



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1593, **Version:** 1

Subject:

Approval RE: Legislative Intent to Amend Impact Fee Ordinances

Fiscal Impact:

Implementation of the proposed amendments to the County's impact fee ordinances should not have any fiscal impact on the County or the development community with the exception of the inclusion of incentives to promote the construction of affordable housing. The fiscal impact of the affordable housing incentives cannot be determined but would likely have a minimal effect on the overall impact fee revenue streams because only a limited number of qualifying projects are expected to occur in any given fiscal year.

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners approve the legislative intent to amend Chapter 62 - Land Development Regulations; Article V - Impact Fees; Division 2 - Fire/Rescue Facilities; Division 3 - Correctional Facilities; Division 4 - Transportation; Division 5 - Emergency Medical Services Facilities; Division 6 - Library Facilities; Division 7 - Educational Facilities; and Chapter 94 - Solid Waste; Article IV - Special Assessments, Service Fees and Impact Fees; Division 3 - Impact Fees to include new requirements enacted by the State and incorporated into Chapter 163.31801, Florida Statutes; clarify the requirement to obtain a proof of payment receipt prior to a municipality issuing a certificate of occupancy or certificate of completion; and amend the impact fee ordinances to include incentives for affordable housing including rental properties affordable to lower income residents.

Summary Explanation and Background:

With the exception of the Educational Facilities Impact Fee Ordinance, the various impact fee ordinances have not been amended in more than a decade and do not specifically address the requirements imposed on impact fee programs by Chapter 163.31801, Florida Statutes.

In the recently concluded legislative session, the Legislature enacted new requirements in this section of Florida Statutes that become effective July 1, 2020. These new requirements include a provision that new impact fees or increased impact fee rates may not be applied to any permit application that was received prior to the effective date of the ordinance and a provision that allows impact fee credits to be assignable or transferable to another development parcel within the same benefit district.

The intent of the proposed amendments is to more specifically describe:

1. How actual costs for impact fee administration will be calculated;
2. That new impact fees or increased impact fee rates may not be imposed on any application for a building permit that was received by the local government prior to the effective date of the ordinance that imposed these new or increased impact fees;
3. That impact fee credits may be assigned or transferred to another development parcel within the same impact fee benefit district; and
4. To clarify that impact fee proof of payment receipts are required before a participating municipality can issue a certificate of occupancy or certificate of completion.
5. To amend the Correctional, Educational, Emergency Medical Services, Fire/Rescue, Library and Transportation Impact Fee ordinances to include a uniform method of incentives for development of affordable housing that addresses both single-family homeownership and rental developments affordable to lower income residents.

Clerk to the Board Instructions: