

1
2
3 **Staff Summary**

4 This ordinance amends several portions of Chapter 22, Lake County Code, regarding
5 impact fees. This ordinance would apply library impact fees to residential construction in both
6 the unincorporated areas of Lake County and in the municipalities, and would eliminate the
7 requirement that County library impact fees only be imposed in municipalities that consent to the
8 imposition of the library impact fees through an interlocal agreement with the County. For
9 development in municipalities that already apply their own library impact fees, the ordinance
10 allows for a credit to be granted in the amount of the municipal library impact fee.

11 This ordinance also affects the waiver and deferral sections of Chapter 22. The ordinance
12 institutes a requirement that upon the granting of any impact fee waiver, the Lake County Board
13 of County Commissioners shall identify, on the record, the source of the funding that will be
14 used to pay the impact fees for the services or facilities that would otherwise have been paid for
15 by the development that received the waiver. Under this ordinance, a lack of funds would
16 prevent the granting of a waiver until such time as funds become available. Finally, the
17 ordinance requires that applications for impact fee deferrals and waivers be tracked on a list, so
18 that if a lack of funding prevents the granting of a waiver, projects can be granted waivers at the
19 time funds become available in accordance with their place on the list.

20
21 **ORDINANCE NO. 2009 – __**

22
23 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**
24 **COUNTY, FLORIDA; AMENDING CHAPTER 22 OF THE LAKE COUNTY CODE**
25 **ENTITLED IMPACT FEES; AMENDING ARTICLE I, ENTITLED “GENERAL**
26 **PROVISIONS,” SECTION 22-1, ENTITLED “APPLICABILITY,” TO APPLY COUNTY**
27 **LIBRARY IMPACT FEES TO RESIDENTIAL CONSTRUCTION OCCURRING IN**
28 **BOTH THE UNINCORPORATED AND INCORPORATED AREAS OF LAKE**
29 **COUNTY AND TO ELIMINATE THE REQUIREMENT THAT SUCH FEES ONLY BE**
30 **IMPOSED IN MUNICIPALITIES PURSUANT TO AN INTERLOCAL AGREEMENT;**
31 **CREATING SUBSECTIONS (G) AND (H) OF SECTION 22-9, ENTITLED “WAIVER**
32 **OR DEFERRAL OF IMPACT FEES FOR VERY LOW AND LOW INCOME**
33 **HOUSING,” TO REQUIRE AN IDENTIFICATION OF THE FUNDING SOURCE**
34 **THAT WILL COVER ANY IMPACT FEES WAIVED UNDER THE COUNTY CODE,**
35 **TO ALLOW FOR THE DENIAL OF A WAIVER IF FUNDING IS UNAVAILABLE,**
36 **AND TO PROVIDE FOR A TRACKING MECHANISM FOR WAIVER AND**
37 **DEFERRAL APPLICATIONS; AMENDING SECTION 22-10, ENTITLED “WAIVER**
38 **AND DEFERRAL OF IMPACT FEES FOR COMMERCIAL AND INDUSTRIAL LAND**
39 **USES,” TO CORRECT A TYPOGRAPHICAL ERROR; AMENDING ARTICLE VI,**
40 **ENTITLED “LIBRARY IMPACT FEES,” SECTION 22-60, ENTITLED**
41 **“IMPOSITION,” TO APPLY COUNTY LIBRARY IMPACT FEES TO RESIDENTIAL**
42 **CONSTRUCTION IN BOTH THE UNINCORPORATED AREA AND IN**
43 **MUNICIPALITIES, AND TO PROVIDE FOR A CREDIT FOR DEVELOPMENT IN**
44 **MUNICIPALITIES THAT ALREADY APPLY THEIR OWN IMPACT FEES, IN THE**
45 **AMOUNT OF THE MUNICIPALITY’S IMPACT FEES; PROVIDING FOR**

1 **SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR**
2 **FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN**
3 **EFFECTIVE DATE.**

4
5 **WHEREAS**, Chapter 22 of the Lake County Code imposes impact fees for
6 Transportation, Educational Facilities, Parks, Libraries and Fire; and
7

8 **WHEREAS**, it is necessary to update Chapter 22 to provide additional procedures to be
9 used in administration of the Impact Fee Code, particularly with regard to application of County
10 library impact fees in the incorporated areas, and with regard to impact fee waivers for qualifying
11 residential construction; and
12

13 **WHEREAS**, the Lake County Impact Fee Committee is a committee which is
14 established by Chapter 22 of the Lake County Code; and
15

16 **WHEREAS**, one of the duties of the Impact Fee Committee is to review Chapter 22 of
17 the Lake County Code on an annual basis and make recommendations to the Board of County
18 Commissioners; and
19

20 **WHEREAS**, on _____, 2009 the Impact Fee Committee reviewed this
21 proposed ordinance and unanimously recommended to the Board of County Commissioners that
22 the amendments contained herein be adopted by the Board of County Commissioners; and
23

24 **WHEREAS**, after appropriate advertising, the Board of County Commissioners held a
25 public hearing to consider this ordinance;
26

27 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
28 Lake County, Florida as follows:
29

30 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
31 herein by reference.
32

33 **Section 2. Amendment.** Section 22-1 of the Lake County Code, entitled
34 ‘Applicability,’ is hereby amended to read as follows:
35

36 **Sec. 22-1. Applicability.**
37

38 This chapter shall apply as follows:
39

- 40 (1) Educational impact fees, ~~and~~ transportation impact fees and library impact fees shall apply
41 to the unincorporated areas of Lake County, Florida and to all municipalities within Lake
42 County, Florida. Educational impact fees and library impact fees shall only apply to
43 residential construction.
44

1 (2) Fire rescue impact fees ~~and library impact fees~~ shall be imposed in all unincorporated areas
2 of the county and within all municipalities that consent to the imposition of the fire rescue
3 impact fees ~~or library impact fees~~ within their municipal boundaries through a duly
4 executed interlocal agreement, and which participate in the county fire rescue system ~~or the~~
5 ~~county library system~~.

6
7 (3) Park impact fees shall be imposed in all unincorporated areas of the county and within all
8 municipalities that consent to the imposition of the park impact fees within their municipal
9 boundaries through a duly executed interlocal agreement.

10
11 **Section 3. Creation.** Subsections (g) and (h) of Section 22-9 of the Lake County
12 Code, which is entitled ‘Waiver or deferral of impact fees for very low and low income housing,’
13 are hereby created to read as follows:
14

15 **Sec. 22-9. Waiver or deferral of impact fees for very low and low income housing.**

16 * * *

17
18
19 (g) Upon such waiver, the Board shall identify, on the record, the source of County funds
20 that will be used to pay the impact fees for the services or facilities that would otherwise have
21 been paid for by the development that received the waiver. Should no funding source be
22 available, or should an available funding source be inadequate to cover the total amount of the
23 impact fees that are being waived, the waiver shall not be granted unless or until funding
24 becomes available.

25
26 (h) The County Manager or designee shall maintain a list of all applications for, and
27 approvals of, waiver or deferral of impact fees for very low and low income housing.
28 Applications shall be recorded in the order of the date of their receipt by the County Manager or
29 designee. In the event that a lack of funding or inadequate funding results in a temporary halt to
30 the granting of impact fee waivers under the preceding paragraph, projects shall be granted
31 wavers at the time funds become available in accordance with their place on the list.

32
33 {The remainder of this Section shall remain unchanged.}

34
35 **Section 4. Amendment.** Section 22-10 of the Lake County Code, entitled ‘Waiver
36 and deferral of impact fees for commercial and industrial land uses,’ is hereby amended to read
37 as follows:
38

39 **Sec. 22-10. Waiver and deferral of impact fees for commercial and industrial land uses.**

40
41 (a) When an application for a development permit is made for an industrial land use and a
42 request for a ~~wavier~~ wavier of all or a portion of impact fees is made by the applicant, the board
43 of county commissioners may waive all or a portion of the amount of the impact fee required by
44 this chapter if the board finds such waiver or reduction is for good cause and is of benefit to Lake
45 County. Upon such waiver or reduction, the board shall identify on the record, the source of

1 county funds that shall be used to pay the impact fees for the services or facilities that would
2 otherwise have been paid for by the development that received the waiver.

3 * * *

4 {The remainder of this Section shall remain unchanged.}

5
6 **Section 5. Amendment.** Section 22-59 of the Lake County Code, entitled
7 'Legislative findings,' is hereby amended to read as follows:

8
9 The Board of County Commissioners of Lake County, Florida, hereby finds, determines
10 and declares that:

- 11
12 (1) The county library system benefits all residents of the county and, therefore, the library
13 impact fee shall be imposed in all unincorporated areas of the county and within all
14 municipalities, ~~as outlined in Section 22-60 that have consented to the imposition of the~~
15 ~~library impact fee and which participate in the county library system.~~

16 * * *

17
18 {The remainder of this Section shall remain unchanged.}

19
20 **Section 6. Amendment.** Section 22-60 of the Lake County Code, entitled
21 'Imposition,' is hereby amended to read as follows:

22
23 **Sec. 22-60. Imposition.**

- 24
25 (1) All residential construction occurring within the ~~incorporated and~~ unincorporated areas of
26 the county ~~and within the municipal boundaries of any consenting municipalities,~~ shall pay the
27 following library impact fees:

28
29 Single-family detached house, per dwelling unit . . . \$191.00

30
31 Multi-family, per dwelling unit \$146.00

32
33 Mobile home, per dwelling unit \$152.00

- 34
35 (2) ~~A credit shall be granted for any municipal library impact fee paid, provided proof of~~
36 ~~payment is submitted to the County at the time the County library impact fee is imposed. Such~~
37 ~~credit shall be applied at the time of the imposition of the County library impact fee and shall not~~
38 ~~exceed the total of the library impact fee imposed by the County.~~

39
40 **Section 7. Severability.** If any section, sentence, clause, or phrase of the Ordinance
41 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
42 shall in no way affect the validity of the remaining portion of this Ordinance.

43
44 **Section 8. Inclusion in the Code.** It is the intent of the Board of County
45 Commissioners that the provisions of this Ordinance shall become and be made a part of the

1 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
2 the word "ordinance" may be changed to "section", "article", or such other appropriate word or
3 phrase in order to accomplish such intentions.
4

5 **Section 9. Filing with the Department of State.** The clerk shall be and is hereby
6 directed to forthwith to send a certified copy of this ordinance to the Secretary of State for the
7 State of Florida.
8

9 **Section 10. Effective.** This ordinance shall become effective as provided for by law.
10

11
12
13 Enacted this ____ day of _____, 2009.
14

15 Filed with the Secretary of State _____, 2009.
16

17 Effective _____.
18
19
20

21 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

22
23
24
25 _____
26 Neil Kelly, Clerk of the
27 Board of County Commissioners
28 Of Lake County, Florida

Welton G. Cadwell, Chairman

This ____ day of _____, 2009.
29
30

31
32 Approved as to form and legality:
33
34

35 _____
36 Sanford A. Minkoff
37 County Attorney