

1 **Staff Summary**

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3 This ordinance amends Section 22-37, Lake County Code, entitled Imposition, to increase the  
4 transportation impact fee for the north and central impact fee districts. The ordinance will also  
5 repeal Section 22-11, entitled Prepayment of Impact Fees. The purpose of the ordinance is to  
6 increase the fees imposed in the north and central impact fee districts. If approved, the increase in  
7 Transportation Impact Fees will become effective on September 15, 2018.  
8

9  
10 **ORDINANCE NO. 2018-\_\_\_**

11  
12 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**  
13 **COUNTY, FLORIDA; AMENDING SECTION 22-37, LAKE COUNTY CODE,**  
14 **ENTITLED IMPOSITION; INCREASING THE TRANSPORTATION IMPACT FEES IN**  
15 **THE NORTH AND CENTRAL IMPACT FEE DISTRICT TO BE EFFECTIVE**  
16 **SEPTEMBER 15, 2018; AMENDING SECTION 22-11, LAKE COUNTY CODE,**  
17 **ENTITLED PREPAYMENT OF IMPACT FEES; DISCONTINUING THE**  
18 **PREPAYMENT OF IMPACT FEES PROGRAM EFFECTIVE MAY 22, 2018;**  
19 **PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;**  
20 **PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING**  
21 **FOR AN EFFECTIVE DATE.**

22  
23 **WHEREAS**, Chapter 22 of the Lake County Code imposes impact fees for transportation,  
24 educational facilities, parks, libraries and fire; and

25  
26 **WHEREAS**, currently, Article III, Sections 22-36 through 22-42, establishes the  
27 provisions governing the imposition of a transportation impact fee; and

28  
29 **WHEREAS**, in Ordinance 2013-7, the Board of County Commissioners (“Board”) did  
30 adopt separate transportation impact fee rates for the North, Central and South Benefit Districts,  
31 with the rates in the North and Central Benefit District being discounted significantly more than  
32 the rates charged in the South District; and

33  
34 **WHEREAS**, on February 21, 2017, the Board did accept the updated Transportation  
35 Impact Fee Study prepared by Kittelson & Associates, Inc., dated February 9, 2017, in which it  
36 was determined that Lake County’s transportation impact fee rates were still valid based upon the  
37 most recent localized data as required by Section 163.31801, Florida Statutes; and

38  
39 **WHEREAS**, the Wekiva Parkway, also known as S.R. 429, completed its connection into  
40 Lake County by opening the ramp at S.R. 46 and Round Lake Road in March 2018; and

41  
42 **WHEREAS**, it is anticipated that this portion of East Lake County will begin to see an  
43 increase in development, especially in the Wolf Branch Innovation District, which is an  
44 employment based economic development district currently being master planned by the City of  
45 Mount Dora, in coordination with Lake County; and

1           **WHEREAS**, the Board now finds it is in the best interests of the citizens of Lake County  
 2 to increase the transportation impact fees for the North and Central Districts to accommodate the  
 3 growth expected to take place in those Districts.

4  
 5           **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
 6 Lake County, Florida as follows:

7  
 8           **Section 1.     Recitals.**       The foregoing recitals are true and correct and incorporated  
 9 herein by reference.

10  
 11           **Section 2.     Amendment.** Section 22-37, Lake County Code, entitled Imposition, shall  
 12 be amended to read as follows:

13 **Sec. 22-37. Imposition.**

14 ~~(a) The imposition of transportation impact fees on new development shall be suspended for a~~  
 15 ~~period beginning on March 2, 2010 and extending through January 12, 2014. The suspension shall~~  
 16 ~~not apply to pre-payments, concurrency reservation accounts, deferral agreements unless the~~  
 17 ~~agreement specifically allows, or the use of impact fee credits. Effective January 13, 2014,~~  
 18 ~~transportation impact fees shall be collected as provided herein.~~

19 ~~(b)~~ Transportation impact fees for the ~~n~~North and ~~e~~Central ~~b~~Benefit ~~d~~Districts shall be determined  
 20 as follows:

Lake County Transportation Impact Fee Schedule North and Central Benefit Districts		
Category	Unit	Fee
Single-Family Less than 1,500 1,500 to 2,499 sf 2,500 sf or greater	Dwelling	<del>\$375.00</del> <u>2,032.00</u>
	Dwelling	<del>\$500.00</del> <u>2,706.00</u>
	Dwelling	<del>\$590.00</del> <u>3,194.00</u>
Multi-Family	Dwelling	<del>\$229.00</del> <u>1,240.00</u>
Mobile Home Park	Space	<del>\$143.00</del> <u>776.00</u>
Active Adult Community	Dwelling	<del>\$182.00</del> <u>985.00</u>
Lodging	Room	<del>\$242.00</del> <u>1,311.00</u>
Retail/Commercial	1,000 sf	<del>\$569.00</del> <u>3,080.00</u>
Office	1,000 sf	<del>\$485.00</del> <u>2,623.00</u>
Industrial/Manufacturing	1,000 sf	<del>\$278.00</del> <u>1,505.00</u>
Warehousing	1,000 sf	<del>\$259.00</del> <u>1,403.00</u>
Mini-Warehouse	1,000 sf	<del>\$66.00</del> <u>359.00</u>
Public/Institutional	1,000 sf	<del>\$150.00</del> <u>812.00</u>

21  
 22 **-Source** — Duncan/Associates, Updated as of January 2013. These rates have been verified based  
 23 upon the most recent localized data as shown in the updated Transportation Impact Fee Study

1 prepared by Kittelson & Associates, Inc., dated February 9, 2017, and accepted by the Board of  
 2 County Commissioners on February 21, 2017.

3 sf = square foot

4 (eb) Transportation impact fees for the sSouth bBenefit dDistrict shall be determined as follows:

Lake County Transportation Impact Fee Schedule South Benefit District		
Category	Unit	Fee
Single-Family Less than 1,500 1,500 to 2,499 sf 2,500 sf or greater	Dwelling	\$2,032.00
	Dwelling	\$2,706.00
	Dwelling	\$3,194.00
Multi-Family	Dwelling	\$1,240.00
Mobile Home Park	Space	\$776.00
Active Adult Community	Dwelling	\$985.00
Lodging	Room	\$1,311.00
Retail/Commercial	1,000 sf	\$3,080.00
Office	1,000 sf	\$2,623.00
Industrial/Manufacturing	1,000 sf	\$1,505.00
Warehousing	1,000 sf	\$1,403.00
Mini-Warehouse	1,000 sf	\$359.00
Public/Institutional	1,000 sf	\$812.00

5 **Source** — Duncan/Associates, Updated as of January 2013 adopted as seventy percent (70%) of  
 6 recommended rates. These rates have been verified based upon the most recent localized data as  
 7 shown in the updated Transportation Impact Fee Study prepared by Kittelson & Associates, Inc.,  
 8 dated February 9, 2017, and accepted by the Board of County Commissioners on February 21,  
 9 2017.

10 sf = square foot

11 **Section 3. Amendment.** Section 22-11, Lake County Code, entitled Prepayment of  
 12 Impact Fees, is hereby amended to read as follows:

13  
 14 **Sec. 22-11 Prepayment of Impact Fees.**

15  
 16 ~~The board of county commissioners recognizes that in some instances some persons may wish~~  
 17 ~~to secure firm estimates of impact fees that may be due in connection with a proposed development~~  
 18 ~~and not be subject to increases in the fee schedules prior to the issuance of the building permit or,~~  
 19 ~~where no building permit is required, issuance of the final development order. In such a case, prior~~  
 20 ~~to issuance of the building permit, or where no building permit is required, issuance of a final~~  
 21 ~~development order, Lake County shall or the municipality may, at its option, accept payment of~~  
 22 ~~the estimated impact fees. The provisions of this section are optional for municipalities, and no~~

1 ~~municipality shall be required to accept prepayments of impact fees, except that a municipality~~  
2 ~~shall accept a valid prepayment certificate if issued by the county. Should a person utilize the~~  
3 ~~option of prepayment allowed by this section, the following rules shall apply:~~

4 ~~(a) For new single family residential development, pre payment of impact fees shall not be~~  
5 ~~permitted until the final plat is recorded in the public records of Lake County, Florida.~~

6 ~~(b) The amount of impact fees shall not be subject to adjustment at the time of building~~  
7 ~~permit or final development order so long as the proposed development has not been~~  
8 ~~modified to the extent that the impact is increased by a change in the plans. If the plans~~  
9 ~~for the proposed development are changed in such a way that the impact has been~~  
10 ~~increased, the impact fee will be determined at the time of building permit or final~~  
11 ~~development order utilizing whatever fee schedules are in effect at that time, with credit~~  
12 ~~being provided for the amount of prepayment. As provided in (c) below, if a building~~  
13 ~~permit or final development order is not obtained within twelve (12) months from the~~  
14 ~~date of prepayment, the amount of impact fees will be recalculated at the time the building~~  
15 ~~permit or final development order is obtained, with the applicant obtaining a credit for~~  
16 ~~the amount of the prepayment.~~

17 ~~(c) Except as provided for in subsection (4d) [(d)] below, prepaid impact fees can only be~~  
18 ~~used for the particular project and on the particular land, or in the case of a recorded plat,~~  
19 ~~the particular lot, which is the subject of the building permit or final development order.~~  
20 ~~These prepayments cannot be transferred to any other real property.~~

21 (a) Beginning May 22, 2018, the pre-payment of impact fees shall not be permitted.

22  
23 ~~(db) \_~~ Educational and transportation prepayments that were purchased prior to June 1, 2014 may  
24 be converted into impact fee credits or exemptions as set forth below, and banked with the County  
25 for use on another parcel of property within the same impact fee district. Upon receipt of a  
26 notarized affidavit from the owner of record requesting to convert prepayments into credits or  
27 exemptions and bank them, the county manager or designee shall establish an account in the name  
28 of the owner of record and credits or exemptions shall be applied as follows:

29 ~~(1) For pre payments made on or after April 1, 2008, the conversion of prepaid impact~~  
30 ~~fees to credits shall be equal to the actual amount prepaid. For pre-payments made between~~  
31 ~~April 1, 2008 and June 1, 2014, the prepayment shall be converted to a credit in the actual~~  
32 ~~amount of the pre-payment. The credit shall attach to the property subject to the pre-~~  
33 ~~payment, but shall be eligible to a one-time transfer to another lot or parcel within the same~~  
34 ~~impact fee district. Once transferred, the credit shall not be eligible to be transferred again.~~

35 ~~(2) For pre payments made before April 1, 2008, the account shall be credited with one~~  
36 ~~(1) transportation or school impact fee exemption for each building permit obtained on a~~  
37 ~~lot or parcel that was previously prepaid. The exemption shall be transferrable to another~~  
38 ~~lot or parcel within the same impact fee district and shall exempt the property from payment~~  
39 ~~of the transportation or educational impact fee regardless of whether the fee is more or less~~  
40 ~~than the actual amount pre-paid.~~

41 ~~In the event the owner of record desires to transfer any portion of the impact fee credits, or~~  
42 ~~desires to transfer an impact fee exemption(s), to another party, the owner of record shall~~  
43 ~~submit a notarized affidavit to the county manager or designee indicating to whom the~~  
44 ~~credits or exemptions are to be transferred. Upon receipt of the notarized affidavit, the~~  
45 ~~impact fee credits or exemptions shall be transferred to a similar account established for~~

~~the transferee. In no event shall the transferee be entitled to further transfer those same credits or exemptions to a second transferee. For pre-payments made prior to April 1, 2008, the property shall be credited with one (1) transportation or educational impact fee exemption for each building permit obtained for the lot or parcel that was prepaid. The exemption shall be eligible for a one-time transfer to another lot or parcel within the same impact fee district and shall exempt the property from payment of the transportation or educational impact fee regardless of whether the fee is more or less than the actual amount pre-paid. Once transferred, the exemption shall be not be eligible to be transferred again.~~

(ec) — ~~Prepaid impact fees~~ Pre-payments made between April 1, 2008 and May 21, 2018 shall only be valid to avoid adjustment of the impact fees based on a new fee schedule for a period of twelve (12) months from the date of issuance. If the building permit or final development order is not obtained by that date, or after being obtained, is allowed to expire, impact fees shall be recalculated at the time of issuance of the permit (or new permit as the case may be) using the then current impact fee schedules with a credit being given for the amount of the previous prepayment. A prepayment certificate may be reinstated after expiration under the following conditions:

(1) The holder of the prepayment certificate must demonstrate that they took all necessary steps in good faith to obtain the building permit or final development order; and

(2) Failure to obtain the building permit or final development order was outside the control of the certificate holder.

If the above conditions are satisfied, the County Manager can reinstate the prepayment certificate if the value of the impact fees due after the certificate expiration does not exceed the County Manager's signature authority. If the value of the impact fees due after the certificate expiration exceeds the County Manager's authority, authority to reinstate the certificate shall be with the board of county commissioners. If reinstated, the prepayment certificate shall expire within twelve (12) months from the date the reinstatement is approved. A request for reinstatement shall be made no later than thirty (30) days from the date the prepayment certificate expires.

(fd) — The prepaid impact fee shall not be refundable for any reason other than failure of the impact fee being expended as required by section 22-13(b), below. If the plans for the proposed development are changed in such a way that the impact has been decreased, or if a building permit or final development order has not been issued, the prepaid impact fee (or portion thereof, as the case may be) shall not be refundable. Credit will be given for a different project on the same site in the future in an amount equal to the prepayment, however, the fees shall be determined using the fee schedule in existence at the time of approval of the new development. Transportation or educational impact fee credits converted under this section shall not be refundable.

~~(ge) — Except as provided for in subsection (h), p~~ Payment of capacity reservation fees as required by Chapter V, Lake County Code, Appendix E, Land Development Regulations, entitled Concurrency Management, shall not constitute prepayment of impact fees. ~~However, a developer, at the time the capacity reservation fee is paid, may elect to utilize the provisions of this section and prepay any applicable impact fees in full.~~

~~(h) — An administrative fee as set by the board of county commissioners by resolution shall be charged each time an applicant elects to use the prepaid impact fee method.~~

1 **Section 4. Inclusion in Code.** It is the intent of the Board that the provisions of this  
2 Ordinance shall become and be made a part of the Lake County Code and that the sections of this  
3 Ordinance may be renumbered or relettered and the word “ordinance” may be changed to  
4 “section”, “article”, or such other appropriate word or phrase in order to accomplish such intention.  
5

6 **Section 5. Severability.** If any section, sentence, clause, phrase or word of this  
7 Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such  
8 holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be  
9 construed to have been the Commissioners’ intent to pass this Ordinance without such  
10 unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the  
11 exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been  
12 included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any  
13 person, groups of persons, property, kind of property, circumstances or set of circumstances, such  
14 holding shall not affect the applicability thereof to any other person, property or circumstances.  
15

16 **Section 6. Filing with the Department of State.** The Clerk shall be and is hereby  
17 directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the  
18 State of Florida in accordance with Section 125.66, Florida Statutes.  
19

20 **Section 7. Effective Date.** Section 2 of this Ordinance amending Section 22-37, Lake  
21 County Code, regarding the imposition of transportation impact fee rates, shall not become  
22 effective until September 15, 2018. The remaining portions of this Ordinance shall become  
23 effective as provided for by law.  
24

25 Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
26

27 Filed with the Secretary of State \_\_\_\_\_, 2018.  
28

29  
30 ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

31  
32  
33 \_\_\_\_\_  
34 Neil Kelly, Clerk of the  
35 Board of County Commissioners  
36 of Lake County, Florida

\_\_\_\_\_

Timothy I. Sullivan, Chairman  
This \_\_\_\_ day of \_\_\_\_\_, 2018.

37  
38  
39  
40 Approved as to form and legality:  
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42  
43  
44 \_\_\_\_\_  
Melanie Marsh, County Attorney