AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING TITLE X, IMPACT FEES, OF THE CODE OF INDIAN RIVER COUNTY, TO AMEND APPENDIX A, IMPACT FEE SCHEDULES TO APPROVE NEW IMPACT FEE SCHEDULES FOR UNINCORPORATED INDIAN RIVER COUNTY AND MUNICIPALITIES FOR QUALIFYING AFFORDABLE HOUSING; PROVIDING FOR EFFECTIVE DATE FOR NEW IMPACT FEE SCHEDULES; AND PROVIDING FOR CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, to address infrastructure costs associated with new growth, Indian River County has, since 1986, imposed traffic impact fees on new development. In 2005, the County adopted impact fees for eight additional services/facilities, also to address infrastructure costs associated with new growth; and

WHEREAS, since their adoption, impact fees have generated considerable revenue, and impact fees are an important source of funding for infrastructure projects in Indian River County; and

WHEREAS, the Consultant, in coordination with staff, developed the proposed impact fee schedules based upon the Consultant's report, impact fee update, and Affordable Growth methodology; and.

WHEREAS, in response to a request by the Board of County Commissioners, after advisement of the Affordable Housing Advisory Committee, new land use categories were created in the impact fee schedule to eliminate impact fees for single-family homes and multi-family units of less than 1,500 square feet for households with incomes below 80% of area median income; and

WHEREAS, staff advertised for a public hearing to be held on January 17, 2023, and also provided 30 days' notice to each municipality and to the school board as required by each impact fee agreement between the County and each municipality, and the County and school board.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Indian River County, Florida, that:

Section 1. ENACTMENT AUTHORITY.

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety, and welfare of the residents of the county. The Indian River County Board of County Commissioners specifically determines that the enactment of this ordinance is necessary to protect the health, safety, and welfare of the residents of Indian River County.

Section 2. Appendix A. Impact Fee Schedules

Appendix A, Impact Fee Schedules, of Title X, Impact Fees, of the Code of Indian River County for the unincorporated Indian River County and municipalities is hereby replaced with the attached Appendix A.

Section 3. CODIFICATION.

It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

Section 4. SEVERABILITY.

If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

Section 5. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. EFFECTIVE DATE

The impact fee rates contained in Appendix A of this ordinance shall take effect on ____, 2023 provided that prior to that date the Indian River County School Board approves the public education facilities impact fee rates as contained in that Appendix. If the Indian River County School Board does not approve the public education facilities impact fee rates as contained in Appendix A prior to _____, 2023, the public education facilities impact fees shall thereafter be removed from Appendix A and the administrative fee and total impact fee columns shall be adjusted accordingly.

This ordinance was advertised in the Press-Journal on the 1st day of January 2023, for a public hearing to be held on the 17th day of January, 2023, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Joseph Earman, Chairman _____
Susan Adams, Vice Chairman _____
Joseph E. Flescher, Commissioner _____

DRAFT

Deryl Loar, Commissioner _____
Laura Moss, Commissioner _____

The Chairman thereupon declared the ordinance duly passed and adopted this ____ day of ____, 2023.

Board of County Commissioners
Indian River County, Florida

By:_____
Joseph Earman, Chairman

ATTEST: Jeffrey R. Smith, Clerk
and Comptroller

By:_____
Deputy Clerk

This ordinance was filed with the Department of State and becomes effective on the following date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

_____
Phillip J. Matson, AICP; Community Development Director

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