

Chapter 22 - TRANSPORTATION IMPACT FEES

Sec. 22-1. - Short title, authority, and applicability.

- (a) This chapter shall be known and may be cited as the "City of Crystal River Transportation Impact Fee Ordinance."
- (b) The city council has the authority to adopt this chapter pursuant to article VIII of the Florida Constitution and Chapters 163 and 166 of the Florida Statutes.
- (c) The provisions of this article shall apply to all buildings, improvements and land within the corporate city limits of the City of Crystal River, unless they are expressly exempted by law.
- (d) The transportation impact fee study dated January 12, 2009, prepared by Kimley-Horn and Associates, Inc. is incorporated herein by reference, in haec verba.

(Ord. No. 08-0-26, § 3, 2-9-2009)

Sec. 22-2. - Intent and purpose.

- (a) This chapter is intended to implement and be consistent with the City of Crystal River's Comprehensive Plan pursuant to Section 163.3161 et seq., Florida Statutes, the Florida Local Government Comprehensive Planning and Land Development Regulation Act.
- (b) The objective of this chapter is accomplished by requiring all new impact-generating land development to contribute its proportionate share of the cost of the capital expenditures necessary to accommodate capacity impacts to the transportation network for which the need is directly attributable to the proposed development.
- (c) This chapter is intended to be consistent with the principles for allocating a fair share of the cost of new city facilities to new users as established by the Florida Statutes, the Florida Supreme Court, and the District Courts of Appeal of Florida.

(Ord. No. 08-0-26, § 3, 2-9-2009)

Sec. 22-3. - Definitions and rules of construction.

- (a) For the purposes of this chapter, the following terms shall have the following meanings.

Access improvements means improvements necessary to provide safe and adequate ingress and egress and for efficient traffic operations. Access improvements include but are not limited to the following: right-of-way and easements; joint/cross access easements; shared driveways; left and right turn lanes; acceleration and deceleration lanes; traffic control and signal devices, signage, and markings; drainage and utilities; and any road capital facility which does not increase the existing road's capacity.

Benefit district means within the corporate city limits of the City of Crystal River, Florida.

Building permit means that development permit issued by the City of Crystal River prior to initiation of any building or construction activity on a parcel of land.

Capital road facilities includes the transportation planning, preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting, and construction of all necessary features for any road on the major road system, undertaken to accommodate and which will substantially benefit additional traffic resulting from new impact-generating land development, including but not limited to: construction of new through lanes; construction of new bridges; construction of new drainage facilities in conjunction with new road construction; purchase and installation of traffic signals, including new and upgraded signalization; construction of curbs, gutters, medians and shoulders; relocating utilities to accommodate new road construction; the construction and

reconstruction of intersections; the widening of existing roads; acceleration and deceleration lanes; interchanges; traffic control devices; and sidewalks and bicycle lanes. Capital road facilities have a total cost of at least fifty thousand dollars (\$50,000.00) and do not include maintenance as defined in Section 334.03(19) or (24), Florida Statutes.

City means the City of Crystal River, Florida.

City council means the governing body of the City of Crystal River, Florida.

City manager means the city manager of the City of Crystal River or his or her designee.

City facilities mean the capital facilities for which impact fees are imposed pursuant to this chapter.

Certificate of occupancy means that development permit issued by the City of Crystal River, after completion of the final inspection for building or construction activity.

Commencement of impact-generating land development occurs upon any of the following events, within the City of Crystal River: approval of a development of regional impact, issuance of any permit to authorize building or construction of any kind on the property, or issuance of any certificate of occupancy.

Existing impact-generating land development means the most intense use of land within the twelve (12) months prior to the time of commencement of impact-generating land development.

Expansion of the capacity of a road includes any widening, intersection improvement or other capital improvement which results in an increase of the existing road's capacity.

Fee payer means a person commencing impact-generating land development who is obligated to pay an impact fee in accordance with the terms of this chapter.

Impact-generating land development is land development designed or intended to permit a use of the land which will contain more dwelling units or floor space than the then existing use of the land or the making of any material change in the use of any structure or land in a manner that increases the generation of vehicular traffic or the demand on city facilities. The type of proposed impact-generating land development shall be based on the proposed use of the land.

Land shall have the same meaning as set forth in F.S. § 380.031(7).

Major road system means all existing and planned state, county, and city arterials and major collector roads within the city.

Mixed use shall mean a mix of more than one land use category.

Off-site roadway improvement means a road improvement located outside of the boundaries of the parcel proposed for a development site, or an arterial or major collector road located within the development site, which is required by the city in order to serve the development's external trips. The term "off-site roadway improvement" shall not include any access improvement.

On-site roadway improvement means a road improvement located within the boundaries of the parcel proposed for a development site which provides direct access (turn lane, taper, signalization, etc.) to the development site.

Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity.

Road shall have the same meaning as set forth in F.S. § 334.03(23).

(b) For the purposes of administration and enforcement of this article, unless otherwise stated in this article, the following rules of construction shall apply.

- (1) All provisions, terms, phrases and expressions contained in this chapter shall be liberally construed in order that the true intent and meaning of the city council may be fully carried out. Terms used in this chapter, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

- (2) In case of any difference of meaning or implication between the text of this section and any figure, the text shall control.
- (3) All references to state law in this section refers to the Florida Statutes, as amended.
- (4) Periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other business days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.
- (5) Whenever a provision appears requiring the head of a department or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or some other officer or employee to designate, delegate and authorize professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
- (6) Words importing the masculine gender shall be construed to include the feminine and neuter.
- (7) The word "month" shall mean a calendar month.
- (8) Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- (9) A word importing the singular number only, may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.
- (10) The word "shall" is mandatory; and "may" is permissive.
- (11) Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary.
- (12) The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.
- (13) The word "year" shall mean a calendar year, unless a fiscal year is indicated.

(Ord. No. 08-0-26, § 3, 2-9-2009)

Sec. 22-4. - Fee to be imposed.

(a) *Fee obligation, determination and payment.*

- (1) After the effective date of this section, notwithstanding the provisions of section 22-11, any person or governmental body who shall commence any impact-generating land development, except those exempted pursuant to subsection (a)(4), shall be obligated to pay an impact fee upon the commencement of impact-generating land development, pursuant to the appropriate fee schedule attached to this chapter as Exhibit "A" and incorporated herein in haec verba.
- (2) Any impact-generating development located within the city's community redevelopment district (CRD) identified on the map depicted in Exhibit "B" shall pay a reduced impact fee schedule defined as eighty (80) percent of the impact fee as set forth in Exhibit "C", as opposed to Exhibit "A". The city has adopted a reduced rate within the CRD to encourage development and redevelopment in this area consistent with the goals established in the comprehensive plan.
- (3) The fee shall be determined and paid to the appropriate city official, at the time of issuance of a building permit or any such approval as may be required to initiate an impact-generating land development. If the building permit or other approval is for less than the entire development, the fee shall be computed separately for the amount of development covered by the permit. If the fee is exacted for impact-generating land development that increases impact because of a change in use or the expansion of an existing use, the fee shall be determined by computing the difference in the fee schedule between the new impact-generating land development and the

existing impact-generating land development. The obligation to pay the impact fee shall run with the land.

- (4) The following development shall be exempt from the terms of this chapter. An exemption shall be claimed by the fee payer at the time of application for a building permit.
 - a. Alterations or expansion of an existing building where no additional dwelling units are created, the use is not changed, and no additional vehicular trips will be produced over and above that produced by the existing use, or no additional impact will be made on the demand for city facilities.
 - b. The construction of accessory buildings or structures which will not produce additional vehicular trips over and above that produced by the principal building or use of the land, or increase the demand for city facilities above that produced by the principal building or use of the land.
 - c. The replacement of a residential building or structure of the same size and use, as long as no additional dwelling units are added.
 - d. The replacement of a nonresidential building or structure with a building of the same size and use, as long as no additional vehicular trips are added, or there is no increase in the demand for City facilities.
 - e. All public educational and ancillary plants constructed by a district school board or a community college district board of trustees, pursuant to F.S. § 1013.371(1)(a).
 - f. Charter school facilities, pursuant to F.S. § 1002.33(18)(d).
 - (5) For commercial, industrial, or other nonresidential development, the landowner may delay payment by executing a non-interest bearing promissory note payable to the city for the amount of the fee. The promissory note shall be paid prior to the issuance of a certificate of occupancy for the impact-generating land development. If the building permit is for less than the entire development, the fee shall be computed separately for the amount of the development covered by the permit. The obligation to pay the impact fee shall run with the land.
 - (6) Any land or facilities agreed to be dedicated to the city as a condition of development approval shall be dedicated by either easement or deed, at the discretion of the city, no later than the time at which impact fees are required to be paid under this section.
 - (7) At any time prior to issuance of a building permit, the owner of property may enter into a fee agreement with the city, providing for payment of the fee pursuant to the terms of this chapter.
- (b) *Establishment of fee schedule.*
- (1) Any person who shall initiate any new impact-generating land development, except those exempted pursuant to subsection (a)(4), exemptions, or those preparing an alternative fee calculation pursuant to section 22-5, shall pay an impact fee as determined by the fee schedule attached to this chapter as Exhibit "A", incorporated herein by reference.
 - (2) *Fee computation.*
 - a. If a building permit is requested for mixed uses, then the fee shall be determined according to the above schedule by apportioning the space committed to uses specified on the schedule. Reduction of impact fees shall be allowed through engineering study if capture between mixed land uses can be determined. The reduction should be defined as the percentage capture between uses.
 - b. If the type of impact-generating land development for which a building permit is requested is not specified on the fee schedule, the city manager or a designee shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule.
 - (3) At least once every five (5) years, the city manager or a designee, shall recommend to the city council whether any changes should be made to the impact fee schedule to reflect changes in

the factors that affect the fee schedule. The purpose of this review is to analyze the effects of inflation on the actual costs of facilities, to assess potential changes in needs, to assess any changes in the characteristics of land uses, and to ensure that the fee changed to new impact-generating land development will not exceed its pro rata share for the reasonably anticipated expansion costs of facilities necessitated by its presence.

(Ord. No. 08-0-26, § 3, 2-9-2009)

Sec. 22-5. - Alternative impact fee calculation.

- (a) In the event an applicant believes that the cost of off-site roadway capacity needed to serve his proposed development is less than the fee established in section 22-4, the applicant may, at his own expense, submit an alternative fee calculation to the city manager or a designee pursuant to the provisions in this section. If the city manager or designee finds the data, information and assumptions used by the applicant to calculate the alternative impact fee satisfy the requirements of this section, the alternative transportation impact fee shall be deemed the transportation impact fee due and owing for the proposed land use.

- (b) Net Impact Fee = Total Impact Cost - Gas Tax Credit, where:

Total impact cost = $((\text{Trip Rate} \times \text{Recommended Trip Length} \times \% \text{ New Trips})/2) \times (1 - \text{Toll Facility Adj. Factor}) \times (\text{Cost per Lane Mile}/\text{Avg. Capacity Added per Lane Mile})$

Gas tax credit = Present Value (Annual Gas Tax), given five (5) percent interest rate and 25-year facility life

Annual gas tax = $((\text{Trip Rate} \times \text{Assessable Trip Length} \times \% \text{ New Trips})/2) \times \text{Effective Days per Year} \times \$/\text{Gallon to Capital}/\text{Fuel Efficiency}$

Parameters used in the above equations are defined below:

Trip rate = The average daily trip generation rate, in vehicle-trips/day, for single family uses this is based on local studies conducted both in Citrus County and Florida, as well as information from the Institute of Transportation Engineers' Trip Generation, 7th Edition (2003), compiled by Tindale-Oliver and Associates, Inc. and documented in the November 2006 Citrus County Impact Fee Study, Final Report. For other land uses data was updated to the most recent ITE, Trip Generation, 8th Edition (2009).

Recommended trip length = The actual average trip length for each land use category, in vehicle-miles.

Assessable trip length = Adjusted trip lengths to account for gas tax credits on all roads. Average trip lengths represent travel on the functionally-classified road system, but gas taxes are collected for travel on all roads including local roads; therefore, an adjustment factor of 0.5 miles is added to the recommended trip length of each land use classification to account for this.

Percent new trips = Adjustment factor to account for trips that are already on the roadway.

2 = Total daily miles of travel generated by a particular land use category (i.e., Trip Rate \times Recommended Trip Length \times % New Trips) is divided by two (2) to prevent the double-counting of travel generated among land use codes since every trip has an origin and a destination.

Toll facility adjustment factor = Adjustment factor to account for the travel demand occurring on the interstate highway and/or toll facilities. Due to the lack of proximity of these facilities, no adjustment was considered (zero (0) percent).

Cost per lane mile = Unit cost to construct one (1) lane mile of roadway, in \$/lane-mile (\$3,219,548).

Average capacity added per lane mile = Represents the average daily traffic on one (1) travel lane at capacity for one (1) lane mile of roadway, in vehicles/lane-mile/day (14,600).

Present value = Calculation of the present value of a uniform series of cash flows, gas tax payments in this case, given an interest rate, "i," and a number of periods, "n" for five (5) percent interest and a 25-year facility life, the uniform series present worth factor is 14.0939.

Effective days = three hundred sixty-five (365) days.

\$/gallon to capital = The amount of gas tax revenue per gallon of fuel that is used for capital improvements, in \$/gallon (\$0.22).

Fuel efficiency = Average fuel efficiency of vehicles, in vehicle-miles/gallon (17.55).

- (c) The alternative transportation impact fee calculations shall be based on data, information or assumptions contained in this chapter or independent sources, provided that:
 - (1) The independent source is an accepted standard source of transportation engineering or planning data or information in the engineering community; or,
 - (2) The independent source is a local study carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering.
- (d) *Alternative impact fee calculation procedure.*
 - (1) An alternative impact fee calculation shall be undertaken through the submission of an application of assessment of fiscal impact for the facility component for which an assessment is requested. A potential fee payer may submit such an application at the fee payer's discretion.
 - (2) Within twenty (20) days of receipt of an application, the city shall determine if the application is complete. If it is determined that the application is not complete, a written statement shall be sent to the applicant, by mail, specifying the deficiencies. The application shall be deemed complete if no deficiencies are specified. The city shall take no further action on the application until it is deemed complete.
- (3) *Review of application.*
 - a. Within thirty (30) days of the date the application is determined complete, the city, through the city manager, a designee or staff, shall review the application and render a written decision on whether the fee of the impact-generating land development that is the subject of the alternative fee calculation should be modified, and if so, what the amount of the impact fee should be.
 - b. If, on the basis of generally recognized principles of impact analysis, it is determined the data, information and assumptions used by the applicant to calculate the alternative fee for the particular city facility satisfies the requirements of this section and the standards set forth in subsections (b) and (c) above, the fee determined in the alternative impact fee calculation shall be deemed the fee due and owing for the proposed impact-generating land development. The adjustment shall be set forth in a fee agreement which shall be entered into pursuant to subsection 22-4. If the alternative impact fee calculation study fails to satisfy the requirements of this section, the fee applied shall be that fee established in the fee schedule pursuant to subsection 22-4.
- (e) *Appeal.*
 - (1) A potential fee payer affected by the decision on an alternative fee calculation may appeal the decision to the Crystal River City Council, by filing with the city manager or a designee within thirty (30) days of the date of the written decision, a written notice stating and specifying the

grounds of the appeal. The CITY MANAGER OR A DESIGNEE SHALL PLACE THE APPEAL ON THE CITY COUNCIL'S Agenda for the next regularly scheduled meeting.

- (2) The Crystal River City Council, after a hearing, shall have the power to affirm or reverse the decision. In making its decision, the Crystal River City Council shall make written findings of fact and conclusions of law, and apply the standards set forth in subsections (b) and (c) above. If the city council reverses the administrative decision, it shall direct the city manager or a designee to recalculate the fee in accordance with its findings. In no case shall the Crystal River City Council have the authority to negotiate the amount of the fee or waive the fee. The decision of the Crystal River City Council shall be final. In lieu of holding a hearing before the Crystal River City Council as contemplated by this section, the Crystal River City Council may, in its discretion, appoint a Special Master who shall conduct a hearing and make written findings of fact and conclusions of law. The special master shall be hired by the Crystal River City Council and shall not be an employee or elected official of the City of Crystal River. The decision of said special master shall be final.

(Ord. No. 08-0-26, § 3, 2-9-2009)

Sec. 22-6. - Credits for transportation impact fee.

(a) *Credits, generally.*

- (1) For any credit against any road fee proposed to be paid, the contribution, payment, construction or dedication may be credited in an amount equal to its full fair market value if it is for an off-site roadway improvement (including on-site arterial and major collector roads) which expands the capacity of the major road system.
- (2) Credit may be in an amount equal to fair market value of the land dedicated for right-of-way at the time of dedication, the fair market value of the construction at the time of its completion, or the value of the contribution or payment at the time it is made.
- (3) The city may enter into a capital contribution front-ending agreement with any person who proposes to construct off-site roadway improvements that expand the capacity of the major road system. To the extent that the fair market value of the construction of these capital road facilities exceed the obligation to pay impact fees for which a credit is provided pursuant to this section, the capital contribution front-ending agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the capital road facilities constructed.

(b) *Credit agreement procedures.*

- (1) The determination of any credit shall be undertaken through the submission of an application for credit agreement, which shall be submitted to the designated official of the City of Crystal River.
- (2) The application for credit agreement shall include the following information:
 - a. If the proposed application involves credit for the dedication of land:
 1. A drawing and legal description of the land;
 2. The appraised fair market value of the land at the date a building permit is proposed to be issued for the impact-generating land development, prepared by a professional real estate appraiser who is a member of the member appraisal institute (MAI) or who is a member of senior residential appraisers (SRA); and if applicable;
 3. A certified copy of the development order in which the land was agreed to be dedicated.
 - b. If the proposed application involves construction:

1. The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Florida engineer or contractor; and
 2. The projected costs for the suggested improvements, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, cost of plans and specifications, surveys of estimates of costs and of revenues, cost of professional services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.
- c. If the proposed application involves a credit for any other contribution or payment:
1. A certified copy of the development order in which the contribution or payment was agreed;
 2. If payment has been made, proof of payment; or
 3. If payment has not been made, the proposed method of payment.
- (3) Within five (5) days of receipt of the proposed application for credit agreement, the city official shall determine if the application is complete. If it is determined that the proposed application is not complete, the city official shall send a written statement to the applicant outlining the deficiencies. No further action shall be taken on the proposed application until all deficiencies have been corrected or otherwise settled.
 - (4) The city official shall review the completed application within twenty (20) days and grant the proposed credit if it meets the standards set forth in subsection (a) as applicable.
 - (5) Provisions in credit agreement. If the application for credit agreement is approved, a credit agreement shall be prepared and signed by the applicant and the city. It shall specifically outline the contribution, payment, construction or land dedication; the time by which it shall be completed, dedicated, or paid, and any extensions thereof; and the dollar credit the applicant shall receive for the contribution, payment or construction.
- (c) *Appeal.*
- (1) An applicant affected by the decision of the city official on an application for credit agreement may appeal the decision to the Crystal River City Council, by filing with the city manager or a designee within thirty (30) days of the date of the written decision, a written notice stating and specifying the grounds of the appeal. The city manager or a designee shall place the appeal on the city council's agenda for the next regularly scheduled meeting.
 - (2) The Crystal River City Council, after a hearing, shall have the power to affirm or reverse the decision on an application for credit agreement. In making its decision, the city council shall make written findings of fact and conclusions of law, and apply the standards in subsections (a) through (c), whichever is applicable. If the city council reverses the decision, it shall direct the appropriate city official to readjust the credit in accordance with its findings. The decision of the Crystal River City Council shall be final. In lieu of holding a hearing before the Crystal River City Council as contemplated by this section, the Crystal River City Council may, in its discretion, appoint a special master who shall conduct a hearing and make written findings of fact and conclusions of law. The special master shall be hired by the Crystal River City Council and shall not be an employee or elected official of the city. The decision of said special master shall be final.

(Ord. No. 08-0-26, § 3, 2-9-2009)

Sec. 22-7. - Establishment of trust fund.

The road impact fees collected by the city pursuant to this division shall be kept separate from other general fund revenues of the city. Although the monies may be commingled in terms of investment strategies, there shall be one (1) account established for each fee in order to provide a full cost accounting for the activity of each fee. Funds withdrawn from this account must be used solely in accordance with this division.

(Ord. No. 08-0-26, § 3, 2-9-2009)

Sec. 22-8. - Use of funds.

- (a) Fees collected under this chapter are expressly and solely designated for the purpose of planning, acquisition, expansion and development of off-site improvements to the road system to offset the impacts reasonably attributable to impact-generating land development. Impact fee proceeds shall not be appropriated for operation or maintenance costs or to correct existing deficiencies or needs not created by new impact-generating land development.
- (b) All proceeds shall be invested in interest-bearing accounts. All income derived from these investments shall be retained in the trust fund until transferred or spent, whichever is appropriate. Records of each trust fund and account shall be available for public inspection.
- (c) All proceeds collected from the fee and all interest accrued on such funds shall be used for the purpose of capital road facilities on the major road system within the benefit district.

(Ord. No. 08-0-26, § 3, 2-9-2009)

Sec. 22-9. - Return of fees.

- (a) Any fees collected shall be returned to the fee payer or a successor in interest if the fees have not been spent within seven (7) years from the date the building permit for the development was issued, along with the average rate of interest actually accrued by the fund during the time period in question. Provided, however, that the Crystal River City Council may by resolution extend for up to three (3) years the date at which fees must be refunded. Such an extension shall be made upon a finding that within such three-year period, specific capital improvements are planned as evidenced by the adoption and incorporation into the city's comprehensive plan, that these capital improvements shall be constructed within the next three years, that these improvements are reasonably attributable to the fee payer's impact-generating land development; and that the fees whose time of refund is extended shall be spent for these capital improvements. Fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent.
- (b) The refund of fees shall be undertaken through the following process.
 - (1) A refund application shall be submitted within one year following the end of the seventh year from the date on which the building permit was issued on the proposed development. If the time of refund has been extended pursuant to subsection (a), the refund application shall be submitted within one (1) year following the end of this extension. The refund application shall include the following information:
 - a. A copy of the dated receipt issued for payment of the fee;
 - b. A copy of the certificate of occupancy permit;
 - c. A copy of the receipt issued by the city for payment of the fee; and if applicable
 - d. Evidence that the applicant is the successor in interest to the fee payer.
 - (2) Within twenty (20) days of receipt of the refund application, the city manager or a designee shall determine if it is complete. If the city manager or a designee determines the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person

submitting the application. Unless the deficiencies are corrected, the city manager or a designee shall take no further action on the refund application.

- (3) When the city manager or a designee determines the refund application is complete, it shall be reviewed within twenty (20) days.
- (4) The refund application shall be approved if it is determined the fee payer or the fee payer's successor in interest has paid a fee which the city has not spent within the period of time permitted under this section. The refund shall include the average rate of interest actually accrued by the fund during the time period in question
- (5) Any fee payer or the fee payer's successor in interest may appeal the decision of a refund application by filing a petition with the city council within thirty (30) days of the decision. In reviewing the decision, the Crystal River City Council shall use the standards established in subsection (b)(4). The decision of the Crystal River City Council shall be final.

(Ord. No. 08-0-26, § 3, 2-9-2009)

Sec. 22-10. - Liberal construction, severability and penalty.

- (a) The provisions of this chapter shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.
- (b) If any section, phrase, sentence or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions. All ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.
- (c) A violation of this chapter shall be a misdemeanor punishable according to law; however, in addition to or in-lieu of any criminal prosecution, the city shall have the power to initiate legal proceedings in civil court to enforce the provisions of this chapter, including but not limited to, injunctive relief and any other remedy provided in law or equity.

(Ord. No. 08-0-26, § 3, 2-9-2009)

Sec. 22-11. - Moratorium; ability to amend.

- (a) For a period of ninety (90) days from the effective date of this chapter, the transportation impact fees contemplated herein shall not be assessed against any person or governmental body commencing any impact-generating land development within the City of Crystal River, Florida.
- (b) After the ninety (90) day moratorium period, or any extension of the moratorium by the city council as contemplated by subsection (c), the transportation impact fee contemplated by this chapter shall otherwise apply to any person or governmental body who shall commence any impact-generating land development, except those exempted pursuant to subsection 22-4(a)(4).
- (c) The city council may amend the duration and application of the moratorium created by this section after a duly noticed public hearing.

(Ord. No. 08-0-26, § 3, 2-9-2009)