

ORDINANCE NO. 2010- 002

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING TITLE X, IMPACT FEES, OF THE CODE OF INDIAN RIVER COUNTY TO AMEND CODE SECTION 1000.06 "IMPOSITION" TO PROVIDE AN EXCEPTION TEMPORARILY SUSPENDING FOR ONE YEAR THE IMPOSITION OF IMPACT FEES FOR FIRE/EMERGENCY SERVICES FACILITIES, CORRECTIONAL FACILITIES, PUBLIC BUILDINGS, LAW ENFORCEMENT, AND SOLID WASTE FACILITIES; AND PROVIDING FOR CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Indian River County, Florida, finds that the dramatic downturn of the local economy warrants measures to stimulate the local economy; and

WHEREAS, the Board of County Commissioners temporarily suspended 5 impact fees from April 1, 2009 until September 30, 2009, and then from October 1, 2009 until March 31, 2010; and

WHEREAS, the Board of County Commissioners, at its meeting of February 9, 2010, decided to consider extending the temporary impact fee suspension for one year until March 31, 2011.

NOW, THEREFORE IT BE ORDAINED by the Board of County Commissioners of Indian River County, Florida that:

SECTION ONE: AMENDMENT OF CHAPTER 1000.

Section 1000.06 of Chapter 1000 of Title X of the Indian River County Code is hereby amended to read as follows:

Section 1000.06. Imposition.

- (1) Any person, who after the effective date of this ordinance seeks to develop land by applying for a building permit or an initial concurrency certificate, shall be assessed impact fees and shall be required to pay all applicable impact fees in the manner and amount set forth in this title.

**Exception: the imposition of impact fees for fire/emergency services facilities, correctional facilities, public buildings, law enforcement and solid waste facilities is temporarily suspended for the one year period from April 1, 2010 to March 31, 2011. NOTE: This exception applies only to applications for building permits and initial/final concurrency**

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**certificates needed prior to release of a site plan. The exception does not extend to applications for initial-1 or initial-3 concurrency certificates not associated with the release of site plans. Applicable impact fees must be paid at the time of building permit application or initial-1 or initial-3 concurrency application. If a certificate of occupancy is not obtained within eighteen (18) months of issuance of the building permit, then no certificate of occupancy may be issued until impact fees for fire/emergency services facilities, correctional facilities, public buildings development, law enforcement, and solid waste facilities are paid, at the then current rate.**

- (2) No building permit or initial concurrency certificate for any activity requiring payment of impact fees pursuant to this title shall be issued unless and until all impact fees required by this title have been paid.
- (3) Any person, who after the effective date of this ordinance applies for an initial concurrency certificate or for a permit to set up a new mobile home, shall be assessed impact fees and shall be required to pay all applicable impact fees in the manner and amount set forth in this title.
- (4) No permit or initial concurrency certificate for the set up of a new mobile home requiring payment of impact fees pursuant to this title shall be issued unless and until all impact fees required by this title have been paid.

SECTION TWO: CODIFICATION.

It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

SECTION THREE: SEVERABILITY.

If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION FOUR: EFFECTIVE DATE.

This ordinance shall take effect on April 1, 2010.

This ordinance was advertised in the Vero Beach Press-Journal on the 1<sup>st</sup> day of March 2010, for a public hearing to be held on the 16<sup>th</sup> day of March 2010, at which time it was moved for adoption by Commissioner Flescher, seconded by Commissioner Davis, and adopted by the following vote:

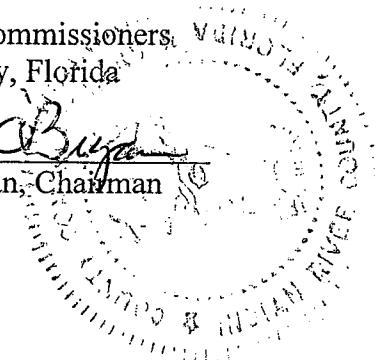
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Peter D. O'Bryan, Chairman	<u>Aye</u>
Bob Solari, Vice-Chairman	<u>Aye</u>
Gary C. Wheeler, Commissioner	<u>Nay</u>
Wesley S. Davis, Commissioner	<u>Aye</u>
Joseph E. Flescher, Commissioner	<u>Aye</u>

The Chairman thereupon declared the ordinance duly passed and adopted this 16<sup>th</sup> day of March 2010.

Board of County Commissioners,  
Indian River County, Florida

By: Peter D. O'Bryan  
Peter D. O'Bryan, Chairman



ATTEST: Jeffrey K. Barton, Clerk

By: Laureen Kelly  
Deputy Clerk

ACKNOWLEDGEMENT by the Department of the State of Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Approved as to Form and Legal  
Sufficiency

William K. DeBral  
Deputy County Attorney

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STATE OF FLORIDA  
INDIAN RIVER COUNTY  
THIS IS TO CERTIFY THAT THIS IS  
A TRUE AND CORRECT COPY OF  
THE ORIGINAL ON FILE IN THIS  
OFFICE  
JEFFREY K. BARTON, CLERK  
BY: Laureen Kelly D.C.  
DATE: 3-17-10