



Interoffice Memorandum

September 11, 2020

TO: Mayor Jerry L. Demings
and Board of County Commissioners

FROM: Raymond E. Hanson, P. E., Director
Utilities Department

A handwritten signature in black ink, appearing to read "RH", is written over the "FROM" field.

**SUBJECT: BCC AGENDA ITEM – Public Hearing
September 22, 2020 BCC Meeting
Approval of a Resolution with a Revised Wastewater and Pollution
Control Charge Schedule
Contact Person: Glenn Kramer, Manager
Utilities Fiscal & Operational Support Division
407-254-9882**

As wastewater flow is not typically metered in most wastewater systems, wastewater revenue is normally based on the flows and meter sizes of the corresponding water service. The County's wastewater rates include both volumetric charges based on actual water flows and fixed monthly charges based on the water meter size. For many of our large commercial customers, a compound meter set, which includes both a small meter and a large meter, is required to accurately measure water flows. Historically, our charge schedule has been silent regarding how a compound meter set should be billed. Therefore, we have revised the charge schedule in the attached resolution to specify that fixed monthly charges for compound meter sets will be based on the small meter. As these charge schedules will become effective on October 1, 2020, we have also updated the rates for FY 2021 to include the automatic 3% rate indexing discussed with the Board in the July budget work session.

Florida Statutes Chapter 153 requires the County to approve most wastewater system rate changes in two steps. First, the County must adopt a resolution setting forth a preliminary rate schedule prior to final adoption at a public hearing. This was accomplished when the Board adopted Resolution 2020-M-31 on September 1, 2020. The scheduled public hearing serves as the second step in the process and provides for final adoption of the Wastewater and Pollution Control Charge Schedule.

The Orange County Attorney's Office has reviewed the resolution and finds it acceptable as to form and content. Utilities Department staff recommends approval.

Action Requested: Approval of a Resolution adopting a revised Wastewater and Pollution Control Charge Schedule; providing for an automatic annual increase; providing for periodic review; providing for annual notice to customers; providing for severability; and providing for an effective date.

All Districts.

RESOLUTION NO. 2020-M-_____

A RESOLUTION ADOPTING A REVISED WASTEWATER AND POLLUTION CONTROL CHARGE SCHEDULE; PROVIDING FOR AN AUTOMATIC ANNUAL RATE INCREASE; PROVIDING FOR PERIODIC RATE REVIEW; PROVIDING FOR ANNUAL NOTICE TO CUSTOMERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Orange County (the "Board") establishes and collects rates, fees and charges for its Wastewater System pursuant to its home rule powers granted to the County by the Florida Constitution, the Orange County Charter, and Chapter 125 and 153 of Florida Statutes; and

WHEREAS, the Board previously adopted specific service charges for supervisory control and data acquisition ("SCADA") system implementations for new wastewater pump stations on February 13, 2007 pursuant to Resolution No. 2007-M-07 and last adopted a revised Wastewater and Pollution Control Charge Schedule on July 23, 2009 pursuant to resolution 2009-M-28, which resolution did not include the SCADA charges; and

WHEREAS, wastewater fixed monthly charges are normally based on the size of the corresponding water meter installed to provide water service to the customer; and

WHEREAS, compound meters are used in the Water System to accurately measure both high water flows and low water flows for certain commercial customers; and

WHEREAS, the Board wishes to include the pre-existing SCADA charges and the method by which compound meters shall be billed into the Wastewater and Pollution Control Charge Schedule; and

WHEREAS, on September 1, 2020, the Board, in compliance with Chapter 153 Florida Statutes, adopted Resolution 2020-M-31 setting forth a preliminary rate schedule prior to a duly noticed public hearing; and

WHEREAS, the Board, having duly advertised and held such public hearing on this date, now desires to adopt this resolution setting forth such rate schedules;

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Premises. The foregoing premises are true and correct and incorporated herein by reference.

Section 2. Revised Wastewater and Pollution Control Charge Schedule. The Board hereby adopts the revised Wastewater and Pollution Control Charge Schedule attached to and incorporated herein as Exhibit "A". The attached Schedule shall supersede the presently existing Wastewater and Pollution Control Charge Schedule adopted July 23, 2009, and upon its effective date this Resolution shall repeal Resolution No. 2009-M-28 in its entirety.

Section 3. Automatic Annual Rate Increase. The Board previously adopted by Resolution and hereby re-confirms and re-adopts annually, effective on October 1st each year hereafter, an automatic annual increase of three percent (3%) of the monthly rates, fees and charges set forth in the Wastewater and Pollution Control Charge Schedule in effect on the day immediately prior to the effective date of such annual increase. The Board further directs that on the effective date of each annual increase, the Wastewater and Pollution Control Charge Schedule in effect immediately prior to the effective date of such increase shall be revised to include the three percent (3%) increase, and that a copy of such revised Schedule of Wastewater and Pollution Control Charges shall be maintained for public inspection by the Clerk of the Board of County Commissioners. The automatic annual rate increase shall not apply to the Wastewater Capital Charge nor to the category of services on Exhibit "A" entitled "Specific Service Charges".

Section 4. Periodic Rate Review. The Board shall periodically conduct a review of the rates, fees and charges set forth in the Orange County Wastewater and

Pollution Control Charge Schedule.

Section 5. Annual Notice to Customers. Each year, the Orange County Utilities Department shall send annual written notification to all customers of the Orange County Wastewater System of the County's monthly user rates, fees and charges as set forth in the then current Orange County Wastewater and Pollution Control Charge Schedule.

Section 6. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provisions or applications, and to this end the provisions of this Resolution are declared severable.

Section 8. Effective Date. This Resolution shall become effective on October 1, 2020.

ADOPTED THIS _____ DAY OF _____, 2020.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

BY: _____
Jerry L. Demings, Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

BY: _____
Deputy Clerk

EXHIBIT "A"

**ORANGE COUNTY
WASTEWATER AND POLLUTION CONTROL
CHARGE SCHEDULE**

FIXED MONTHLY CHARGES¹

<u>Water Meter Size</u>	<u>Monthly Charge</u>
5/8 by 3/4 inch meter	\$18.22
1 inch meter	\$40.53
1-1/2 inch meter	\$77.70
2 inch meter	\$122.32
3 inch meter	\$241.28
4 inch meter	\$375.15
6 inch meter	\$746.95
8 inch meter	\$1,193.11
10 inch meter	\$1,862.32

VOLUME CHARGE²

\$4.14 per 1,000 gallons

FLAT RATE (SEWER ONLY)

Residential Customers

Monthly Charge

Single Family Home	\$59.65
Duplex (1 or 2 bedrooms)	\$49.62
Duplex (3 or more bedrooms)	\$59.65
Multi-Family (1 or 2 bedrooms)	\$49.62
Multi-Family (3 or more bedrooms)	\$59.65
Mobile Home (1 or 2 bedrooms)	\$39.74
Mobile Home (3 or more bedrooms)	\$49.62

Non-Residential Customers

\$3.34 customer charge per account plus volume charge of \$5.74 per 1,000 gallons based upon Equivalent Residential Unit (ERU) factors.

OTHER CHARGES

Lockheed-Martin Treatment Charge		\$4.25 per 1,000 gallons
High Strength Surcharges		\$4.14 per 1,000 gallons
BOD (biochemical oxygen demand)	\$61.19/100 lbs (for amounts in excess of 300 mg/L)	
SS (suspended solids)	\$65.25/100 lbs (for amounts in excess of 300 mg/L)	
Total Nitrogen	\$67.70/100 lbs (for amounts in excess of 40 mg/L)	
Phosphorous	\$252.85/100 lbs (for amounts in excess of 10 mg/L)	
Septage Disposal Charge		\$7.33 per hundred gallons

Oil and Grease Program

Application Fee	\$29.61
Monthly Maintenance Fee	\$32.62

SPECIFIC SERVICE CHARGES

Initiation of Service	
Regular Business Hours	\$16.00
Non-Business Hours	\$21.00
Unauthorized Connection	
Regular Business Hours	\$350.00
Non-Business Hours	\$361.00
Wastewater Construction/Acceptance for Maintenance Reinspection	
Base Charge	\$186.00
Per Line Segment	\$75.00
Dishonored Payment	\$25.00
Dishonored Credit Card Charge	\$18.00
Research Account Information	At Cost
Plans and Specifications	At Cost
Wastewater Service Restore Charge	At Cost
Late Payment Fee	1.5% on past due balance

Industrial Waste Charge

Rates and fees to be established upon application, subject to evaluation of quantity, quality character and treatability of wastes.

Wastewater Deposit - All Meters Sizes

2X estimated total monthly bill

Wastewater Pump Station SCADA
Implementation Charge

Duplex Pump Station

\$8,711.00

Triplex Pump Station

\$10,940.00

AUTOMATIC ANNUAL RATE INCREASE

Consistent with and pursuant to Section 153.11 of Florida Statutes, the Board of County Commissioners hereby adopts annually, effective October 1st each year hereafter, an automatic increase of three percent (3%) to all rates, fees and charges contained in this Wastewater Pollution Control Charge Schedule in effect immediately prior to the effective date of such annual increase. The automatic increase shall not apply to the Wastewater Capital Charge or Specific Service Charges.

FOOTNOTES

- (1) The Fixed Monthly Charge for a compound meter set shall be based on the smaller size of the two meters that compose the compound meter set.
- (2) In addition to the Fixed Monthly Charge, all customers (other than those customers who pay flat rates or industrial customers paying other individually established volume charges) shall pay a Volume Charge based on metered water consumption. The following classes of customers shall not be charged a Volume Charge for sewage discharge (as measured by metered water consumption) in excess of the following gallon amounts:

Residential, Single Family

14,000 gallons per month

Multiple Residential, 2-4 Units

25,000 gallons per month

Mobile Home

14,000 gallons per month



Date: July 29, 2020

To: Mayor Jerry L. Demings
Board of County Commissioners

RE: Development Advisory Board Recommendation
Transportation Impact Fees

On July 20, 2020, the Development Advisory Board (DAB) reviewed the Transportation Impact Fee Update Study, dated June 9, 2020, as presented by Renzo Nastasi, Manager, Transportation Planning Division. The professional, detailed, objective presentation, which included a robust discussion and Q&A opportunity with the traffic consultant regarding methodology and data sources, was well received by the DAB; however, the DAB found that, given the uncertainty surrounding the effects of current conditions, the report lacked vital information that could have a significant bearing on the results. The following summarizes the DAB's concerns:

- The report data is based on historical information, excluding 2020 – this omits a year in which background traffic is affected by major variables, such as commutes to work and educational facilities, as well as tourism related traffic. Why not collect 2020 counts, as have been done every other year, while these major variables are not present on the roads?
- Bedroom count was correlated with vehicle counts at the direction of the BCC Workshop, which is an appropriate analysis to test for number of trips; however, the new fee scale was created based on square footage, rather than bedroom count because of complications in verifying the number of bedrooms constructed. The analysis was based on the average square footage of all existing housing inventory constructed over many decades and driven by a variety of policy decisions and market forces. Recent Housing Task Force efforts revealed that past and current policy decisions have not generated an adequate supply of affordable or attainable housing for Orange County residents, and new housing innovation is needed to solve this problem. While there is an exemption for certified Affordable Housing in the staff recommendation, no consideration is made to incentivize or address attainable housing. Why not incorporate some of the Task Force's research into this Impact Fee update to include potential incentives for the creation of new, attainable housing supply?

PLANNING DIVISION

ALBERTO A. VARGAS, March., *Planning Manager*

201 South Rosalind Avenue, 2nd Floor ■ Reply To: Post Office Box 1393 ■ Orlando FL 32802-1393
Telephone 407-836-5600 ■ FAX 407-836-5862 ■ orangecountyfl.net

- Based on the June report, the 100% Traffic Impact fee is a roughly 2x increase from today's published rate. This is a market shocking headline regardless of what percentage of the calculated fee the BCC ultimately adopts. At the same time, the BCC is encouraging business relief in the form of recent "timing of payment" amendments and "change of use" exemptions to Chapter 23-29, reviewed by DAB in the same meeting. This is a mixed message.
- As you are aware, today's policy decisions lead to tomorrow's market behaviors, which take a few years to play out after new policies are adopted. Why make this policy decision now, knowing it influences the next several years of economic investment behavior when there's so much 2020 data unfolding now, and available, but not considered in the analysis?

Based on the above and by vote, the DAB recommends that the Board of County Commissioners update the Transportation Impact Fee Study to include the 2020 data. This process is absolutely brutal, and we don't envy the decisions you must make here; yet, given the present fragility of the economy and the real estate industry's tremendous influence, the DAB's final recommendation is more of a "measure twice, cut once" approach.

Please accept our appreciation and respect for how planning staff handled this July 20, DAB presentation and discussion. They showed patience and professionalism while handling the various questions from members, which DAB arrived at this recommendation.

Respectfully,



Brock Nicholas, Chairman
Development Advisory Board

ORDINANCE NO. 2020 - __

AN ORDINANCE AMENDING THE ORANGE COUNTY TRANSPORTATION IMPACT FEE ORDINANCE; PROVIDING FOR UPDATES AND AMENDMENTS TO THE ORANGE COUNTY CODE, CHAPTER 23, IMPACT FEES, ARTICLE IV, TRANSPORTATION IMPACT FEES; PROVIDING FOR UPDATED TRANSPORTATION IMPACT FEES, INCLUDING NEW AND INCREASED FEES IN CERTAIN LAND USE CATEGORIES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Amendments; In general. Orange County Code, Chapter 23, Impact Fees, is hereby amended in part by amending Article IV, Transportation Impact Fees, with such amendments being an update to the Orange County Transportation Impact Fee Ordinance and with amendments being indicated below in Section 2 with the new text being underlined and the deleted text being ~~struck through~~.

Section 2. Amendments to Chapter 23, Impact Fees. Orange County Code Chapter 23, Impact Fees, Article IV, Transportation Impact Fees, is hereby amended to read as follows:

ARTICLE IV
TRANSPORTATION IMPACT FEE

Sec. 23-86. Short title, authority, and applicability.

(a) This article shall be known and may be cited as the "Orange County Transportation Impact Fee Ordinance."

(b) The Orange County board of county commissioners ("BCC") has authority to adopt this article through general home rule powers pursuant to Article VIII, § 1(g) of the Florida Constitution and Chapters 125 and 163, Florida Statutes.

(c) Providing for arterial and other roads in coordination with a plan for the control of traffic is a responsibility of the county under Section 125.01(1)(m), Florida Statutes, and is in the best interest of the health, safety and welfare of the citizens of the county.

(d) Planning for new roads and multimodal transportation improvements to serve new growth and development that generate additional ~~traffic~~travel, and the implementation of such planning through the comprehensive

planning process is a responsibility of the county under Chapter 163, pt. II (the Community Planning Act") and is in the best interest of the health, safety, and welfare of the citizens of the county.

(e) This article shall apply to all unincorporated areas of the county.

Sec. 23-87. Intent and purpose.

(a) The BCC has determined and recognized through adoption of the Orange County Comprehensive Plan 2010 - 2030 Destination 2030 ("Comprehensive Plan") and subsequent updates that new growth and development in the county will necessitate extensive improvements to the transportation network system. To finance the necessary new capital improvements, several methods of financing will be employed, one of which is the imposition of a regulatory impact fee on new growth and development which does not exceed a pro rata share of the reasonably anticipated costs of growth-necessitated major road network system expansion and improvements.

(b) Implementing a regulatory scheme that requires new development to pay a transportation impact fee that does not exceed a pro rata share of the reasonably anticipated expansion costs of new transportation improvements needed to serve new growth and development is necessary to implement the Transportation Element of the Comprehensive Plan, as adopted and amended under Chapter 163, pt. II, Florida Statutes, and is in the best interest of the health, safety, and welfare of the citizens of the county.

(c) The purpose of this article is to enable the county to allow growth and development to proceed in the county in compliance with the adopted Comprehensive Plan, and to regulate growth and development so as to require growth and development to share in the burdens of growth by paying its pro rata share for the reasonably anticipated costs of major transportation network system improvements.

(d) It is not the purpose of this article to collect fees from growth and development in excess of the cost of the reasonably anticipated improvements to the major transportation network system needed to serve the new growth and development. The BCC hereby finds that this article has approached the problem of determining the transportation impact fee in a conservative and reasonable manner. This article will only partially recoup the governmental expenditures associated with growth. Under this article, existing residents also share in paying the cost of needed improvements to the transportation system.

(e) Absent an alternative impact agreement pursuant to Section 23-93, and subject to any credit available pursuant to section 23-95 and applicable Florida law, it shall be the policy of the county to collect the impact fees assessed by this article in lieu of any off-site transportation improvements.

Sec. 23-88. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. For technical terms not defined herein, refer to the Institute of Transportation Engineers Trip Generation Report, 810th Edition.

Access improvements shall mean improvements designed to insure safe and adequate ingress and egress.

Accessory dwelling unit shall have the meaning contained in Section 38-1 of this Code.

Accessory structure or use shall have the meaning contained in Section Chapter 38-1 of this Code.;

Affordable shall mean as set forth in Orange County Administrative Regulation No. 4.08 as it may be amended or replaced from time to time.

Agricultural structures shall mean structures, not used as residential dwellings, designed to protect farm equipment or livestock or otherwise serve an agricultural purpose which shall be defined as horticulture, floriculture, viticulture, silviculture, forestry, dairy, livestock, poultry, beekeeping, and all forms of farm products and farm production, excluding sales.

~~*Alternative Mobility Area (AMA)* shall mean the Orange County established Alternative Mobility Area (AMA) as shown in Map 16 of the Future Land Use Map Series to promote urban infill development and redevelopment and maximize the use of existing public infrastructure in established areas of the County~~

Applicant shall mean the person who applies for a building permit.

Appraised land value shall mean the appraised value of the area contributed or to be acquired calculated based upon the unit value of the parent parcel.

Assessable trip length shall mean the average length in miles of external trips, excluding the portion on local streets, as determined in the most recent transportation impact fee study adopted by the BCC.

Building permit shall mean an official document or certificate issued by the authority having jurisdiction authorizing the commencement of construction of any building or parts thereof. The term also includes a tie-down permit for a new mobile home unit, but not for a new recreational vehicle. The term also includes construction plan approval for new recreational vehicle spaces.

Capacity shall mean the maximum number of vehicles for a given time period that a typical new roadway lane can safely and efficiently carry, usually expressed in terms of vehicles per day.

County engineer shall mean the director of public works or the person designated as the County Engineer by the County Administrator.

County facilities constructed for nonproprietary governmental purposes shall mean facilities constructed by or for the county to be used for governmental purposes, but shall exclude Orange County Utilities Department and Orange County Convention Center Facilities.

Development permit shall include any building permit, zoning approval, subdivision approval, rezoning, development order, special exception, variance, or any other official action of the local authority with jurisdiction, which has the effect of allowing the development of land.

Diverted traffic shall mean traffic that is transferred from another transportation route, corridor, or mode.

Encumbered shall mean (with reference to funds for capital improvements) funds committed in the capital improvements program for a specified improvement within a defined period of time.

External trip shall mean any trip that has either its origin or destination at the development site and that impacts the applicable road network system.

Gross floor area (GFA) shall mean that area within the outside faces of principal exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room, regardless of their use, that are under roof and enclosed. Unroofed and roofed, unenclosed spaces outside the principal exterior walls should be excluded from the area calculations.

Gross leasable area (GLA) shall mean the total gross floor area designed for tenant occupancy and exclusive use. GLA is the area for which tenants pay rent. For specialty retail centers, strip centers, discount stores, and free-standing retail facilities, GLA usually equals GFA.

Impact fee benefit zones shall mean geographic subareas within the unincorporated Orange County for which separate accounting funds are established to earmark transportation impact fees collected in each zone that will be used for acquisitions, construction, or improvements to transportation facilities made or to be made to benefit those paying impact fees pursuant to this Ordinance and are shown on a map labeled Exhibit "A" attached to this Ordinance and made a part hereof.

Impact fee districts shall mean geographic subareas within unincorporated Orange County, as shown on a map labeled Exhibit "B" attached to this Ordinance and made a part hereof, for which separate fee schedules have been generally calculated in the Transportation Impact Fee Study.

Impact fee eligible improvement shall mean a transportation improvement, as determined by the county engineer, pursuant to Administrative Regulation

Number 4.03, for which planning, design, right-of-way acquisition, construction, and improvement costs are eligible for transportation impact fee funding.

Internal trip shall mean a trip that has both its origin and destination within the applicable development site.

Land use shall mean a land use type as listed or referred to in Section 23-92 of this Code.

Local streets shall mean streets, for which impact fees are not used, serving primarily to provide direct access to abutting land; they accommodate traffic originating in or traveling to properties within a neighborhood or commercial or industrial development.

Mixed use structure shall mean a single building or structure which includes two or more primary land uses; the impact fee is determined by apportioning the total space within the building or structure to the amount of space devoted to each primary use. Shopping centers are not mixed use structures.

Off-site improvements shall mean transportation improvements located outside of the boundaries of the parcel proposed as a development site, which transportation improvements are required by the county in order to serve the development's external trips. Off-site improvements do not include access improvements as defined herein.

Parent parcel shall mean the total square footage of the project or phase thereof, irrespective of the area or number of individual lots affected by the contribution of land or acquisition of land.

~~*Student housing* shall meet the definition contained in Section 38-1 of this Code and shall have (i) its property boundary located within ½ mile of any principal entrance of a college, university, or community college, (ii) ample on-site bicycle and pedestrian paths, and (iii) regularly available shuttle service.~~

Total trip length shall mean the assessable trip length plus an adjustment factor of one-half mile.

~~*Tourist hotels* shall mean hotel developments focused on tourist commercial activities and located within that geographical area established by Resolution No. 95 M-103, as it may be amended from time to time, which sets forth the International Drive Master Transit and Improvement District Municipal Service Taxing Unit (MSTU). Resolution No. 95 M-103, as it may be amended from time to time, is incorporated into this section by this reference. The MSTU/tourist commercial activities area is demarcated by the bold lines depicted on the map attached to this ordinance as Exhibit "A," the original of which is available for inspection in the office of the Planning Division. Hence, a tourist hotel is one that primarily serves tourist and/or convention clientele and is geographically located within a predominantly tourist-oriented activity area. Normally, these developments accommodate trips made by multiple modes of transportation such as busses, shuttles, rail and pedestrians. In general, such hotels experience lower~~

vehicle trip generation rates and shorter trip lengths due to their surroundings and type of clientele.

~~Tourist retail shall mean retail developments focused on tourist commercial activities and located within that geographical area established by Resolution No. 95 M 103, as it may be amended from time to time, which sets forth the International Drive Master Transit and Improvement District Municipal Service Taxing Unit (MSTU). Resolution No. 95 M 103, as it may be amended from time to time, is incorporated into this section by this reference. The MSTU/tourist commercial activities area is demarcated by the bold lines depicted on the map attached to this ordinance as Exhibit "A," the original of which is available for inspection in the office of the Planning Division. Tourist retail developments cater to a tourist clientele and are surrounded by similar types of land uses. Typically, tourist retail developments provide products that are of interest mainly to the tourist community. Furthermore, these retail uses accommodate high levels of pedestrians and transit due to the general character of their locations.~~

~~Traffic-generating development shall mean land development designed or intended (i) to permit a use of the land which will contain more dwelling units or floor space than the then existing use of land, or (ii) to otherwise change the use of the land in a manner that increases the generation of vehicular or multimodal travel traffic.~~

Transportation Facility shall mean:

~~(within AMA Urban Fee District):~~ The components of a Transportation Network, including roadways, intersections, turn lanes, sidewalks, bicycle facilities, and public transportation vehicles and facilities (such as bus stops, shelters, benches, and transfer stations, excluding rail) ~~within the AMA of Orange County.~~

~~(outside AMA within the Suburban and Rural Fee Districts):~~ The components of a ~~Transportation Network~~, including roadways, intersections, turn lanes, sidewalks, and bicycle facilities.

~~Transportation Impact Fee Study shall mean the study entitled Orange County Transportation Impact Fee Update prepared by Tindale-Oliver and Associates and dated September 5 September 11, 201220, as amended December 27, 2012. The study reflects changes to the cost, credit, and demand components of the Orange County Transportation Impact Fee Ordinance, develops three fee districts (urban, suburban, and rural) and develops a separate multi-modal fee for the designated urban fee district.~~

Transportation Network shall mean:

~~(within AMA urban fee district):~~ The transportation system made up of Transportation Facilities, including that includes the major road network roadways, sidewalks, and bicycle facilities within the public right-of-way, and public transportation vehicles and facilities (-excluding rail) within the AMAs of Orange County.

~~(outside of AMA within the Suburban and Rural Fee Districts): The transportation system made up of Transportation Facilities, including roadways, sidewalks, and bicycle facilities that includes the major roadway network within the unincorporated Orange County.~~

Trip shall mean a one-way movement of vehicular travel from an origin (one (1) trip end) to a destination (the other trip end). For the purposes of this article, trip shall have the meaning that it has in commonly accepted traffic engineering practice and that is substantially the same as the definition in the previous sentence.

Trip generation shall mean the attraction and/or production of trips caused by a given type of land development.

Sec. 23-89. Rules of construction.

For the purposes of administration and enforcement of this article, unless otherwise stated in this article, the following rules of construction shall apply:

(1) In case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table or illustrative table, the text shall control.

(2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

(3) Words used in the present tense shall include the future and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

(4) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

(5) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows:

a. "And" indicates that all the connected terms, conditions, provisions or events shall apply.

b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(6) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(7) Where a road right-of-way is used to define benefit area boundaries, that portion of the road right-of-way demarcating the boundary may be considered as part of either benefit area it bounds.

Sec. 23-90. Adoption of background studies.

The BCC hereby adopts by reference the study entitled Orange County Transportation Impact Fee Update Study, dated ~~September 5, 2012, as amended December 27, 2012~~ September 11, 2020, particularly as it relates to the allocation of a fair share of the costs of new ~~road-transportation infrastructure~~ improvements to be borne by new users of such ~~road-transportation facility~~ improvements.

Sec. 23-91. Limitation of issuance of building permits.

(a) Except as permitted by subsection (b), no person shall carry out any ~~traffic~~ travel-generating development unless the applicable impact fee pursuant to section 23-92 or alternative impact fee pursuant to section 23-93 was paid or properly deferred at the time of issuance of the building permits, to be clearly identified as "paid or deferred under written protest" in the case of an anticipated appeal or disagreement with the assessment.

(b) Deferral of impact fees.

(1) For the following types of projects, the transportation impact fee may be paid prior to the issuance of a certificate of occupancy (temporary or otherwise), but no certificate of occupancy shall be authorized or issued until the impact fee has been paid:

a. A certified affordable housing project, provided an agreement setting forth the terms and conditions of the discount and deferral of the impact fee has been executed;

b. A new commercial project (including a multi-family project without single-family homes or duplexes) with a building permit valuation of at least one million dollars (\$1,000,000.00), provided an impact fee deferral form has been executed and the service charge required under subsection (b)(3) has been paid; or

c. A single family home or duplex, provided an impact fee deferral form has been executed.

(2) For any such eligible project that defers payment of the applicable transportation impact fee, the impact fee for the entire project must be paid when the first certificate of occupancy, temporary or permanent, is issued; provided, however, that for multi-building projects the impact fee may be paid on a building-by-building basis prior to issuance of the first certificate of occupancy, temporary or permanent, for each building in the project subject to such impact fee.

(3) Lien and service charge.

a. If the transportation impact fee is deferred at the time of issuance of the building permit, as authorized by subsection (b) 1 for an eligible commercial project, a service charge shall be assessed and a notice of nonpayment setting forth the legal description of the property and the amount of the impact fee liability shall be executed by the county. The county shall serve this notice upon the owner by certified mail and record it in the official records of the county. This notice shall thereupon operate as a lien against such property for the amount of the impact fee and all interest, penalties, costs, and fees for collection, coequal with lien(s) of any and all state, county, district, and municipal taxes.

b. Upon payment of the impact fee, the county shall promptly serve a notice of payment upon the owner by certified mail and record the notice of payment in the official records of the county.

(4) In the event the impact fee is not paid prior to the issuance of a certificate of occupancy (temporary or otherwise), the county shall make demand for payment of the fee. If the fee is not paid within fourteen (14) days after the county makes demand:

a. The county may collect the transportation impact fee, interest from the date payment was due at the rate fixed by state statute for judgments, a penalty of five (5) percent per month or any portion of a month (not to exceed twenty-five (25) percent), the costs of such collection, and reasonable attorneys' fees; and

b. For an eligible project, the building and/or license holder who pulled the building permit may be prohibited from pulling any other building permits until the transportation impact fee has been paid.

(c) The foregoing in this section 23-91 notwithstanding, for the period beginning August 3, 2020, and ending July 30, 2021, payment of the transportation impact fee may be made not later than when pre-power is authorized for the first building, or prior to issuance of the first certificate of occupancy, temporary or permanent, whichever occurs earlier.

Sec. 23-92. Transportation impact fee schedule.

(a) *Generally.* The transportation impact fees authorized by this article are generally calculated using Gross Floor Area, except as noted, and shall be as follows, with indexing at a rate of 3.4% annually, effective October 1 of each year, beginning October 1, 2021:

1. For the period beginning October 2, 2020~~February 16, 2013~~, and ending January 2, 2021~~**August 15, 2014~~:

ITE LUC	Land Use	Unit	Calculated Rates*		
			Urban	Non- Urban/ Suburb an	Rural
-	<u>RESIDENTIAL:</u>	-	-	-	-
210	Single Family (Detached) - 1,200 sf or less	du	\$3,761	\$3,898	\$3,898
210	Single Family (Detached) - 1,201 to 2,000 sf	du	\$3,761	\$3,898	\$3,898
210	Single Family (Detached) - 2,001 to 3,500 sf	du	\$3,761	\$3,898	\$3,898
210	Single Family (Detached) - greater than 3,500 sf	du	\$3,761	\$3,898	\$3,898
220	Multi-Family Housing/Townhouse (Low-Rise, 1-2 Floors)	du	\$2,435	\$2,524	\$2,524
221	Multi-Family Housing (Mid-Rise, 3-10 Floors)	du	\$2,435	\$2,524	\$2,524
222	Multi-Family Housing (High-Rise, >10 Floors)	du	\$1,543	\$1,598	\$1,598
225	Student Housing (Adjacent to Campus)	bedroom	\$1,246	\$1,555	\$1,780
225	Student Housing (Over 1/2 Mile from Campus)	bedroom	\$2,410	\$2,973	\$3,399
231	Mid-Rise Residential w/1st Floor Commercial	du	\$2,744	\$3,417	\$3,909
232	High-Rise Residential w/1st Floor Commercial	du	\$1,571	\$1,986	\$2,274
240	Mobile Home Park	du	\$1,389	\$1,436	\$1,436
251	Sr. Adult Housing - Detached (Retirement Community/Age-Restricted SF)	du	\$1,234	\$1,274	\$1,274
252	Sr. Adult Housing - Attached (Retirement Community/Age-Restricted SF)	du	\$1,234	\$1,274	\$1,274
265	Time Share	du	\$1,999	\$2,076	\$2,076
-	<u>LODGING:</u>	-	-	-	-
310	Hotel/Tourist Hotel	room	\$1,910	\$1,978	\$1,978
320	Motel	room	\$1,355	\$1,411	\$1,411
-	<u>RECREATIONAL:</u>	-	-	-	-
430	Golf Course	acre	\$2,185	\$2,267	\$2,267
437	Bowling Alley	1,000 sf	\$7,992	\$9,284	\$9,881
443	Movie Theater	1,000 sf	\$10,698	\$11,151	\$11,151
491	Racquet Club	1,000 sf	\$4,918	\$5,106	\$5,106
492	Health/Fitness Club	1,000 sf	\$11,547	\$11,974	\$11,974
n/a	Dance Studio (Martial Arts/Music Lessons)	1,000 sf	\$8,010	\$9,357	\$9,961
-	<u>INSTITUTIONAL:</u>	-	-	-	-
522	School	1,000 sf	\$6,734	\$6,974	\$6,974
560	Public Assembly	1,000 sf	\$3,284	\$3,767	\$4,010
565	Day Care	1,000 sf	\$6,741	\$7,043	\$7,043
590	Library	1,000 sf	\$11,589	\$12,015	\$12,015
-	<u>MEDICAL:</u>	-	-	-	-
610	Hospital	bed	\$3,823	\$3,968	\$3,968
620	Nursing Home	1,000 sf	\$355	\$369	\$369
640	Animal Hospital/Veterinary Clinic	1,000 sf	\$4,047	\$4,841	\$5,160
-	<u>OFFICE:</u>	-	-	-	-
710	General Office 50,000 sf or less	1,000 sf	\$5,374	\$5,574	\$5,574
710	General Office 50,001-100,000 sf	1,000 sf	\$4,575	\$4,748	\$4,748
710	General Office 100,001-200,000 sf	1,000 sf	\$3,905	\$4,050	\$4,050
710	General Office greater than 200,000 sf	1,000 sf	\$3,330	\$3,455	\$3,455

720	Small Medical/Dental Office (10,000 sf or less)	1,000 sf	\$12,446	\$12,900	\$12,900
720	Medical/Dental Office	1,000 sf	\$12,446	\$12,900	\$12,900
732	Post Office	1,000 sf	\$19,778	\$20,508	\$20,508
-	<u>RETAIL:</u>	-	-	-	-
815	Free-Standing Discount Store	1,000 sf	\$5,639	\$5,884	\$5,884
816	Hardware/Paint Store	1,000 sf	\$1,079	\$1,404	\$1,499
820	Retail/Tourist Retail: 50,000 sf or less*	1,000 sf	\$5,455	\$5,700	\$5,700
820	Retail/Tourist Retail: 50,001-100,000 sf*	1,000 sf	\$5,876	\$6,135	\$6,135
820	Retail/Tourist Retail: 100,001-200,000 sf*	1,000 sf	\$5,246	\$5,477	\$5,477
820	Retail/Tourist Retail: 200,001-300,000 sf*	1,000 sf	\$5,090	\$5,307	\$5,307
820	Retail/Tourist Retail: 300,001-400,000 sf*	1,000 sf	\$4,960	\$5,169	\$5,169
820	Retail/Tourist Retail: 400,001-500,000 sf*	1,000 sf	\$4,926	\$5,135	\$5,135
820	Retail/Tourist Retail: 500,001-1,000,000 sf*	1,000 sf	\$5,118	\$5,319	\$5,319
820	Retail/Tourist Retail: 1,000,001-1,200,000 sf*	1,000 sf	\$5,204	\$5,412	\$5,412
820	Retail/Tourist Retail: greater than 1,200,000 sf*	1,000 sf	\$5,319	\$5,534	\$5,534
840/841	New/Used Auto Sales	1,000 sf	\$6,040	\$6,276	\$6,276
850	Supermarket	1,000 sf	\$7,299	\$7,621	\$7,621
853	Convenience Market w/Gas Pumps	1,000 sf	\$19,451	\$20,411	\$20,411
862	Home Improvement Superstore	1,000 sf	\$2,933	\$3,059	\$3,059
863	Electronics Superstore	1,000 sf	\$1,424	\$1,502	\$1,502
880/881	Drug Store	1,000 sf	\$8,915	\$10,476	\$11,160
-	<u>SERVICES:</u>	-	-	-	-
911	Bank/Savings Walk-In	1,000 sf	\$8,404	\$10,094	\$10,758
912	Bank/Savings Drive-In	1,000 sf	\$11,050	\$11,525	\$11,525
925	Drinking Place	1,000 sf	\$3,590	\$3,774	\$3,774
931	Quality Restaurant	1,000 sf	\$13,690	\$14,253	\$14,253
932	High-Turnover Restaurant	1,000 sf	\$16,314	\$16,974	\$16,974
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$36,809	\$38,463	\$38,463
942	Auto Service	1,000 sf	\$6,651	\$6,891	\$6,891
944	Gas Station with or w/o Convenience Market <2,000 sq ft	fuel pos.	\$4,456	\$4,660	\$4,660
945	Gas Station w/Convenience Market 2,000-2,999 sq ft	fuel pos.	\$4,456	\$4,660	\$4,660
960	Gas Station w/Convenience Market 3,000+ sq ft	fuel pos.	\$4,456	\$4,660	\$4,660
947	Self-Service Car Wash	wash station	\$9,756	\$10,190	\$10,190
-	<u>INDUSTRIAL:</u>	-	-	-	-
110	General Light Industrial	1,000 sf	\$2,088	\$2,163	\$2,163
140	Manufacturing	1,000 sf	\$1,144	\$1,185	\$1,185
150	Warehouse	1,000 sf	\$1,050	\$1,107	\$1,107
151	Mini-Warehouse	1,000 sf	\$382	\$396	\$396

*Note: Gross leasable area

**For the period beginning October 2, 2020 and ending January 2, 2021, no new development will be charged a rate higher than the previous adopted rate, recognizing changes in land use categories and fee districts.

2. On or after ~~January 3, 2021~~ August 16, 2014:

<u>ITE LUC</u>	<u>Land Use</u>	<u>Unit</u>	<u>Calculated Rates</u>		
			<u>Urban</u>	<u>Non-Urban/ Suburban</u>	<u>Rural</u>
-	<u>RESIDENTIAL:</u>	-	-	-	-
210	Single Family (Detached) - 1,200 sf or less	du	\$6,425	\$7,973	\$9,113
210	Single Family (Detached) - 1,201 to 2,000 sf	du	\$8,218	\$10,138	\$11,586
210	Single Family (Detached) - 2,001 to 3,500 sf	du	\$10,163	\$12,509	\$14,294
210	Single Family (Detached) - greater than 3,500 sf	du	\$10,640	\$13,082	\$14,949
220	Multi-Family Housing/Townhouse (Low-Rise, 1-2 Floors)	du	\$5,937	\$7,303	\$8,349
221	Multi-Family Housing (Mid-Rise, 3-10 Floors)	du	\$4,395	\$5,421	\$6,198
222	Multi-Family Housing (High-Rise, >10 Floors)	du	\$3,580	\$4,430	\$5,066
225	Student Housing (Adjacent to Campus)	bedroom	\$1,246	\$1,555	\$1,780
225	Student Housing (Over 1/2 Mile from Campus)	bedroom	\$2,410	\$2,973	\$3,399
231	Mid-Rise Residential w/1st Floor Commercial	du	\$2,744	\$3,417	\$3,909
232	High-Rise Residential w/1st Floor Commercial	du	\$1,571	\$1,986	\$2,274
240	Mobile Home Park	du	\$3,054	\$3,755	\$4,292
251	Sr. Adult Housing - Detached (Retirement Community/Age-Restricted SF)	du	\$2,975	\$3,704	\$4,236
252	Sr. Adult Housing - Attached (Retirement Community/Age-Restricted SF)	du	\$2,220	\$2,803	\$3,208
265	Time Share	du	\$5,343	\$6,660	\$7,619
-	<u>LODGING:</u>	-	-	-	-
310	Hotel/Tourist Hotel	room	\$3,033	\$3,519	\$3,746
320	Motel	room	\$1,440	\$1,713	\$1,823
-	<u>RECREATIONAL:</u>	-	-	-	-
430	Golf Course	acre	\$2,841	\$3,388	\$3,608
437	Bowling Alley	1,000 sf	\$7,992	\$9,284	\$9,881
443	Movie Theater	1,000 sf	\$20,895	\$24,343	\$25,929
491	Racquet Club	1,000 sf	\$12,734	\$14,714	\$15,658
492	Health/Fitness Club	1,000 sf	\$22,427	\$25,811	\$27,464
n/a	Dance Studio (Martial Arts/Music Lessons)	1,000 sf	\$8,010	\$9,357	\$9,961
-	<u>INSTITUTIONAL:</u>	-	-	-	-
522	School	1,000 sf	\$6,998	\$8,166	\$8,696
560	Public Assembly	1,000 sf	\$3,284	\$3,767	\$4,010
565	Day Care	1,000 sf	\$9,446	\$11,107	\$11,834
590	Library	1,000 sf	\$31,734	\$36,269	\$38,581
-	<u>MEDICAL:</u>	-	-	-	-
610	Hospital	bed	\$15,641	\$17,887	\$19,028
620	Nursing Home	1,000 sf	\$1,899	\$2,288	\$2,439
640	Animal Hospital/Veterinary Clinic	1,000 sf	\$4,047	\$4,841	\$5,160
-	<u>OFFICE:</u>	-	-	-	-
710	General Office 50,000 sf or less	1,000 sf	\$8,132	\$10,037	\$11,473
710	General Office 50,001-100,000 sf	1,000 sf	\$7,953	\$9,834	\$11,241
710	General Office 100,001-200,000 sf	1,000 sf	\$7,790	\$9,633	\$11,011

710	General Office greater than 200,000 sf	1,000 sf	\$7,621	\$9,425	\$10,775
720	Small Medical/Dental Office (10,000 sf or less)	1,000 sf	\$18,872	\$23,107	\$26,402
720	Medical/Dental Office	1,000 sf	\$27,101	\$33,099	\$37,817
732	Post Office	1,000 sf	\$42,201	\$51,502	\$58,845
-	<u>RETAIL:</u>	-	-	-	-
815	Free-Standing Discount Store	1,000 sf	\$11,105	\$12,981	\$13,826
816	Hardware/Paint Store	1,000 sf	\$1,079	\$1,404	\$1,499
820	Retail/Tourist Retail: 50,000 sf or less*	1,000 sf	\$10,051	\$11,818	\$12,594
820	Retail/Tourist Retail: 50,001-100,000 sf*	1,000 sf	\$11,052	\$12,926	\$13,769
820	Retail/Tourist Retail: 100,001-200,000 sf*	1,000 sf	\$10,052	\$11,763	\$12,529
820	Retail/Tourist Retail: 200,001-300,000 sf*	1,000 sf	\$9,852	\$11,532	\$12,282
820	Retail/Tourist Retail: 300,001-400,000 sf*	1,000 sf	\$9,676	\$11,312	\$12,047
820	Retail/Tourist Retail: 400,001-500,000 sf*	1,000 sf	\$9,667	\$11,301	\$12,035
820	Retail/Tourist Retail: 500,001-1,000,000 sf*	1,000 sf	\$10,244	\$11,928	\$12,699
820	Retail/Tourist Retail: 1,000,001-1,200,000 sf*	1,000 sf	\$10,475	\$12,188	\$12,975
820	Retail/Tourist Retail: greater than 1,200,000 sf*	1,000 sf	\$10,770	\$12,517	\$13,323
840/841	New/Used Auto Sales	1,000 sf	\$11,875	\$13,755	\$14,639
850	Supermarket	1,000 sf	\$16,070	\$18,789	\$20,016
853	Convenience Market w/Gas Pumps	1,000 sf	\$33,899	\$39,800	\$42,428
862	Home Improvement Superstore	1,000 sf	\$6,359	\$7,492	\$7,981
863	Electronics Superstore	1,000 sf	\$5,427	\$6,440	\$6,865
880/881	Drug Store	1,000 sf	\$8,915	\$10,476	\$11,162
-	<u>SERVICES:</u>	-	-	-	-
911	Bank/Savings Walk-In	1,000 sf	\$8,404	\$10,094	\$10,758
912	Bank/Savings Drive-In	1,000 sf	\$14,868	\$17,571	\$18,719
925	Drinking Place	1,000 sf	\$15,293	\$17,918	\$19,094
931	Quality Restaurant	1,000 sf	\$27,456	\$31,864	\$33,925
932	High-Turnover Restaurant	1,000 sf	\$31,604	\$36,650	\$39,017
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$74,592	\$86,876	\$92,547
942	Auto Service	1,000 sf	\$9,708	\$11,271	\$11,998
944	Gas Station with or w/o Convenience Market <2,000 sq ft	fuel pos.	\$9,798	\$11,409	\$12,154
945	Gas Station w/Convenience Market 2,000-2,999 sq ft	fuel pos.	\$11,709	\$13,620	\$14,511
960	Gas Station w/Convenience Market 3,000+ sq ft	fuel pos.	\$13,136	\$15,287	\$16,286
947	Self-Service Car Wash	wash station	\$20,980	\$24,344	\$25,929
-	<u>INDUSTRIAL:</u>	-	-	-	-
110	General Light Industrial	1,000 sf	\$3,117	\$3,857	\$4,410
140	Manufacturing	1,000 sf	\$2,447	\$3,049	\$3,487
150	Warehouse	1,000 sf	\$1,050	\$1,347	\$1,541
151	Mini-Warehouse	1,000 sf	\$578	\$780	\$893

* Note: gross leasable area

Impact Fees			
Land Use Type	Unit	Non-AMA Rate	AMA Rate
<u>Residential</u>			
<u>Single-Family Detached</u>	<u>Dwelling</u>	<u>\$2,924</u>	<u>\$2,821</u>
<u>Multi-Family (Apartments)</u>	<u>Dwelling</u>	<u>\$1,938</u>	<u>\$1,865</u>
<u>Condominium/Townhouse</u>	<u>Dwelling</u>	<u>\$2,284</u>	<u>\$2,208</u>
<u>High-Rise Condo/Townhouse</u>	<u>Dwelling</u>	<u>\$1,564</u>	<u>\$1,513</u>
<u>Mobile Home Park</u>	<u>Dwelling</u>	<u>\$1,077</u>	<u>\$1,042</u>
<u>Retirement Housing/Age Restricted</u>	<u>Dwelling</u>	<u>\$956</u>	<u>\$925</u>
<u>Student Housing</u>	<u>Dwelling</u>	<u>\$825</u>	<u>\$800</u>
<u>Lodging</u>			
<u>Hotel</u>	<u>Room</u>	<u>\$1,483</u>	<u>\$1,432</u>
<u>Motel</u>	<u>Room</u>	<u>\$1,058</u>	<u>\$1,016</u>
<u>Tourist Hotel</u>	<u>Room</u>	<u>\$1,347</u>	<u>---</u>
<u>Time Share</u>	<u>Dwelling</u>	<u>\$1,557</u>	<u>\$1,499</u>
<u>Recreation</u>			
<u>Golf Course</u>	<u>Acre</u>	<u>\$1,701</u>	<u>\$1,638</u>
<u>Bowling Alley</u>	<u>1,000 sq. ft.</u>	<u>\$8,703</u>	<u>\$8,393</u>
<u>Movie Theater without Matinee</u>	<u>1,000 sq. ft.</u>	<u>\$8,363</u>	<u>\$8,023</u>
<u>Racquet Club</u>	<u>1,000 sq. ft.</u>	<u>\$3,829</u>	<u>\$3,689</u>
<u>Health/Fitness Club</u>	<u>1,000 sq. ft.</u>	<u>\$8,980</u>	<u>\$8,660</u>
<u>Institutions</u>			
<u>Day Care Center</u>	<u>1,000 sq. ft.</u>	<u>\$5,282</u>	<u>\$5,056</u>
<u>Library</u>	<u>1,000 sq. ft.</u>	<u>\$9,012</u>	<u>\$8,691</u>
<u>Hospital</u>	<u>1,000 sq. ft.</u>	<u>\$2,976</u>	<u>\$2,867</u>
<u>Nursing Home</u>	<u>1,000 sq. ft.</u>	<u>\$277</u>	<u>\$266</u>
<u>Animal Hospital/Vet Clinic</u>	<u>1,000 sq. ft.</u>	<u>\$6,691</u>	<u>\$6,447</u>
<u>School</u>	<u>1,000 sq. ft.</u>	<u>\$5,230</u>	<u>\$5,051</u>
<u>Public Assembly</u>	<u>1,000 sq. ft.</u>	<u>\$3,460</u>	<u>\$3,336</u>
<u>Office</u>			
<u>Office, 50,000 sf or less</u>	<u>1,000 sq. ft.</u>	<u>\$4,180</u>	<u>\$4,030</u>
<u>Office, 50,001-100,000 sf</u>	<u>1,000 sq. ft.</u>	<u>\$3,561</u>	<u>\$3,431</u>
<u>Office, 100,001-200,000 sf</u>	<u>1,000 sq. ft.</u>	<u>\$3,037</u>	<u>\$2,929</u>
<u>Office, more than 200,000 sf</u>	<u>1,000 sq. ft.</u>	<u>\$2,591</u>	<u>\$2,498</u>
<u>Office, Medical/Dental</u>	<u>1,000 sq. ft.</u>	<u>\$9,675</u>	<u>\$9,335</u>
<u>Post Office</u>	<u>1,000 sq. ft.</u>	<u>\$15,381</u>	<u>\$14,834</u>
<u>Retail</u>			
<u>Free-Standing Discount Store</u>	<u>1,000 sq. ft.</u>	<u>\$4,413</u>	<u>\$4,229</u>
<u>Hardware/Paint Store</u>	<u>1,000 sq. ft.</u>	<u>\$2,534</u>	<u>\$2,423</u>
<u>Retail, 50,000 sf or Less</u>	<u>1,000 sq. ft.*</u>	<u>\$4,275</u>	<u>\$4,091</u>
<u>Retail, 50,001-100,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$4,602</u>	<u>\$4,407</u>
<u>Retail, 100,001-200,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$4,108</u>	<u>\$3,935</u>

<u>Retail, 200,001-300,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$3,776</u>	<u>\$3,619</u>
<u>Retail, 300,001-400,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$3,684</u>	<u>\$3,532</u>
<u>Retail, 400,001-500,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$3,654</u>	<u>\$3,508</u>
<u>Retail, 500,001-1,000,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$3,790</u>	<u>\$3,645</u>
<u>Retail, 1,000,001-1,200,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$3,859</u>	<u>\$3,707</u>
<u>Retail, more than 1,200,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$3,942</u>	<u>\$3,791</u>
<u>New/Used Auto Sales</u>	<u>1,000 sq. ft.</u>	<u>\$4,707</u>	<u>\$4,530</u>
<u>Supermarket</u>	<u>1,000 sq. ft.</u>	<u>\$5,716</u>	<u>\$5,474</u>
<u>Convenience Market w/Gas Pumps</u>	<u>1,000 sq. ft.</u>	<u>\$15,308</u>	<u>\$14,588</u>
<u>Home Improvement Superstore</u>	<u>1,000 sq. ft.</u>	<u>\$2,294</u>	<u>\$2,200</u>
<u>Electronics Superstore</u>	<u>1,000 sq. ft.</u>	<u>\$1,126</u>	<u>\$1,068</u>
<u>Bank/Drive-In</u>	<u>1,000 sq. ft.</u>	<u>\$8,644</u>	<u>\$8,288</u>
<u>Drinking Place</u>	<u>1,000 sq. ft.</u>	<u>\$2,830</u>	<u>\$2,693</u>
<u>Restaurant, Quality</u>	<u>1,000 sq. ft.</u>	<u>\$10,690</u>	<u>\$10,268</u>
<u>Restaurant, High-Turnover</u>	<u>1,000 sq. ft.</u>	<u>\$12,730</u>	<u>\$12,235</u>
<u>Restaurant, Fast Food w/Drive-Thru</u>	<u>1,000 sq. ft.</u>	<u>\$28,847</u>	<u>\$27,607</u>
<u>Service Station</u>	<u>Fuel Position</u>	<u>\$3,495</u>	<u>\$3,342</u>
<u>Self-Service Car Wash</u>	<u>Wash Station</u>	<u>\$7,643</u>	<u>\$7,317</u>
<u>Tourist Retail</u>	<u>1,000 sq. ft.</u>	<u>\$4,856</u>	<u>—</u>
<u>Auto-Service</u>	<u>1,000 sq. ft.</u>	<u>\$5,169</u>	<u>\$4,988</u>
<u>Drug Store</u>	<u>1,000 sq. ft.</u>	<u>\$8,370</u>	<u>\$8,053</u>
<u>Industrial</u>			
<u>General Light Industrial</u>	<u>1,000 sq. ft.</u>	<u>\$1,622</u>	<u>\$1,566</u>
<u>Manufacturing</u>	<u>1,000 sq. ft.</u>	<u>\$889</u>	<u>\$858</u>
<u>Warehousing</u>	<u>1,000 sq. ft.</u>	<u>\$830</u>	<u>\$799</u>
<u>Mini Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$297</u>	<u>\$286</u>

<u>Impact Fees</u>			
<u>Land Use Type</u>	<u>Unit</u>	<u>Non-AMA Rate</u>	<u>AMA Rate</u>
<u>Residential</u>			
<u>Single-Family Detached</u>	<u>Dwelling</u>	<u>\$3,898</u>	<u>\$3,761</u>
<u>Multi-Family (Apartments)</u>	<u>Dwelling</u>	<u>\$2,584</u>	<u>\$2,487</u>
<u>Condominium/Townhouse</u>	<u>Dwelling</u>	<u>\$3,046</u>	<u>\$2,943</u>
<u>High-Rise</u>	<u>Dwelling</u>	<u>\$2,085</u>	<u>\$2,017</u>
<u>Condo/Townhouse</u>	<u>Dwelling</u>	<u>\$1,436</u>	<u>\$1,389</u>
<u>Mobile Home Park</u>	<u>Dwelling</u>	<u>\$1,274</u>	<u>\$1,234</u>
<u>Retirement Housing/Age Restricted</u>	<u>Dwelling</u>	<u>\$1,100</u>	<u>\$1,066</u>
<u>Student Housing</u>	<u>Dwelling</u>	<u>\$1,100</u>	<u>\$1,066</u>

<u>Lodging</u>			
<u>Hotel</u>	<u>Room</u>	<u>\$1,978</u>	<u>\$1,910</u>
<u>Motel</u>	<u>Room</u>	<u>\$1,411</u>	<u>\$1,355</u>
<u>Tourist Hotel</u>	<u>Room</u>	<u>\$1,796</u>	—
<u>Time Share</u>	<u>Dwelling</u>	<u>\$2,076</u>	<u>\$1,999</u>
<u>Recreation</u>			
<u>Golf Course</u>	<u>Acre</u>	<u>\$2,267</u>	<u>\$2,185</u>
<u>Bowling Alley</u>	<u>1,000 sq. ft.</u>	<u>\$11,604</u>	<u>\$11,191</u>
<u>Movie Theater without Matinee</u>	<u>1,000 sq. ft.</u>	<u>\$11,151</u>	<u>\$10,698</u>
<u>Racquet Club</u>	<u>1,000 sq. ft.</u>	<u>\$5,106</u>	<u>\$4,918</u>
<u>Health/Fitness Club</u>	<u>1,000 sq. ft.</u>	<u>\$11,974</u>	<u>\$11,547</u>
<u>Institutions</u>			
<u>Day Care Center</u>	<u>1,000 sq. ft.</u>	<u>\$7,043</u>	<u>\$6,741</u>
<u>Library</u>	<u>1,000 sq. ft.</u>	<u>\$12,015</u>	<u>\$11,589</u>
<u>Hospital</u>	<u>1,000 sq. ft.</u>	<u>\$3,968</u>	<u>\$3,823</u>
<u>Nursing Home</u>	<u>1,000 sq. ft.</u>	<u>\$369</u>	<u>\$355</u>
<u>Animal Hospital/Vet Clinic</u>	<u>1,000 sq. ft.</u>	<u>\$8,921</u>	<u>\$8,597</u>
<u>School</u>	<u>1,000 sq. ft.</u>	<u>\$6,974</u>	<u>\$6,734</u>
<u>Public Assembly</u>	<u>1,000 sq. ft.</u>	<u>\$4,614</u>	<u>\$4,448</u>
<u>Office</u>			
<u>Office, 50,000 sf or less</u>	<u>1,000 sq. ft.</u>	<u>\$5,574</u>	<u>\$5,374</u>
<u>Office, 50,001-100,000 sf</u>	<u>1,000 sq. ft.</u>	<u>\$4,748</u>	<u>\$4,575</u>
<u>Office, 100,001-200,000 sf</u>	<u>1,000 sq. ft.</u>	<u>\$4,050</u>	<u>\$3,905</u>
<u>Office, more than 200,000 sf</u>	<u>1,000 sq. ft.</u>	<u>\$3,455</u>	<u>\$3,330</u>
<u>Office, Medical/Dental</u>	<u>1,000 sq. ft.</u>	<u>\$12,900</u>	<u>\$12,446</u>
<u>Post Office</u>	<u>1,000 sq. ft.</u>	<u>\$20,508</u>	<u>\$19,778</u>
<u>Retail</u>			
<u>Specialty Retail Center</u>	<u>1,000 sq. ft.</u>	<u>\$9,285</u>	<u>\$8,924</u>
<u>Free Standing Discount Store</u>	<u>1,000 sq. ft.</u>	<u>\$5,884</u>	<u>\$5,639</u>
<u>Hardware/Paint Store</u>	<u>1,000 sq. ft.</u>	<u>\$3,378</u>	<u>\$3,231</u>
<u>Retail, 50,000 sf or Less</u>	<u>1,000 sq. ft.*</u>	<u>\$5,700</u>	<u>\$5,455</u>
<u>Retail, 50,001-100,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$6,135</u>	<u>\$5,876</u>
<u>Land-Use Type</u>			
	<u>Unit</u>	<u>Non-AMA rate</u>	<u>AMA rate</u>
<u>Retail, 100,001-200,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$5,477</u>	<u>\$5,246</u>
<u>Retail, 200,001-300,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$5,035</u>	<u>\$4,825</u>
<u>Retail, 300,001-400,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$4,912</u>	<u>\$4,710</u>

<u>Retail, 400,001-500,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$4,871</u>	<u>\$4,677</u>
<u>Retail, 500,001-1,000,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$5,053</u>	<u>\$4,860</u>
<u>Retail, 1,000,001-1,200,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$5,145</u>	<u>\$4,943</u>
<u>Retail, more than 1,200,000 sf</u>	<u>1,000 sq. ft.*</u>	<u>\$5,256</u>	<u>\$5,055</u>
<u>New/Used Auto Sales</u>	<u>1,000 sq. ft.</u>	<u>\$6,276</u>	<u>\$6,040</u>
<u>Supermarket</u>	<u>1,000 sq. ft.</u>	<u>\$7,621</u>	<u>\$7,299</u>
<u>Convenience Market w/Gas Pumps</u>	<u>1,000 sq. ft.</u>	<u>\$20,411</u>	<u>\$19,451</u>
<u>Home Improvement Superstore</u>	<u>1,000 sq. ft.</u>	<u>\$3,059</u>	<u>\$2,933</u>
<u>Electronics Superstore</u>	<u>1,000 sq. ft.</u>	<u>\$1,502</u>	<u>\$1,424</u>
<u>Bank/Drive-In</u>	<u>1,000 sq. ft.</u>	<u>\$11,525</u>	<u>\$11,050</u>
<u>Drinking Place</u>	<u>1,000 sq. ft.</u>	<u>\$3,774</u>	<u>\$3,590</u>
<u>Restaurant, Quality</u>	<u>1,000 sq. ft.</u>	<u>\$14,253</u>	<u>\$13,690</u>
<u>Restaurant, High Turnover</u>	<u>1,000 sq. ft.</u>	<u>\$16,974</u>	<u>\$16,314</u>
<u>Restaurant, Fast Food w/Drive Thru</u>	<u>1,000 sq. ft.</u>	<u>\$38,463</u>	<u>\$36,809</u>
<u>Service Station</u>	<u>Fuel Position Wash Station</u>	<u>\$4,660</u>	<u>\$4,456</u>
<u>Self-Service Car Wash</u>	<u>Station</u>	<u>\$10,190</u>	<u>\$9,756</u>
<u>Tourist Retail</u>	<u>1,000 sq. ft.</u>	<u>\$6,475</u>	<u>—</u>
<u>Auto Service</u>	<u>1,000 sq. ft.</u>	<u>\$6,891</u>	<u>\$6,651</u>
<u>Drug Store</u>	<u>1,000 sq. ft.</u>	<u>\$11,160</u>	<u>\$10,737</u>
<u>Industrial</u>			
<u>General Light Industrial</u>	<u>1,000 sq. ft.</u>	<u>\$2,163</u>	<u>\$2,088</u>
<u>Manufacturing</u>	<u>1,000 sq. ft.</u>	<u>\$1,185</u>	<u>\$1,144</u>
<u>Warehousing</u>	<u>1,000 sq. ft.</u>	<u>\$1,107</u>	<u>\$1,066</u>
<u>Mini Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$396</u>	<u>\$382</u>

3. Additionally, for purposes of the foregoing, the following land uses shall be assessed as follows:

<u>Impact fee land use type:</u>	<u>Land use:</u>
Hardware/Paint Store	Dance School
High Turnover Restaurant	Bakery (with tables & chairs)
Hospital	Home for Abused Children
	Jail
Light Industrial	Equestrian Center

	Laboratory Testing Facilities Secure Transportation Cash Handling & Security (Pistol Range, Truck Maintenance Garage, Locker & Locker Storage Bathrooms) Sewage Treatment Facility Unmanned Structures
Medical Office	Laboratory Testing Facilities
Mini Warehouse	Kennels Mausoleums Residence in Mini Warehouse
Multifamily	Dormitory (by dwelling unit if do not qualify as student housing) Fraternity (by dwelling unit if do not qualify as student housing)
Office	Catering when Food/Drink is not served (only preparation) Guard House Secure Transportation, Cash Handling & Security (offices, loading/receiving, money room, vault rooms, coin wrapping/sorting & coin storage) Towing Company Utilities & Customer Account Offices
Post Office	Federal Express
Public Assembly	Camp, Church, Concession Stands in Parks, Funeral Home, Restrooms in Parks
Racquet Club	Skateboard & Skating Rinks
Retail	Bakery (w/o tables & chairs), Beauty Salon, Car Rental, Catering when Food is served (banquet hall, ballroom, conference & Assembly room), Flower Shop, Full Service Car Wash, Heavy Machinery Sales and Rental, Palm Reader, Tailor Shop, Theme Park
Warehouse	USPS Distribution Center

(b) *Determination of land use.* In the event that the land use for which the building permit is proposed is not listed within the above categories, the Director of the ~~Community Planning~~ Environmental, and Development Services Department or his or her designee shall make a determination as to the appropriate land use designation. Pursuant to Administrative Regulation 4.01, any such determination may be appealed to the Impact Fee Committee, ~~pursuant to Administrative Regulation No. 4.0~~ upon payment of a nonrefundable processing fee, for the Committee's determination of an appropriate land use and corresponding transportation impact fee assessment.

(c) *Aggregation.* An applicant for a building permit shall not be entitled to aggregate the square footage of a multi-building project for the purpose of calculating that project's impact fee.

(d) *Internal Capture Reduction.* If an applicant believes an impact fee reduction is appropriate to account for internal capture, in accordance with accepted traffic and transportation industry standards, then the applicant may submit a request for an internal capture reduction, with supporting calculations, according to (f) (1) below. ~~In any case, however, the transportation impact fee reduction shall not exceed one hundred thousand dollars (\$100,000.00).~~

(e) *Accessory Uses.* Except as otherwise noted in Section 23-98 of this Code, an accessory use shall be assessed based on the fee for the lesser of the accessory or primary land use for the first twenty-five percent (25%) of its square footage in relation to the primary use, individually or cumulatively, with any excess square footage assessed at the Ordinance rate for the accessory use.

(f) *Appeal process.*

(1) ~~In the event a~~ A person who believes that he or she is eligible for an internal capture reduction under section 23-92, an alternative impact fee calculation under section 23-93, a deferral of payment under section 23-94, credits under section 23-95, an exemption or discount under section 23-98, or any other bona fide determination, ~~s/he~~ may submit a written request to the Community Planning, Environmental, and Development Services Department, Fiscal and Operational Support Division, along with all necessary documentation. The appropriate county staff shall review the request within a reasonable period of time, not to exceed thirty (30) days. After the appropriate county staff has reviewed the written request, the appropriate county division shall promptly notify the person of the results of such review.

(2) ~~If the~~ A person who disagrees with the determination rendered by county staff, ~~he~~ may appeal the determination to the county's Impact Fee Committee, pursuant to Administrative Regulations 4.01 ~~and 4.02~~, upon payment of a nonrefundable processing fee. ~~If he decides to appeal the determination, he shall file a written notice of appeal with the Committee coordinator not later than fifteen (15) days after the date that the staff written determination was rendered. If the notice of appeal is not filed within the fifteen-day period, such~~ the person waives ~~the~~ his right to appeal the determination. Within fifteen (15) days after timely receipt of ~~a~~ the written notice of appeal, a hearing date and time shall be assigned and notice given to the appellant.

(3) ~~In the event the~~ A person who disagrees with the decision of the Impact Fee Committee, ~~he~~ may appeal the decision to the Development Review Committee by filing of a written notice of appeal and payment of a non-refundable processing fee, no later than within fifteen (15) days after the decision.

(4) ~~In the event the~~ A person who disagrees with the decision of the Development Review Committee, ~~he~~ may appeal the decision to the Orange County BCC by filing of a written notice of appeal and payment of a non-refundable processing fee, ~~within~~ not later than fifteen (15) days after the decision.

(5) ~~In the event a~~ A person who disagrees with the appellate decision of the BCC, ~~he~~ may challenge such decision in the circuit court by filing a petition for writ of certiorari no later than thirty (30) days ~~from~~ after the date of issuance of the decision of the BCC.

(6) In the event a person pays the impact fees pursuant to this article clearly marked as "paid under written protest" with the intent of filing an appeal, and in the event ~~such~~ his appeal is subsequently approved by the staff, or ~~his~~ such appeal is subsequently rejected by the staff but the staff's determination is thereafter disapproved by an appellate decision of the BCC, the county shall not pay interest on the funds paid under protest and subsequently refunded, unless the county has earned interest on such funds.

Sec. 23-93. Alternative impact fee calculation.

(a) In the event an applicant believes that the cost of off-site ~~roadway~~ transportation improvements needed to serve his or her proposed development is less than the fee established in section 23-92, the applicant may, ~~at no~~ at his own expense ~~to the county,~~ submit an alternative fee calculation to the county administrator, ~~or his~~ designee, pursuant to the provisions of this section. At the time of issuance of a building permit, an applicant must pay or defer the assessed impact fee, clearly marked as "under protest," if he or she intends to submit an alternative fee calculation to the county. In such case, the applicant must, no later than ninety (90) days after payment or deferral under protest, notify the county, in writing, of his or her intent to submit the alternative impact fee calculation; failure to provide such written notification shall waive the applicant's right to submit an alternative fee calculation. Such an alternative fee calculation shall be timely submitted to the Impact Fee Committee for review and approval prior to issuance of any building permit and must be approved by the BCC, including executing and entering into an Alternative Impact Fee Agreement, prior to issuance of any certificate of occupancy, temporary or permanent.

If the data, information, and assumptions used by the applicant to calculate the alternative impact fee satisfy the requirements of this section, the alternative impact fee shall be deemed the impact fee due and owing for the proposed development. The proposed development shall be presumed to generate the maximum number of average daily trips to be generated by the most intensive use permitted under the applicable land development regulations such as the comprehensive plan or zoning regulations or under applicable deed or plat restrictions.