

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING POLK COUNTY ORDINANCE 2019-056, AS AMENDED, THE POLK COUNTY AMENDED AND RESTATED COMPREHENSIVE IMPACT FEE ORDINANCE; PROVIDING FOR THE ADOPTION OF THE TRANSPORTATION IMPACT FEE UPDATE DATED JANUARY 2023; AMENDING DEVELOPER CONTRIBUTION CREDIT; AMENDING DEFINITIONS APPLICABLE TO TRANSPORTATION IMPACT FEES; AMENDING THE TRANSPORTATION IMPACT FEE DISTRICT BOUNDARIES; AMENDING THE TRANSPORTATION IMPACT FEE RATE SCHEDULE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the rapid rate of growth and new development in Polk County requires a substantial increase in capital transportation improvements; and

WHEREAS, the Board of County Commissioners of Polk County has determined that future growth and new development should contribute its fair share of the cost of providing such facilities and services; and

WHEREAS, the Board of County Commissioners of Polk County has studied the necessity for and implications of updating current impact fees for transportation and has retained Duncan Associates to prepare the “Polk County, Florida Transportation Impact Fee Update” dated January 2023; and

WHEREAS, the technical report sets forth reasonable methodologies for determining the impacts of new development, or Capital Facilities Impact Construction, on the County transportation network.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

SECTION 1. FINDINGS OF FACT. The aforementioned findings are incorporated herein by reference and made a part of this Ordinance.

SECTION 2. Article I, Section 1.05 of Ordinance 2019-056, as amended, is amended to read as follows:

SECTION 1.05. ADOPTION OF IMPACT FEE STUDIES.

A. The Board hereby adopts and incorporates by reference the “Polk County, Florida Impact Fee Update,” dated August 2019, prepared by Duncan Associates, which includes an updated: (1) Transportation Impact Fee Study for those transportation impact fees collected prior to June 30, 2023; (2) Parks Impact Fee Study; (3) Library Impact Fee Study; (4) Fire Rescue Impact Fee Study; (5) Emergency Medical Service Impact Fee Study; (6) Law Enforcement Impact Fee Study; (7) Correctional Facilities Impact Fee Study; and (8) Educational System Impact Fee Study (collectively, the “2019 Comprehensive Impact Fee Update”), and including particularly the assumptions, conclusions and findings therein as to the allocation of anticipated costs of capital improvements and additions to the Capital Facilities between those costs required to accommodate existing development and those costs required by growth. The 2019 Comprehensive Impact Fee Update is attached hereto and incorporated herein as Appendix A.

B. The Board hereby adopts and incorporates by reference the “Polk County, Florida Transportation Impact Fee Update,” dated January 2023, prepared by Duncan Associates, and including particularly the assumptions, conclusions and findings therein as to the allocation of anticipated costs of capital improvements and additions to the Capital Facilities between those costs required to accommodate existing development and those costs required by growth. The 2023 Transportation Impact Fee Update is attached hereto and incorporated herein as Appendix D.

C. The above referenced Impact Fee Studies shall be referred to individually or collectively herein as the Impact Fee Study.

SECTION 3. Article II, Section 2.11.F. of Ordinance 2019-056, as amended, is amended to read as follows:

SECTION 2.11. DEVELOPER CONTRIBUTION CREDIT

F. A credit for the donation of land shall be granted at such time as the credit agreement is approved and executed by both the Board, or the School Board, as applicable, and the Applicant or Owner; provided, however, that in the event the Applicant or Owner fails to convey the property which is the subject of the donation to the County or the School Board, as applicable, or such property is not ultimately accepted by the County or the School Board, as applicable, in accordance with the terms of the credit agreement, then the credit for donation shall be revoked and all Impact Fees shall immediately become due and payable. The administration of said contribution credits shall be the responsibility of the County Manager.

SECTION 4. The definition of the following term in Article IV, Section 4.01 of Ordinance 2019-056, as amended, is amended to read as follows:

SECTION 4.01. DEFINITIONS APPLICABLE TO TRANSPORTATION IMPACT FEES.

“Transportation Impact Fee District” shall mean one of the three (3) districts located within the County which are described in Section 4.03 of this article.

SECTION 5. Article IV, Sections 4.03B. and C. of Ordinance 2019-056, as amended, are amended to read as follows:

IMPOSITION OF TRANSPORTATION IMPACT FEES.

- B. The Board hereby establishes the following three (3) Transportation Impact Fee Districts for the collection and expenditure of transportation Impact Fees:
1. The Northeast Transportation Impact Fee District (District A) includes the boundaries set forth and established as described and depicted in Appendix B attached hereto and incorporated herein by reference. The Transportation Impact Fee rates for the Northeast Transportation Impact Fee District shall be imposed on all Road Impact Construction located within the Northeast Transportation Impact Fee District.
 2. The Northwest Transportation Impact Fee District (District B) includes the boundaries set forth and established as described and depicted in Appendix B attached hereto and incorporated herein by reference. The Transportation Impact Fee rates for the Northwest Transportation Impact Fee District shall be imposed on all Road Impact Construction located within the Northwest Transportation Impact Fee District.
 3. The South Transportation Impact Fee District (District C) includes the boundaries set forth and established as described and depicted in Appendix B attached hereto and incorporated herein by reference. The Transportation Impact Fee rates for the South Transportation Impact Fee District shall be imposed on all Road Impact Construction located within the South Transportation Impact Fee District.
- C. **Phased-In Transportation Impact Fee Rates**
1. **Transportation Phase 1 Rates.** Commencing on June 30, 2023, and ending on June 29, 2024, all Road Impact Construction occurring within the County shall pay the Transportation Impact Fee rates in the amounts established within the Transportation Impact Fee Rate Schedule – Phase 1, as set forth on Attachment 2 hereto and incorporated herein by reference (the “Transportation Phase 1 Rates”). The Transportation Impact Fee shall be calculated according to the rate in effect at the time of building permit submittal.
 2. **Transportation Phase 2 Rates.** Commencing on June 30, 2024, and ending on June 29, 2025, all Road Impact Construction occurring within the County shall pay the Transportation Impact Fee rates in the amounts established within the Transportation Impact Fee Rate Schedule – Phase 2, as set forth on Attachment 2 hereto and incorporated herein by reference (the “Transportation Phase 2 Rates”). The Transportation Impact Fee shall be calculated according to the rate in effect at the time of building permit submittal.
 3. **Transportation Phase 3 Rates.** Commencing on June 30, 2025, and ending on June 29, 2026, all Road Impact Construction occurring within the County shall pay the Transportation Impact Fee rates in the amounts established within the Transportation Impact Fee Rate Schedule – Phase 3, as set forth on Attachment 2 hereto and incorporated herein by reference (the “Transportation Phase 3 Rates”). The Transportation Impact Fee shall be calculated according to the rate in effect at the time of building permit submittal.
 4. **Transportation Phase 4 Rates.** Commencing on June 30, 2026, and continuing thereafter until modified or amended by the Board after proper notice, all Road Impact Construction occurring within the County shall pay the Transportation Impact Fee rates in the amounts

established within the Transportation Impact Fee Rate Schedule – Phase 4, as set forth on Attachment 2 hereto and incorporated herein by reference (the “Transportation Phase 4 Rates”). The Transportation Impact Fee shall be calculated according to the rate in effect at the time of building permit submittal.

SECTION 6. Article IV, Sections 4.04A. of Ordinance 2019-056, as amended, is amended to read as follows:

USE OF TRANSPORTATION IMPACT FEES.

- A. The Board hereby establishes three (3) separate trust accounts for the transportation Impact Fees, to be designated as the Northwest Transportation Impact Fee District Trust Account, the Northeast Transportation Impact Fee District Trust Account, and the South Transportation Impact Fee District Trust Account, which accounts shall be maintained separate and apart from all other accounts of the County. All Transportation Impact Fees shall be deposited into the appropriate trust account immediately upon receipt.

SECTION 7. ATTACHMENT 2: TRANSPORTATION IMPACT FEE RATE SCHEDULE of Ordinance 2019-056, as amended, shall be replaced with the revised Attachment 2 attached hereto.

SECTION 8. APPENDIX B: TRANSPORTATION IMPACT FEE DISTRICT MAP of Ordinance 2019-056, as amended, shall be replaced with the revised Appendix B attached hereto.

SECTION 9. Creation of Appendix D of Ordinance 2019-056, as amended. The Polk County, Florida Transportation Impact Fee Update dated January 2023 is hereby added to Ordinance 2019-056 as Appendix D.

SECTION 10. APPLICABILITY: All provisions of Ordinance 2019-056, as amended, not amended or otherwise modified herein shall remain in full force and effect. All impact fee revenue due and owing to the County pursuant to Ordinance 2019-056, as amended, prior to this amendment, but not collected on the Effective Date of this Ordinance, shall continue to be a debt owed to the County and the County may collect said debt by any means authorized by law. All impact fee proceeds imposed by the County pursuant to Ordinance 2019-056, as amended, prior to this amendment that are unspent as of the Effective Date of this Ordinance shall be regulated and expended by the County in accordance with the provisions of Ordinance 2019-056, as amended prior to the effective date of this ordinance.

SECTION 11. SEVERABILITY: If any portion of this Ordinance is for any reason held invalid by a court of competent jurisdiction, it shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 12. EFFECTIVE DATE: A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board, and the Effective Date of this Ordinance shall be June 30, 2023.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA ON THIS ____ DAY OF _____, 2023.

ATTACHMENT 2: TRANSPORTATION IMPACT FEE RATE SCHEDULE

Phase 1

(effective June 30, 2023)

<u>Land Use Category</u>	<u>Unit</u>	<u>District A</u>	<u>District B</u>	<u>District C</u>
Single Family Detached	Dwelling	\$2,650	\$2,649	\$2,581
Multi-Family	Dwelling	\$1,760	\$1,760	\$1,713
Mobile Home Park	Space	\$979	\$979	\$953
Mobile Home	1,000 Sq. ft.	\$979	\$979	\$953
RV Park	1,000 Sq. ft.	\$979	\$979	\$953
Retail/Commercial	1,000 Sq. ft.	\$3,950	\$3,949	\$3,847
Office	1,000 Sq. ft.	\$2,625	\$2,625	\$2,557
Industrial/Warehouse	1,000 Sq. ft.	\$539	\$539	\$497
Mini-Warehouse	1,000 Sq. ft.	\$367	\$367	\$357
Public/Institutional	1,000 Sq. ft.	\$790	\$790	\$769

Phase 2

(effective June 30, 2024)

<u>Land Use Category</u>	<u>Unit</u>	<u>District A</u>	<u>District B</u>	<u>District C</u>
Single Family Detached	Dwelling	\$2,920	\$2,918	\$2,782
Multi-Family	Dwelling	\$1,956	\$1,956	\$1,862
Mobile Home Park	Space	\$1,081	\$1,081	\$1,029
Mobile Home	1,000 Sq. ft.	\$1,081	\$1,081	\$1,029
RV Park	1,000 Sq. ft.	\$1,081	\$1,081	\$1,029
Retail/Commercial	1,000 Sq. ft.	\$4,364	\$4,362	\$4,158
Office	1,000 Sq. ft.	\$2,894	\$2,894	\$2,758
Industrial/Warehouse	1,000 Sq. ft.	\$539	\$539	\$497
Mini-Warehouse	1,000 Sq. ft.	\$397	\$397	\$377
Public/Institutional	1,000 Sq. ft.	\$873	\$873	\$831

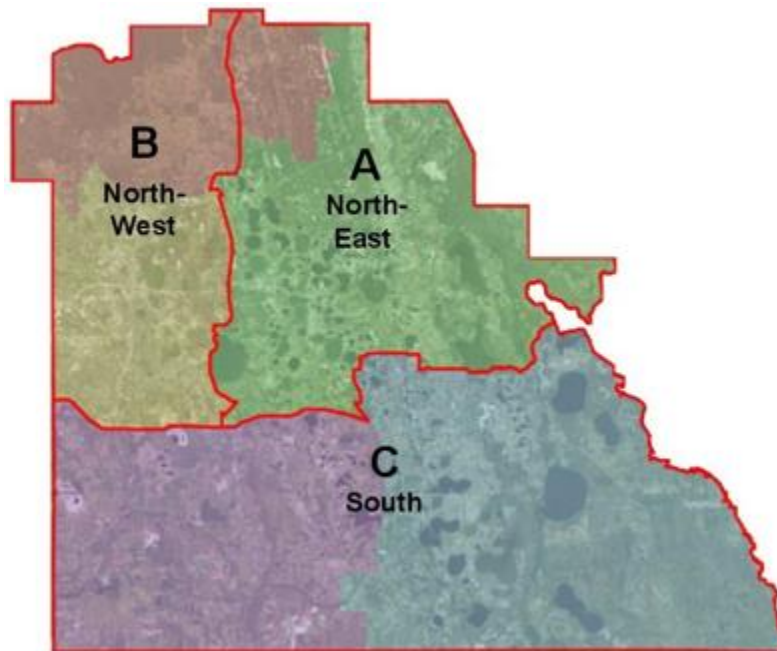
Phase 3*(effective June 30, 2025)*

<u>Land Use Category</u>	<u>Unit</u>	<u>District A</u>	<u>District B</u>	<u>District C</u>
Single Family Detached	Dwelling	\$3,190	\$3,187	\$2,983
Multi-Family	Dwelling	\$2,152	\$2,152	\$2,011
Mobile Home Park	Space	\$1,183	\$1,183	\$1,105
Mobile Home	1,000 Sq. ft.	\$1,183	\$1,183	\$1,105
RV Park	1,000 Sq. ft.	\$1,183	\$1,183	\$1,105
Retail/Commercial	1,000 Sq. ft.	\$4,778	\$4,775	\$4,469
Office	1,000 Sq. ft.	\$3,163	\$3,163	\$2,959
Industrial/Warehouse	1,000 Sq. ft.	\$539	\$539	\$497
Mini-Warehouse	1,000 Sq. ft.	\$427	\$427	\$397
Public/Institutional	1,000 Sq. ft.	\$956	\$956	\$893

Phase 4*(effective June 30, 2026)***Impact Fee Rates**

<u>Land Use Category</u>	<u>Unit</u>	(84% of Study Rate)	(86% of Study Rate)	(100% of Study Rate)
		<u>District A</u>	<u>District B</u>	<u>District C</u>
Single Family Detached	Dwelling	\$3,460	\$3,456	\$3,185
Multi-Family	Dwelling	\$2,346	\$2,346	\$2,160
Mobile Home Park	Space	\$1,285	\$1,283	\$1,182
Mobile Home	1,000 Sq. ft.	\$1,285	\$1,283	\$1,182
RV Park	1,000 Sq. ft.	\$1,285	\$1,283	\$1,182
Retail/Commercial	1,000 Sq. ft.	\$5,192	\$5,186	\$4,778
Office	1,000 Sq. ft.	\$3,431	\$3,430	\$3,160
Industrial/Warehouse	1,000 Sq. ft.	\$539	\$539	\$497
Mini-Warehouse	1,000 Sq. ft.	\$455	\$455	\$418
Public/Institutional	1,000 Sq. ft.	\$1,037	\$1,037	\$954

APPENDIX B: TRANSPORTATION IMPACT FEE DISTRICT MAP



Description of District A:

For a Point of Beginning, Begin at the intersection of US 98/State Road 35/Broadway Avenue locally, and Main Street West; Thence North along said US98/State Road 35/Broadway Avenue locally for approximately 1.1 miles to the intersection of Lyle Parkway; thence East along said Lyle Parkway to the intersection with Fort Fraser Trail; Thence South Easterly along said trail to the intersection with Old Bartow/Eagle Lake Road; thence North Easterly along said road for approximately 1.4 miles to the Intersection with Ernest Smith Boulevard; thence Northwesterly along the centerline of Ernest Smith Boulevard to the intersection with the extension of the Western shoreline of Lake Hancock and Saddle Creek Canal; thence Northerly along said Westerly shoreline for approximately 6.5 miles to the intersection with Saddle Creek; thence Northerly along said Creek for approximately 0.85 miles to the intersection with The Polk Parkway/State Road 570; thence Easterly and Northerly along said Polk Parkway/State Road 570 for approximately 11.2 miles to the intersection with Interstate 4/State Road 400; thence Easterly to the intersection with Mount Olive Road; thence Northerly and Westerly along the centerline of said road for approximately 1.2 miles to the intersection with State Road 33/ Commonwealth Avenue; thence Northerly along State Road 33/Commonwealth Avenue for approximately 16 miles to the Polk County, Florida North County Line; thence along said Polk County Line the following 10 courses; 1: East for approximately 1.8 miles; 2: South for approximately 1.1 miles; 3: East for approximately 8.1 miles; 4: South for approximately 6.1 miles; 5: East for

approximately 6.1 miles; 6: South Easterly for approximately 4.5 miles; 7: South for approximately 4.0 miles; 8: East for approximately for 4.2 miles; 9: South for approximately 4.0 miles; 10: East for approximately 6.8 miles to the westerly shoreline of an unnamed canal; thence south easterly along said westerly shoreline for approximately 0.15 miles to the intersection with a Creek known as Dead River; thence following the center of said creek in a southerly, westerly, and southerly directions for approximately 7.5 miles to the easterly shore line of Lake Hatchineha; thence North Westerly along said easterly shoreline; thence westerly along the northerly shoreline; thence south easterly along the westerly shoreline of said Lake to an intersection with Catfish Creek; Thence Southwesterly, Southerly, Southwesterly, and Westerly along said Catfish Creek for approximately 7.5 mile to the south east shoreline of Lake Pierce; thence along the Southerly shoreline of Lake Pierce for 2.7 miles to a point at the southeast corner of a parcel described in Official Records Book 12358 Page 02084 as recorded in the Public records of Polk County, Florida; thence along the southerly boundary of said parcel for approximately 995' feet to the centerline of Masterpiece Road; thence westerly along the centerline of Masterpiece Road for approximately for 3.6 miles to the intersection with Scenic Highway North/State Road 17; thence North along Scenic Highway North/State Road 17 for approximately 1.2 miles to the intersection with Waverly Road; thence westerly along the centerline of Waverly Road for approximately 2.3 miles to the intersection of US 27 and Cypress Gardens Boulevard; thence west on Cypress Gardens Boulevard for approximately 1.8 miles to the intersection with Lake Ruby Drive West; thence South, Southwest, West and South along the centerline of Said Lake Ruby Drive West for approximately 1.7 miles to the intersection with Eloise Loop Road; thence West along said Eloise Loop Road for approximately 0.5 miles to the intersection with County Road 653; Thence South along the centerline of said County Road 653 for approximately 2.7 miles to the intersection with Old Bartow Lake Wales Road; thence West along said road to the intersection for approximately 0.50 miles with the CSX railroad crossing; thence Southeasterly along said CSX Railroad for approximately 1.8 miles to the intersection with State Road 60; thence Westerly along the centerline of State Road 60 for approximately 10.2 miles to the intersection with Flamingo Drive; thence Southwesterly along the centerline of said Flamingo Drive for approximately 0.50 miles to the intersection with Main Street East; thence West along the centerline of Main Street East for approximately 1.05 miles to the intersection with US 98/State Road35 Broadway Avenue locally and the Point of Beginning.

Description of District B:

For a Point of Beginning, Begin at the intersection of State Road 60 and the West County line of Incorporated Polk County Florida; thence North along said West County line for approximately 17 miles; thence West along said West County line for approximately 3 miles; thence North along said West County line for approximately 6 miles; thence East along said West County line for approximately 3 miles; thence continue North along said West County line for approximately 3.6 miles to the intersection with the center of the Withlacoochee River; thence following the center of said river in an Easterly direction for approximately 7 miles to the intersection with the West section line of Section 18 Range 24 East Township 25 South; thence North along said West section

lines of Section 18, section 7 Range 24 East Township 25 South and the West line of Section 6 Range 24 East Township 25 South to the North section line of said section 6; thence East for approximately 6 miles along the North Section lines of sections 1-6 Range 24 East Township 25 South to the West Section line of Section 31 Range 25 East Township 24 South; thence North along the west section line of said Section 31 for approximately 1 mile to the North section line of said Section 31; thence East along the North section line of Sections 31 and 32 Range 25 East Township 24 South for approximately 2.25 miles to the Centerline of State Road 33; Thence south along said centerline of State Road 33 for approximately 16 miles to the intersection with Mount Olive Road; thence Easterly along the centerline of Mount Olive Road for approximately 1.2 miles to the intersection with the centerline of Interstate 4/State Road 400; thence Southwesterly along said centerline to the intersection with the Polk Parkway/State Road 570; thence southerly along said Polk Parkway/State Road 570 for approximately 11.2 miles to the intersection of Saddle Creek; Thence southerly along said Creek for approximately 0.85 miles to the North shoreline of Lake Hancock; thence southwesterly and southerly along the western shoreline of said Lake Hancock and Saddle Creek Canal for approximately 6.5 miles to Ernest Smith Boulevard; thence Easterly and South Easterly along said road to the intersection with Old Bartow/Eagle Lake road; thence southwesterly along said road for approximately 1.4 miles to the intersection with the Fort Frasier Trail; thence Northwesterly along said Fort Fraser Trail to the intersection with Lyle Parkway; thence west along said Lyle Parkway to the intersection with US 98/State Road 35/Broadway Avenue North locally; thence south along said road for approximately 1.1 miles to the intersection with Main Street West; thence west along said Main Street West for 0.70 miles to the intersection with State Road 60/Van Fleet Drive Locally; thence West along State Road 60 for approximately 13.3 miles passing through the City of Mulberry, Florida to the Point of Beginning.

Description of District C:

For a Point of Beginning, Begin at the South West corner of Incorporated Polk County, Florida County Line; thence North along the West Polk County, Florida County line for approximately 19.4 miles to the intersection with State Road 60; Thence east along the centerline of State Road 60 for approximately 13.3 miles passing through the City of Mulberry, Florida to the intersection with Main Street West; thence continue east along the centerline of Main Street West for approximately 0.70 miles to the intersection with US98/State Road 35/Broadway Avenue Locally; thence continue east along the center line of Main Street East for 1.05 miles to the intersection with Flamingo Drive; thence North East along the centerline of Flamingo Drive for approximately 0.50 miles to the intersection with State Road 60; thence Easterly along the centerline of State Road 60 for approximately 10.2 miles to the intersection with the CSX Railroad; thence North Westerly along said railroad for approximately 1.8 miles to the intersection with Old Bartow/Lake Wales Road; thence East along the centerline of said road for approximately 0.50 miles to the intersection of County Road 653; thence North along the centerline of said road for approximately 2.7 miles to the intersection with Eloise Loop Road; Thence East along the centerline of Said road for approximately 0.50 miles to the intersection with Lake Ruby Drive West; thence North, East, North East and North along the centerline of said road for approximately 1.7 miles to the

intersection with Cypress Gardens Boulevard; thence East along the centerline of said Road for 1.8 miles to the intersection with U.S 27; thence continue Easterly along the centerline of Waverly Road for approximately 2.3 miles to the intersection with Scenic Highway North/State Road 17; thence South along the centerline of said road for approximately 1.2 miles to the intersection with Masterpiece Road; thence Easterly along the centerline of said road for approximately 3.6 miles to the westerly extension of the south property line of a parcel described in Official Records Book 12358 Page 02084; thence Easterly along said south property line for approximately 995' feet to the South West shoreline of Lake Pierce; thence along the southerly shoreline of said lake for approximately 2.7 miles to the intersection with Cat Fish Creek; thence Easterly, Northeasterly, Northerly, and Northeasterly for approximately 7.5 miles to the Westerly shoreline of Lake Hatchineha and the Easterly County Line of the Incorporated Polk County, Florida; thence Southeasterly along the Westerly shoreline and the Easterly Polk County, Florida County Line for approximately 27.8 miles to the westerly Shoreline of the Kissimmee River; thence Continuing Southerly along the Easterly Polk County, County Line and the Westerly shoreline of the Kissimmee River for approximately 4.3 miles to the Northerly shoreline of Lake Kissimmee; thence continuing southerly along the Easterly Polk County, County Line and the Westerly Shoreline of Lake Kissimmee for approximately 20.2 miles to the Westerly shoreline of The Kissimmee River; thence continuing Southerly along the Easterly Polk County, Count Line and the Westerly shoreline of The Kissimmee River for approximately 12 miles to the Extreme South East corner of The Polk County, County Line; thence West along the South Polk County, County Line for approximately 56.5 miles to the Extreme South West corner of the Polk County, County Line and The Point Beginning.

APPENDIX D: 2023 TRANSPORTATION IMPACT FEE UPDATE

[ATTACHED HERETO]