

G. New Residential Construction should assume a fair share of the cost of providing adequate capital facilities for public schools that are required to accommodate the impact generated by such growth.

H. Educational System Impact Fees are an equitable and appropriate means to help finance the capital costs of additional and expanded school facilities needed to serve new residential development.

I. The Educational Facilities System benefits all residents of the County and, therefore, the Educational System Impact Fees shall be imposed in all unincorporated areas of the County and within all Municipalities.

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

K. The Board of County Commissioners expressly finds that the improvements and additions to the Educational System funded by the Educational System Impact Fee

provide a benefit to all Capital Facilities Impact Construction within the County in excess of the amount of the Educational System Impact Fee.

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

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

N. The data set forth in the Educational Facilities Impact Fee Study which was employed in the calculation of the Educational System Impact Fee rates imposed herein is the most recent and localized data available for the Educational Facilities System at the time the Educational Facilities Impact Fee Study was developed and subsequently revised. Based upon subsequent cost trends, existing levels of service in the County, and the School Board's current funding abilities, the Commission determines that the data set forth in the Educational Facilities Impact Fee Study is still relevant and valid for purposes of the Educational System Impact Fee and results in a conservative rate to ensure that Residential Construction is not paying more than its fair share of the costs of providing the necessary improvements and additions to the Educational System necessitated by growth.

O. The administrative fee set forth in Section 6.04(F) hereof constitutes the County's actual costs for collection of the Educational System Impact Fee including the actual costs related to the administration and the collection process.

SECTION 6.03. IMPOSITION OF EDUCATIONAL SYSTEM IMPACT FEES.

A. All Residential Construction shall pay the fee established in this Ordinance at the time of issuance of a Building Permit for such Residential Construction.

C. All Residential Construction occurring within the County shall pay the following Educational System Impact Fees:

Type of Residential Construction	Unit	Fee per Dwelling Unit
Single-Family Houses	Dwelling	\$3,268
Multi-Family	Dwelling	\$3,268

SECTION 6.04. USE OF MONIES.

A. Educational System Impact Fees collected and transferred to the School Board shall be deposited in a separate trust account established by the School Board, maintained under the direction of the Superintendent, and supervised by the School Board. Such account shall be designated as the "Educational System Impact Fee Trust Account" and shall be maintained separately and apart from all other accounts of the School Board.

B. The School Board shall: (1) annually submit to the County a plan outlining the proposed use of the Educational System Impact Fees unless this information is otherwise provided to the County by the School Board; and (2) maintain adequate records to justify all expenditures from the Educational System Impact Fee Trust Account. Upon reasonable notice, the County shall have access to such books, records and documents relating to the Educational System Impact Fee Trust Account for the purpose of inspection or audit. The

County has the right, but not the duty, to audit the School Board's Educational System Impact Fee Trust Account at the County's sole cost and expense.

C. The monies deposited into the Educational System Impact Fee Trust Account shall be used solely for the purpose of providing growth necessitated capital improvements and additions to Educational Plants and Ancillary Plants of the County Educational System including, but not limited to:

1. Design and construction plan preparation;
2. Acquisition of school busses;
3. Any permitting or application fees;
4. Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
5. Land acquisition, including any cost of acquisition;
6. Construction and design of Educational Plants and Ancillary Plants or improvements and additions thereto;
7. Construction and design of drainage facilities required by the construction of Educational Plants and Ancillary Plants or improvements or addition thereto;
8. Relocating utilities required by the construction of Educational Plants and Ancillary Plants or improvements or additions thereto;
9. Site development and improvements incidental to the construction of Educational Plants and Ancillary Plants or improvements and additions thereto;
10. Landscaping incidental to the construction of Educational Plants and Ancillary Plants or improvements and additions thereto;

11. Construction management and inspection incidental to the construction of Educational Plants and Ancillary Plants or improvements and additions thereto;

12. Surveying, soils and material testing incidental to the construction of Educational Plants and Ancillary Plants or improvements and additions thereto;

13. Acquisition of furniture, fixtures and Capital Equipment necessary to accommodate students, faculty, administrators, staff and the activities of the educational programs and services at Educational Plants;

14. Repayment of monies borrowed from any budgetary fund of the County or the School Board or from another School Board which were used to fund growth necessitated capital improvements and additions to the Educational Plants or Ancillary Plants as provided herein; and

15. Payment of debt service, to include the payment of principal and/or interest, in connection with bonds issued by the School Board of Nassau County, Florida, the proceeds of which will be used by the School Board to provide growth necessitated capital improvements and additions to the Educational Plants and Ancillary Plants of the County Educational System;

16. Funding of growth-related construction for education facilities within Education Facilities Benefit Districts, including the payment of principal and/or interest on non-taxable bonds issued by Educational Facilities Benefit Districts.

17. Any other use which may be permitted the School Board under applicable law.

D. The moneys deposited into the Educational System Impact Fee Trust Account shall be used solely to provide capital improvements and additions to the County

Educational System as necessitated by growth and shall not be used for any expenditure that would be classified as a maintenance or repair expense.

E. Funds on deposit in the account which are not immediately necessary for expenditure shall be invested by the School Board. All income derived from such investments shall be deposited in the Educational System Impact Fee Trust Account and used as provided herein.

F. The County may retain 0.1% of all Educational 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 Educational System Impact Fees. The Nassau County Clerk of Court may retain an additional .03% of all Educational 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 Educational System Impact Fees.

G. The Educational 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 ninth (9th) 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 School Board for the refund within six (6) months following the end of the calendar quarter immediately following nine (9) years from the date on which the fee was received.

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

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

(b) A copy of the dated receipt issued for payment of the Educational 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 Superintendent will advise the petitioner and the County of the status of the Educational System Impact Fee requested for refund, and if such Educational 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 6.05. ALTERNATIVE EDUCATIONAL SYSTEM IMPACT FEE CALCULATION.

A. In the event an Applicant believes that the impact to the Educational System necessitated by Residential Construction is less than the Educational System Impact Fee provided for in Section 6.03, such Applicant may, prior to issuance of a Building Permit for such Residential Construction, file an Alternative Educational System Impact Fee Study with the Superintendent.

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

C. The Alternative Educational System Impact Fee calculations shall be calculated for that land use type analyzed on a countywide basis and based on data, information or assumptions contained in this ordinance and the Educational System Impact Fee Study, or an independent source, provided that:

1. The independent source is a generally accepted standard source of demographic and education planning; or

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

D. The proposed Alternative Educational System Impact Fee shall be submitted to the Superintendent who shall review the calculation and provide a preliminary written determination to the Applicant within thirty (30) calendar days of submittal as to whether such calculation complies with the requirements of this section.

E. If the Superintendent determines that the data, information and assumptions utilized by the Applicant to calculate the Alternative Educational System Impact Fee complied with the requirements of this section and that the calculation of the Alternative Educational System Impact Fee was by a generally accepted methodology, then the Alternative Educational System Impact Fee shall be paid in lieu of the Educational System Impact Fee provided for in Section 6.03. The Applicant shall present the written determination approving the Alternative Educational System Impact Fee at the time of payment of the Educational System Impact Fee. Copies of the written determination shall be provided to the governing entity which would issue the subject Building Permit.

F. If the Superintendent determines that the data, information and assumptions utilized by the Applicant to calculate the Alternative Educational System Impact Fee do not comply with the requirements of this section or that the calculation of the Alternative Educational System Impact Fee is not by a generally accepted methodology, then the Alternative Educational System Impact Fee shall be rejected. Such rejection shall be in writing and set forth the reasons therefor and shall be provided to the Applicant by certified mail.

G. The School Board may establish an administrative fee to cover the School Board's costs incurred in processing and reviewing any Alternative Educational System Impact Fee applications, including fees incurred for review of any applications by third party experts.

SECTION 6.06. EDUCATIONAL SYSTEM DEVELOPER CONTRIBUTION CREDITS.

A. Subject to the terms and conditions of this Section 6.06, the School Board shall grant a credit against the Educational System Impact Fee for the donation of land and for the construction of an improvement or addition to the Educational System that is required pursuant to a Development Order or made voluntarily. Such donations or constructions shall be subject to the approval of the School Board.

B. Prior to issuance of a Building Permit, any Applicant who desires to receive a credit shall submit a proposal for donations or contributions to the Educational System. The proposal shall include:

1. a designation of the Residential Construction for which the plan is being submitted;

2. a legal description of the land to be donated;
3. a written appraisal of such land prepared in conformity with all County and legal requirements;
4. a list of the contemplated contribution to the County Educational System;
5. an estimate of the proposed construction costs certified by a professional architect or engineer; and
6. a proposed time schedule for completion of the proposed plan.

C. The proposal shall be filed with the Superintendent and reviewed by the School Board at a regularly scheduled meeting or a special meeting. The Applicant or Owner shall be provided with written notice of the time and place of the review. Such review shall be held within 45 days of the date the proposal was submitted.

D. At the review, the School Board shall determine:

1. if such proposal is in conformity with contemplated improvements and additions to the Educational System;
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 Educational System

E. The decision of the School Board as to whether to accept the proposal shall be in writing and issued within 20 working days of the review. A copy shall be provided to the Applicant by certified mail and to the governmental entity responsible for issuing the Building Permit.

F. Upon approval of a proposal, the School Board shall determine the amount of the credit based upon the value of the contribution and shall approve a timetable for completion of the plan. After determination by the School Board of the amount of credit and the timetable for completion, the Applicant shall have the opportunity to withdraw the proposed plan. The amount of developer contribution credit shall be determined according to the following standards of valuation:

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 Code and any applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the Superintendent accepts the methodology of the appraisal but disagrees with the appraised value, he may engage another M.A.I. Appraiser at the School Board'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 School Board 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 Educational System 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 School Board unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost or 120% of the cost estimate whichever is less; and

3. The land donations and construction contributions shall only provide improvements or additions to the Educational System which are required to accommodate growth.

G. All construction cost estimates shall be based upon, and all construction plans and specifications shall be in conformity with the Educational System construction standards. All plans and specifications shall be approved by the School Board prior to commencement of construction.

H. A credit for the donation of land shall be granted as the property is conveyed to and accepted by the School Board. A credit for the construction of an improvement or addition to the Educational System shall be granted at such time as:

1. the construction is completed, approved and accepted by the School Board; or

2. a performance bond or an irrevocable letter of credit is posted with the Superintendent, in an amount representing the difference between the Educational System Impact Fee and the amount of the credit.

I. Upon completion of the construction and its approval and acceptance by the School Board, any escrow of cash, performance bond or letter of credit held by the Superintendent shall be returned to the Applicant and deemed discharged, except to the extent necessary to fund the applicable Educational System Impact Fee, with the credit

J. Any Applicant or Owner who submits a proposal and desires the immediate issuance of a Building Permit shall pay the applicable Educational System Impact Fee prior to or at the time the proposal is submitted. Said payment shall be deemed paid under "Protest" and shall not be construed as a waiver of any review rights. Any difference

between the amount paid and the amount due, as determined by the School Board, shall be refunded to the Applicant or Owner.

SECTION 6.07. ENFORCEMENT BY THE SCHOOL BOARD. Notwithstanding any other provision of this Ordinance, the School Board may enforce through any available legal means, including any appropriate action in the Circuit Court in and for Nassau County, Florida, its rights under this Ordinance against any person or entity subject to pay any impact fee hereunder, including but not limited to an action for injunctive relief in the event a Building Permit is issued without the payment of the proper impact fee, or an action for damages for the collection of impact fees due and payable. In no event shall the County or any city be a party to such litigation brought by the School Board, and such litigation shall be limited to an action against the party from whom the impact fee is due.

ARTICLE VII

MISCELLANEOUS PROVISIONS

SECTION 7.01. PAYMENT OF IMPACT FEES.

A. Prior to the issuance of a Building Permit for any Capital Facilities Impact Construction, an Applicant shall pay the Impact Fees set forth herein directly to the County or, as applicable, to the Municipality issuing the Building Permit.

B. Upon receipt of a complete application for a Building Permit the entity issuing the Building Permit shall calculate the applicable Impact Fee, incorporating any applicable credits granted by the County, which will be documented in a credit certificate. If a person has received a credit pursuant to this Ordinance, that credit shall be subtracted from the otherwise applicable Impact Fee, if such credit applies. If a person has received a credit pursuant to the County's previous impact fee ordinance or a developer's agreement and that credit has not been utilized, that credit shall be subtracted from the otherwise applicable Impact Fee; there shall be no refunds if the Impact Fee is less than the previous impact fee.

C. A person may request at any time a nonbinding estimate of the Impact Fees due for a particular development; however, such estimate is subject to change when a complete application for a Building Permit or other development permit is made.

D. In the event an Impact Fee is not paid prior to the issuance of a Building Permit for the affected Capital Facilities Impact Construction, the Impact Fee shall be collected prior to the issuance of Certificate of Occupancy or by any other method which is authorized by law, unless, otherwise exempted pursuant to this Ordinance.

E. In the event that the Impact Fee is paid prior to the issuance of a Building

Permit for a Capital Facilities Impact Construction and said Building Permit expires prior to completion of the Capital Facilities Impact 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 Impact Fee. Failure to timely apply for a refund of the Impact Fee shall waive any right to a refund.

1. The application for refund shall be filed with the County Manager 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 Impact Fee was paid;
- d. A copy of the receipt of payment for the 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 Capital Facilities Impact Construction has not been completed, the County Manager shall refund the Impact Fee paid for such Capital Facilities Impact Construction.

3. A Building Permit which is subsequently issued for a Capital Facilities Impact Construction on the same property which was the subject of a refund shall pay the Impact Fee as required by this Ordinance.

F. The payment of the Impact Fees shall be in addition to all other fees, charges or assessments due for the issuance of a Certificate of Occupancy or Building Permit.

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

H. In the event an Impact Fee is not paid prior to the issuance of a Building Permit or Certificate of Occupancy for the affected Capital Facilities Impact Construction, the County may elect to collect the Impact Fee by any other method which is authorized by law.

SECTION 7.02. ALTERNATIVE IMPACT FEES.

A. The provisions of this Section 7.02 do not apply to Educational System Impact Fees, which are subject to the Alternative Impact Fee procedures provided in Section 6.05.

B. In the event an Applicant believes that the impact to the Capital Facilities caused by the Capital Facilities Impact Construction is less than the impact established in an Impact Fee Study and the Impact Fees imposed herein, such Applicant may, prior to issuance of a Building Permit for such Capital Facilities Impact Construction, file an Alternative Impact Fee Study with the County Manager. The County Manager shall review the alternative calculations and make a determination within thirty (30) days of submittal as to whether such calculations comply with the requirements of this Section.

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

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

E. If the County Manager 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 Impact Fee was by a generally accepted methodology that is consistent with the applicable Impact Fee Study, then the Alternative Impact Fee shall be paid in lieu of the applicable fees adopted herein.

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

G. The Board shall establish an administrative fee by separate resolution to cover the County's costs incurred in processing and reviewing any Alternative Impact Fee applications, including fees incurred for review of any applications by third party experts.

SECTION 7.03. EXEMPTIONS. Subject to the Change in Size and Use provisions in Section 7.04 hereof, the following shall be exempted from payment of the Impact Fees:

A. Alterations or expansion of an existing Dwelling Unit which does not result in any additional Dwelling Units or increase the number of families for which such Dwelling Unit is arranged, designed or intended to accommodate for the purpose of providing living quarters.

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. To be eligible for this exemption, official evidence such as, but not limited to, aerial photos, property appraiser data, or building permit data, must be provided that confirms a Building of Equivalent Use existed within the parcel boundaries in which the replacement structure is to be located.

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. To be eligible for this exemption, official evidence such as, but not limited to, aerial photos, property appraiser data, or building permit data, must be provided that confirms a Building of Equivalent Use existed within the parcel boundaries in which the replacement structure is to be located.

E. Government Buildings. However, any Impact Fee exemption issued for a Government Building shall expire if an alteration causes the Building or development to no longer be a Government Building.

F. Buildings for bona fide Farm Operations, as defined in Section 823.14, Florida Statutes, on land classified as agricultural land pursuant to Section 193.461, Florida Statutes.

G. Construction of any house of worship or structure directly related to the house of worship.

H. Construction of any building or structure by Habitat for Humanity.

I. For purposes of the Educational System Impact Fee only, any Residential Construction that qualifies as Housing for Older Persons and meets the following requirements:

1. Any Person seeking a Housing for Older Persons exemption shall file with the Superintendent an Application for Exemption prior to receiving a Building Permit for the proposed Residential Construction. The Application for Exemption shall contain the following:

a. The name and address of the Owner;

b. The legal description of the Residential Construction;

c. Evidence that the Residential Construction is within a community or subdivision that is operated as Housing for Older Persons in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Acts of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995, 42 U.S.C. §§ 3601-19, or its statutory successor in function; and

d. A copy of the recorded declaration of covenants and restrictions that run with the land, cannot be revoked or amended for a period of at least 30 years from

recording, and that prohibit any person under the age of 18 years of age from residing within any Dwelling Unit on the property as a permanent resident.

2. If the Residential Construction meets the requirements for a Housing for Older Persons exemption, the Superintendent shall issue an exemption. The exemption shall be presented in lieu of payment of the Educational System Impact Fee.

3. The amount of the Educational System Impact Fee shall not be increased to replace any revenue lost due to the Housing for Older Persons Exemption.

4. In the event the recorded declaration of covenants and restrictions is breached or otherwise modified within the 30-year period following recording such that persons under the age of 18 are allowed to reside as permanent residents in any Residential Construction receiving a Housing for Older Persons exemption, the Educational System Impact Fee in effect at the time of the change in circumstances shall be due.

SECTION 7.04. 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 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 7.05. 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. 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 7.06. DEVELOPER CONTRIBUTION CREDITS.

A. The provisions of this Section 7.06 do not apply to Educational System Impact Fees, which are subject to the Developer Contribution Credits procedures provided in Section 6.07.

B. Subject to the terms and conditions of this Section 7.06, 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 donations or construction shall be subject to the approval and acceptance of the County Manager. 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.

C. 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 Manager. 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 F 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.

D. The County Manager shall approve or deny the proposed plan in accordance with Subsection E of this section and, if approved, establish the amount of credit in accordance with Subsection F of this section. The County Manager shall issue a decision within sixty (60) days after the filing of the proposed plan.

E. In reviewing the proposed plan, the County Manager 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.

F. 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 Manager 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 Commission 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.

G. If a proposed plan is approved for credit by the County Manager, the Applicant or Owner and the Commission 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 Commission including, but not limited to, inspection of the project; and

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

H. 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 Commission 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 Manager.

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

SECTION 7.07. RESERVED

SECTION 7.08. 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 an appeal. The appeal procedures provided in Sections 1.05 and 5.06 of the Nassau County Land Development Code shall apply to all appeals, which shall be heard by the Planning and Zoning Board as provided for in Section 3.04 of the Nassau County Land Development Code.

B. Such appeal shall be limited to the review of the following:

1. The application or calculation of the Impact Fee.
2. The rejection of the Alternative Impact Fee calculation pursuant to Sections 6.05 or 7.02.

(3) Denial of an Affordable Housing Impact Fee deferral pursuant to

Section 7.07.

C. Such appeal shall be requested by the Applicant or Owner within thirty (30) days of the date of first receipt of the following:

1. Notice that the Impact Fee is due;
2. Negative determination on a proposed Alternative Impact Fee.

Failure to request an appeal within the time provided shall be deemed a waiver of such right.

D. The request for an appeal shall be filed with the County Manager and shall contain the following:

1. The name and address of the Applicant or Owner;
2. The legal description of the property in question;
3. If issued, the date the Building Permit was issued;
4. A brief description of the nature of the construction being undertaken pursuant to the Building Permit;
5. If paid, the date the Impact Fee was paid; and
6. A statement of the reasons why the Applicant or Owner is requesting the appeal.

E. Upon receipt of such request, the County Manager shall process the appeal pursuant to the procedures provided in the Nassau County Land Development Code.

F. 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 Fee, shall pay prior to or at the time the request for hearing is filed, the applicable Impact Fee. Said payment shall be deemed paid "under

protest" and shall not be construed as a waiver of any review rights.

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

H. The Commission shall establish an administrative fee by separate resolution to cover the County's costs incurred in processing and reviewing any appeals, including fees incurred for review of any applications by third party experts.

I. This Section 7.08 shall not apply to the Educational System Impact Fees. The School Board may establish its own review hearing procedures concerning the Educational System Impact Fees.

SECTION 7.09. REVIEW REQUIREMENT. This Ordinance and the Impact Fee Study shall be reviewed by the Commission at least every five (5) years. The initial and each review thereafter shall consider new estimates of population and other socioeconomic data, changes in construction, land acquisition and related costs, and adjustments to the assumptions, conclusions or findings set forth in the studies adopted by Section 1.07. The purpose of this review is to evaluate and revise, if necessary, the Impact Fees to ensure that they do not exceed the reasonably anticipated costs associated with the improvements and additions necessary to offset the demand generated by the New Construction. In the event the review of the Ordinance required by this Section alters or changes the assumptions, conclusions and findings of the studies adopted by reference in Section 1.07, or alters or changes the amount or classification of the Impact Fees, the studies adopted by reference in Section 1.07 shall be amended and updated to reflect the assumptions,

conclusions and findings of such reviews and Section 1.07 shall be amended to adopt by reference such updated studies.

SECTION 7.10. 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 7.11. 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 7.12. NOTICE OF IMPACT FEE RATES. Upon adoption of this Ordinance or any amendment hereto imposing revised Impact Fee rates or revising the Impact Fee Land Use Categories for any Impact Fee, the County Manager 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 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 7.13. ENFORCEMENT.

A. Enforcement of this Ordinance shall be done pursuant to section 125.69,

Florida Statutes.

B. Violations include, but are not limited to, failing, neglecting, or refusing to pay an Impact Fee as required by this section and/or furnishing untrue, incomplete, false, or misleading information on any document, or to any County employee, concerning the calculation, exemption, or payment of an Impact Fee or concerning the entitlement to, or calculation of, an Impact Fee credit.

C. The owner, tenant, or occupant of any land or part thereof for which an Impact Fee is owed and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this section, or who fails, neglects, or refuses to pay an Impact Fee, or who furnishes any untrue, incomplete, false, or misleading information concerning the calculation, exemption, or payment of an Impact Fee or concerning the entitlement to, or calculation of, an Impact Fee credit, may be held responsible for the violation and be subject to the penalties and remedies provided for in this Code and/or the Nassau County Code of Ordinances.

D. Failure to pay an Impact Fee required by this section is a violation that is continuous with respect to time, and each day the violation continues, or the Impact Fee remains unpaid, is hereby declared to be a separate offense.

SECTION 7.14. AMENDMENT DUTIES OF PLANNING AND ZONING BOARD.

Pursuant to Section 7.08 of this Ordinance, the Planning and Zoning Board will hear and decide appeals concerning the application and payment of the Impact Fees. Accordingly, Section 3.04 of Nassau County Land Development Code is hereby amended to include this authority, as follows:

Section 3.04. Planning and zoning board. The planning and zoning board shall act as the local planning agency (LPA) which serves as an

advisory body to the board of county commissioners on all planning and zoning related matters, except for matters involving variances and conditional uses.

(A) *Establishment of the planning and zoning board:* The board of county commissioners shall appoint the members of the planning and zoning board. The planning and zoning board shall be composed of eleven (11) members. The members shall be appointed as follows: One member shall be appointed from each county commission district; one member shall serve as the appointment from the Nassau County School Board, pursuant to Section 163.3174(1), Florida Statutes, with said member granted voting status; and five (5) members shall serve at-large, with one of each of said members being recommended by each of the respective members of the board of county commissioners. The terms of five (5) members shall expire on December 31, 2008, and two (2) members terms shall expire on December 31, 2009, and the terms of four (4) members shall expire on December 31, 2010. After the initial term, any re-appointment shall be for a three (3) year staggered term. Any member appointed to the planning and zoning board shall serve at the will of the board of county commissioners.

(B) *Powers and duties:*

(1) Review all requests for rezoning of property, zoning amendments, comprehensive plan text amendments, land use map amendments, and amendments to ordinances that affect land use, and make approval/non-approval recommendations to the board of county commissioners for their final determination.

(2) Review all site plans, with the exception of those approved by the development review committee as stated in article 28, section 28.16(A), and make recommendations to the board of county commissioners.

(3) Submit written recommendations to the board of county commissioners relative to the various requests where applicable that fall within the purview of the board of county commissioners to approve/deny.

(4) Elect a chair and vice-chair of the planning and zoning board members. A chair and vice-chair shall be selected each year by the members of the planning and zoning board.

(5) Establish the time, place and date of the monthly planning and zoning board regular meeting plus workshops.

(6) Develop rules and procedures for the conduct of hearings, both quasi-judicial and legislative, which, at a minimum, when appropriate, includes the right of the party to:

a. Present his/her case by oral and documentary evidence;

b. Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts;

c. Be accompanied, represented and advised by counsel or represent himself/herself;

d. Be promptly notified of any action taken by the planning and zoning board affecting substantive or procedural rights taken in connection with any proceedings.

e. The planning and zoning board shall receive into evidence that which could be admissible in civil proceedings in the courts of this state, but in receiving evidence, due regard shall be given to the technical and highly complicated subject matter which must be handled and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, however, effect shall be given to rules of evidence recognized by the laws of Florida.

f. Majority of the planning and zoning board shall constitute a quorum for the purpose of meetings and transacting business. Failure to receive a majority vote shall constitute denial.

(7) Hear and decide appeals where it is alleged there is an error in any decision made by the planning director or staff as it relates to the zoning code or comprehensive plan.

(8) Hear and decide appeals concerning the application and payment of the Nassau County Mobility Fee and Impact Fees.

[underline indicates additions; ~~strike through~~ indicates deletions]

SECTION 7.15. INCLUSION IN THE NASSAU COUNTY CODE. It is the intention of the Commission and is hereby provided that the provisions of this Ordinance shall be made a part of the Nassau 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 7.16. REPEALER.

A. The provisions of Chapter 7, Sections 7-151 through 7-162 of the Nassau County Code, entitled "Impact Fees," 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 7.12 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 and upon the expiration of the notice period set forth in Section 7.12 hereof shall be expended by the County in accordance with the provisions of said repealed ordinances.

SECTION 7.17. EFFECTIVE DATE.

A. A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the Commission within ten (10) days after enactment by the Commission 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 submits a complete application for a Building Permit on or after May 24, 2016; provided the notice period set forth in Section 7.12 hereof has expired by this date. If the notice period set forth in Section 7.12

hereof has not expired by May 27, 2016, then the Effective Date of this Ordinance shall be automatically delayed until the expiration of said notice period.

PASSED AND ADOPTED on this _____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

WALTER J. BOATRIGHT
Its: Chairman

ATTEST as to Chairman's Signature:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form and legality by the
Nassau County Attorney:

MICHAEL S. MULLIN,
County Attorney

APPENDIX A

**PARK, FIRE RESCUE, LAW ENFORCEMENT
AND ADMINISTRATIVE FACILITY IMPACT FEE STUDY**

APPENDIX B
EDUCATIONAL FACILITY IMPACT FEE STUDY