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Staff Summary

This ordinance amends Chapter 22, Lake County Code, Section 22-22 regarding Educational Impact Fees. The purpose of this ordinance is to increase the Educational Impact Fee based upon an Impact Fee Study prepared by Tindale Oliver dated July 16, 2015. If adopted, the new fees would go into effect on January 11, 2016.

ORDINANCE NO. 2015-40

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 22-21, LAKE COUNTY CODE, ENTITLED LEGISLATIVE FINDINGS; AMENDING SECTION 22-22, LAKE COUNTY CODE, TO INCREASE THE EDUCATIONAL IMPACT FEES TO \$9,324.00 FOR SINGLE FAMILY UNITS, \$8,045.00 FOR MULTI-FAMILY UNITS AND \$5,856.00 FOR MOBILE HOMES IN PARKS TO BE EFFECTIVE JANUARY 11, 2016; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 22 of the Lake County Code imposes impact fees for Transportation, Educational Facilities, Parks, Libraries and Fire; and

WHEREAS, the Lake County School Board recently had Tindale-Oliver prepare an Educational Facilities Update Study to ensure that the Educational Impact Fees are based upon the most recent localized data; and

WHEREAS, the Lake County School Board voted unanimously to approve the July 2015 Tindale Oliver impact fee study, and has recommended to the Board of County Commissioners to impose 100% of the recommended rate shown in the study; and

WHEREAS, the Capital Facilities Advisory Committee reviewed the Tindale Oliver impact fee study, and has recommended that the Board of County Commissioners amend the current impact fee rates to an amount equal to 83% of the recommended rates in the study; and

WHEREAS, the Board now finds it is in the best interests of the citizens of Lake County to adopt the new impact fee study and to increase the Educational Impact Fee rates.

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

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. Section 22-21, Lake County Code, entitled "Legislative Findings", is hereby amended to read as follows:

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Sec. 22-21. Legislative findings.

The Board of County Commissioners of Lake County, Florida, hereby finds, determines and declares that:

- (1) The school board has adopted a resolution which requests the Board of County Commissioners of Lake County to adopt a revised and updated educational system impact fee which requires future residential construction to contribute its fair share of the cost of capital improvements and additions to the educational system which are necessary to accommodate such growth.
- (2) The school board has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements and additions to the educational system which are necessary to accommodate such growth.
- (3) F.S. Ch. 163, Pt. II requires the county to adopt a comprehensive plan containing a capital improvements element which considers the need and location of public facilities within its areas of jurisdiction and the projected revenue source which will be utilized to fund these facilities.
- (4) Pursuant to F.S. § 1013.33, the school board and the county are required to coordinate the planning of educational facilities with the planning of residential construction and the providing of other necessary services. ~~Moreover, F.S. § 1013.33(10), requires educational facilities to be consistent with the comprehensive plan.~~
- (5) The implementation of a revised and updated educational system impact fee to require future growth to contribute its fair share of the cost of growth necessitated capital improvements to the educational system promotes the general welfare of the citizens of Lake County. The provision of educational facilities which are adequate for the needs of growth is in the general welfare of all county residents and constitutes a public purpose.
- (6) The implementation of a revised and updated educational system impact fee to require future growth to contribute its fair share of the cost of required capital improvements and additions is an integral and vital element of the regulatory plan of growth management in the county.
- (7) The projected capital improvements to the educational system and the allocation of projected costs between those necessary to serve existing development and those required to accommodate the educational needs of future residential construction as presented in the study entitled "~~Impact Fees for Educational Facilities in Lake County, Florida, June 7, 2011, Lake County Schools Educational Facilities Update Study,~~" prepared by Tindale Oliver and dated July 16, 2015, is hereby approved and adopted by the county and such study is found to be consistent with the comprehensive plan of the county.
- (8) Interlocal agreements have been entered into between the county, the school board and the municipalities within Lake County to assist in the imposition and implementation of the educational system impact fee within all areas of the county. The interlocal

1 agreements shall provide for the consistent collection and administration of the
2 educational system impact fee throughout the county.

- 3 (9) The required improvements and additions to the educational system needed to eliminate
4 any existing deficiencies shall be financed by revenue sources of the school board other
5 than educational system impact fees.
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8 **Section 3. Amendment.** Section 22-22, Lake County Code, entitled 'Imposition,' is
9 hereby amended to read as follows:

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12 **Sec. 22-22. Imposition.**

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14 (a) ~~The imposition of educational impact fees on new development shall be~~
15 ~~suspended for a period beginning retroactively on January 1, 2011 and extending~~
16 ~~through January 12, 2014. The suspension shall not apply to pre-payments,~~
17 ~~deferral agreements unless the agreement specifically allows, or the use of impact~~
18 ~~fee credits. Refunds of the educational impact fee shall be issued to the current~~
19 ~~owner of record for fees paid on a permit issued on or after January 1, 2011.~~

20
21 (b) All residential construction occurring within the county, both within the
22 unincorporated area and within the municipalities, shall pay the following
23 educational system impact fees:

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25	Single-family detached house, per dwelling unit	\$7,719.00 <u>9,324.00</u>
26	Multi-family dwelling unit, per dwelling unit	\$4,636.00 <u>8,045.00</u>
27	Mobile home, per dwelling unit	\$2,537.00 <u>5,856.00</u>
28		

29
30 **Section 3. Severability.** If any section, sentence, clause, or phrase of the Ordinance
31 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
32 shall in no way affect the validity of the remaining portion of this Ordinance.
33

34 **Section 4. Inclusion in the Code.** It is the intent of the Board of County
35 Commissioners that the provisions of this Ordinance shall become and be made a part of the
36 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
37 the word "ordinance" may be changed to "section," "article," or such other appropriate word or
38 phrase in order to accomplish such intentions.
39

40 **Section 5. Filing with the Department of State.** The clerk shall be and is
41 hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for
42 the State of Florida.
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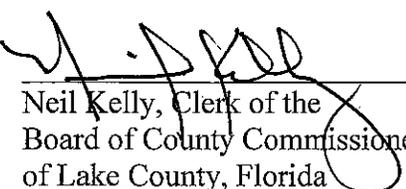
1 **Section 6.** **Effective.** This Ordinance shall become effective as of January 11,
2 2016.

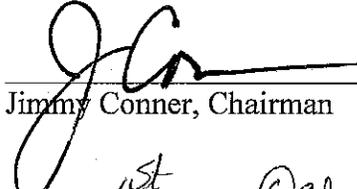
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5 Enacted this 29 day of September, 2015.

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7 Filed with the Secretary of State October 6, 2015.

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16 ATTEST:

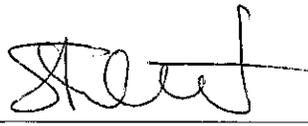
BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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22 Neil Kelly, Clerk of the
23 Board of County Commissioners
24 of Lake County, Florida

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Jimmy Conner, Chairman

This 1st day of October, 2015.

Approved as to form and legality:


Sanford A. Minkoff
County Attorney



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 6, 2015

Honorable Neil Kelly
Clerk of the Circuit Court
Lake County
550 West Main Street
P. O. Box 7800
Tavares, Florida 32778-7800

Attention: Ms. Victoria Bartley

Dear Mr. Kelly:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your electronic copy of Lake County Ordinance No. 2015-40, which was filed in this office on October 6, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb