

Florida Land Investment Benefits as Osceola County Waives Impact Fees for Real Estate Developers

July 12, 2011 by [Rosa Schechter](#)

Osceola County, Florida, is an urban community which many may recognize as being in the Orlando/Kissimmee area. In 2006, it was the 17th fastest growing county in the United States according to the U.S. Census Bureau.

Of course, all that productive growth has been hard hit by the Great Recession. Now, with the new drive among state and local governments to fuel real estate investment and land development throughout Florida, examples of concrete financial incentives, such as waiving impact fees, are starting to appear - not a moment too soon given the current economic environment we're facing.

Osceola County Commission Waives Impact Fees

Yesterday, at its regular Monday afternoon meeting (watch [the online video of the proceedings](#) here), the **Osceola County Commission** approved a moratorium on its collection of any (1) road impact fees; (2) park impact fees; or (3) fire impact fees from now through next February (02/01/2012).

What does this mean to Florida real estate investors and land developers? The Osceola County Commission will save builders around \$6,500 per unit, a welcome and needed boost in this bad economy.

Full Text of Osceola County Commission Ordinance No. 11-18, Passed July 11, 2011

Here is the complete, full text ordinance passed yesterday in the regular meeting of the Osceola County Commission:

ORDINANCE NO. 11-18

AN ORDINANCE OF THE OSCEOLA COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING A MORATORIUM ON THE COLLECTION OF ROAD IMPACT FEES, FIRE RESCUE IMPACT FEES AND PARK IMPACT FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA:

SECTION 1. LEGISLATIVE FINDINGS. It is hereby ascertained, determined and declared that:

- (A) The Board of County Commissioners (the "Board") of Osceola County, Florida (the "County"), has enacted Ordinance No. 2003-24, as amended by Ordinance No. 2006-38, imposing "Road Impact Fees" (as defined therein) to facilitate the generation of funds necessary for the future transportation needs of County residents. On January 10, 2011, the Board enacted Ordinance No. 11-02, establishing a moratorium on Road Impact Fees for nonresidential construction.
- (B) The Board has enacted Ordinance No. 06-09, imposing "Fire Rescue Impact Fees" (as defined therein) to facilitate the generation of funds necessary for future improvements and additions to the County's fire rescue system.
- (C) The Board has enacted Ordinance No. 06-10, imposing "Park Impact Fees" (as defined therein) to facilitate the generation of funds necessary for future improvements and additions to the County's park system.
- (D) The recession has caused many citizens in the County to lose their jobs through layoffs, corporate contraction and corporate insolvency.
- (E) The Board finds that the construction industry in the County has been particularly hard hit by the recession and the significant drop in construction activity threatens the viability of the County's economic stability.
- (F) The Board has determined that putting its citizens back to work is a high priority for every level of government, including county government.

(G) The County Commission has determined that the removal of certain regulatory and economic impediments to new development is one way in which County government can join the State and Federal government in strategies designed to stimulate the local economy.

(H) The Board finds that the quickest and most effective economic stimulus that the County can provide is to incentivize new development projects by removing the County imposed development costs represented by Road Impact Fees, Fire Rescue Impact Fees and Park Impact

Fees, in order to enhance opportunities for financing and the economic feasibility of new projects.

(I) The Board has directed staff to begin the task of evaluating the existing Road Impact Fee program and to prepare a new long term approach to fund a sustainable transportation program, which will include the creation of a new county wide transportation network vision, an analysis of the capital improvement program and requirements for providing for the future transportation network, including design, construction, operations and maintenance, as well as funding options, such effort to be completed during the moratorium period.

(J) By enactment of this Ordinance, the Board further directs staff to begin the task of evaluating the existing Fire Rescue Impact Fee and Park Impact Fee programs to analyze alternative funding options, such effort to be completed during the moratorium period.

SECTION 2. IMPACT FEE MORATORIUM. In order to establish an incentive for construction projects, the Board hereby declares and establishes a moratorium on the collection of Road Impact Fees, Fire Rescue Impact Fees and Park Impact Fees, as follows:

(A) As set forth in Ordinance No. 11-02, if a property owner or applicant receives from the County: (A) a building permit for a nonresidential construction project (construction resulting in a nonresidential use) issued between December 13, 2010 and February 1, 2012, (B) an approved initial inspection within 60 days of building permit issuance, and (C) a permanent certificate of occupancy within 18 months of the date the building permit was issued, payment of the Road Impact Fee will not be required. The County Manager is authorized to grant up to a six month extension of the deadline for obtaining a permanent certificate of occupancy to a developer of any such nonresidential construction project greater than 20,000 square feet and less than 100,000 square feet in size that otherwise meets the requirements for exemption from the Road Impact Fee, as provided for in this Section. For nonresidential construction projects in excess of 100,000 square feet in size, the County Manager is authorized to grant up to a twelve month extension of the deadline for obtaining a permanent certificate of occupancy, providing that such project otherwise meets the requirements for exemption from Road Impact Fee, as provided for in this Section.

(B) If a property owner or applicant receives from the County: (A) a building permit for a residential construction project (construction resulting in a residential use) issued between June 13, 2011 and February 1, 2012, (B) an approved initial inspection within 60 days of building permit issuance, and (C) a permanent certificate of occupancy within 18 months of the date the building permit was issued, payment of the Road Impact Fee will not be required. The County Manager is authorized to grant up to a six month extension of the deadline for obtaining a permanent certificate of occupancy to a developer of any such residential construction project greater than 20,000 square feet and less than 100,000 square feet in size that otherwise meets the requirements for exemption from the Road Impact Fee, as provided for in this Section. For residential construction projects in excess of 100,000 square feet in size, the County Manager is authorized to grant up to a twelve month extension of the deadline for obtaining a permanent certificate of occupancy, providing that such project otherwise meets the requirements for exemption from Road Impact Fee, as provided for in this Section.

(C) If a property owner or applicant receives from the County: (A) a building permit for a construction project (residential or nonresidential) issued between June 13, 2011 and February 1, 2012, (B) an approved initial inspection within 60 days of building permit issuance, and (C) a permanent certificate of occupancy within 18 months of the date the building permit was issued, payment of the Fire Rescue Impact Fee and Park Impact Fee will not be required. The County Manager is authorized to grant up to a six month extension of the deadline for obtaining a permanent certificate of occupancy to a developer of any project greater than 20,000 square feet and less than 100,000 square feet in size that otherwise meets the requirements for exemption from Fire Rescue Impact Fee and Park Impact Fee, as provided for in this Section. For projects in excess of 100,000 square feet in size, the County Manager is authorized to grant up to a twelve month extension of the deadline for obtaining a permanent certificate of occupancy, providing that such project otherwise meets the requirements for exemption from Fire Rescue Impact Fee and Park Impact Fee, as provided for in this Section.

SECTION 3. STATUS OF IMPACT FEES. Except as otherwise stated herein, all Road Impact Fees, Fire Rescue Impact Fees and Park Impact Fees that are due and collectable in relation to applications for building permits that are outstanding as of the effective date of this Ordinance, shall remain due and must be paid prior to issuance of the certificate of occupancy.

SECTION 4. CONFLICTS. Any ordinance, resolution, or part thereof, in conflict with this Ordinance, or any part hereof, is hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 6. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the Board of County Commissioners within ten days after enactment. This Ordinance shall take effect immediately upon filing with the Florida Department of State.

DULY ENACTED this 11th day of July, 2011.

OSCEOLA COUNTY, FLORIDA

By: _ Chairman/Vice Chairman

Board of County Commissioners

ATTEST:

Clerk/Deputy Clerk to the Board

(SEAL)