



Interoffice Memorandum

June 11, 2021

TO: Mayor Jerry L. Demings  
—AND—  
County Commissioners

FROM: Jon V. Weiss, P.E., Director *JW.*  
Planning, Environmental, and Development  
Services Department

CONTACT PERSON: **Roberta Alfonso, Assistant County Attorney**  
**County Attorney's Office**  
**407-836-7320**

SUBJECT: June 22, 2021 – Public Hearing  
Ordinance amending Orange County Code Article IV, Chapter  
23, Transportation Impact Fee

On March 23, 2021, in reaction to restrictive provisions for impact fee increases and implementation schedules proposed in House Bill 337 ("HB 337") filed during the 2021 Florida Legislative Session, the Board adopted amendments to Orange County Code Article IV, Chapter 23, Transportation Impact Fee to revise the transportation impact fee schedule to reflect the Study rates at 100% (eliminating the Board's current policy discount factor rate of 75%), with the date of the fee increase on June 27, 2021.

Governor DeSantis signed HB 337 on June 4, 2021, which in its final form limits impact fee increases to once every four years, sets a 50 percent cap to impact fee increases, provides standards for phasing increases, among other provisions. HB 337 provided an option for local governments to exceed fee increase caps and set specific phasing provisions if a study is conducted showing an exceptional need for those actions. That study must be presented at two publicly noticed workshops and be approved with a two thirds vote of the governing body. The fee increase caps and phasing requirements in the new law are retroactively effective to January 1, 2021.

On June 22, 2021 staff will present amendments to Orange County Code Article IV, Chapter 23, Transportation Impact Fees to comply with the new standards required by HB 337. In addition, staff will provide a summary and timeline relating to development of a needs study and associated workshops and hearings to exceed the fee caps and phasing provisions as provided in HB 337.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve An Ordinance Amending the Orange County Transportation Impact Fee Ordinance, Codified at Article IV, Chapter 23 of the Orange County Code; Amending Section 23-88 (“Definitions”); Amending Section 23-92 (“Transportation Impact Fee Schedule”), Amending Section 23-98 (“Exemptions”); Providing for Updated Transportation Impact Fees; Making an Economic Impact Determination; Providing an Effective Date; Repealing, In Part, Ordinance No. 2021-16; and Directing the Posting of Notices of Updated Transportation Impact Fees. All Districts**

JVW/ABM/fb

Attachment

c: Byron Brooks, County Administrator  
Christopher R. Testerman, AICP, Deputy County Administrator  
Joel Prinsell, Deputy County Attorney  
Renzo Nastasi, AICP, Manager, Transportation Planning Division  
Whitney E. Evers, Attorney IV

ORDINANCE NO. 2021 - \_\_

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**AN ORDINANCE AMENDING THE ORANGE COUNTY TRANSPORTATION IMPACT FEE ORDINANCE, CODIFIED AT ARTICLE IV, CHAPTER 23, OF THE ORANGE COUNTY CODE; AMENDING SECTION 23-88 (“DEFINITIONS”); AMENDING SECTION 23-92 (“TRANSPORTATION IMPACT FEE SCHEDULE”); AMENDING SECTION 23-98 (“EXEMPTIONS”); PROVIDING FOR UPDATED TRANSPORTATION IMPACT FEES; MAKING AN ECONOMIC IMPACT DETERMINATION; PROVIDING AN EFFECTIVE DATE; REPEALING, IN PART, ORDINANCE NO. 2021-16; AND DIRECTING THE POSTING OF NOTICES OF UPDATED TRANSPORTATION IMPACT FEES.**

*WHEREAS*, on October 27, 2020, the Orange County Board of County Commissioners (the “Board”) held a public hearing at which Ordinance No. 2020-31 (the “2020 Ordinance Update”) was adopted; and

*WHEREAS*, the 2020 Ordinance Update was approved with new and increased impact fees, based upon data contained in that certain Orange County Transportation Impact Fee Update Study prepared by Tindale-Oliver and Associates and dated September 11, 2020 (the “Study”), which the Board adopted and incorporated by reference into the Transportation Impact Fee Ordinance; and

*WHEREAS*, the Board adopted and implemented the impact fees identified in the Study at a policy discount factor rate of 75%, and opted to implement the increased transportation impact fees in phases, with the first phased increase effective on July 4, 2021, and the remaining phased increase effective on July 3, 2022; and

*WHEREAS*, on January 19, 2021, House Bill 337 (“HB 337”) was filed by Representative DiCeglie for the 2021 Florida Legislative Session; HB 337 received its first reading on March 2, 2021; and

*WHEREAS*, as originally filed, HB 337 was scheduled to become effective on July 1, 2021, containing various provisions related to the Florida Impact Fee Act, codified at §163.31801, Florida Statutes, including a provision proposing to cap annual increases to impact fees; and

*WHEREAS*, in response to the originally filed HB 337, and in order to protect the residents of Orange County and preserve the will of the Board under the home rule authority of Orange County, Florida, to implement the increases in transportation impact fees contemplated by the

42 Transportation Impact Fee Ordinance, on March 23, 2021, the Board adopted Ordinance No. 2021-  
43 16 (the "2021 Ordinance Update") to remove the phased increase in transportation impact fees and  
44 to implement the new and increased transportation impact fees identified in the Study, without the  
45 policy discount factor, effective on June 27, 2021;

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47 **WHEREAS**, HB 337 was subsequently enrolled on May 26, 2021, and upon becoming law  
48 would codify certain amendments to the Florida Impact Fee Act including, among other things,  
49 provisions that cap increases to impact fees and a requirement to phase any impact fee increases,  
50 which provisions would be retroactive to January 1, 2021;

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52 **WHEREAS**, in order to comply with the requirements of HB 337 as enrolled, prior to the  
53 transportation impact fee increases scheduled to go into effect on June 27, 2021, the Board is  
54 repealing portions of the 2021 Ordinance Update so that the increases will not take effect, and  
55 making further amendments to the Transportation Impact Fee Ordinance.

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57 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
58 **ORANGE COUNTY:**

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60 **Section 1. Amendments to Section 23-88.** Orange County Code Chapter 23 ("Impact  
61 Fees"), Article IV ("Transportation Impact Fees"), Section 23-88 ("Definitions") is hereby  
62 amended as follows, with new text being underlined and deleted text being ~~struck through~~:

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64 Affordable housing shall mean, as applicable, housing as defined in  
65 Section 23-98(11) or as set forth in Administrative Regulation 4.08,  
66 as either ~~it~~ may be amended or replaced from time to time.

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70 **Section 2. Amendments to Section 23-92.** Orange County Code, Chapter 23 ("Impact  
71 Fees"), Article IV ("Transportation Impact Fees"), Section 23-92 ("Transportation impact fee  
72 schedule"), Subsection 23-92(a)1. is hereby amended as follows, with new text being underlined  
73 and deleted text being ~~struck through~~:

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**Sec. 23-92. Transportation impact fee schedule.**

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(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 January 1 of each year, beginning January 1, 2023:

1. For the period beginning ~~March 26, 2021,~~ and ending June 27, 2021\*\*:

<u>UFC</u>	<u>Land Use</u>	<u>Unit</u>	<u>Calculated Rates*</u>		
			<u>Urban</u>	<u>Non-Urban/ Suburban</u>	<u>Rural</u>
<b>RESIDENTIAL:</b>					
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
<b>LODGING:</b>					
310	Hotel/Tourist Hotel	room	\$1,910	\$1,978	\$1,978
320	Motel	room	\$1,355	\$1,411	\$1,411
<b>RECREATIONAL:</b>					
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
<b>INSTITUTIONAL:</b>					

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
<b>MEDICAL:</b>					
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
<b>OFFICE:</b>					
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
<b>RETAIL:</b>					
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 or less sf*	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
<b>SERVICES:</b>					
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
<b>INDUSTRIAL:</b>					
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
154	High Cube Transload and Short-Term Storage Warehouse	1,000 sf	\$382	\$396	\$396

\* Note: gross leasable area

\*\* The impact of a development for which the county received a legally sufficient application prior to June 27, 2021, shall be calculated at the impact fee rates set forth in Section 23-92(a)1. hereof; the impact of all other development shall be calculated at the time of issuance of the building permit

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**Section 3. Amendments to Section 23-98. Orange County Code**

Chapter 23 (“Impact Fees”), Article IV (“Transportation Impact Fees”), Section 23-98 (“Exemptions”), Subsection 23-98(a)(11) is hereby amended as follows, with new text being underlined and deleted text being ~~struck through~~:

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**Sec. 23-98. Exemptions.**

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(a) To the extent no additional travel is anticipated to be generated, the following shall be exempted from payment of transportation impact fees:

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(11) Notwithstanding that there may be an increase in travel and/or traffic generation associated with the use, any project that meets or exceeds the definition of “affordable” pursuant to Section 163.31801(9), Florida Statutes, provided the level and duration of such affordability is documented to the County’s satisfaction prior to the granting of any such impact fee exemption that is

105 ~~participating in the County's Local Housing Assistance Plan or~~  
106 ~~Local Housing Trust Fund Plan ("Affordable Housing").~~

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109 **Section 4. Repeal, in part, of Ordinance 2021-16.** Subsections 1.C. and 3(b) of  
110 Ordinance 2021-16 are hereby repealed and shall not take effect on June 27, 2021. Subsection  
111 3(d) of Ordinance 2021-16 is also hereby repealed, and the Planning, Environmental, and  
112 Development Services Department shall remove all notices of new and increased impact fees  
113 posted in the Division of Building Safety and on the County website pursuant to such repealed  
114 Subsection 3(d).

115 **Section 5. Economic impact determination.** The Board does hereby determine and  
116 find, pursuant to Section 30-2(b)(2), Orange County Code, that sufficient information has been  
117 provided for the Board to assess the economic impact of this ordinance on the development of  
118 real property in the county. The Board does hereby determine and find that no further economic  
119 impact statement or economic impact information is required in this matter. If the ongoing  
120 planning studies and periodic review reveal a detrimental economic impact, this ordinance shall  
121 be reviewed and revised accordingly.

122 **Section 6. Effective date; Notice of updated impact fees.**

123 (a) Although not required pursuant to Section 163.31801(3)(d), Florida  
124 Statutes, due to there being no increased or new impact fees imposed by this Ordinance, for  
125 purposes of clarity and in the interest of public information, the Clerk of the Board of County  
126 Commissioners shall publish a legal notice in *The Orlando Sentinel* on or before June 26, 2021,  
127 stating that the Board has adopted this ordinance updating its impact fees, effective June 27, 2021.

128 (b) On or before June 26, 2021, the Planning, Environmental, and  
129 Development Services Department shall post notice in the Division of Building Safety, and in the



130 appropriate location(s) on the County website, stating that the Board has adopted this Ordinance  
131 updating its transportation impact fees, effective June 27, 2021.

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**ADOPTED THIS 22nd DAY OF JUNE, 2021.**

**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

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

By: \_\_\_\_\_  
Deputy Clerk

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