

CHAPTER 1300. CAPITAL FACILITIES, FEES, AND INCENTIVES RELATED TO FEES

SECTION 1302. IMPACT FEES

1302.7. Hurricane Preparedness Mitigation Fees

A. Intent, Purpose, and Study

1. The purpose of this section is to address the impacts created by new development on hurricane shelter availability and evacuation capability within the County. This section implements hurricane preparedness mitigation techniques and fees for all new Equivalent Residential Units (ERUs) located within the Hurricane Vulnerability Zone (HVZ) and all proposed mobile homes, including trailers, recreational vehicles, and park models, whether or not located in a subdivision, Countywide. An ERU means a single dwelling unit, mobile home; manufactured home, space, or lot in a trailer, mobile home or recreational vehicle park or subdivision and individual guest rooms in a hotel or motel. The HVZ is composed of those areas of the County assigned an evacuation level of A through C in the event of a Category 3 hurricane event.
2. The formulas for calculating impacts and the Hurricane Preparedness Mitigation Fee (Hurricane Mitigation Fee) are based on the Tampa Bay Region Evacuation Study Update, 2000, of the Tampa Bay Regional Planning Council, which is incorporated herein by reference.
3. The Hurricane Mitigation Fee is composed of two parts:
 - a. a shelter mitigation fee; and
 - b. an evacuation mitigation fee.
4. All values used in calculating the Hurricane Mitigation Fee are based upon values applicable at the time of adoption of the fee and are subject to change over time. The Office of Emergency Management will periodically review the values used in the Hurricane Mitigation Fees formulas and propose modifications to the Board of County Commissioners (BCC) as necessary. The BCC may, from time to time, by resolution, update the boundaries of the HVZ.

B. Imposition

1. Hurricane Mitigation Fees shall be imposed on all proposed ERUs located within the HVZ and all proposed mobile homes, as defined in this section not otherwise exempted.

Hurricane Mitigation Fee	Per Equivalent Residential Unit
Shelter Fee	\$238.05
Evacuation Fee	2.73
Total	\$240.78

2. Exemptions. An exemption must be claimed by the applicant prior to the payment of the Hurricane Mitigation Fee or performance of other mitigation, or it shall be waived. The Hurricane Mitigation Fee shall not apply to the following situations if the applicant clearly demonstrates with competent substantial evidence to the County Administrator or designee, one of the following:
 - a. New residential construction for which a completed application for a Building Permit was submitted to the County Administrator or designee prior to September 21, 2004.
 - b. Other uses. No Hurricane Mitigation Fee shall be imposed on a structure that cannot result in an increase in the demand for hurricane shelters or evacuation route capacity.
 - c. Alterations or expansions. No Hurricane Mitigation Fee shall be imposed for alterations or expansions of an ERU that existed on September 21, 2004, or to an ERU where a Hurricane Mitigation Fee has been paid, where no additional ERUs are created. However, where an alteration or expansion will create an additional ERU; e.g., a single-family detached house altered to create two more multiple family dwelling units, the Hurricane Mitigation Fee equivalent to the difference between the Hurricane Mitigation Fee amount for the existing use and the new use shall be due for each additional ERU pursuant to the Hurricane Mitigation Fee schedule in place at the time of the change in circumstances.
 - d. Replacement of an ERU. No Hurricane Mitigation Fee shall be imposed for the replacement of an ERU, in whole or in part, as long as the owner can demonstrate that the same use existed on September 21, 2004, or that the use paid a Hurricane Mitigation Fee. However, where a replacement will create additional ERUs, the Hurricane Mitigation Fee equivalent to the difference shall be due for the resulting additional ERUs or new ERUs pursuant to the Hurricane Mitigation Fee schedule in place at the time of the change in circumstances.

C. Calculation

1. The applicable Hurricane Mitigation Fee per ERU shall be based upon the above table and calculated at the time a complete application for a Building Permit is submitted.

Notwithstanding anything to the contrary in this section, the hurricane preparedness (shelter mitigation fee and evacuation mitigation fee) impact fee shall be suspended for:

- a. Complete and unexpired Building Permit applications submitted on or after March 1, 2011, and on or prior to December 31, 2013; and
- b. Building Permits issued on or after March 1, 2011, through December 31, 2013, which do not subsequently expire.

This suspension shall not apply to any building that was issued a Building Permit prior to March 1, 2011, even if the Building Permit for such building expires or is revoked.

2. In the alternative, the applicant may propose an alternative mitigation for either or both the shelter fee and/or evacuation fee components of the Hurricane Mitigation Fee and receive a credit towards the Hurricane Mitigation Fee. Alternative mitigation is subject to the requirements of this section.

D. Payment/Collection

1. Hurricane Mitigation Fees shall be paid prior to the issuance of a Certificate of Occupancy (CO). Where a CO is not issued, payment shall be made before final inspection.

E. Alternative Mitigation Techniques, Implementation, and Credits

1. Generally
 - a. The County Administrator or designee is authorized to and is responsible for determining the shelter and evacuation impacts of a new ERU or mobile home subject to this section. In the event of a dispute, the determination is a final decision appealable to the BCC pursuant to this Code.
 - b. The County Administrator or designee will make the final decision with respect to the acceptability of the type and degree of alternative mitigation offered to address the proposed development. This determination will be based upon consideration of the type and intensity of development, its location, and the incremental effect on the hurricane preparedness program, created by the proposed development. The alternative mitigation proposed must have a reasonable relationship to the incremental impact of the proposed development. Appropriate calculation of the impacts in accordance with this section will constitute sufficient evidence of the reasonable relationship.

- c. The County Administrator or designee's approval of proposed alternative mitigation is required prior to the issuance of a Building Permit (or Tie-down Permit) that precipitates the requirement to mitigate under this section.
 - d. The County Administrator or designee is authorized to deny alternative mitigation if the proposal is determined to be inappropriate for the location involved (e.g., vertical evacuation in a coastal high hazard area) or constitutes the creation of an unacceptable shelter facility (e.g., on site shelter without all appropriate shutters).
 - e. Any alternative mitigation approved by the County Administrator or designee, along with the amount of the credit, as determined by the County Administrator or designee, shall be provided for in the written development Conditions of Approval or in an agreement with the County.
2. Shelter impacts and alternative mitigation techniques.

The following alternative shelter mitigation options may be approved for Hurricane Mitigation Fee credit:

- a. Donation of land. The donation of land may be considered if the land is donated to the County for another purpose, such as construction of a recreation building, and an agreement can be reached for the building to also serve as a primary public hurricane shelter with a capacity at least large enough to serve the proposed development's shelter demand. The land donated must be located outside the HVZ. The shelter must be constructed to comply with the public shelter design criteria adopted pursuant to Section 553.73, Florida Statutes, as may be amended. The amount of the credit shall be 115 percent of the assessed value of the conveyed land as determined by the County Property Appraiser unless the person and the County Administrator or designee or the BCC agrees in a development approval to another credit amount.
- b. Provision of an on site shelter. An on site shelter may be considered if the on site shelter is outside the HVZ per the latest Sea, Lake, and Overland Surge from Hurricanes Model, and constructed in accordance with the public shelter design criteria, adopted pursuant to Section 553.73, Florida Statutes, as may be amended. Construction plans must be submitted for the on site shelter with the development plans for the ERUs being mitigated. Developments located within the HVZ may choose to construct a structure outside the HVZ for use as a public shelter using the public shelter design criteria. Proof of ownership and construction to the criteria must be provided to the County.

- c. Provision of training funds. Provision of training funds may be considered if training funds are needed. The American Red Cross is responsible for managing shelters in the County. The District School Board of Pasco County provides shelter managers for shelters in schools and training is provided annually. The County Administrator or designee shall, from time to time, determine whether training funds are needed and accordingly whether the provision of training funds is an acceptable alternative mitigation option.

- d. Shelter agreements. Shelter agreements with private facilities located outside the HVZ may be considered. An agreement must be in place prior to the issuance of the Building Permit. This obligation to a private shelter through a private agreement must be met in perpetuity. In order for the shelter agreement to be accepted, as alternative mitigation and credit are made available, the following criteria must be met:
 - (1) The private shelter structure must be located outside the HVZ.
 - (2) The structure must be constructed to comply with the public shelter design criteria adopted pursuant to Section 553.73, Florida Statutes, as may be amended.
 - (3) There must be a written agreement between the developer or Homeowners' Association (HOA) and the private facility for use of the facility as a shelter.
 - (a) Any one (1) agreement must be for a minimum period of five (5) years.
 - (b) The agreement must specify who will staff and operate the shelter.
 - (c) The agreement must specify who will provide necessary food, water, and other supplies to the shelter.
 - (4) The developer or HOA must develop, prior to the issuance of the Building Permit and maintain thereafter, an evacuation plan detailing implementation of the shelter operation and evacuation of the development, to include a transportation plan outlining routes and/or transportation assistance available. The plan must meet the criteria for the site specific evacuation plan pursuant to this Code, Section 1103, and the plan must be approved annually by the County Office of Emergency Management.

3. Evacuation impacts. Alternative mitigation techniques.

The following alternative evacuation mitigation options may be approved for Hurricane Mitigation Fee credit:

- a. Elevation of roads. Elevation of a portion of an evacuation route may be considered.
- b. Roadway capacity improvements. Increasing the capacity of an evacuation route may be considered.

4. Other alternative mitigation techniques:

- a. The County will consider other mitigation techniques, subject to the County Administrator or designee's approval, suggested by the developer. The value of these other techniques must be equal to the Hurricane Mitigation Fees that would be required of the development. An example of "other techniques" is a safe room concept. This concept provides a room in a building, which could be any type of building, private residence, apartment building, etc., constructed to withstand a hurricane. Because only a portion of the building, instead of the entire building, is constructed to withstand hurricanes, the cost of constructing adequate shelter may be reduced.

F. Hurricane Mitigation Fee Fund/Appropriation of Funds

1. The County shall establish a Hurricane Mitigation Fee Fund for Hurricane Mitigation Fees. Such fund shall clearly be identified as monies collected as Hurricane Mitigation Fees. All Hurricane Mitigation Fees collected by the County shall be deposited into the Hurricane Mitigation Fee Fund and shall be segregated for shelters and Intelligent Transportation Signs (ITS). The BCC shall establish and implement necessary accounting controls to ensure that all Hurricane Mitigation Fees are properly deposited, accounted for, and appropriated in accordance with this section and any other applicable legal requirements.
2. A specific account for shelter mitigation and for evacuation mitigation ITS shall be established. All interest or investment income earned shall be available for appropriation or expenditure for shelter or ITS, regardless of the source of the interest or investment income.
3. The BCC shall use Hurricane Mitigation Fee Fund monies for the following:
 - a. Shelter capacity and safety improvements, including all necessary planning (with specific BCC approval), capacity analysis, design, land acquisition, and construction costs;

- b. Hurricane education, public information programs, and shelter training;
- c. Procuring communications equipment that would upgrade the existing warning and notification capability of the County's emergency management officials; and
- d. All costs associated with the ITS.