

BCC Mtg. Date: October 27, 2020

Effective Date: November 8, 2020

ORDINANCE NO. 2020 - 31

**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, §10th 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, 2012~~20, 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 January 1 of each year, beginning January 1, 2023:

1. For the period beginning ~~November 8, 2020~~ ~~February 16, 2013~~, and ending ~~July 3, 2021~~ ~~**August 15, 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>					
<u>210</u>	<u>Single Family (Detached) - 1,200 sf or less</u>	<u>du</u>	<u>\$3,761</u>	<u>\$3,898</u>	<u>\$3,898</u>
<u>210</u>	<u>Single Family (Detached) - 1,201 to 2,000 sf</u>	<u>du</u>	<u>\$3,761</u>	<u>\$3,898</u>	<u>\$3,898</u>
<u>210</u>	<u>Single Family (Detached) - 2,001 to 3,500 sf</u>	<u>du</u>	<u>\$3,761</u>	<u>\$3,898</u>	<u>\$3,898</u>
<u>210</u>	<u>Single Family (Detached) - greater than 3,500 sf</u>	<u>du</u>	<u>\$3,761</u>	<u>\$3,898</u>	<u>\$3,898</u>
<u>220</u>	<u>Multi-Family Housing/Townhouse (Low-Rise, 1-2 Floors)</u>	<u>du</u>	<u>\$2,435</u>	<u>\$2,524</u>	<u>\$2,524</u>
<u>221</u>	<u>Multi-Family Housing (Mid-Rise, 3-10 Floors)</u>	<u>du</u>	<u>\$2,435</u>	<u>\$2,524</u>	<u>\$2,524</u>
<u>222</u>	<u>Multi-Family Housing (High-Rise, >10 Floors)</u>	<u>du</u>	<u>\$1,543</u>	<u>\$1,598</u>	<u>\$1,598</u>
<u>225</u>	<u>Student Housing (Adjacent to Campus)</u>	<u>bedroom</u>	<u>\$1,246</u>	<u>\$1,555</u>	<u>\$1,780</u>
<u>225</u>	<u>Student Housing (Over 1/2 Mile from Campus)</u>	<u>bedroom</u>	<u>\$2,410</u>	<u>\$2,973</u>	<u>\$3,399</u>
<u>231</u>	<u>Mid-Rise Residential w/1st Floor Commercial</u>	<u>du</u>	<u>\$2,744</u>	<u>\$3,417</u>	<u>\$3,909</u>
<u>232</u>	<u>High-Rise Residential w/1st Floor Commercial</u>	<u>du</u>	<u>\$1,571</u>	<u>\$1,986</u>	<u>\$2,274</u>
<u>240</u>	<u>Mobile Home Park</u>	<u>du</u>	<u>\$1,389</u>	<u>\$1,436</u>	<u>\$1,436</u>
<u>251</u>	<u>Sr. Adult Housing - Detached (Retirement Community/Age-Restricted SF)</u>	<u>du</u>	<u>\$1,234</u>	<u>\$1,274</u>	<u>\$1,274</u>
<u>252</u>	<u>Sr. Adult Housing - Attached (Retirement Community/Age-Restricted SF)</u>	<u>du</u>	<u>\$1,234</u>	<u>\$1,274</u>	<u>\$1,274</u>
<u>265</u>	<u>Time Share</u>	<u>du</u>	<u>\$1,999</u>	<u>\$2,076</u>	<u>\$2,076</u>
<u>LODGING:</u>					
<u>310</u>	<u>Hotel/Tourist Hotel</u>	<u>room</u>	<u>\$1,910</u>	<u>\$1,978</u>	<u>\$1,978</u>
<u>320</u>	<u>Motel</u>	<u>room</u>	<u>\$1,355</u>	<u>\$1,411</u>	<u>\$1,411</u>
<u>RECREATIONAL:</u>					
<u>430</u>	<u>Golf Course</u>	<u>acre</u>	<u>\$2,185</u>	<u>\$2,267</u>	<u>\$2,267</u>
<u>437</u>	<u>Bowling Alley</u>	<u>1,000 sf</u>	<u>\$7,992</u>	<u>\$9,284</u>	<u>\$9,881</u>
<u>443</u>	<u>Movie Theater</u>	<u>1,000 sf</u>	<u>\$10,698</u>	<u>\$11,151</u>	<u>\$11,151</u>
<u>491</u>	<u>Racquet Club</u>	<u>1,000 sf</u>	<u>\$4,918</u>	<u>\$5,106</u>	<u>\$5,106</u>
<u>492</u>	<u>Health/Fitness Club</u>	<u>1,000 sf</u>	<u>\$11,547</u>	<u>\$11,974</u>	<u>\$11,974</u>
<u>n/a</u>	<u>Dance Studio (Martial Arts/Music Lessons)</u>	<u>1,000 sf</u>	<u>\$8,010</u>	<u>\$9,357</u>	<u>\$9,961</u>

<i>INSTITUTIONAL:</i>					
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
<i>MEDICAL:</i>					
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
<i>OFFICE:</i>					
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
<i>RETAIL:</i>					
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
<i>SERVICES:</i>					
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
INDUSTRIAL:					
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 of November 8, 2020 – February 6, 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. For the period beginning ~~On or after July 4, 2021, and ending July 2, 2022~~ 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>
RESIDENTIAL:					
210	Single Family (Detached) - 1,200 sf or less	du	\$4,290	\$4,939	\$5,366
210	Single Family (Detached) - 1,201 to 2,000 sf	du	\$4,962	\$5,751	\$6,294
210	Single Family (Detached) - 2,001 to 3,500 sf	du	\$5,692	\$6,640	\$7,309
210	Single Family (Detached) - greater than 3,500 sf	du	\$5,871	\$6,855	\$7,555
220	Multi-Family Housing/Townhouse (Low-Rise, 1-2 Floors)	du	\$3,444	\$4,001	\$4,393
221	Multi-Family Housing (Mid-Rise, 3-10 Floors)	du	\$2,866	\$3,295	\$3,586
222	Multi-Family Housing (High-Rise, >10 Floors)	du	\$2,114	\$2,460	\$2,699
225	Student Housing (Adjacent to Campus)	bedroom	\$935	\$1,166	\$1,335
225	Student Housing (Over 1/2 Mile from Campus)	bedroom	\$1,808	\$2,230	\$2,549
231	Mid-Rise Residential w/1st Floor Commercial	du	\$2,058	\$2,563	\$2,932
232	High-Rise Residential w/1st Floor Commercial	du	\$1,178	\$1,490	\$1,706
240	Mobile Home Park	du	\$1,840	\$2,126	\$2,328
251	Sr. Adult Housing - Detached (Retirement Community/Age-Restricted SF)	du	\$1,733	\$2,026	\$2,226
252	Sr. Adult Housing - Attached (Retirement Community/Age-Restricted SF)	du	\$1,450	\$1,688	\$1,840
265	Time Share	du	\$3,003	\$3,536	\$3,895
LODGING:					

310	<u>Hotel/Tourist Hotel</u>	<u>room</u>	<u>\$2,092</u>	<u>\$2,309</u>	<u>\$2,394</u>
320	<u>Motel</u>	<u>room</u>	<u>\$1,080</u>	<u>\$1,285</u>	<u>\$1,367</u>
<i>RECREATIONAL:</i>					
430	<u>Golf Course</u>	<u>acre</u>	<u>\$2,131</u>	<u>\$2,404</u>	<u>\$2,487</u>
437	<u>Bowling Alley</u>	<u>1,000 sf</u>	<u>\$5,994</u>	<u>\$6,963</u>	<u>\$7,411</u>
443	<u>Movie Theater</u>	<u>1,000 sf</u>	<u>\$13,185</u>	<u>\$14,704</u>	<u>\$15,299</u>
491	<u>Racquet Club</u>	<u>1,000 sf</u>	<u>\$7,234</u>	<u>\$8,071</u>	<u>\$8,425</u>
492	<u>Health/Fitness Club</u>	<u>1,000 sf</u>	<u>\$14,184</u>	<u>\$15,666</u>	<u>\$16,286</u>
n/a	<u>Dance Studio (Martial Arts/Music Lessons)</u>	<u>1,000 sf</u>	<u>\$6,008</u>	<u>\$7,018</u>	<u>\$7,471</u>
<i>INSTITUTIONAL:</i>					
522	<u>School</u>	<u>1,000 sf</u>	<u>\$5,249</u>	<u>\$6,125</u>	<u>\$6,522</u>
560	<u>Public Assembly</u>	<u>1,000 sf</u>	<u>\$2,463</u>	<u>\$2,825</u>	<u>\$3,008</u>
565	<u>Day Care</u>	<u>1,000 sf</u>	<u>\$6,913</u>	<u>\$7,687</u>	<u>\$7,959</u>
590	<u>Library</u>	<u>1,000 sf</u>	<u>\$17,695</u>	<u>\$19,608</u>	<u>\$20,475</u>
<i>MEDICAL:</i>					
610	<u>Hospital</u>	<u>bed</u>	<u>\$7,777</u>	<u>\$8,692</u>	<u>\$9,120</u>
620	<u>Nursing Home</u>	<u>1,000 sf</u>	<u>\$890</u>	<u>\$1,043</u>	<u>\$1,099</u>
640	<u>Animal Hospital/Veterinary Clinic</u>	<u>1,000 sf</u>	<u>\$3,035</u>	<u>\$3,631</u>	<u>\$3,870</u>
<i>OFFICE:</i>					
710	<u>General Office 50,000 sf or less</u>	<u>1,000 sf</u>	<u>\$5,737</u>	<u>\$6,551</u>	<u>\$7,089</u>
710	<u>General Office 50,001-100,000 sf</u>	<u>1,000 sf</u>	<u>\$5,270</u>	<u>\$6,062</u>	<u>\$6,589</u>
710	<u>General Office 100,001-200,000 sf</u>	<u>1,000 sf</u>	<u>\$4,874</u>	<u>\$5,637</u>	<u>\$6,154</u>
710	<u>General Office greater than 200,000 sf</u>	<u>1,000 sf</u>	<u>\$4,523</u>	<u>\$5,262</u>	<u>\$5,768</u>
720	<u>Small Medical/Dental Office (10,000 sf or less)</u>	<u>1,000 sf</u>	<u>\$13,300</u>	<u>\$15,115</u>	<u>\$16,351</u>
720	<u>Medical/Dental Office</u>	<u>1,000 sf</u>	<u>\$16,386</u>	<u>\$18,862</u>	<u>\$20,631</u>
732	<u>Post Office</u>	<u>1,000 sf</u>	<u>\$25,714</u>	<u>\$29,567</u>	<u>\$32,321</u>
<i>RETAIL:</i>					
815	<u>Free-Standing Discount Store</u>	<u>1,000 sf</u>	<u>\$6,984</u>	<u>\$7,810</u>	<u>\$8,127</u>
816	<u>Hardware/Paint Store</u>	<u>1,000 sf</u>	<u>\$809</u>	<u>\$1,053</u>	<u>\$1,124</u>
820	<u>Retail/Tourist Retail: 50,000 sf or less*</u>	<u>1,000 sf</u>	<u>\$6,497</u>	<u>\$7,282</u>	<u>\$7,573</u>
820	<u>Retail/Tourist Retail: 50,001-100,000 sf*</u>	<u>1,000 sf</u>	<u>\$7,083</u>	<u>\$7,915</u>	<u>\$8,231</u>
820	<u>Retail/Tourist Retail: 100,001-200,000 sf*</u>	<u>1,000 sf</u>	<u>\$6,393</u>	<u>\$7,150</u>	<u>\$7,437</u>
820	<u>Retail/Tourist Retail: 200,001-300,000 sf*</u>	<u>1,000 sf</u>	<u>\$6,240</u>	<u>\$6,978</u>	<u>\$7,259</u>
820	<u>Retail/Tourist Retail: 300,001-400,000 sf*</u>	<u>1,000 sf</u>	<u>\$6,109</u>	<u>\$6,827</u>	<u>\$7,102</u>
820	<u>Retail/Tourist Retail: 400,001-500,000 sf*</u>	<u>1,000 sf</u>	<u>\$6,088</u>	<u>\$6,805</u>	<u>\$7,081</u>
820	<u>Retail/Tourist Retail: 500,001-1,000,000 sf*</u>	<u>1,000 sf</u>	<u>\$6,401</u>	<u>\$7,133</u>	<u>\$7,422</u>
820	<u>Retail/Tourist Retail: 1,000,001-1,200,000 sf*</u>	<u>1,000 sf</u>	<u>\$6,530</u>	<u>\$7,277</u>	<u>\$7,572</u>
820	<u>Retail/Tourist Retail: greater than 1,200,000 sf*</u>	<u>1,000 sf</u>	<u>\$6,698</u>	<u>\$7,461</u>	<u>\$7,763</u>
840/841	<u>New/Used Auto Sales</u>	<u>1,000 sf</u>	<u>\$7,473</u>	<u>\$8,296</u>	<u>\$8,628</u>
850	<u>Supermarket</u>	<u>1,000 sf</u>	<u>\$9,676</u>	<u>\$10,856</u>	<u>\$11,317</u>
853	<u>Convenience Market w/Gas Pumps</u>	<u>1,000 sf</u>	<u>\$22,438</u>	<u>\$25,131</u>	<u>\$26,116</u>

862	Home Improvement Superstore	1,000 sf	\$3,851	\$4,339	\$4,522
863	Electronics Superstore	1,000 sf	\$2,747	\$3,166	\$3,325
880/881	Drug Store	1,000 sf	\$6,686	\$7,857	\$8,372
<i>SERVICES:</i>					
911	Bank/Savings Walk-In	1,000 sf	\$6,303	\$7,571	\$8,069
912	Bank/Savings Drive-In	1,000 sf	\$11,101	\$12,352	\$12,782
925	Drinking Place	1,000 sf	\$7,530	\$8,606	\$9,047
931	Quality Restaurant	1,000 sf	\$17,141	\$19,076	\$19,848
932	High-Turnover Restaurant	1,000 sf	\$20,009	\$22,231	\$23,118
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$46,377	\$51,810	\$53,937
942	Auto Service	1,000 sf	\$6,966	\$7,672	\$7,945
944	Gas Station with or w/o Convenience Market <2,000 sq ft	fuel pos.	\$5,902	\$6,608	\$6,888
945	Gas Station w/Convenience Market 2,000-2,999 sq ft	fuel pos.	\$6,619	\$7,438	\$7,772
960	Gas Station w/Convenience Market 3,000+ sq ft	fuel pos.	\$7,154	\$8,063	\$8,437
947	Self-Service Car Wash	wash station	\$12,746	\$14,224	\$14,818
<i>INDUSTRIAL:</i>					
110	General Light Industrial	1,000 sf	\$2,213	\$2,528	\$2,735
140	Manufacturing	1,000 sf	\$1,490	\$1,736	\$1,900
150	Warehouse	1,000 sf	\$788	\$1,010	\$1,131
151	Mini-Warehouse	1,000 sf	\$408	\$491	\$533

* Note: gross leasable area

3. On or after July 3, 2022:

<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>
<i>RESIDENTIAL:</i>					
210	Single Family (Detached) - 1,200 sf or less	du	\$4,819	\$5,980	\$6,835
210	Single Family (Detached) - 1,201 to 2,000 sf	du	\$6,164	\$7,604	\$8,690
210	Single Family (Detached) - 2,001 to 3,500 sf	du	\$7,622	\$9,382	\$10,721
210	Single Family (Detached) - greater than 3,500 sf	du	\$7,980	\$9,812	\$11,212
220	Multi-Family Housing/Townhouse (Low-Rise, 1-2 Floors)	du	\$4,453	\$5,477	\$6,262
221	Multi-Family Housing (Mid-Rise, 3-10 Floors)	du	\$3,296	\$4,066	\$4,649
222	Multi-Family Housing (High-Rise, >10 Floors)	du	\$2,685	\$3,323	\$3,800
225	Student Housing (Adjacent to Campus)	bedroom	\$935	\$1,166	\$1,335
225	Student Housing (Over 1/2 Mile from Campus)	bedroom	\$1,808	\$2,230	\$2,549
231	Mid-Rise Residential w/1st Floor Commercial	du	\$2,058	\$2,563	\$2,932
232	High-Rise Residential w/1st Floor Commercial	du	\$1,178	\$1,490	\$1,706
240	Mobile Home Park	du	\$2,291	\$2,816	\$3,219

251	<u>Sr. Adult Housing - Detached (Retirement Community/Age-Restricted SF)</u>	<u>du</u>	<u>\$2,231</u>	<u>\$2,778</u>	<u>\$3,177</u>
252	<u>Sr. Adult Housing - Attached (Retirement Community/Age-Restricted SF)</u>	<u>du</u>	<u>\$1,665</u>	<u>\$2,102</u>	<u>\$2,406</u>
265	<u>Time Share</u>	<u>du</u>	<u>\$4,007</u>	<u>\$4,995</u>	<u>\$5,714</u>
<i>LODGING:</i>					
310	<u>Hotel/Tourist Hotel</u>	<u>room</u>	<u>\$2,275</u>	<u>\$2,639</u>	<u>\$2,810</u>
320	<u>Motel</u>	<u>room</u>	<u>\$1,080</u>	<u>\$1,285</u>	<u>\$1,367</u>
<i>RECREATIONAL:</i>					
430	<u>Golf Course</u>	<u>acre</u>	<u>\$2,131</u>	<u>\$2,541</u>	<u>\$2,706</u>
437	<u>Bowling Alley</u>	<u>1,000 sf</u>	<u>\$5,994</u>	<u>\$6,963</u>	<u>\$7,411</u>
443	<u>Movie Theater</u>	<u>1,000 sf</u>	<u>\$15,671</u>	<u>\$18,257</u>	<u>\$19,447</u>
491	<u>Racquet Club</u>	<u>1,000 sf</u>	<u>\$9,551</u>	<u>\$11,036</u>	<u>\$11,744</u>
492	<u>Health/Fitness Club</u>	<u>1,000 sf</u>	<u>\$16,820</u>	<u>\$19,358</u>	<u>\$20,598</u>
n/a	<u>Dance Studio (Martial Arts/Music Lessons)</u>	<u>1,000 sf</u>	<u>\$6,008</u>	<u>\$7,018</u>	<u>\$7,471</u>
<i>INSTITUTIONAL:</i>					
522	<u>School</u>	<u>1,000 sf</u>	<u>\$5,249</u>	<u>\$6,125</u>	<u>\$6,522</u>
560	<u>Public Assembly</u>	<u>1,000 sf</u>	<u>\$2,463</u>	<u>\$2,825</u>	<u>\$3,008</u>
565	<u>Day Care</u>	<u>1,000 sf</u>	<u>\$7,085</u>	<u>\$8,330</u>	<u>\$8,876</u>
590	<u>Library</u>	<u>1,000 sf</u>	<u>\$23,801</u>	<u>\$27,202</u>	<u>\$28,936</u>
<i>MEDICAL:</i>					
610	<u>Hospital</u>	<u>bed</u>	<u>\$11,731</u>	<u>\$13,415</u>	<u>\$14,271</u>
620	<u>Nursing Home</u>	<u>1,000 sf</u>	<u>\$1,424</u>	<u>\$1,716</u>	<u>\$1,829</u>
640	<u>Animal Hospital/Veterinary Clinic</u>	<u>1,000 sf</u>	<u>\$3,035</u>	<u>\$3,631</u>	<u>\$3,870</u>
<i>OFFICE:</i>					
710	<u>General Office 50,000 sf or less</u>	<u>1,000 sf</u>	<u>\$6,099</u>	<u>\$7,528</u>	<u>\$8,605</u>
710	<u>General Office 50,001-100,000 sf</u>	<u>1,000 sf</u>	<u>\$5,965</u>	<u>\$7,376</u>	<u>\$8,431</u>
710	<u>General Office 100,001-200,000 sf</u>	<u>1,000 sf</u>	<u>\$5,843</u>	<u>\$7,225</u>	<u>\$8,258</u>
710	<u>General Office greater than 200,000 sf</u>	<u>1,000 sf</u>	<u>\$5,716</u>	<u>\$7,069</u>	<u>\$8,081</u>
720	<u>Small Medical/Dental Office (10,000 sf or less)</u>	<u>1,000 sf</u>	<u>\$14,154</u>	<u>\$17,330</u>	<u>\$19,802</u>
720	<u>Medical/Dental Office</u>	<u>1,000 sf</u>	<u>\$20,326</u>	<u>\$24,824</u>	<u>\$28,363</u>
732	<u>Post Office</u>	<u>1,000 sf</u>	<u>\$31,651</u>	<u>\$38,627</u>	<u>\$44,134</u>
<i>RETAIL:</i>					
815	<u>Free-Standing Discount Store</u>	<u>1,000 sf</u>	<u>\$8,329</u>	<u>\$9,736</u>	<u>\$10,370</u>
816	<u>Hardware/Paint Store</u>	<u>1,000 sf</u>	<u>\$809</u>	<u>\$1,053</u>	<u>\$1,124</u>
820	<u>Retail/Tourist Retail: 50,000 sf or less*</u>	<u>1,000 sf</u>	<u>\$7,538</u>	<u>\$8,864</u>	<u>\$9,446</u>
820	<u>Retail/Tourist Retail: 50,001-100,000 sf*</u>	<u>1,000 sf</u>	<u>\$8,289</u>	<u>\$9,695</u>	<u>\$10,327</u>
820	<u>Retail/Tourist Retail: 100,001-200,000 sf*</u>	<u>1,000 sf</u>	<u>\$7,539</u>	<u>\$8,822</u>	<u>\$9,397</u>
820	<u>Retail/Tourist Retail: 200,001-300,000 sf*</u>	<u>1,000 sf</u>	<u>\$7,389</u>	<u>\$8,649</u>	<u>\$9,212</u>
820	<u>Retail/Tourist Retail: 300,001-400,000 sf*</u>	<u>1,000 sf</u>	<u>\$7,257</u>	<u>\$8,484</u>	<u>\$9,035</u>
820	<u>Retail/Tourist Retail: 400,001-500,000 sf*</u>	<u>1,000 sf</u>	<u>\$7,250</u>	<u>\$8,476</u>	<u>\$9,026</u>
820	<u>Retail/Tourist Retail: 500,001-1,000,000 sf*</u>	<u>1,000 sf</u>	<u>\$7,683</u>	<u>\$8,946</u>	<u>\$9,524</u>

820	Retail/Tourist Retail: 1,000,001-1,200,000 sf*	1,000 sf	\$7,856	\$9,141	\$9,731
820	Retail/Tourist Retail: greater than 1,200,000 sf*	1,000 sf	\$8,078	\$9,388	\$9,992
840/841	New/Used Auto Sales	1,000 sf	\$8,906	\$10,316	\$10,979
850	Supermarket	1,000 sf	\$12,053	\$14,092	\$15,012
853	Convenience Market w/Gas Pumps	1,000 sf	\$25,424	\$29,850	\$31,821
862	Home Improvement Superstore	1,000 sf	\$4,769	\$5,619	\$5,986
863	Electronics Superstore	1,000 sf	\$4,070	\$4,830	\$5,149
880/881	Drug Store	1,000 sf	\$6,686	\$7,857	\$8,372
<u>SERVICES:</u>					
911	Bank/Savings Walk-In	1,000 sf	\$6,303	\$7,571	\$8,069
912	Bank/Savings Drive-In	1,000 sf	\$11,151	\$13,178	\$14,039
925	Drinking Place	1,000 sf	\$11,470	\$13,439	\$14,321
931	Quality Restaurant	1,000 sf	\$20,592	\$23,898	\$25,444
932	High-Turnover Restaurant	1,000 sf	\$23,703	\$27,488	\$29,263
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$55,944	\$65,157	\$69,410
942	Auto Service	1,000 sf	\$7,281	\$8,453	\$8,999
944	Gas Station with or w/o Convenience Market <2,000 sq ft	fuel pos.	\$7,349	\$8,557	\$9,116
945	Gas Station w/Convenience Market 2,000-2,999 sq ft	fuel pos.	\$8,782	\$10,215	\$10,883
960	Gas Station w/Convenience Market 3,000+ sq ft	fuel pos.	\$9,852	\$11,465	\$12,215
947	Self-Service Car Wash	wash station	\$15,735	\$18,258	\$19,447
<u>INDUSTRIAL:</u>					
110	General Light Industrial	1,000 sf	\$2,338	\$2,893	\$3,308
140	Manufacturing	1,000 sf	\$1,835	\$2,287	\$2,615
150	Warehouse	1,000 sf	\$788	\$1,010	\$1,156
151	Mini-Warehouse	1,000 sf	\$434	\$585	\$670

* Note: gross leasable area

<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>\$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>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>
<hr/>			
<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>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>\$1,978</u>	<u>\$1,910</u>
<u>Lodging</u>			
<u>Hotel</u>	<u>Room</u>	<u>\$1,411</u>	<u>\$1,355</u>
<u>Motel</u>	<u>Room</u>	<u>\$1,796</u>	—
<u>Tourist Hotel</u>	<u>Room</u>	<u>\$2,076</u>	<u>\$1,999</u>
<u>Time Share</u>	<u>Dwelling</u>	<u>\$2,267</u>	<u>\$2,185</u>
<u>Recreation</u>			
<u>Golf Course</u>	<u>Acre</u>	<u>\$11,604</u>	<u>\$11,191</u>
<u>Bowling Alley</u>	<u>1,000 sq. ft.</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</u>	<u>\$4,660</u>	<u>\$4,456</u>
<u>Self-Service Car Wash</u>	<u>Wash 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>

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

Impact fee land use type:

Land use:

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

Security (Pistol & Locker)	Secure Transportation Cash Handling & Range, Truck Maintenance Garage, 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~~ 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 sSuch 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~~ 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~~ 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.

(b) The alternative impact fee shall be calculated by use of the following formula for each land use:

Within the AMA Urban Fee District:

$$\text{NET IMPACT FEE} = \text{TOTAL IMPACT COST} - \text{GAS TAX } \underline{\text{EQUIVALENT CREDIT}} - \text{AD VALOREM CREDIT}$$

$$\text{TOTAL IMPACT COST} = \text{VMT}_{\text{cost}} * (1 - \text{LADF}) * \text{COST}_{\text{per VMC}}$$

$$\text{GAS TAX } \underline{\text{EQUIVALENT CREDIT}} = \text{VMT}_{\text{credit}} * \text{CREDIT}_{\text{per VMT}}$$

Where:

$$VMT_{\text{cost}} = (ADT * ATL * \% NT) / 2$$

$$VMT_{\text{credit}} = (ADT * TTL * \% NT) / 2$$

ADT = the average daily trip generation rate in vehicle-trips per /day

% NT = Percent of new or primary trips, as opposed to pass-by or diverted-linked trips

ATL = Assessable trip length

TTL = Total trip length, calculated as ATL plus 0.5

LADF = = percent of ATL occurring on interstate highways or toll facilities, excluding through traffic that does not have an origin or destination in the county

$$\frac{COST_{\text{per VMC}}}{CAPACITY} = \frac{COST_{\text{per PERSONVEHICLELANE-MILE}}}{CAPACITY} (\$304.23504.44)$$

$$COST_{\text{per LANE-MILE}} = \frac{\text{Average cost to add a new lane-mile to the major roadway system}}{LANE-MILE} (\$3,744,540,000)$$

CAPACITY = Average daily capacity of a lane at desired LOS (9, 506000)

~~PTF = Person Trip Factor (1.3)~~

$$CREDIT_{\text{per VMT}} = \frac{\$/GAL * 365 * NPV}{MPG} (\$61.0959.37)$$

~~\\$/GAL = Capacity-expanding funding for roads per gallon of gasoline consume (\$0.246197)~~

MPG = Miles per gallon, average for U.S. motor vehicle fleet (18.492 mpg)

365 = Days per year (used to convert daily VMT to annual VMT)

NPV = Net present value factor (~~14.0939~~15.6221: gas tax payments based on 54.0% interest rate and a 25-year facility life)

Outside-Within the AMA Suburban Fee District:

NET IMPACT FEE = TOTAL IMPACT COST – GAS TAX EQUIVALENT CREDIT – AD VALOREM CREDIT

TOTAL IMPACT COST = $VMT_{cost} * (1-LADF) * COST_{per} VMC_e$

GAS TAX EQUIVALENT CREDIT = $VMT_{credit} * CREDIT_{per} VMT$

Where:

$VMT_{cost} = (ADT * ATL * \% NT) / 2$

$VMT_{credit} = (ADT * TTL * \% NT) / 2$

ADT = the average daily trip generation rate in vehicle-trips per day

% NT = Percent of new or primary trips, as opposed to pass-by or diverted-linked trips

ATL = Assessable trip length

TTL = Total trip length, calculated as ATL plus 0.5

LADF = percent of ATL occurring on interstate highways or toll facilities, excluding through traffic that does not have an origin or destination in the _____ county

$COST_{per} VMC_e = COST_{per} LANE-MILE / CAPACITY$ (\$560.49 for residential/office/industrial land uses; \$530.99 for other non-residential land uses)
~~(\$393.86)~~

$COST_{per} LANE-MILE = Average\ cost\ to\ add\ a\ new\ lane-mile\ to\ the\ major\ roadway\ system$ (\$4,540,000)
~~(\$3,7444,540,000)~~
MILE

CAPACITY = Average daily capacity of a lane at desired LOS (9,5068,100 for residential/office/industrial land uses; 8,550 for other non-residential land uses)

$CREDIT_{per} VMT = \$/GAL * 365 * NPV / MPG$ (\$52.6040.69)
~~(\$52.6040.69)~~

$\$/GAL\ consume = Capacity-expanding\ funding\ for\ roads\ per\ gallon\ of\ gasoline$
~~(\$0.186135)~~

MPG = Miles per gallon, average for U.S. motor vehicle fleet (18.9249 mpg)

365 = Days per year (used to convert daily VMT to annual VMT)

NPV = Net present value factor (~~14.0939~~15.6221: gas tax payments based on 45.0% interest rate and a 25-year facility life)

Within the Rural Fee District:

NET IMPACT FEE = TOTAL IMPACT COST – GAS TAX EQUIVALENT CREDIT – AD VALOREM CREDIT

TOTAL IMPACT COST = VMT_{cost} * (1-LADF) * COST_l per VMC

GAS TAX EQUIVALENT CREDIT = VMT_{credit} * CREDIT per VMT

Where:

VMT_{cost} = (ADT * ATL * % NT) / 2

VMT_{credit} = (ADT * TTL * % NT) / 2

ADT = the average daily trip generation rate in vehicle-trips per day

% NT = Percent of new or primary trips, as opposed to pass-by or diverted-linked trips

ATL = Assessable trip length

TTL = Total trip length, calculated as ATL plus 0.5

LADF = percent of ATL occurring on interstate highways or toll facilities, excluding through traffic that does not have an origin or -destination in the county

COST_l per VMCe = COST per LANE-MILE / CAPACITY (\$630.56 for residential/office/industrial land uses; \$560.49 for other non-residential land uses)

COST per LANE-MILE = Average cost to add a new lane-mile to the major roadway system (\$4,540,000) / COST per LANE-MILE = Average cost to add a new lane mile to the major roadway system LANE-MILE (\$4,540,000)

CAPACITY = Average daily capacity of a lane at desired LOS (7,200 for residential/office/industrial land uses; 8,100 for other non-residential land uses)
~~CAPACITY = Average daily capacity of a lane at desired LOS (7,200)~~

CREDIT = \$/GAL * 365 * NPV / MPG (\$40.69) * VMT_{credit} ~~VMT~~

\$/GAL consume = Capacity-expanding funding for roads per gallon of gasoline consume (\$0.135)

MPG = Miles per gallon, average for U.S. motor vehicle fleet (18.9249 mpg)

365 = Days per year (used to convert daily VMT to annual VMT)

NPV = Net present value factor (15.6221: gas tax payments based on 4.0% interest rate and a 25-year facility life)

(c) The alternative impact fee calculations shall be based on data, information, or assumptions contained in this article or independent sources, provided that:

(1) The independent source is a county-accepted source of transportation engineering or planning data or information; or

(2) The independent source is a local study carried out pursuant to an accepted methodology, and which studies the four (4) variables of ADT, %NT, ATL, and LADF.

(d) An applicant may request transfer of a previously approved traffic impact study substantially consistent with the criteria required by this section, and which studies the four variables identified above. If that study is determined to still be valid, and if the county accepts transfer of the alternative impact fee calculation in the study, the traffic impacts of the applicant's development shall be presumed to be as described in such prior study. There shall be a rebuttable presumption that a traffic impact study conducted more than five (5) years earlier, or performed using a different methodology from that found in the ordinance in place at the time the alternative impact fee is requested, is invalid. This subsection shall not apply where an existing development order provides that the fee schedule in section 23-92 shall supersede any such traffic impact study.

(e) The percentage of new or primary trips used in the alternative impact fee calculations shall be based on actual surveys conducted in the county. For the purposes of the alternative impact fee calculation, the percentage of new or primary trips shall be the percentage of average daily trips that a proposed use will generate that constitutes new or additional trips added to the county's major transportation network system. Those trips that do not represent additional trip ends shall not be counted as new or additional trips.

(f) The provisions of this section 23-93 shall be implemented and administered in accordance with the procedures set forth in Orange County Administrative Regulations Nos. 4.01 and 4.02, as may be amended from time to time.

(g) Any agreement proposed by an applicant pursuant to this subsection must be presented to and approved by the BCC prior to the issuance of any certificate of occupancy, temporary or permanent. Any such agreement may provide for execution by mortgagees, lien holders, or contract purchasers in addition to the landowner, and may permit any party to record such agreement in the official records of the county. The BCC shall approve such an agreement only if it finds that the agreement will apportion the burden of expenditure for new facilities in a just and equitable manner, consistent with the principles set forth in *Contractors & Builders Association v. City of Dunedin*, 329 So. 2d 314 (Fla. 1976), *Hollywood Inc. v. Broward County*, 432 So. 2d 606 (Fla. 4th DCA 1983), cert. denied, 440 So. 2d 352 (Fla. 1983); and *Home Builders and Contractors Association of Palm Beach County, Inc. v. Board of County Commissioners of Palm Beach County*, 446 So. 2d 140 (Fla. 4th DCA 1984), cert. denied, 451 So. 2d 848 (Fla. 1984).

(h) The county shall conduct a follow-up review to confirm the approved assumptions in the alternative impact fee calculation study within five (5) years of BCC approval, unless the anticipated development is not constructed within three (3) years of BCC approval, in which case the county may conduct its review within 5 years of completion of such construction. Impact fees attributable to any factors shown to exist but not previously accounted for in the study shall be paid within thirty (30) days of a demand letter issued by the county to the property owner.

(i) In the event the alternative calculation results in a total—impact cost which is less than the gas tax credit, then the proposed development shall be exempt from transportation impact fees for only the size and use of development——approved for such alternative calculation.

(j) In the event the Board adopts impact fee rates at less than 100% of the rates presented in the Transportation Impact Fee Study (“Policy Discount Factor”), that Policy Discount Factor shall apply to any alternative impact fee rate determined pursuant to Section 23-93.

Sec. 23-94. Reserved.

Sec. 23-95. Credits.

(a) An applicant shall be entitled to a credit against any transportation impact fee assessed pursuant to this article in an amount equal to (i) the actual, reasonable incurred cost of off-site improvements for impact fee eligible transportation improvements or (ii) contributions of land, money, or services for such off-site improvements contributed or previously contributed, paid for, or committed to by the applicant or a predecessor in interest as a condition of any development permit issued by the county. A credit shall not be awarded for any contribution of land, money, or services not made directly by the applicant, including a contribution or grant made by another entity, unless specifically provided for in a developer's agreement approved by the BCC. The cost of such improvements shall be based on the following criteria in subsections (a)(1) and (a)(2), subject to subsections (a)(3) and (a)(4):

(1) The actual reasonable incurred cost of improvements certified by an engineer and approved by the county in accordance with the procedures set forth in Orange County Administrative Regulation No. 4.03, as it may be amended from time to time; and

(2) A pro rata share of the appraised land value of the parent tract (which land value is based on the "date of valuation" as defined in section 23-95(b) below) as determined by an appraiser with an M.A.I. designation, who is acceptable to the county and who was selected and paid for by the applicant. The appraisal must meet the Uniform Standards of Professional Appraisal Practice. If the appraisal does not conform to the requirements of this article and the applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the county accepts the methodology of the appraisal but disagrees with the appraised value, it may engage another appraiser. The value used for purposes of impact fee credit calculation shall be an amount equal to the average of the two (2) appraisals. In the alternative, the appraised land value of the parent tract may be as

negotiated and stated as a specific dollar value on a per-acre basis in a developer's agreement between the applicant and the county.

(3) Except for property located in Horizon West, with respect to an on-site or off-site road required by the county as a condition of development, the credit for the right-of-way and the roadway therein (including design and construction costs) shall be limited to the extent of excess capacity created by the applicant's contribution as measured against the impacts attributable to the applicant's project on the roads deemed eligible. However, with respect to dedication for future right-of-way not required by the county as a development approval condition for the subject development, the credit shall be for one hundred (100) percent of such future right-of-way. The foregoing notwithstanding, the board may approve a different impact fee credit calculation or a different impact fee credit methodology for right-of-way, design, and/or construction for significant transportation facilities or systems (including transit or multimodal facilities or systems) necessary to provide mobility for development or redevelopment.

(4) For property ~~which is~~ located in Horizon West, for an on-site or off-site improvement to be eligible for a credit the improvement must be an impact fee eligible improvement. For improvements deemed eligible, the credit for the right-of-way shall be limited to twenty-two thousand five hundred dollars (\$22,500.00) per acre and the credit for the roadway therein (including design and construction costs) shall be limited to the extent of excess capacity created by the applicant's contribution as measured against the impacts attributable to the applicant's project on the improvements deemed eligible. The foregoing notwithstanding, the board may approve a different impact fee credit calculation or a different impact fee credit methodology for right-of-way, design, and/or construction for significant transportation facilities or systems (including transit or multimodal facilities or systems) necessary to provide mobility for development or redevelopment.

(b) As used in this section, "date of valuation" shall mean:

(1) For projects that enter into a developer's agreement with the county pertaining to a condition of development requiring the contribution of land, the date of valuation shall include a determination of the land use to be used in the evaluation and shall be calculated as either an agreed upon date or the day before the date on which the developer's agreement becomes effective. The

developer's agreement shall specifically state the date of valuation and the determined land use to be used in the evaluation, or in the alternative, the developer's agreement may state as a specific dollar value the negotiated appraised land value of the parent parcel on a per-acre basis.

(2) For projects where the valuation is not stated in a developer's agreement that are zoned or are being rezoned to planned development (PD) and:

a. The PD has no land use approval, provided the land use approval imposes a condition of development requiring the contribution of land, the date of valuation shall be the day before the date of the land use approval.

b. The PD has land use approval and is seeking either a preliminary subdivision plan or development plan approval then:

i. Provided the existing land use plan imposed a condition of development requiring the contribution of land, the date of valuation shall be the day before the date of the land use approval.

ii. If the existing land use plan did not impose a condition of development requiring the contribution of land, but the preliminary subdivision plan and/or the development plan imposes a condition of development requiring the contribution of land, the date of valuation shall be the day before the date of the development plan approval.

c. The PD has land use approval and preliminary subdivision plan/development plan approval, but neither of those approvals imposed a condition of development which required the contribution of land, the date of valuation shall be the day before the date on which the development's first building permit that prompted the credit request was approved by the Division of Building Safety.

(3) For projects in conventional zoning districts and subject to the subdivision regulations, Orange County Code, chapter 34, then:

a. Provided the preliminary subdivision plan imposed a condition of development requiring the contribution

of land, the date of valuation shall be the day before the date of the rezoning of the property to its current zoning.

b. Provided the project is platted and the contribution of land was not required as a condition of development, the date of valuation shall be the day before the date on which the development's first building permit that prompted the credit request was approved by the Division of Building Safety.

(4) For projects in conventional zoning districts which are subject to the Orange County Site Development Ordinance (sometimes referred to as the commercial site plan process), Orange County Code, chapter 30, article VIII, and:

a. The project has an existing plan or a proposed plan for which approval by the county requires the contribution of land, the date of valuation shall be the day before the date of the rezoning of the property to its current zoning.

b. The project has an existing plan or proposed plan that does not require the contribution of land, the date of valuation shall be the day before the date on which the development's first building permit that prompted the credit request was approved by the Division of Building Safety.

(5) In applying subsections (b)(2), (b)(3) and (b)(4) above, on the date of valuation no consideration shall be given to the proposed land use and/or zoning pending under the requested application; in other words, only the actual land use/zoning existing on the date of valuation shall be used for calculating value.

(6) In all cases where the date of valuation is the day before the date of rezoning to the current zoning for a property, no date of rezoning shall be calculated to be further into the past than January 1, 1986.

(c) An applicant must apply for credit for an improvement or contribution prior to the issuance of the project's first certificate of occupancy (whether temporary or permanent).

(d) An applicant is not entitled to use any portion of a credit account granted pursuant to this section to obtain a refund for impact fees previously paid for building permits issued prior to the date of the county's receipt of the credit application, unless the applicant has entered into an agreement with the county that provides otherwise.

(e) A portion or all of a credit account may be assigned and reassigned under the terms and conditions acceptable to the county for use only within the transportation impact fee zone in which the project site is located or within an adjoining transportation impact fee zone for a project or parcel that receives a direct benefit from the conveyance or action that generated the credits in the credit account.

(f) Any credit issued shall take into account as an offset to the credit an amount equal to the impact fee imposed by section 23-92.

(g) Previous development permits wherein voluntary transportation impact fees were specified and paid shall be binding as to any building permit already issued on land subject to the development permit. Road improvements required by previous development permits shall not be given a credit, unless they meet the requirements of this section.

(h) Except in the case of a good faith mistake, if an applicant pays the impact fee when a credit could have been used, the applicant is not entitled to a refund for the impact fees paid. ~~In all cases, the applicant will be allowed to use credits within the impact fee zone in which such credits were established.~~

(i) If an applicant disagrees with a written opinion issued by the county staff pursuant to this section, the applicant may submit a written appeal to the Impact Fee Committee pursuant to Administrative Regulation Nos. 4.01 ~~and 4.02~~, as may be amended from time to time.

(j) The provisions of this section 23-95 shall be implemented and administered in accordance with the procedures set forth in Orange County Administrative Regulation No. 4.03, as it may be amended from time to time.

Sec. 23-96. Reserved.

Sec. 23-97. Use of funds collected.

(a) *Creation of trust funds.* The impact fees collected by the county pursuant to this section and the capacity reservation fees collected by the county pursuant to the concurrency management ordinance shall be kept separate from other revenue of the county. The impact fees and capacity reservation fees shall be separately

earmarked. There shall be one (1) fund established for each of the four (4) impact fee benefit zones ~~and four (4) impact fee benefit sub-zones,~~ as shown on a map labeled Exhibit "AB" attached to this Ordinance and made a part hereof. The capacity reservation fees shall be handled and refunded in a manner consistent with the concurrency management ordinance.

(b) *Limitation on expenditure of funds collected.*

(1) No impact fees shall be expended on a particular capital improvement pursuant to this article unless or until the BCC programs and identifies a source of funds for right-of-way acquisition and construction of improvements needed to overcome existing service deficiencies or future service deficiencies for a particular capital improvement which deficiency is not attributable to new growth and development.

(2) The funds collected by reason of the establishment of the transportation impact fee in accordance with this article shall be used, at the sole discretion of the county, in all transportation impact fee benefit zones solely for the purpose of acquisition, expansion, and development (including RCA and any studies) of the transportation facilities determined to be necessary to serve new development including, but not limited to:

- (i) throughout the county:
 - a. Design and construction plan preparation;
 - b. Right-of-way acquisition;
 - c. Construction of new through lanes;
 - d. Construction of new turn lanes;
 - e. Construction of new bridges;
 - f. Construction of new drainage facilities in conjunction with new roadway construction;
 - g. Purchase and installation of traffic control devices;

- h. Construction of new curbs, medians, and shoulders;
- i. Conservation area mitigation; and
- j. Compensating storage;

(ii) within the ~~AMA~~ Urban Fee District only, in addition to a. through j. above:

- k. Sidewalks (not built as part of construction of a road improvement);
- l. Transit shelters;
- m. Park and ride lots;
- n. Lighting;
- o. Landscaping;
- p. Pedestrian bridges.
- q. Intelligent Transportation Systems (ITS), and
- r. Other mobility improvements.

(3) All funds collected by reason of the establishment of the transportation impact fee in accordance with this article shall be used exclusively within the impact fee benefit zones ~~and sub-zones~~ from which they were collected and in a manner consistent with the principles set forth in *Contractors & Builders Association v. City of Dunedin*, 329 So. 2d 314 (Fla. 1976), *Hollywood, Inc. v. Broward County*, 431 So. 2d 606 (Fla. 4th DCA 1983) cert. denied, 440 So. 2d 352 (Fla. 1983), and *Home Builders and Contractors Association of Palm Beach County, Inc. v. Board of County Commissioners of Palm Beach County*, 446 So. 2d 140 (Fla. 4th DCA 984), cert. denied, 451 So. 2d 848 (Fla. 1984), and otherwise consistent with all requirements of the Constitution of the United States and the state and all applicable laws. The funds shall not be used to maintain or repair any roads.

(c) *Disbursal of funds.* Funds withdrawn from these transportation impact fee accounts must be used solely in accordance with the provisions of this section. The disbursal of such funds shall require the approval of the BCC, upon recommendation of the county administrator.

(d) *Interest on funds.* Any funds on deposit not immediately necessary for expenditure shall be invested in interest-bearing accounts. All income derived shall be deposited in the applicable trust account.

(e) *Return of funds.* The impact fees collected pursuant to this article shall be returned to the then present owner of the development if the development for which the fees were paid was never begun or in accordance with the following procedure if the fees have not been encumbered or spent by the end of the calendar quarter immediately following nine (9) years from the date the fees were received in accordance with the following procedure:

(1) The then present owner must petition the BCC for the refund within one (1) year following the end of the calendar quarter immediately following nine (9) years from the date on which the fee was received.

(2) The petition must be submitted to the county administrator and must contain:

- a. A notarized sworn statement that the petitioner is the current owner of the property;
- b. A copy of the dated receipt issued for payment of the fee;
- c. A certified copy of the latest recorded deed; and
- d. A copy of the most recent ad valorem tax bill.

(3) Within sixty (60) days from the date of receipt of petition for refund, the county administrator or his designee shall advise the petitioner and the BCC of the status of the fee requested for refund. For the purpose of determining whether fees have been spent or encumbered, the first money placed in a trust fund account shall be deemed to be the first money taken out of that

account when withdrawals have been made in accordance with subsection (c).

(4) When the money requested is still in the trust fund account and has not been spent or encumbered by the end of the calendar quarter immediately following nine (9) years from the date the fees were paid, the money shall be returned without interest, unless the County earned interest on the funds.

Sec. 23-98. Exemptions and discounts.

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

(1) Alterations of an existing structure where the use and total footprint / size are not changed.

(2) The construction of (i) up to twenty-five percent (25%) of the square footage relative to a primary use, individually or cumulatively, of an accessory use that is subordinate and intrinsic to the primary use, not measured in the same units for transportation impact fee assessments as the primary use, and typically included in the transportation impact fee rate for the primary land use (e.g., a hotel's lobby space, laundry facilities, etc.) and (ii) an expansion of a use that will not generate any additional occupancy and/or travel.

(3) The replacement of a building or structure with an equivalent new building or structure, provided the previous building or structure was located on the same parcel in 1983 or thereafter. If the land use of the replacement building or structure is different from that of the previous structure, the exemption shall be limited to the current equivalent fee for the original structure. Documentation of the existence of the building or structure shall be submitted to the ~~Community Planning~~, Environmental, and Development Services Department, Fiscal and Operational Support Division. This section is not intended to preclude architectural enhancements or facade improvements to an existing structure as long as no additional net usable square footage is added. When determining the amount of exemption, the highest and best use previously assessed and paid shall be used.

(4) The construction of agricultural structures as defined in section 23-88.

(5) Golf courses constructed in conjunction with and as part of a resort hotel or time share.

(6) Toll facility service plazas.

(7) Covered parking or parking garages.

(8) County facilities constructed for nonproprietary governmental purposes.

(9) Structures or buildings that, due to and as a part of condemnation proceedings by the county and subject to a formal written agreement between the owner and the county, are moved to another parcel within the same impact fee zone.

(10) Structures or buildings constructed entirely by or for Orange County Public Schools or by or for a Florida College System Institution or State University, as those terms are defined in Section 1000.21, Florida Statutes.

(11) Notwithstanding that there may be an increase in traffic generation associated with the use, any project that is participating in the County's Local Housing Assistance Plan or Local Housing Trust Fund Plan ("Affordable Housing").

(12) Accessory dwelling units.

~~(13)~~ The foregoing notwithstanding, for the period from November 13, 2009 through March 31, 2013, and regardless of the impact on traffic generation rates, change in use permits and alterations of a structure existing as of September 17, 2008, where the use is changed, provided such new use is located within the urban service area boundary, is consistent with the existing zoning of such property and consistent with the county's current Comprehensive Plan, and provided further that the size of the existing structure is not increased, and the footprint of the existing structure is not modified, shall be exempted from payment of the transportation impact fee in an amount up to, but not exceeding, One Hundred Thousand Dollars (\$100,000.00).

~~(14)~~ The foregoing subsection 23-98(a)(3) notwithstanding, for the period beginning August 3, 2020, and ending July 30, 2021, and regardless of the impact on traffic generation rates, change in use permits and alterations of a residential structure existing as of July 28, 2020, where the use is changed, provided such new use is located within the urban service

~~area boundary~~, is consistent with both the existing zoning of such property and the county's current Comprehensive Plan, and provided further that the size of the existing structure is not increased and the footprint of the existing structure is not modified, shall be exempted from payment of the applicable transportation impact fee in an amount up to, but not exceeding, \$100,000.00.

~~(b) — Discounts.~~

~~(1) — Notwithstanding that there may be an increase in traffic generation associated with the use, any affordable single-family residential unit, affordable multifamily unit, or affordable mobile home unit to be constructed within a project which has received a certificate of affordability from the county's Housing and Community Development Division shall be eligible for a discount on the applicable transportation impact fee according to the procedures set forth in Orange County Administrative Regulations Nos. 4.08 and 4.08.01, as may be amended or replaced from time to time.~~
(2b) The county shall not increase the amount of the transportation impact fee payable under section 23-92 to replace any revenue not collected due to discounts granted under this subsection.

(3c) The BCC may adopt administrative regulations and guidelines to implement subsection 23-98(b) and to ensure that a housing unit which is granted a discount remains affordable.

Sec. 23-99. Review of article.

This article shall be reviewed by the BCC at least every five (5) years. The review shall consider ADT, % NT, ATL, PTF, and LADF, as all are defined in Section 23-93 of this Code, and actual construction and right-of-way acquisition costs of work contracted for by the county and the state department of transportation within the county. The purpose of this review is (i) to analyze the effects of inflation on the actual costs of transportation facility improvements; (ii) to review and revise, if necessary, the improvements listed in the projected transportation network; and (iii) to ensure that the fee charged new land development that generates traffic will not exceed the new development's pro rata share for the reasonably anticipated expansion costs of transportation facility improvements necessitated by the new development.

Sec. 23-100. Economic impact determination.

The BCC does hereby determine and find, pursuant to section 30-2(b)(2) that sufficient information has been provided for

the BCC to assess the economic impact of this article on the development of real property in the county. The BCC does hereby determine and find that no further economic impact statement or economic impact information is required in this matter. If the ongoing planning studies and periodic review reveal a detrimental economic impact, this article shall be reviewed and revised accordingly.

Sec. 23-101. Penalty.

Violations of this article shall be punishable as provided in section 1-9. Additionally the county may obtain an injunction or other legal or equitable relief in the circuit court against any person or entity violating this article.

Secs. 23-102—23-120. Reserved.

Section 3. Effective Date, Notice of increased impact fees.

(a) This ordinance shall become effective on November 8, 2020.

(b) Pursuant to Section 163.31801(3)(d), Florida Statutes, the Clerk of the Board of County Commissioners shall publish a legal notice in *The Orlando Sentinel* on or before November 8, 2020, stating that the Board has adopted this ordinance imposing new and increased impact fees effective February 7, 2021.

ENACTED THIS _____ DAY OF OCT 27 2020, 2020.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

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

By: *Katie Smith*
Deputy Clerk

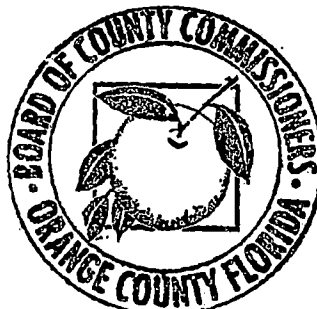


Exhibit "A"

Map of Transportation Impact Fee
Benefit Zones

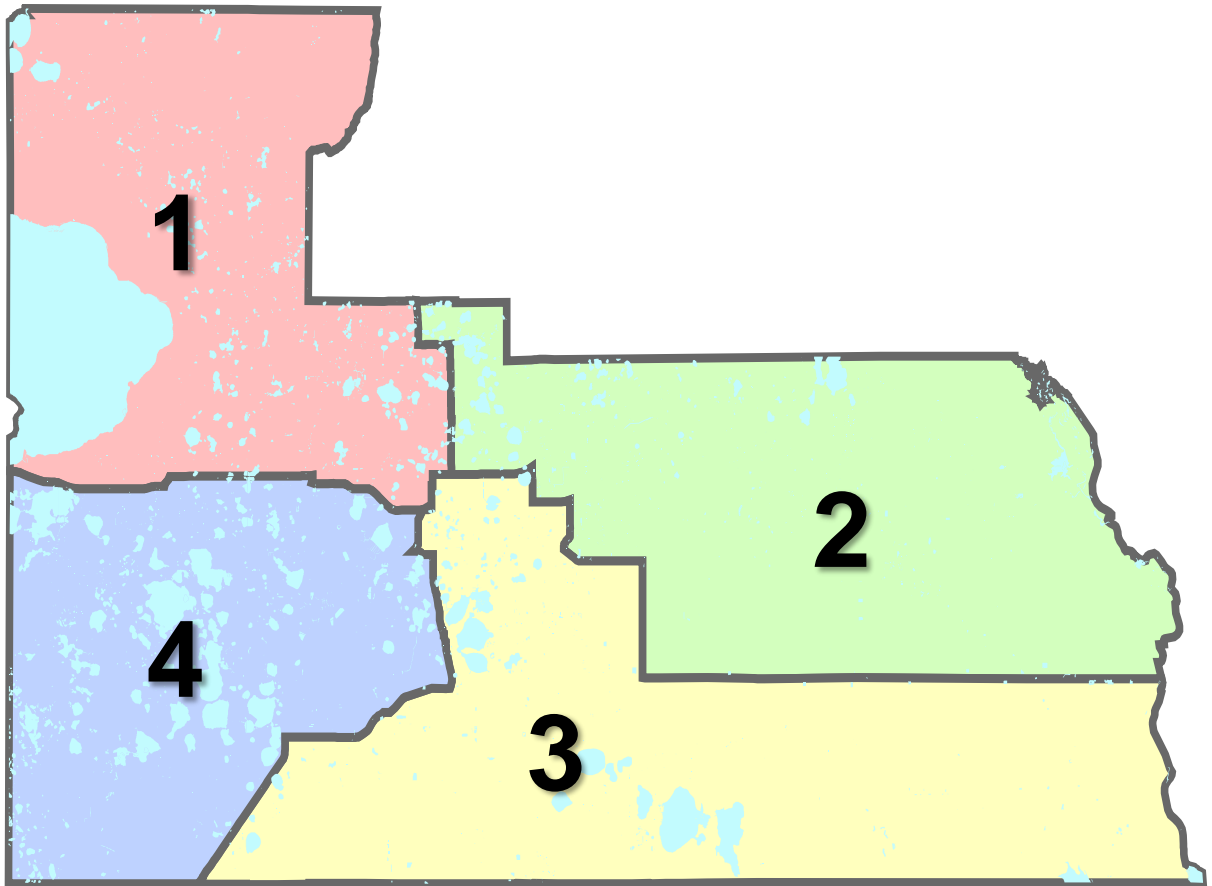


Exhibit "B"

Impact Fee Districts

