

in their entirety to the same extent as if such provisions were set forth herein verbatim.

- (9) The liens for delinquent impact fees imposed hereunder shall remain liens, co-equal with the liens of all state, county, district and municipal taxes, superior in dignity to all other subsequently filed liens and claims, until paid as provided herein.
- (10) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to and in addition to, any applicable procedures provided in any other ordinance or administrative regulations of the city or any applicable law or administrative regulation of the state. Failure of the city to follow the procedure set forth in this section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the city or any applicable law or administrative regulation of the state.

(Ord. No. 98-86, § 15, 12-10-98)

Secs. 42-195—42-220. Reserved.

DIVISION 6. COMMERCIAL
REDEVELOPMENT CORRIDOR ROAD,
POLICE AND FIRE IMPACT FEE
EXEMPTIONS

Sec. 42-221. Exemption.

Notwithstanding anything in this article to the contrary, during the period from the effective date of the ordinance from which this division derives until December 1, 1996, no road impact fee as otherwise required under division 2 of this article, no police impact fee as otherwise required under division 4 of this article and no fire impact fee as otherwise required under division 5 of this article shall be due or payable for the issuance of building permits within the commercial redevelopment corridor for redevelopment of those specific areas of land which are physically occupied by buildings existing at the time of application for a building permit. Areas of land upon which no building is

located at the time of application for a building permit shall not be entitled to the exemption from road, police and fire impact fees under this division.

(Code 1988, § 11.5-130)

Sec. 42-222. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means all construction, improvements and structures existing above ground. Pavement and other construction that is not above grade is not included within the definition of the word "building."

Commercial redevelopment corridor means that area bounded by the following described line as graphically depicted upon that map of the commercial redevelopment corridor for the city attached to this division, a copy of which shall be kept in the offices of the city clerk:

Commencing at the intersection of Tremaine Street and Plant Street, travel easterly along Plant Street to South Highland Avenue, thence travel north along Highland Avenue to Newell Street, thence east along Newell Street to Dillard Street, thence south along Dillard Street to Plant Street, thence easterly along Plant Street to North Street, thence east along North Street to 11th Street, thence south along 11th Street to Bay Street, thence west along Bay Street to Dillard Street, thence south along Dillard Street to T & G Railroad Line, thence west along T & G Railroad Line to Tremaine Street and continue west along Tremaine Street to Plant Street and the point of commencement.

Redevelopment means and includes each of the following in any combination: demolition of existing buildings; reconstruction, replacement or refurbishment of existing buildings; and change of the type or intensity of commercial use of existing buildings.

(Code 1988, § 11.5-131)

Cross reference—Definitions generally, § 1-2.

Sec. 42-223. Existing permits.

The exemption from road, police and fire impact fees as allowed under this division shall not be available for projects for which building permit applications have been filed with the city prior to the effective date of the ordinance from which this division derives.

(Code 1988, § 11.5-132)

Sec. 42-224. Extension of exemptions.

The period for which no road, police or fire impact fees are due or payable under this division may be extended for periods up to one year at the expiration of the exemption and any extension thereto by ordinance or resolution approved by the city commission pursuant to a hearing at which the city commission finds that the revitalization and redevelopment of the commercial redevelopment corridor and the rest of the city and enhancement of the social, civic and economic conditions of the citizens of the city will likely occur by extending the exemption. The city manager shall prepare and submit to the city commission, at any hearing at which consideration of the extension of exemptions occurs, a report and justification supporting the need for any extension.

(Code 1988, § 11.5-133)

Sec. 42-225. Zoning, future land use and codes.

Except as otherwise expressly provided in this division, all ordinances, codes, rules, regulations and policies of the city remain in full force and effect, and no development, construction, redevelopment, building permits or other matters may be pursued without full compliance with such matters. Further, nothing in this division shall serve as a basis for the rezoning or change in future land use map for properties within the city.

(Code 1988, § 11.5-134)

Sec. 42-226. Modification of boundaries.

The boundaries of the commercial redevelopment corridor may be modified by ordinance by the city commission.

(Code 1988, § 11.5-135)

Sec. 42-227. Appeals.

Anyone who is denied the exemptions allowed pursuant to this division and who believes that the provisions of this division have been met and wishes to overturn such denial shall petition, within ten days after denial, the city manager in writing, setting forth all reasons and evidence the denial should be overturned. Within ten days of the city manager's decision, any aggrieved party may file an appeal of the city manager's decision with the city clerk setting forth the rationale and evidence presented to the city manager and the basis for appeal of the city manager's decision. The appeal of the city manager's decision shall be heard by the city commission within 30 days of the appeal if timely and properly filed.

(Code 1988, § 11.5-136)

Secs. 42-228—42-265. Reserved.**ARTICLE III. INTERIM SERVICE FEE*****Sec. 42-266. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City services means the following municipal services provided by the city: certain administrative costs caused by new development, parks and recreation, planning and development, public safety, code enforcement, engineering, street maintenance, and public works.

Dwelling means any structure or portion thereof intended for residential use, including but not limited to a house, duplex, apartment or condominium.

Dwelling unit means any portion of a multiple-family dwelling consisting of its own sleeping quarters and constituting a separate residence for single-family occupancy.

Interim proprietary and general services fee or interim services fee means a user fee calculated on an annual basis and imposed on a structure

***Cross reference**—Concurrency management system, ch. 86.

certified for occupancy by the city building official, but not yet listed on the county tax rolls as an improvement to real property.

Net cost of city services means estimated cost of all annual expenditures from the general fund for city services less non-ad-valorem revenues.

New development or newly developed means the construction of a structure to improve or alter real property, either from its natural state or where there exists or once existed another structure, to facilitate a residential, retail, commercial, office or industrial use.

Nonresidential unit means any lodging unit, which shall mean any room or sleeping quarters in a hotel, motor or other commercial lodging establishment excluding dwellings and dwelling units; any retail store or single-occupancy commercial structure; each individual retail space in a multiple-occupancy retail structure; each individual commercial space in a multiple-occupancy commercial structure; any single-occupancy industrial structure; each individual space in a multiple-occupancy industrial structure; any single-occupancy office building; each individual office space in a multiple-occupancy office building; and any warehouse or any unit in a warehouse facility subdivided into individual units and used primarily as leased storage space.

Owner means that person or legal entity reflected on the public records of the county, including the county tax records, as the owner of real property, upon which a structure has been erected.

Residential unit means any single-family dwelling and each dwelling unit of a townhouse, duplex, condominium or other multiple-family dwelling, including but not limited to nursing homes providing longterm care.

Structure means any temporary or permanent residential, lodging or nonresidential building or unit built for the support, shelter or protection of persons, animals, chattels or property of any kind, for which a certificate of occupancy is required, and constructed upon real property located within the incorporated municipal limits of the city.

(Code 1988, § 20-51)

Cross reference—Definitions generally, § 1-2.

Sec. 42-267. Fee established.

A fee to be known as the interim proprietary and general service fee is established.
(Code 1988, § 20-60)

Sec. 42-268. Purpose.

The cost for city services is borne in large part through ad valorem taxation. Between the time that a new structure is completed and occupied and the time the value of the new structure on such real property is reflected on the county's tax roll (usually as of the ensuing January 1), the city is obligated to provide city service for which, in large part, the cost of such services is not compensated. The interim proprietary and general services fee will defray the cost to the city in providing city services to newly developed real properties and their occupants prior to the imposition of ad valorem taxes on such property. The fee is not in any manner, directly or indirectly, intended as an ad valorem tax, nor is the amount of the fee established in this article related to the valuation of the property receiving and benefiting from such city services. The fee will be equitably distributed and will reasonably cover a portion of the cost of making such city services available to newly developed real properties and their occupants.

(Code 1988, § 20-61)

Sec. 42-269. Fee levied for services to certain properties.

There is levied an interim proprietary and general services fee which shall apply to those real properties located within the limits for which a certificate of occupancy for a structure is required and which is to be issued after the effective date of the ordinance from which this article derives. The fee shall cover the period from the date of issuance of the certificate of occupancy until and including the ensuing December 31 (i.e., the day normally preceding the date the structure necessitating the certificate of occupancy is assessed by the county property appraiser and extended on the tax roll).

(Code 1988, § 20-62)

Sec. 42-270. Payment.

The interim proprietary and general services fee shall be paid in full by the owner of the real property prior to the issuance of a certificate of occupancy, and the certificate of occupancy shall not be issued until such time as the interim proprietary and general services fee has been paid.

(Code 1988, § 20-63)

Sec. 42-271. Rate charged.

(a) The interim proprietary and general services fee shall be imposed according to land use.

(b) For residential units, the fee shall be at the rate of \$152.00 per year for each residential unit.

(c) For nonresidential units, such fee, for convenience, is stated in terms of every 1,000 square feet, but the actual assessment shall be prorated on each square foot. The fee for nonresidential units shall be \$165.00 per year for every 1,000 square foot of space in an industrial building or warehouse or in each individual unit of a subdivided warehouse or storage facility or retail space or commercial space in a retail store or commercial structure, respectively; for every 1,000 square feet of retail space or commercial space in each unit of a multiple-occupancy retail or commercial structure, respectively; for every 1,000 square foot of office space in a single-occupancy office building or in each unit of a multiple-occupancy office building; or for every 1,000 square feet of space of all other nonresidential units.

(d) Such fees will be imposed, at the applicable rates, from the date the certificate of occupancy is issued through and including the following December 31 on a prorated daily basis. The building official shall have the authority to determine which one of the land uses in this section and its respective rate best applies to a particular structure not otherwise definitely classified.

(Code 1988, § 20-64)

Sec. 42-272. Revisions.

Upon the recommendation of the city manager, the city commission may, by adoption of a resolution, revise the interim proprietary and general services fee rate by increasing or decreasing the

annual rate and rounding to the nearest dollar. Any rate revision to the interim proprietary and general services fee shall take effect on the January 1 that follows the adoption of the rate revision by the city commission. The fees in this article and any revised fee shall be calculated based upon a reasonable estimate of the annual net cost of city services divided by the total number of residential and nonresidential units actually existing and those estimated to be built as of April 1 of the year in which the revised fee is to be adopted, then adjusting the fee for each of the respective land uses, based upon customer impact factors and upon the service demand for each such land use. The fee shall be stated in annual dollar rates, but shall be assessed on a prorated daily basis. The fee, however, may only be revised once a year and may not be increased by more than 25 percent from one year to the next. The fee may not exceed the costs to the city of providing city services to new development.

(Code 1988, § 20-65)

Sec. 42-273. Exemptions.

(a) The following shall be exempt from payment of the interim proprietary and general services fee:

- (1) Property for which a building permit application, in proper form and order, was filed in good faith prior to the effective date of the ordinance from which this article derives;
- (2) Property consisting of a structure currently reflected on the county tax roll, where a certificate of occupancy is required for purposes of an alteration or remodeling of an existing residential, non-residential or lodging unit which does not entail an increase in square footage, or an expansion to a single-family dwelling;
- (3) Property owned and operated by federal, state or local government and used for a governmental or public purpose, or government-owned property leased to a person or organization which uses the property exclusively for tax-exempt purposes under state or federal laws; and

- (4) Anyone required to pay the interim services fee who performs an independent study based on competent substantial evidence which reasonably calculates a lesser fee for the city services to be used shall be entitled to pay the lesser fee. The evidence and calculations must be approved by the city finance director.

(b) Any claim of exemption under subsections (a)(1) through (a)(4) of this section must be made at the time of application for the building permit; any claim made subsequent thereto shall be considered untimely and not entitled to an exemption. The property owner must present to the building official sufficient and satisfactory documentation to verify that the property owner or property owner's land use qualified for one of the exemptions in subsection (a) of this section.
(Code 1988, § 20-66)

Sec. 42-274. Lien.

(a) Any form of payment of the interim proprietary and general services fee which, subsequent to the issuance of the certificate of occupancy, is not honored or accepted, for whatever reason, shall remain due and payable and shall constitute and is imposed as a lien against the real property upon which such fee remains due and, until fully paid and discharged or otherwise barred by law from being assessed, shall remain a lien equal in rank and dignity with the lien of a city or county for ad valorem taxes and senior in dignity to all other liens, encumbrances, titles, and claims in, to or against the real property containing the structure. Such lien may be enforced by any of the methods provided for in F.S. ch. 85 or in the alternative foreclosure proceedings may be instituted under F.S. ch. 173, or the collection and enforcement thereof may be accomplished by other methods allowed by law.

(b) The owner shall pay all costs associated with enforcement and collection of the unpaid interim proprietary and general services fee, including reasonable attorney's fees, court costs, abstracting expenses and other related costs incurred.
(Code 1988, § 20-67)

Sec. 42-275. Fund; expenditures; invested in interest-bearing accounts.

(a) The interim services fees collected by the city pursuant to this article shall be kept in a separated account from other revenue of the city in the general fund and may only be expended and used for the purposes of providing city services for the benefit of those structures upon which the interim services fee has been imposed and collected.

(b) The city manager shall provide the city commission with recommendations for expenditure of the interim services fees during the annual budget process or from time to time as needed. The city commission by resolution may approve all expenditures from the account upon a determination that such expenditures are consistent with this article and the purposes for which the interim services fees were collected.

(c) Any funds on deposit in the interim services fee account which are not immediately necessary for expenditure pursuant to this article may be invested in interest-bearing accounts. All income derived shall be credited to the interim services fee account. Owners and others who have paid the fee shall not receive a credit for or be entitled to interest from the investment of funds.

(d) Any funds deposited in the interim services fee account which are not expended or encumbered six years from the date the interim services fee was paid shall be, upon application of the feepayer and proof of payment, returned with the average interest earned by the city on such funds from the date of payment.
(Code 1988, § 20-68)

Chapters 43—45

RESERVED

