

ORDINANCE 1362-16

AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA; PROVIDING FOR AN AMENDMENT TO ARTICLE VIII OF THE LAKE ALFRED CODE OF ORDINANCES, RELATING TO IMPACT FEES; ESTABLISHING PREPAYMENT CRITERIA AND EXEMPTIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City established impact fees in compliance with Florida Statutes 163.31801, providing that fees are based on funding infrastructure or services improvements necessitated by new growth, based on the most recent and localized data available; and

WHEREAS, the City of Lake Alfred City Commission adopted Ordinance No. 1052-03, providing for the establishment of impact fees for public safety, parks and recreation, and general government services in association with any new residential or commercial construction; and

WHEREAS, the City of Lake Alfred City Commission adopted Ordinance No. 1184-07, providing for the establishment of impact fees for water and wastewater services in association with any new residential or commercial construction; and

WHEREAS, the City encourages prepayment of impact fees in consideration of reservation of utility capacity, generally in association with an approved Development Agreement, which provides for a term and duration which prepaid impact fees collected remain valid; and

WHEREAS, those prepaid impact fees collected without terms and duration of a Development Agreement require an established duration which they shall be valid as credit for future building permits; and

WHEREAS, those properties which do not impose any further impact on City services, such as an alteration, or expansion without creation of any additional dwelling units, should be exempt from payment of impact fees.

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Lake Alfred, Florida, as follows:

SECTION 1: AMENDMENT. Article VIII of the Lake Alfred Code of Ordinances is hereby amended as depicted in Exhibit "A" attached hereto.

SECTION 2: SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 3: CONFLICTS. All ordinances and resolutions in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 4: EFFECTIVE DATE. This ordinance shall become effective immediately upon final adoption.

SECTION 5: FORMAT. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

PASSED on first reading at the regular meeting of the Lake Alfred City Commission held on the 19th day of January, 2016.

READ, PASSED AND FINALLY ADOPTED on second reading at the meeting of the Lake Alfred City Commission duly assembled on the 1st day of February, 2016.

**CITY OF LAKE ALFRED, FLORIDA
CITY COMMISSION**

Charles O. Lake, Mayor

ATTEST:

Amee Bailey-Speck, City Clerk

Approved as to Form:

Frederick J. Murphy, Jr., City Attorney

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Exhibit "A"

DIVISION 5. IMPACT FEES; PREPAYMENT AND EXEMPTIONS

Sec. 2-472. Prepaid impact fees

The City may accept prepaid impact fees for those established in this Chapter and Chapter 58 of this Code in consideration for reservation of utility capacity, pursuant to terms of a Development Agreement as provided by Section 6.03.00 of the Lake Alfred Unified Land Development Code. The City shall hold prepaid impact fees for the duration of the Development Agreement and shall retain any interest earned on the investment of such prepaid impact fees.

Where no Development Agreement may exist, any impact fees prepaid for new residential or commercial construction shall be evidenced by appropriate documentation as required by the City and retained as a credit on a specified property to be used with a valid building permit within three (3) years of the receipt of such prepaid impact fees.

Upon written request of the current owner, unused prepaid impact fees and their reservations may be removed from the property and refunded to the current owner within three (3) years of the original receipt of such impact fees in accordance with terms determined financially feasible by the City.

Upon the written request of the current owner and with the consent of the City, prepaid impact fees and their reservations may be transferred to a separate property for construction of equivalent impact within three (3) years of the original receipt of such prepaid impact fees. Such a transfer shall not extend the original three (3) year time period for which the prepaid impact fees and their reservations are valid.

In the event the prepaid impact fees are not refunded by written request or not used with a valid building permit on the specified property within three (3) years of the original receipt of such prepaid impact fees, the prepaid impact fees and their reservations shall be removed from the specified property and the prepaid funds shall be forfeited to the City.

The applicant requesting to utilize the prepaid impact fee credits or to be refunded their amount must show current ownership of the property. In the event of a change of ownership of the specified property the prepaid impact fees and their reservations are deemed to have been transferred to the new owner.

Sec. 2-473. Exemptions

The following shall be exempt from paying impact fees:

1. Alterations, or expansion of an existing dwelling unit where no additional dwelling units are created.
2. The replacement of a dwelling unit or building with a new dwelling unit where no additional

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dwelling units or square footage are created; and where the existing and replacement buildings or dwelling units are located on the same lot; provided that the replacement which has been destroyed or otherwise rendered uninhabitable must be replaced and issued a certificate of occupancy by the City within three (3) years of the date it was destroyed or rendered uninhabitable in order to be exempt from payment of City impact fees.