

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MARTIN COUNTY, FLORIDA

ORDINANCE NUMBER 995

AN ORDINANCE AMENDING ARTICLE 6, IMPACT FEES, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE INCLUDING FIGURE 6.1. IMPACT FEE SCHEDULE; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Martin County Comprehensive Growth Management Plan establishes the policy that land development shall not be permitted unless adequate public capital facilities exist or are assured; and

WHEREAS, the Martin County Comprehensive Growth Management Plan establishes the policy that land development shall bear the full cost of the provision of the new or expanded public capital facilities required by such development; and

WHEREAS, the Martin County Comprehensive Growth Management Plan establishes that the imposition of impact fees is a preferred method of regulating land development so as to ensure that it bears the full cost of public capital facilities necessary to accommodate development and to promote and protect the public health, safety, and welfare; and

WHEREAS, the Board of County Commissioners has directed that the impact fee schedule be revised to reflect a revised Library impact fee and a new Conservation/Open Space impact fee; and

WHEREAS, this proposed amendment to Article 6 has received public hearings before the Local Planning Agency and the Board of County Commissioners; and

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

PART I. ADOPTION OF AMENDMENT TO ARTICLE 6, IMPACT FEES, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

Article 6, Impact Fees, of the Land Development Regulations, Martin County Code, is amended to add an impact fee for Open Space/Conservation; to revise the impact fee for Libraries; and to replace Figure 6.1; as set forth in Exhibit "A" attached hereto and incorporated by reference.

PART II. CONFLICTING PROVISIONS

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Growth Management Plan, pursuant to Chapter 163, Part II, Florida Statutes.

PART III. SEVERABILITY

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

PART IV. APPLICABILITY

This ordinance shall apply to the unincorporated areas of Martin County, and to the incorporated areas of Martin County to the extent permitted by Article VIII, Section 1 (f), of the Constitution of the State of Florida.

PART V. FILING WITH THE DEPARTMENT OF STATE

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART VI. CODIFICATION

Provisions of this ordinance shall be incorporated in the Land Development Regulations and the word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered, or relettered to accomplish such intention; provided, however, that parts two through seven shall not be codified.

PART VII: EFFECTIVE DATE

In accordance with F.S. 163.31801(3)(d), this ordinance shall take effect on June 20, 2016.

PASSED AND DULY ADOPTED THIS 22nd DAY OF MARCH, 2016.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

By: _____
CAROLYN TIMMANN
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

By: _____
ANNE SCOTT, CHAIR

APPROVED AS TO FORM AND
CORRECTNESS:

MICHAEL D. DURHAM
COUNTY ATTORNEY

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

EXHIBIT A

Article 6, Impact Fees

Division 1

Sec. 6.4. Glossary.

Roads shall have the same meaning set forth in F.S. § 334.03(~~23~~ 22).

Sec. 6.8. Special revenue funds and benefit districts established.

- 6.8.A. Public capital facility special revenue funds established. The following special revenue funds are hereby established: (1) library impact fee fund, (2) public buildings impact fee fund, (3) corrections and law enforcement impact fee fund, (4) emergency services impact fee fund, (5) countywide park impact fee fund, and (6) transportation impact fee fund.
- 6.8.B. Library impact fee special revenue fund accounts established. ~~(1) A library buildings impact fee account and (2) a library materials impact fee account, including books and other media, are~~ is hereby established.
- 6.8.C. Corrections and law enforcement impact fee special revenue fund accounts established. A corrections impact fee account is hereby established.
- 6.8.D. Emergency services impact fee special revenue fund accounts established. There is hereby established an emergency services impact fee account for a fire/rescue impact fee.
- 6.8.E. Public recreation impact fee special revenue fund accounts. There is hereby established an (1) active parkland impact fee account and (2) ocean beaches and beach facilities impact fee account.
- 6.8.F. Transportation benefit districts and impact fee special revenue fund accounts established.
1. Two transportation impact fee benefit districts are established as shown on Figure 6.3.
 2. Separate transportation impact fee accounts are established for each benefit district and for pedestrian/bicycle pathways.
- 6.8.G. Conservation/open space impact fee special revenue fund account. There is hereby established an impact fee account for a conservation/open space impact fee.
- 6.8.~~G~~.H. All impact fees collected shall be deposited in the appropriate special revenue fund and accounts.

Sec. 6.9. Use and collection of funds.

- 6.9.A. Impact fees collected shall be used within Martin County for the purpose of public capital facilities, public capital improvements, sustainability projects, and activities related to preserving existing public buildings for their intended use. Such improvements shall be of the type made necessary by the County's growth and development and consistent with the Capital Improvements Element of the Comprehensive Growth Management Plan.
- 6.9.B. Funds shall be expended in the order in which they are collected.
- 6.9.C. Each fiscal period the County Administrator, after consultation with the affected constitutional officers and the municipalities pursuant to interlocal agreements, shall present to the Board of County Commissioners a proposed capital improvement plan, consistent with the requirements of the Comprehensive Plan, assigning funds, including any accrued interest, from the special revenue funds to the recommended projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the funds until the next fiscal period except as provided by the refund provisions of this division.

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- 6.9.D. Fees deposited in the library impact fee special revenue fund ~~and the library buildings impact fee account~~ may only be used for projects that expand library capacity. ~~library building purposes.~~ ~~Fees deposited in the library impact fee special revenue fund and the library materials impact fee account may be used only for public library materials.~~
- 6.9.E. Fees deposited in the public buildings impact fee special revenue fund shall only be used for public buildings purposes.
- 6.9.F. Fees deposited in the corrections and law enforcement impact fee special revenue fund and the corrections impact fee account shall only be used for corrections purposes. Fees deposited in the corrections and law enforcement impact fee special revenue fund and the law enforcement impact fee account shall be used only for law enforcement purposes.
- 6.9.G. Fees deposited in the emergency services impact fee special revenue fund and the fire protection/EMS combined impact fee account shall only be used for fire protection and emergency medical services purposes. Fees deposited in the emergency services impact fee special revenue fund and the fire prevention impact fee account shall be used only for fire prevention purposes. Fees deposited in the emergency services impact fee special revenue fund and the animal control impact fee account shall be used only for animal control purposes. Fees deposited in the emergency services impact fee special revenue fund and the emergency shelters impact fee account shall be used only for emergency shelters purposes.
- 6.9.H. Fees deposited in the transportation impact fee special revenue fund and the rural transportation impact fee account shall only be used for transportation purposes. Fees deposited in the transportation impact fee special revenue fund and the urban transportation impact fee account shall only be used for transportation purposes. Fees deposited in the transportation impact fee special revenue fund and the pedestrian/bicycle pathways impact fee account shall only be used for pedestrian and bicycle pathways purposes.
- 6.9.I. Fees deposited in the countywide park impact fee special revenue fund and beach facilities impact fee accounts shall only be used only for park and beach facilities purposes.
- 6.9.J. Fees deposited in the Conservation/Open Space impact fee special revenue fund account shall only be used for Conservation/Open Space purposes.
- 6.9.~~J~~K. Funds shall only be used as specified in section 6.9.D through section 6.9.~~J~~L., unless it is established that the impact fees so collected are recoupment based impact fees. In that case, consideration may be given to using funds for public capital facility provision related to new development apart from the purpose for which they were originally assessed. Fees shall be used first for debt repayment on public facilities. All improvements shall be of the type made necessary by the County's growth and development as listed in the adopted capital improvements plan.
- 6.9.~~K~~L. No impact fee funds shall be used for periodic or routine maintenance as defined in F.S. § 334.03(~~49~~23), except where the resurfacing provides for increased capacity.
- 6.9.~~L~~M. In the event that bonds or similar debt instruments are issued for provision of public capital facilities for which public capital facilities impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments.
- 6.9.~~M~~N. Except as noted in section 6.8.F, all funds and accounts have County-wide service areas.
- 6.9.~~N~~O. All impact fees on deposit in the special revenue funds shall be invested in interest-bearing sources and income derived shall be applied to the special revenue funds.
- 6.9.~~O~~P. The collecting agent shall be the County unless a municipality is so designated through an interlocal agreement. The collecting governmental unit shall be entitled to the administrative charge shown in the schedule to compensate it for the administrative expense of collecting and administering this division.

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

Figure 6.1

Martin County Impact Fees

Effective ~~June 17, 2013~~ June 20, 2016

Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	<u>Conservation/ Open Space</u>	<u>Libraries</u>	Subtotal	Adm Fee (1.5%)	Total Impact Fees
Residential:										
800 FT ² & Under	\$2,268.00	\$410.11	\$264.00	\$208.00	\$1,196.55	<u>\$540</u>	\$319.48 <u>\$439</u>	\$4,666.14 <u>\$5,325.66</u>	\$69.99 <u>\$79.88</u>	\$4,736.13 <u>\$5,405.54</u>
801 to 1,100	\$2,293.00	\$469.31	\$363.00	\$286.00	\$1,377.09	<u>\$579</u>	\$367.68 <u>\$471</u>	\$5,156.08 <u>\$5,838.40</u>	\$77.34 <u>\$87.58</u>	\$5,233.42 <u>\$5,925.98</u>
1,101 to 2,300	\$2,815.00	\$645.97	\$760.00	\$599.00	\$1,971.91	<u>\$661</u>	\$526.50 <u>\$537</u>	\$7,318.38 <u>\$7,989.88</u>	\$109.78 <u>\$119.85</u>	\$7,428.16 <u>\$8,109.73</u>
2,301 & Over	\$4,063.00	\$809.84	\$991.00	\$780.00	\$2,699.40	<u>\$755</u>	\$720.74 <u>\$614</u>	\$10,063.98 <u>\$10,712.24</u>	\$150.96 <u>\$160.68</u>	\$10,214.94 <u>\$10,872.92</u>
Non-Residential :										
Hotel/Motel	\$2,159.31	\$394.06	\$341.36	\$119.00	\$1,058.46	<u>\$654</u>		\$4,072.19 <u>\$4,726.19</u>	\$61.08 <u>\$70.89</u>	\$4,133.27 <u>\$4,797.08</u>

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Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	Conservation/ Open Space	Libraries	Subtotal	Adm Fee (1.5%)	Total Impact Fees
RV Park	\$1,110.28	\$273.16	\$231.31	\$89.00	\$753.40	\$491		\$2,457.15 \$2,948.15	\$36.86 \$44.22	\$2,494.01 \$2,992.37
Nursing Home	\$725.39	\$228.05	\$197.10	\$166.16			\$182.59 \$266	\$1,499.30 \$1,582.70	\$22.49 \$23.74	\$1,521.79 \$1,606.44
ACLF	\$282.57	\$119.55	\$103.85	\$86.94			\$182.59 \$266	\$775.50 \$858.91	\$11.63 \$12.88	\$787.13 \$871.79
Medical Office	\$5,281.41	\$238.26	\$310.21	\$351.01				\$6,180.90	\$92.71	\$6,273.61
Bank Walk In	\$6,241.42	\$693.36	\$601.61	\$80.00				\$7,616.39	\$114.25	\$7,730.64
Bank w/Drive In	\$6,841.38	\$554.09	\$480.82	\$80.00				\$7,956.29	\$119.34	\$8,075.64
Office Under 100,000 FT ²	\$2,198.39	\$316.04	\$274.36	\$80.00				\$2,868.79	\$43.03	\$2,911.83
Office 100,000 to 199,999 FT ²	\$2,276.55	\$314.33	\$272.72	\$80.00				\$2,943.60	\$44.15	\$2,987.75
Office 200,000 to 399,999 FT ²	\$2,311.60	\$305.52	\$265.17	\$80.00				\$2,962.30	\$44.43	\$3,006.73
Office 400,000 TO 599,999 FT ²	\$2,510.30	\$286.30	\$248.51	\$80.00				\$3,125.11	\$46.88	\$3,171.98
Office 600,000 TO 799,999 FT ²	\$2,437.05	\$302.93	\$262.96	\$80.00				\$3,082.94	\$46.24	\$3,129.19

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Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	Conservation/ Open Space	Libraries	Subtotal	Adm Fee (1.5%)	Total Impact Fees
Office 800,000 TO 999,999 FT ²	\$2,325.26	\$348.46	\$302.52	\$80.00				\$3,056.25	\$45.84	\$3,102.09
Office 1,000,000 Ft ² or Larger	\$2,171.03	\$409.87	\$355.86	\$80.00				\$3,016.75	\$45.25	\$3,062.00
Manufacturing	\$1,044.57	\$154.97	\$134.86	\$12.00				\$1,346.40	\$20.20	\$1,366.60
Warehouse	\$1,314.16	\$98.36	\$85.78	\$12.00				\$1,510.30	\$22.65	\$1,532.95
Mini-Warehouse	\$827.48	\$9.93	\$173.60	\$12.00				\$1,023.00	\$15.35	\$1,038.35
Gen. Industrial	\$1,856.96	\$182.10	\$157.74	\$12.00				\$2,208.80	\$33.13	\$2,241.93
Retail Under 50,000 FT ²	\$4,224.00	\$424.60	\$368.50	\$309.10				\$5,326.20	\$79.89	\$5,406.09
Retail 50,000 to 99,999 FT ²	\$4,919.37	\$616.18	\$534.25	\$319.00				\$6,388.80	\$95.83	\$6,484.63
Retail 100,000 to 199,999 FT ²	\$5,182.79	\$550.98	\$741.94	\$319.00				\$6,794.71	\$101.92	\$6,896.63
Retail 200,000 to 399,999 FT ²	\$5,907.05	\$496.38	\$678.36	\$319.00				\$7,400.79	\$111.01	\$7,511.81
Retail 400,000 TO 599,999 FT ²	\$6,249.63	\$496.38	\$642.69	\$319.00				\$7,707.71	\$115.62	\$7,823.32
Retail 600,000	\$6,864.73	\$451.71	\$811.88	\$319.00				\$8,447.32	\$126.71	\$8,574.03

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Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	Conservation/ Open Space	Libraries	Subtotal	Adm Fee (1.5%)	Total Impact Fees
TO 799,999 FT ²										
Retail 800,000 TO 999,999 FT ²	\$7,575.80	\$451.71	\$785.68	\$319.00				\$9,132.19	\$136.98	\$9,269.17
Retail 1,000,000 Ft ² or Larger	\$7,183.78	\$414.48	\$671.93	\$319.00				\$8,589.20	\$128.84	\$8,718.04
Gasoline/Service Station	\$3,266.08	\$76.94	\$571.75	\$480.82				\$4,395.59	\$65.93	\$4,461.53
Auto Sales & Repair	\$7,071.06	\$550.98	\$749.36	\$92.00				\$8,463.40	\$126.95	\$8,590.35
Restaurant	\$10,570.79	\$550.98	\$2,352.43	\$575.00				\$14,049.20	\$210.74	\$14,259.94
Fast Food Restaurant	\$15,692.54	\$2,481.90	\$2,756.66	\$575.00				\$21,506.10	\$322.59	\$21,828.69
Car Wash	\$9,570.22	\$992.76	\$1,064.42	\$92.00				\$11,719.40	\$175.79	\$11,895.19
Convenience Store w/o Gas	\$13,556.27	\$496.38	\$1,549.80	\$1,302.35				\$16,904.80	\$253.57	\$17,158.37
Convenience Store w/Gas	\$15,328.27	\$744.57	\$1,691.71	\$1,421.64				\$19,186.20	\$287.79	\$19,473.99
Pharmacy w/Drive Thru	\$1,763.30	\$326.70	\$283.80	\$237.60				\$2,611.40	\$39.17	\$2,650.57
Golf Course	\$8,219.00	\$431.85	\$1,351.41	\$218.00				\$10,220.26	\$153.30	\$10,373.57

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Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	Conservation/ Open Space	Libraries	Subtotal	Adm Fee (1.5%)	Total Impact Fees
Racquet Club	\$3,151.93	\$310.24	\$444.68	\$373.25				\$4,280.10	\$64.20	\$4,344.30
Parks	\$527.24	\$66.05	\$58.21	\$36.00				\$687.50	\$10.31	\$697.81
Tennis Court	\$7,138.00	\$124.10	\$99.00	\$444.00				\$7,805.10	\$117.08	\$7,922.18
Marina	\$715.00	\$7.45	\$186.46	\$18.00				\$926.91	\$13.90	\$940.81
Boat Storage	\$150.65	\$7.45	\$47.80	\$18.00				\$223.91	\$3.36	\$227.26
Post Office	\$4,404.40	\$411.40	\$356.40	\$299.20				\$5,471.40	\$82.07	\$5,553.47
Library	\$4,674.96	\$362.36	\$676.90	\$568.97				\$6,283.20	\$94.25	\$6,377.45
Day Care Center	\$2,686.20	\$394.90	\$343.20	\$288.20				\$3,712.50	\$55.69	\$3,768.19
Hospital	\$2,132.90	\$496.10	\$430.10	\$361.90				\$3,421.00	\$51.32	\$3,472.32
House of Worship	\$1,347.26	\$124.10	\$188.50	\$158.43				\$1,818.30	\$27.27	\$1,845.57
Movie Theatre	\$10,140.74	\$49.64	\$4,778.42	\$319.00				\$15,287.80	\$229.32	\$15,517.12
Elem School	\$1,769.64	\$243.23	\$440.31	\$370.53				\$2,823.71	\$42.36	\$2,866.06
Middle School	\$1,695.04	\$208.48	\$419.82	\$351.87				\$2,675.20	\$40.13	\$2,715.33
High School	\$1,758.06	\$161.32	\$418.88	\$352.35				\$2,690.61	\$40.36	\$2,730.96
Fitness Center	\$4,609.76	\$310.24	\$1,709.00	\$444.00				\$7,073.01	\$106.10	\$7,179.10