

**HIGHLANDS COUNTY  
COUNTY COMMISSION AGENDA ITEM**

**DATE OF ACTION REQUEST:** JUNE 19, 2012

**SUBJECT/TITLE:** CONSIDERATION OF AN ORDINANCE AMENDING SUBSECTION (3) OF SECTION 13-29, OF CHAPTER 13 OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA; PROVIDING FOR PAYMENT OF IMPACT FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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**STATEMENT OF ISSUE**

The implementation of Impact Fees has been suspended since July 1, 2009. The attached Ordinance calls for the suspension of Impact Fees through June 30, 2013. If the Board chooses not to implement the Ordinance, the current suspension of impact fees will expire June 30, 2012, and collection of Impact Fees would resume under the previously implemented fee schedule.

On May 22, 2012 the Board Attorney's Office sent letters to the municipalities of Avon Park, Sebring, and Lake Placid, and to the School Board of Highlands County, explaining the proposed amendment and requesting comments and input concerning the proposed Ordinance and the waiving of the required 60-day notice as per adopted interlocal agreements. Please note that the City of Sebring has not entered into an interlocal agreement with the Board.

A summary report of building permits issued from July 1, 2009 through June 1, 2012 is attached. The actions taken by each municipality and the School Board were not available prior to the agenda submittal deadline and will be provided to the Board during the Public Hearing.

**RECOMMENDED ACTION**

MOVE TO APPROVE THE ORDINANCE AMENDING SUBSECTION (3) OF SECTION 13-29, OF CHAPTER 13 OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA; PROVIDING FOR PAYMENT OF IMPACT FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**FISCAL IMPACT**

There is no additional fiscal impact to the County.

  
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Ramon D. Gavarrete, P.E.  
County Engineer

  
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County Administration

Enclosures: Ordinance  
Legal Advertisement of Public Hearing  
Building Permit Activity Tracking Report

For information, please contact:

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(863) 402-6877

**ORDINANCE NO. 11-12-\_\_\_\_\_**

**AN ORDINANCE AMENDING SUBSECTION (3) OF SECTION 13-29, OF CHAPTER 13 OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA; PROVIDING FOR PAYMENT OF IMPACT FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, ordinances adopted by the Board of County Commissioners of Highlands County, Florida, providing for impact fees have been codified in Chapter 13 of the Code of Ordinances, Highlands County, Florida; and

**WHEREAS**, the Board of County Commissioners desires to make certain amendments to the Chapter 13 of the Code of Ordinances, Highlands County, Florida; pertaining to impact fees.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Highlands County, Florida, after due notice and public hearing, that:

**SECTION 1. Amendment and Adoption.** Subsection (3) of Section 13-29 of Chapter 13 of the Code of Ordinance, Highlands County, Florida, is hereby amended and adopted to read as follows:

- (3) Notwithstanding the provisions of subsections (1) and (2) of this section all impact fees imposed pursuant to sections 13-21 through 13-28 herein are suspended and shall not be imposed for the period beginning July 1, 2009, and ending June 30, 2012~~3~~. In addition, notwithstanding any provision in sections 13-21 through 13-28 herein to the contrary, the board is not required to adopt an annual impact fee index resolution during the calendar years 2009, 2010, ~~and 2011, and 2012~~ for any impact fee imposed pursuant to sections 13-21 through 13-28 herein.

**SECTION 2. Severability.** The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this Ordinance.

**SECTION 3. Conflict.** Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

**SECTION 4. Inclusion in the Code.** When the text of this Ordinance is published for inclusion in the Code of Ordinances, Highlands County, Florida, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined text shall be added

so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

**SECTION 5. Effective Date.** This Ordinance shall take effect immediately upon filing with the Department of State.

**DONE AND ADOPTED** this 19<sup>th</sup> day of June, 2012.

BOARD OF COUNTY COMMISSIONERS  
HIGHLANDS COUNTY, FLORIDA

By: \_\_\_\_\_  
Jack L. Richie, Chairman

(SEAL)

ATTEST: \_\_\_\_\_  
Robert W. Germaine, Clerk