

ORDINANCE NO. 2011-002

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 PUBLIC BUILDINGS, CORRECTIONAL FACILITIES, 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, then from October 1, 2009 until March 31, 2010, and then from April 1, 2010 until March 31, 2011; and

WHEREAS, the Board of County Commissioners, at its meeting of February 1, 2011, decided to consider extending the temporary impact fee suspension for three impact fees for an additional one year until March 31, 2012.

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 public buildings, correctional facilities, and solid waste facilities is temporarily suspended for the one year period from April 1, 2011 to March 31, 2012. NOTE: This exception applies only to applications for building permits and initial/final concurrency certificates needed prior to release of a site plan. The exception does not extend to applications for initial-1, initial-3, or

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initial-7 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/final 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 public buildings, correctional facilities, 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: APPENDIX A, IMPACT FEE SCHEDULES

Appendix A, Impact Fee Schedules, of Title X, Impact Fees, of the county code is hereby revised to exclude suspended impact fees. Revised Appendix A is attached.

SECTION THREE: 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 FOUR: 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 FIVE: EFFECTIVE DATE.

This ordinance shall take effect on April 1, 2011.

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This ordinance was advertised in the Vero Beach Press-Journal on the 27th day of February 2011, for a public hearing to be held on the 15th day of March 2011, at which time it was moved for adoption by Commissioner O'Bryan, seconded by Commissioner Wheeler, and adopted by the following vote:

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

The Chairman thereupon declared the ordinance duly passed and adopted this 15th day of March 2011.



Board of County Commissioners
Indian River County, Florida

By: Bob Solari
Bob Solari, Chairman

ATTEST: Jeffrey K. Barton, Clerk

By: Leana Allen
Deputy Clerk

ACKNOWLEDGEMENT by the Department of the State of Florida, this ____ day of _____, 2011.

Approved as to Form and Legal
Sufficiency

Alan S. Polackwich
Alan S. Polackwich
County Attorney

Appendix "A"

Unincorporated Indian River County Impact Fee Schedule

Effective April 1, 2011 - March 31, 2012 (Excludes three suspended impact fees)

Land Use	Impact Unit	Net Impact Fee							Total Net Impact Fee	Administration Fee @ 2.5%	Total Impact Fee
		Updated Transportation	Fire/EMS	Law Enforcement	Library	Schools	Park and Recreation				
Residential											
Single Family											
Lower than 1,500 sf (under air)	du	\$2,974	\$247	\$218	\$430	\$1,756	\$1,302	\$6,927	\$173	\$7,100	
1,500 to 2,499 sf (under air)	du	\$4,483	\$278	\$245	\$483	\$1,756	\$1,463	\$8,708	\$218	\$8,925	
2,500 sf or Greater (under air)	du	\$5,031	\$301	\$265	\$524	\$1,756	\$1,587	\$9,464	\$237	\$9,701	
Accessory Single Family	du	\$2,428	\$176	\$148	\$285	\$500	\$884	\$4,421	\$111	\$4,532	
Multi Family	du	\$2,428	\$176	\$148	\$285	\$500	\$884	\$4,421	\$111	\$4,532	
Mobile Home	du	\$1,745	\$182	\$158	\$349	\$623	\$942	\$3,998	\$100	\$4,098	
Transient, Assisted, Group											
Hotel	Room	\$2,804	\$160	\$140				\$3,103	\$78	\$3,181	
Motel	Room	\$1,516	\$160	\$140				\$1,815	\$45	\$1,861	
Nursing Home	Bed	\$432	\$172	\$151				\$755	\$19	\$774	
ACLF	Bed	\$620	\$172	\$151				\$943	\$24	\$966	
Office and Financial											
Medical Office	1,000 sf	\$13,411	\$299	\$262				\$13,972	\$349	\$14,322	
Bank	1,000 sf	\$10,634	\$341	\$299				\$11,274	\$282	\$11,556	
Bank w/Drive-in	1,000 sf	\$13,020	\$280	\$245				\$13,545	\$339	\$13,883	
Office	1,000 sf	\$3,798	\$246	\$216				\$4,260	\$107	\$4,366	
Research & Development Center	1,000 sf	\$2,798	\$130	\$114				\$3,042	\$76	\$3,118	
Industrial											
Manufacturing	1,000 sf	\$1,318	\$88	\$77				\$1,483	\$37	\$1,520	
Warehouse	1,000 sf	\$1,228	\$68	\$59				\$1,355	\$34	\$1,389	
Mini-Warehouse	1,000 sf	\$862	\$13	\$12				\$887	\$22	\$909	
General Industrial	1,000 sf	\$2,404	\$120	\$105				\$2,630	\$66	\$2,695	
Concrete Plant	Acre	\$5,382	\$265	\$232				\$5,879	\$147	\$6,026	
Sand Mining	Acre	\$690	\$34	\$30				\$754	\$19	\$772	
Retail, Gross Square Feet											
Retail Center	1,000 sf	\$3,163	\$503	\$441				\$4,107	\$103	\$4,209	
Gas Station	Fuel pos	\$5,587	\$303	\$265				\$6,155	\$154	\$6,309	
New and Used Car Sales	1,000 sf	\$10,108	\$300	\$263				\$10,671	\$267	\$10,937	
Restaurant	1,000 sf	\$22,152	\$1,289	\$1,129				\$24,570	\$614	\$25,184	
Fast Food Rest w/ Drive-Thru	1,000 sf	\$34,781	\$1,389	\$1,217				\$37,387	\$935	\$38,321	
Supermarket	1,000 sf	\$11,179	\$357	\$313				\$11,849	\$296	\$12,145	
Auto Repair	1,000 sf	\$7,830	\$107	\$114				\$8,051	\$201	\$8,252	
Car Wash	Bays	\$14,589	\$332	\$291				\$15,211	\$380	\$15,592	
Convenience Store	1,000 sf	\$25,430	\$746	\$653				\$26,829	\$671	\$27,500	
Furniture Store	1,000 sf	\$1,373	\$56	\$49				\$1,478	\$37	\$1,515	

Unincorporated Indian River County Impact Fee Schedule
Effective April 1, 2011 - March 31, 2012 (Excludes three suspended impact fees)

Land Use	Impact Unit	Net Impact Fee						Total Net Impact Fee	Administration Fee @ 2.5%	Total Impact Fee
		Updated Transportation	Fire/EMS	Law Enforcement	Library	Schools	Park and Recreation			
Recreational										
Golf Course	hole	\$11,248	\$429	\$376				\$301	\$12,054	\$12,355
Racquet Club/Health Club/Dance Studio	1,000 sf	\$10,824	\$417	\$366				\$290	\$11,607	\$11,897
County Park	Acre	\$718	\$27	\$23				\$19	\$768	\$787
Tennis Court	Court	\$12,180	\$408	\$357				\$324	\$12,945	\$13,269
Marina	Berths	\$973	\$27	\$24				\$26	\$1,023	\$1,049
Governmental										
Post Office	1,000 sf	\$14,199	\$312	\$273				\$370	\$14,784	\$15,153
Library	1,000 sf	\$17,925	\$302	\$265				\$462	\$18,492	\$18,954
Government Office Complex ⁽¹⁾	1,000 sf	\$9,632	\$238	\$209				\$252	\$10,079	\$10,331
Jail ⁽¹⁾	Bed	\$388	\$153	\$134				\$17	\$676	\$693
Miscellaneous										
Day Care Center	1,000 sf	\$8,847	\$177	\$155				\$229	\$9,180	\$9,409
Hospital	1,000 sf	\$5,309	\$275	\$241				\$146	\$5,825	\$5,971
Veterinary Clinic	1,000 sf	\$3,511	\$287	\$251				\$101	\$4,050	\$4,151
Church	1,000 sf	\$2,588	\$94	\$82				\$69	\$2,764	\$2,833
Movie Theater	Screen	\$22,743	\$1,490	\$1,305				\$638	\$25,538	\$26,177
School (Elementary and Middle)	Student	\$149	\$17	\$14				\$5	\$180	\$184
School (High)	Student	\$538	\$21	\$18				\$14	\$578	\$592
School (College)	Student	\$653	\$18	\$16				\$17	\$687	\$704
Fire Station ⁽¹⁾	1,000 sf	\$983	\$97	\$97				\$27	\$1,080	\$1,107

(1) Government uses are exempt from paying impact fees used to develop that same use. This is because legally, if the development does not create a demand for the facility, or indeed, mitigates the need for the facility, it should not pay the fee. In other words, a new jail will not pay the correctional facilities impact fee, a new fire/EMS station will not pay the fire/EMS impact fee, and a new government office building or office complex will not pay the public buildings impact fee, etc. Specific government uses that are not included in the schedule, such as a sheriff's office, will be classified under government office building or complex as appropriate. These uses will not pay the impact fee used to develop them (e.g., a sheriff's office will not pay the law enforcement impact fee, etc.).

Master Impact Fee Schedule - City of Fellsmere, Town of Orchid, City of Sebastian, City of Vero Beach

Effective April 1, 2011 - March 31, 2012 (Excludes three suspended impact fees)

Land Use	Impact Unit	Net Impact Fee				Total Net Impact Fee	City Administration Fee @ 2%	County Administration Fee @ 1%	Total Impact Fee
		Transportation	Fire/EMS	Library	Schools				
Residential									
Single Family									
Lower than 1,500 sf (under air)	du	\$2,974	\$247	\$430	\$1,756	\$5,407	\$108	\$54	\$5,569
1,500 to 2,499 sf (under air)	du	\$4,483	\$278	\$483	\$1,756	\$7,000	\$140	\$70	\$7,210
2,500 sf or Greater (under air)	du	\$5,031	\$301	\$524	\$1,756	\$7,612	\$152	\$76	\$7,840
Accessory Single Family	du	\$2,428	\$176	\$285	\$500	\$3,389	\$68	\$34	\$3,491
Multi Family	du	\$2,428	\$176	\$285	\$500	\$3,389	\$68	\$34	\$3,491
Mobile Home	du	\$1,745	\$182	\$349	\$623	\$2,899	\$58	\$29	\$2,986
Transient, Assisted, Group									
Hotel	Room	\$2,804	\$160			\$2,964	\$59	\$30	\$3,053
Motel	Room	\$1,516	\$160			\$1,676	\$34	\$17	\$1,726
Nursing Home	Bed	\$432	\$172			\$604	\$12	\$6	\$622
ACLF	Bed	\$620	\$172			\$792	\$16	\$8	\$816
Office and Financial									
Medical Office	1,000 sf	\$13,411	\$299			\$13,710	\$274	\$137	\$14,121
Bank	1,000 sf	\$10,634	\$341			\$10,975	\$220	\$110	\$11,304
Bank w/Drive-in	1,000 sf	\$13,020	\$280			\$13,300	\$266	\$133	\$13,699
Office	1,000 sf	\$3,798	\$246			\$4,044	\$81	\$40	\$4,165
Research and Development Center	1,000 sf	\$2,798	\$130			\$2,928	\$59	\$29	\$3,016
Industrial									
Manufacturing	1,000 sf	\$1,318	\$88			\$1,406	\$28	\$14	\$1,448
Warehouse	1,000 sf	\$1,228	\$68			\$1,296	\$26	\$13	\$1,335
Mini-Warehouse	1,000 sf	\$862	\$13			\$875	\$18	\$9	\$901
General Industrial	1,000 sf	\$2,404	\$120			\$2,524	\$50	\$25	\$2,600
Concrete Plant	Acre	\$5,382	\$265			\$5,647	\$113	\$56	\$5,816
Sand Mining	Acre	\$690	\$34			\$724	\$14	\$7	\$746
Retail, Gross Square Feet									
Retail Center	1,000 sf	\$3,163	\$503			\$3,666	\$73	\$37	\$3,776
Gas Station	Fuel post	\$5,587	\$303			\$5,890	\$118	\$59	\$6,067
New and Used Car Sales	1,000 sf	\$10,108	\$300			\$10,408	\$208	\$104	\$10,720
Restaurant	1,000 sf	\$22,152	\$1,289			\$23,441	\$469	\$234	\$24,144
Fast Food Rest w/ Drive-Thru	1,000 sf	\$34,781	\$1,389			\$36,170	\$723	\$362	\$37,255
Supermarket	1,000 sf	\$11,179	\$357			\$11,536	\$231	\$115	\$11,882
Auto Repair	1,000 sf	\$7,830	\$107			\$7,937	\$159	\$79	\$8,175
Car Wash	Bays	\$14,589	\$332			\$14,921	\$298	\$149	\$15,369
Convenience Store	1,000 sf	\$25,430	\$746			\$26,176	\$524	\$262	\$26,961
Furniture Store	1,000 sf	\$1,373	\$56			\$1,429	\$29	\$14	\$1,472

Master Impact Fee Schedule - City of Fellsmere, Town of Orchid, City of Sebastian, City of Vero Beach

Effective April 1, 2011 - March 31, 2012 (Excludes three suspended impact fees)

Land Use	Impact Unit	Net Impact Fee			Total Net Impact Fee	City Administration Fee @ 2%	County Administration Fee @ 1%	Total Impact Fee
		Transportation	Fire/EMS	Schools				
Recreational								
Golf Course	hole	\$11,248	\$429		\$11,677	\$234	\$117	\$12,027
Racquet Club/Health Club/Dance Studio	1,000 sf	\$10,824	\$417		\$11,241	\$225	\$112	\$11,578
County Park	Acre	\$718	\$27		\$745	\$15	\$7	\$767
Tennis Court	Court	\$12,180	\$408		\$12,588	\$252	\$126	\$12,966
Marina	Berths	\$973	\$27		\$1,000	\$20	\$10	\$1,030
Governmental								
Post Office	1,000 sf	\$14,199	\$312		\$14,511	\$290	\$145	\$14,946
Library	1,000 sf	\$17,925	\$302		\$18,227	\$365	\$182	\$18,774
Government Office Complex ⁽¹⁾	1,000 sf	\$9,632	\$238		\$9,870	\$197	\$99	\$10,166
Jail ⁽¹⁾	Bed	\$389	\$153		\$542	\$11	\$5	\$558
Miscellaneous								
Day Care Center	1,000 sf	\$8,847	\$177		\$9,024	\$180	\$90	\$9,295
Hospital	1,000 sf	\$5,309	\$275		\$5,584	\$112	\$56	\$5,752
Veterinary Clinic	1,000 sf	\$3,511	\$287		\$3,798	\$76	\$38	\$3,912
Church	1,000 sf	\$2,588	\$94		\$2,682	\$54	\$27	\$2,762
Movie Theater	Screen	\$22,743	\$1,490		\$24,233	\$485	\$242	\$24,960
School (Elementary and Middle)	Student	\$149	\$17		\$166	\$3	\$2	\$171
School (High)	Student	\$538	\$21		\$559	\$11	\$6	\$576
School (College)	Student	\$653	\$18		\$671	\$13	\$7	\$691
Fire Station ⁽¹⁾	1,000 sf	\$983			\$983	\$20	\$10	\$1,012

⁽¹⁾ Government uses are exempt from paying impact fees used to develop that same use. This is because legally, if the development does not create a demand for the facility, or instead, mitigates the need for the facility, it should not pay the fee. In other words, a new jail will not pay the correctional facilities impact fee, a new fire/EMS station will not pay the fire/EMS impact fee, and a new government office building or office complex will not pay the public buildings impact fee, etc. Specific government uses that are not included in the schedule, such as a sheriff's office, will be classified under government office building or complex as appropriate. These uses will not pay the impact fee used to develop them (e.g., a sheriff's office will not pay the law enforcement impact fee, etc.).

Master Impact Fee Schedule - Town of Indian River Shores
 Effective April 1, 2011 - March 31, 2012 (Excludes three suspended impact fees)

Land Use	Impact Unit	Net Impact Fee			Total Net Impact Fee	City Administration Fee @ 2%	County Administration Fee @ 1%	Total Impact Fee
		Transportation	Library	Schools				
Residential								
Single Family								
Lower than 1,500 sf (under air)	du	\$2,974	\$430	\$1,756	\$5,160	\$103	\$52	\$5,315
1,500 to 2,499 sf (under air)	du	\$4,483	\$483	\$1,756	\$6,722	\$134	\$67	\$6,924
2,500 sf or Greater (under air)	du	\$5,031	\$524	\$1,756	\$7,311	\$146	\$73	\$7,530
Accessory Single Family	du	\$2,428	\$285	\$500	\$3,213	\$64	\$32	\$3,309
Multi Family	du	\$2,428	\$285	\$500	\$3,213	\$64	\$32	\$3,309
Mobile Home	du	\$1,745	\$349	\$623	\$2,717	\$54	\$27	\$2,799
Transient, Assisted, Group								
Hotel	Room	\$2,804			\$2,804	\$56	\$28	\$2,888
Motel	Room	\$1,516			\$1,516	\$30	\$15	\$1,561
Nursing Home	Bed	\$432			\$432	\$9	\$4	\$445
ACLIF	Bed	\$620			\$620	\$12	\$6	\$639
Office and Financial								
Medical Office	1,000 sf	\$13,411			\$13,411	\$268	\$134	\$13,813
Bank	1,000 sf	\$10,634			\$10,634	\$213	\$106	\$10,953
Bank w/Drive-in	1,000 sf	\$13,020			\$13,020	\$260	\$130	\$13,411
Office	1,000 sf	\$3,798			\$3,798	\$76	\$38	\$3,912
Research and Development Center	1,000 sf	\$2,798			\$2,798	\$56	\$28	\$2,882
Industrial								
Manufacturing	1,000 sf	\$1,318			\$1,318	\$26	\$13	\$1,358
Warehouse	1,000 sf	\$1,228			\$1,228	\$25	\$12	\$1,265
Mini-Warehouse	1,000 sf	\$862			\$862	\$17	\$9	\$888
General Industrial	1,000 sf	\$2,404			\$2,404	\$48	\$24	\$2,476
Concrete Plant	Acres	\$5,382			\$5,382	\$108	\$54	\$5,543
Sand Mining	Acres	\$690			\$690	\$14	\$7	\$711
Retail, Gross Square Feet								
Retail Center	1,000 sf	\$3,163			\$3,163	\$63	\$32	\$3,258
Gas Station	Fuel pos	\$5,587			\$5,587	\$112	\$56	\$5,755
New and Used Car Sales	1,000 sf	\$10,108			\$10,108	\$202	\$101	\$10,411
Restaurant	1,000 sf	\$22,152			\$22,152	\$443	\$222	\$22,817
Fast Food Rest w/ Drive-Thru	1,000 sf	\$34,781			\$34,781	\$696	\$348	\$35,824
Supermarket	1,000 sf	\$11,179			\$11,179	\$224	\$112	\$11,514
Auto Repair	1,000 sf	\$7,830			\$7,830	\$157	\$78	\$8,065
Car Wash	Bays	\$14,589			\$14,589	\$292	\$146	\$15,027
Convenience Store	1,000 sf	\$25,430			\$25,430	\$509	\$254	\$26,193
Furniture Store	1,000 sf	\$1,373			\$1,373	\$27	\$14	\$1,414

Master Impact Fee Schedule - Town of Indian River Shores

Effective April 1, 2011 - March 31, 2012 (Excludes three suspended impact fees)

Land Use	Impact Unit	Net Impact Fee			Total Net Impact Fee	City Administration Fee @ 2%	County Administration Fee @ 1%	Total Impact Fee
		Transportation	Library	Schools				
Recreational								
Golf Course	hole	\$11,248			\$11,248	\$225	\$112	\$11,585
Racquet Club/Health Club/Dance Studio	1,000 sf	\$10,824			\$10,824	\$216	\$108	\$11,149
County Park	Acre	\$718			\$718	\$14	\$7	\$740
Tennis Court	Court	\$12,180			\$12,180	\$244	\$122	\$12,545
Marina	Berths	\$973			\$973	\$19	\$10	\$1,002
Governmental								
Post Office	1,000 sf	\$14,199			\$14,199	\$284	\$142	\$14,625
Library	1,000 sf	\$17,925			\$17,925	\$359	\$179	\$18,463
Government Office Complex ⁽¹⁾	1,000 sf	\$9,632			\$9,632	\$193	\$96	\$9,921
Jail ⁽¹⁾	Bed	\$389			\$389	\$8	\$4	\$401
Miscellaneous								
Day Care Center	1,000 sf	\$8,847			\$8,847	\$177	\$88	\$9,112
Hospital	1,000 sf	\$5,309			\$5,309	\$106	\$53	\$5,468
Veterinary Clinic	1,000 sf	\$3,511			\$3,511	\$70	\$35	\$3,616
Church	1,000 sf	\$2,588			\$2,588	\$52	\$26	\$2,666
Movie Theater	Screen	\$22,743			\$22,743	\$455	\$227	\$23,425
School (Elementary and Middle)	Student	\$149			\$149	\$3	\$1	\$153
School (High)	Student	\$538			\$538	\$11	\$5	\$554
School (College)	Student	\$653			\$653	\$13	\$7	\$673
Fire Station ⁽¹⁾	1,000 sf	\$983			\$983	\$20	\$10	\$1,012

⁽¹⁾ Government uses are exempt from paying impact fees used to develop that same use. This is because legally, if the development does not create a demand for the facility, or indeed, mitigates the need for the facility, it should not pay the fee. In other words, a new jail will not pay the fire/EMS station will not pay the fire/EMS impact fee, and a new government office building or office complex will not pay the public buildings impact fee, etc. Specific government uses that are not included in the schedule, such as a sheriff's office, will be classified under government office building or complex, as appropriate. These uses will not pay the impact fee used to develop them (e.g., a sheriff's office will not pay the law enforcement impact fee, etc.).