

BCC Mtg. Date: June 22, 2021

EFFECTIVE DATE: June 27, 2021

**ORDINANCE NO. 2021 - 29**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**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 ~~March 26, 2021,~~ and ending June 27, 2021~~\*\*~~:

<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>
<b><i>RESIDENTIAL:</i></b>					
<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, &gt;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- within ½ mile)</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>
<b><i>LODGING:</i></b>					
<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>
<b><i>RECREATIONAL:</i></b>					
<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>
<b><i>INSTITUTIONAL:</i></b>					

522	School	1,000 sf	\$6,734	\$6,974	\$6,974
560	Public Assembly	1,000 sf	\$3,284	\$3,767	\$4,010
565	Day Care	1,000 sf	\$6,741	\$7,043	\$7,043
590	Library	1,000 sf	\$11,589	\$12,015	\$12,015
<b><i>MEDICAL:</i></b>					
610	Hospital	bed	\$3,823	\$3,968	\$3,968
620	Nursing Home	1,000 sf	\$355	\$369	\$369
640	Animal Hospital/Veterinary Clinic	1,000 sf	\$4,047	\$4,841	\$5,160
<b><i>OFFICE:</i></b>					
710	General Office 50,000 sf or less	1,000 sf	\$5,374	\$5,574	\$5,574
710	General Office 50,001-100,000 sf	1,000 sf	\$4,575	\$4,748	\$4,748
710	General Office 100,001-200,000 sf	1,000 sf	\$3,905	\$4,050	\$4,050
710	General Office greater than 200,000 sf	1,000 sf	\$3,330	\$3,455	\$3,455
720	Small Medical/Dental Office (10,000 sf or less)	1,000 sf	\$12,446	\$12,900	\$12,900
720	Medical/Dental Office	1,000 sf	\$12,446	\$12,900	\$12,900
732	Post Office	1,000 sf	\$19,778	\$20,508	\$20,508
<b><i>RETAIL:</i></b>					
815	Free-Standing Discount Store	1,000 sf	\$5,639	\$5,884	\$5,884
816	Hardware/Paint Store	1,000 sf	\$1,079	\$1,404	\$1,499
820	Retail/Tourist Retail: 50,000 or less sf*	1,000 sf	\$5,455	\$5,700	\$5,700
820	Retail/Tourist Retail: 50,001-100,000 sf*	1,000 sf	\$5,876	\$6,135	\$6,135
820	Retail/Tourist Retail: 100,001-200,000 sf*	1,000 sf	\$5,246	\$5,477	\$5,477
820	Retail/Tourist Retail: 200,001-300,000 sf*	1,000 sf	\$5,090	\$5,307	\$5,307
820	Retail/Tourist Retail: 300,001-400,000 sf*	1,000 sf	\$4,960	\$5,169	\$5,169
820	Retail/Tourist Retail: 400,001-500,000 sf*	1,000 sf	\$4,926	\$5,135	\$5,135
820	Retail/Tourist Retail: 500,001-1,000,000 sf*	1,000 sf	\$5,118	\$5,319	\$5,319
820	Retail/Tourist Retail: 1,000,001-1,200,000 sf*	1,000 sf	\$5,204	\$5,412	\$5,412
820	Retail/Tourist Retail: greater than 1,200,000 sf*	1,000 sf	\$5,319	\$5,534	\$5,534
840/841	New/Used Auto Sales	1,000 sf	\$6,040	\$6,276	\$6,276
850	Supermarket	1,000 sf	\$7,299	\$7,621	\$7,621
853	Convenience Market w/Gas Pumps	1,000 sf	\$19,451	\$20,411	\$20,411
862	Home Improvement Superstore	1,000 sf	\$2,933	\$3,059	\$3,059
863	Electronics Superstore	1,000 sf	\$1,424	\$1,502	\$1,502
880/881	Drug Store	1,000 sf	\$8,915	\$10,476	\$11,160
<b><i>SERVICES:</i></b>					
911	Bank/Savings Walk-In	1,000 sf	\$8,404	\$10,094	\$10,758
912	Bank/Savings Drive-In	1,000 sf	\$11,050	\$11,525	\$11,525
925	Drinking Place	1,000 sf	\$3,590	\$3,774	\$3,774
931	Quality Restaurant	1,000 sf	\$13,690	\$14,253	\$14,253
932	High-Turnover Restaurant	1,000 sf	\$16,314	\$16,974	\$16,974
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$36,809	\$38,463	\$38,463

942	Auto Service	1,000 sf	\$6,651	\$6,891	\$6,891
944	Gas Station with or w/o Convenience Market <2,000 sq ft	fuel pos.	\$4,456	\$4,660	\$4,660
945	Gas Station w/Convenience Market 2,000-2,999 sq ft	fuel pos.	\$4,456	\$4,660	\$4,660
960	Gas Station w/Convenience Market 3,000+ sq ft	fuel pos.	\$4,456	\$4,660	\$4,660
947	Self-Service Car Wash	wash station	\$9,756	\$10,190	\$10,190
<b><i>INDUSTRIAL:</i></b>					
110	General Light Industrial	1,000 sf	\$2,088	\$2,163	\$2,163
140	Manufacturing	1,000 sf	\$1,144	\$1,185	\$1,185
150	Warehouse	1,000 sf	\$1,066	\$1,107	\$1,107
151	Mini-Warehouse	1,000 sf	\$382	\$396	\$396
154	High Cube Transload and Short-Term Storage Warehouse	1,000 sf	\$382	\$396	\$396

\* Note: gross leasable area

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

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

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

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

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

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

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

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

**Section 5. Economic impact determination.** The Board does hereby determine and find, pursuant to Section 30-2(b)(2), Orange County Code, that sufficient information has been provided for the Board to assess the economic impact of this ordinance on the development of real property in the county. The Board 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 ordinance shall be reviewed and revised accordingly.

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

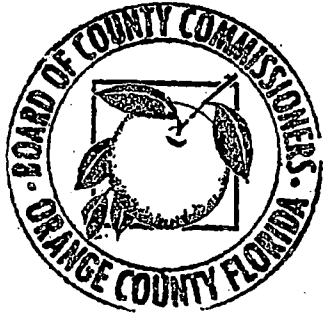
(a) This Ordinance shall become effective June 27, 2021. Although not required pursuant to Section 163.31801(3)(d), Florida Statutes, due to there being no increased or new impact fees imposed by this Ordinance, for purposes of clarity and in the interest of public information, the Clerk of the Board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

(b) On or before June 26, 2021, the Planning, Environmental, and

Development Services Department shall post notice in the Division of Building Safety, and in the appropriate location(s) on the County website, stating that the Board has adopted this Ordinance updating its transportation impact fees, effective June 27, 2021.

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ADOPTED THIS 22nd DAY OF JUNE, 2021.



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Jerry L. Demings*  
*fd* 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