

SUMTER COUNTY ORDINANCE 2019- 24

AN ORDINANCE OF SUMTER COUNTY, FLORIDA, AMENDING CHAPTER 20 "ROADS AND BRIDGES", ARTICLE III "ROAD IMPACT FEES", DIVISION 1 "GENERALLY", SECTIONS 20-31, 20-33(10), 20-34, 20-35, DIVISION 2 "ROAD IMPACT FEES," SECTIONS 20-36(1), 20-37(3), DIVISION 3 "MISCELLANEOUS PROVISIONS," SECTIONS 20-41, 20-45(1)(b)1., 20-51, DIVISION 4 "IMPACT FEE SCHEDULE," SECTION 20-66, AND DIVISION 5 "TRANSPORTATION IMPACT FEE UPDATE STUDY" OF THE SUMTER COUNTY CODE OF ORDINANCES; ADOPTING AN UPDATED FEE STUDY AS REQUIRED BY SECTION 20-48 OF THE SUMTER COUNTY CODE; SPECIFYING THE ROAD IMPACT FEE TO BE ASSESSED FOR ALL IDENTIFIED USES; PROVIDING FOR A RESOLUTION OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, section 1(g), Florida Constitution, Section 125.01 and Section 125.66, Florida Statutes, the Board of Sumter County Commissioners has all powers of local self-government to perform county functions, except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of county ordinances;

WHEREAS, pursuant to the Florida Impact Fee Act, Section 163.31801, Florida Statutes, the Board of Sumter County Commissioners is authorized to adopt impact fees by ordinance;

WHEREAS, the Board of Sumter County Commissioners desires to ensure the equitable and effective financing of public roads, bridges and other transportation infrastructure; and,

WHEREAS, the Sumter County Road Impact Fee Ordinance was established to provide a method to calculate, collect, and administer funds to offset the impact of new development on existing public roads and to finance, in whole or in part, new transportation infrastructure that may be necessitated by the impacts of development of private property; and,

WHEREAS, Section 20-48 of the Sumter County Code of Ordinances mandates periodic review of the analysis and calculations underlying the impact fee imposed as presented in the adopted road impact fee study; and,

WHEREAS, the Board of Sumter County Commissioners now finds it reasonable, prudent and necessary to amend provisions of the Impact Fee Ordinance to adopt the findings of an updated study prepared by Tindale Oliver dated October 4, 2019 as approved by the Board of Sumter County Commissioners on October 22, 2019, and to establish a revised table of road impact fees by land use classification consistent with said study; and,

WHEREAS, the Board of Sumter County Commissioners finds this Ordinance to be consistent with, and in the best interest of, the health, safety, and welfare of the citizens of Sumter County, Florida.

NOW, THEREFORE, be it ordained by the Board of Sumter County Commissioners as follows:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to Amend the Sumter County Code of Ordinances: Chapter 20 "Roads and Bridges," Article III "Road Impact Fees" specifically amending Division 1 "Generally," Sections 20-31, 20-33(10), 20-34, 20-35, Division 2 "Road Impact Fees", Sections 20-36(1), 20-37(3), Division 3 "Miscellaneous Provisions," Sections 20-41, 20-45(1)(b)1., 20-51, Division 4 "Impact Fee Schedule,"

Section 20-66, and Division 5 “Transportation Impact Fee Update Study” for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

SECTION 2. AUTHORITY.

Pursuant to Article III, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, the Sumter County Board of County Commissioners has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances.

SECTION 3. Section 20-31 of the Sumter County Code of Ordinances is amended to modify the definitions of the terms listed herein as follows. All other definitions contained in Section 20-31, not otherwise amended herein, shall continue with full force and effect as currently stated.

Impact fee land use category shall mean those categories of land use incorporated in the road impact fee rate schedule adopted and set forth in subsection 20-36(1).

Road construction district shall mean the district that is established by the county in subsection 20-36(2) for the purpose of collection and expenditures of the road impact fees.

Road impact fee rate shall mean the road impact fee imposed for a particular road impact construction under the applicable impact fee land use category established in the schedules listed in subsection 20-66.

Trip generation land use category shall mean the trip generation land use categories established in Trip Generation, 10th edition, published by the Institute of Transportation Engineers.

SECTION 4. Section 20-33, subsection (10) of the Sumter County Code of Ordinances is amended to read as follows:

(10) The cost of road impact construction on the county and state highway road system per the Sumter County Roadway Impact Fee Study dated October 4, 2019 prepared by Tindale Oliver and approved by county on October 22, 2019, is hereby approved and adopted by ordinance by the county and is hereby found to be in conformity with the comprehensive plan.

SECTION 5. Section 20-34 of the Sumter County Code of Ordinances is amended to read as follows:

The Sumter County Board of County Commissioners hereby adopts the approved study entitled “Sumter County Roadway Impact Fee Study” dated October 4, 2019 as prepared by Tindale Oliver, including the assumptions, conclusions, and findings in such study.

SECTION 6. Section 20-35 of the Sumter County Code of Ordinances is amended to read as follows:

The provisions of this article shall apply to road impact construction occurring in both the unincorporated and incorporated areas of the county consistent with the interlocal service boundary road sub-agreements entered into with each municipality as authorized by Chapter 171, Florida Statutes.

SECTION 7. Section 20-36, subsection (1) of the Sumter County Code of Ordinances is amended to read as follows:

(1) The commission hereby adopts the schedule of road impact fees at forty percent (40%) of the maximum allowable road impact fee rate per the roadway impact fee study adopted by Section 20-34 with an effective date of October 1, 2020, and imposed upon all road impact construction occurring within the incorporated and unincorporated areas of the county.

SECTION 8. Section 20-37, subsection (3) of the Sumter County Code of Ordinances is amended to read as follows:

(3) In cases where the applicable land use(s) of a structure(s) cannot be specifically determined prior to permitting, the landowner shall pay a fee equal to the average of the potential uses available in the general land use classification which most closely relates to the actual zoning of the property.

SECTION 9. Section 20-41 of the Sumter County Code of Ordinances is amended to read as follows with subsections (1-5) remaining in their current form:

Road impact fees shall be assessed for the expansion, enlargement, or increased use of existing developments as follows:

SECTION 10. Section 20-45, subsection (1)(b)1. of the Sumter County Code of Ordinances is amended to read as follows:

(1)(b)1. The actual cost of construction of off-site improvements to a designated county road shall be based upon cost certified by a current Florida Registered Professional Engineer; however, in no event shall any credit be granted for construction of off-site improvements in excess of the estimated construction costs approved by the county unless the construction project is competitively bid;

SECTION 11. Section 20-51 of the Sumter County Code of Ordinances is hereby declared null and void.

SECTION 12. Section 20-66 of the Sumter County Code of Ordinances is hereby amended effective October 1, 2020, to read as follows:

ITE LUC	Land Use	Unit	Fee
	RESIDENTIAL:		
210	Single Family (Detached)	Du	\$2,666
220	Multi-Family Housing (Low-Rise, 1-2 floors)	Du	\$1,911
221	Multi-Family Housing (Mid-Rise, 3-10 floors)	Du	\$1,419
222	Multi-Family Housing (High-Rise, >10 floors)	Du	\$1,166
240	Mobile Home Park	Du	\$979
251	Retirement Community (detached)	Du	\$972
252	Retirement Community (attached)	Du	\$552
	LODGING:		
310	Hotel	Room	\$1,181
320	Motel	Room	\$570
	RECREATION:		

411	Public Park	Acre	\$187
416	Campground/RV Park	Site	\$382
420	Marina	boat berth	\$741
430	Golf Course	Hole	\$9,323
437	Bowling Alley	Lane	\$3,085
444	Movie Theater	Screen	\$11,153
492	Health/Fitness Club	1,000 sf	\$8,560
n/a	Indoor Shooting Range (Range ONLY)	1,000 sf	\$476
n/a	Place of Assembly/Union Hall	1,000 sf	\$6,848
	INSTITUTIONS:		
520	Elementary School (Private)	Student	\$250
522	Middle/Junior High School (Private)	Student	\$284
530	High School (Private)	Student	\$304
540/550	University/Junior College (7,500 or fewer students) (Private)	Student	\$616
	University/Junior College (more than 7,500 students) (Private)	Student	\$457
560	Church	1,000 sf	\$1,246
565	Day Care Center	1,000 sf	\$3,638
	MEDICAL:		
610	Hospital	1,000 sf	\$2,848
620	Nursing Home	Bed	\$350
630	Clinic	1,000 sf	\$9,102
640	Veterinary Clinic	1,000 sf	\$1,586
	OFFICE:		
710	General Office	1,000 sf	\$2,367
720	Medical Office/Clinic 10,000 sq ft or less	1,000 sf	\$6,042
	Medical Office/Clinic greater than 10,000 sq ft	1,000 sf	\$8,652
	RETAIL:		
812	Building Materials and Lumber Store	1,000 sf	\$4,309
813	Discount Superstore	1,000 sf	\$4,074
815	Discount Store, Free-Standing	1,000 sf	\$3,752
816	Hardware/Paint Store	1,000 sf	\$472
817	Nursery (Garden Center)	1,000 sf	\$3,508
820	Retail	1,000 sf gla	\$3,774
823	Factory Outlet Center	1,000 sf	\$2,019
840/841	New/Used Auto Sales	1,000 sf	\$4,563
843	Automobile Parts Sales	1,000 sf	\$10,283
848	Tire Store	1,000 sf	\$3,775
849	Tire Superstore	1,000 sf	\$2,696
850	Supermarket	1,000 sf	\$6,152
851	Convenience Market (24 hour)	1,000 sf	\$22,333
857	Discount Club	1,000 sf	\$3,356
860	Wholesale Market	1,000 sf	\$1,415
862	Home Improvement Superstore	1,000 sf	\$2,334
863	Electronics Superstore	1,000 sf	\$2,117

876	Apparel Store	1,000 sf	\$3,419
880/881	Pharmacy with & without Drive-Thru	1,000 sf	\$3,441
890	Furniture Store	1,000 sf	\$1,065
	<i>SERVICES:</i>		
911	Bank/Savings Walk-In	1,000 sf	\$3,362
912	Bank/Savings Drive-In	1,000 sf	\$5,805
925	Bar/Nightclub	1,000 sf	\$5,853
931	Low-Turnover Restaurant	1,000 sf	\$10,503
932	High-Turnover Restaurant	1,000 sf	\$12,082
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$28,394
941	Quick Lube	service bay	\$5,294
942	Automobile Care Center	1,000 sf	\$3,733
944	Gas Station w/Convenience Market <2,000 sq ft	fuel pos.	\$3,703
945	Gas Station w/Convenience Market 2,000-2,999 sq ft	fuel pos.	\$4,418
960	Gas Station w/Convenience Market 3,000+ sq ft	fuel pos.	\$4,962
947	Self-Service Car Wash	service bay	\$3,235
948	Automated Car Wash	1,000 sf	\$10,453
	<i>INDUSTRIAL:</i>		
110	General Light Industrial	1,000 sf	\$1,204
130	Industrial Park	1,000 sf	\$818
140	Manufacturing	1,000 sf	\$956
150	Warehousing	1,000 sf	\$426
151	Mini-Warehouse	1,000 sf	\$244
154	High-Cube Transload & Short-Term Storage Warehouse	1,000 sf	\$342

SECTION 13. Chapter 20, Article III, Division 5 “Transportation Impact Fee Update Study” of the Sumter County Code of Ordinances is declared null and void.

SECTION 14. CODIFICATION.

It is the intention of the Sumter County Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Sumter County, Florida, with the exceptions of Sections 1, 2, 14, 15, 16, and 17. The word “Ordinance,” or similar words may be changed to “section,” “article,” or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein, within Chapter 20 of the Code of Ordinances.

SECTION 15. CONFLICTS AND REPEALER.

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 16. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 17. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption by the Sumter County Board of County Commissioners.

PASSED AND ADOPTED BY THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS, SUMTER COUNTY, FLORIDA THIS 12th DAY OF NOVEMBER, 2019

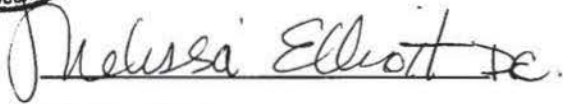
SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS



DON BURGESS, CHAIRMAN



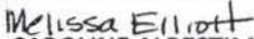
ATTEST:



GLORIA HAYWARD,

GLORIA HAYWARD,

SUMTER COUNTY CLERK OF COURT


BY: ~~CAROLINE ALRESTIMAWI~~, DEPUTY CLERK