

**ORDINANCE NO.: 1769-21**

**AN ORDINANCE OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, RELATING TO IMPACT FEES, AMENDING THE ALTAMONTE SPRINGS CITY CODE OF ORDINANCES BY AMENDING CHAPTER 25, "IMPACT FEES AND MOBILITY FEES," BY AMENDING ARTICLE I, "IN GENERAL," BY AMENDING SECTION 25-2, "INTENT AND PURPOSE," TO UPDATE INTENT AND PURPOSE, BY AMENDING SECTION 25-4, "DEFINITIONS," TO UPDATE AND AMEND CERTAIN DEFINITIONS; BY AMENDING ARTICLE II, "IMPACT FEES," BY AMENDING SECTION 25-5, "ADOPTION OF IMPACT FEE STUDY," TO ADOPT UPDATED FEE STUDIES SUPPORTING IMPACT FEE RATES; BY AMENDING SECTION 25-6, "IMPACT FEE IMPOSED," TO ADOPT NEW AND AMEND EXISTING IMPACT FEES UPON IMPACT-GENERATING LAND DEVELOPMENT ACTIVITY AND UPDATING THE SCHEDULES SETTING FORTH THE NEW AND AMENDED IMPACT FEE AMOUNTS; BY AMENDING ARTICLE IV, "MISCELLANEOUS PROVISIONS" BY AMENDING SECTION 25-18, "USE OF FUNDS COLLECTED AND RETURN OF UNUSED FUNDS," TO UPDATE REFERENCE TO FIRE RESCUE IMPACT FEES, AND UPDATE THE SEPARATE FUNDS FOR EACH IMPACT FEE OR MOBILITY FEE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION INTO THE ALTAMONTE SPRINGS CODE OF ORDINANCES; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, under its home rule powers, and pursuant to the Florida Impact Fee Act, Section 163.31801, Florida Statutes, the City of Altamonte Springs has imposed impact fees to ensure that new development pays for its proportional share of capital facilities necessitated by such new development; and

**WHEREAS**, impact fees are also an outgrowth of the home rule power of the City of Altamonte Springs to provide certain services within the City; and

**WHEREAS**, the City Commission of the City of Altamonte Springs, Florida has the authority to adopt impact fees pursuant to Article VIII, Florida Constitution, Chapter 163, Florida Statutes, and Chapter 166, Florida Statutes; and

**WHEREAS**, the City of Altamonte Springs imposes impact fees for Parks and Recreation Services, and Police Services; and

**WHEREAS**, the City of Altamonte Springs commissioned a study of its Parks and Recreation Services and Police Services impact fees (the “**Impact Fee Study**”), which Impact Fee Study was performed by NUE Urban Concepts, LLC; and

**WHEREAS**, NUE Urban Concepts, LLC prepared a report based upon the Impact Fee Study performed for the City of Altamonte Springs, Florida, which report is titled the City of Altamonte Springs Parks and Recreation Services and Police Services Impact Fee Update, dated July 2021 (the “**Report**”); and

**WHEREAS**, the Impact Fee Study and Report establish the need for parks and recreational impact fees to be charged to non-residential uses, which fees have not been implemented previously; and

**WHEREAS**, the City Commission of Altamonte Springs, Florida finds that the Impact Fee Study was based upon the most recent data available within the City of Altamonte Springs, and that the calculation of the proposed impact fees set forth in the Report was based upon data localized to the City of Altamonte Springs, Florida; and

**WHEREAS**, the City Commission of the City of Altamonte Springs, Florida finds that the Impact Fee Study and the Report demonstrate a rational nexus between proposed development and the need for additional capital facilities and services; and

**WHEREAS**, the City Commission of the City of Altamonte Springs, Florida finds that the Impact Fee Study and the Report show a rational nexus between the expenditure of impact fee funds collected and the benefits accruing to new development and impact-generating redevelopment; and

**WHEREAS**, the Report detailed the full funding needs for Parks and Recreation Services and Police Services; and

**WHEREAS**, Section 163.31801, Florida Statutes (2021) specifies that an increase to a current impact fee rate which is 25% or less of the current rate must be implemented in two equal installments beginning with the date on which the increased fee is effective; and

**WHEREAS**, Section 163.31801, Florida Statutes (2021) specifies that an increase to a current impact fee rate which exceeds 25% but is not more than 50% of the current rate must be implemented in four equal installments beginning with the date on which the increased fee is effective; and

**WHEREAS**, Section 163.31801, Florida Statutes (2021) specifies that an impact fee increase may not exceed 50% of the current impact fee rate; and

**WHEREAS**, the City Commission of the City of Altamonte Springs finds that the Report supports varying parks and recreation and police services impact fees for differing land use categories, which impact fees are higher than existing rates, but limited by State law to an increase of 50% of the current rate, or which establish new impact fees for new land use categories; and

**WHEREAS**, the City Commission of the City of Altamonte Springs, Florida finds that the impact fees enacted herein that increase a land use category's existing parks and recreation by 25% and police services impact fees by not more than 50%, shall be implemented in two and four equal annual increments, respectively, effective 90 days from the passage and adoption of this Ordinance; and

**WHEREAS**, the City Commission of the City of Altamonte Springs, Florida finds that the impact fees rates enacted herein that are new impact fees for a land use category shall be implemented 90 days from the passage and adoption of this Ordinance; and

**WHEREAS**, the City Commission of the City of Altamonte Springs, Florida finds that amending the impact fees set forth in this this ordinance furthers sound and generally accepted growth management, fiscal, and public administration practices and principles, and furthers the public welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, as follows:**

**SECTION ONE:** Chapter 25, "Impact fees and Mobility Fees," of the *Altamonte Springs Code of Ordinances* is hereby amended to read as follows:

## **Chapter 25 - IMPACT FEES AND MOBILITY FEES**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 25-1. - Short title; authority and applicability.**

- (a) This chapter shall be known and may be cited as Altamonte Springs Impact Fee and Mobility Fee Ordinance.
- (b) The city commission has the authority to adopt this chapter pursuant to Article VIII of the 1968 Florida Constitution, and Chapters 163 and 166 of the Florida Statutes, and the Charter of the City of Altamonte Springs.
- (c) Planning for new capital improvements needed to serve new growth and development that generate the need for additional improvements and the implementation of these plans through the comprehensive planning process, is a responsibility of the city under F.S. § 163.3161 et seq., and is in the best interest of the health, safety and welfare of the citizens of the city.

#### **Sec. 25-2. - Intent and purpose.**

- (a) The city commission has determined and recognized through the Altamonte Springs Comprehensive Plan that new growth and development which the city will experience will necessitate improvements to the multi-modal transportation network, expansions of its parks and recreation facilities, and new capital assets for its police, as well as the need for fire rescue and emergency medical services. In order to finance the necessary new capital improvements, several combined methods of financing shall be employed, one of which will impose a regulatory impact fee and mobility fee on new growth and development which does not exceed the reasonably anticipated costs of the capital expenditures required to service

future growth and new development without degradation to existing service levels or below minimum acceptable service levels.

- (b) Implementing a regulatory scheme that requires new development to pay impact fees and mobility fees that do not exceed the reasonably anticipated capital costs incurred to serve new growth and development is the responsibility of the city in order to carry out the policy and intent of its comprehensive plan, as amended and adopted under F.S. § 163.3161 et seq., and is in the best interest of the health, safety and welfare of the citizens of Altamonte Springs.
- (c) The purpose of this chapter is to enable Altamonte Springs to allow growth and development to proceed in the city 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 for the reasonably anticipated capital costs attributable to future growth and development.
- (d) It is not the purpose of this chapter to collect fees from growth and development in excess of the cost of the reasonably anticipated capital requirements needed to serve the new growth and development. The city commission hereby finds that this chapter has approached the problem of determining impact fees and mobility fees in a conservative and reasonable manner. This chapter will result in only partial recoupment of the capital expenditures attributable to future growth and new development. Impact fees and mobility fees will not be utilized to correct any existing deficiencies in any fashion whatsoever.
- (e) Absent an impact fee or mobility fee agreement pursuant to subsection 25-15(b) herein, or requirements associated with the Mobility Solutions report or study set forth in article II, "Concurrency and Mobility Management," of the city's Land Development Code, it shall be the policy of Altamonte Springs to collect the impact fees and mobility fees assessed by this chapter in lieu of any off-site improvements.
- (f) The technical data, findings and conclusions herein are based on the most recent and localized data, including; the Altamonte Springs Comprehensive Plan and its subsequent amendments, titled City Plan; the City of Altamonte Springs Parks and Recreation Services and Police Services Impact Fee Update dated July 2021 prepared by NUE Urban Concepts, LLC Impact Fee Background Report, 1986 and its amendments, dated May 1988; and the Police Services Impact Fee Study, dated September 2002; the Rate Study for Parks and Recreation Facilities, dated May 1994; the City of Altamonte Springs Rate Analysis, dated July 2002; and the City of Altamonte Springs Mobility Plan and Mobility Fee Technical Report, dated March 2020.

### **Sec. 25-3. - Rules of construction.**

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

- (a) In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table or illustrative table, the text shall control.
- (b) The word "shall" is always mandatory and not discretionary; and word "may" is permissive.
- (c) 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.

- (d) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (e) 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:
  - (1) "And" indicates that all the connected terms, conditions, provisions or events shall apply.
  - (2) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - (3) "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (f) 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.
- (g) Except as otherwise provided herein, all words and phrases shall have the same meaning as ascribed to them in the City Code.
- (h) All references to statutes, ordinances, and other regulations shall be as they exist at the time of adoption of this chapter and as may be from time to time amended and/or renumbered or transferred.
- (i) The city commission may adopt by resolution an administrative policy manual to provide for administration, enforcement and construction of this chapter.

#### **Sec. 25-4. - Definitions.**

The following terms in this chapter shall have the meanings specified herein:

- (a) *Applicant*: The person who applies for a building permit.
- (b) *Bank/savings drive-thru per drive-thru lane or free standing ATM*: Any drive-thru lane used for banking purposes such as deposits, withdrawals, balance inquires or bill pay. The drive-thru may include either a teller window or pneumatic device for transferring banking information or funds, or an automated teller machine (ATM). This use also includes free standing bank drive-thru lanes and freestanding walk-up or drive-thru ATM machines. An ATM inside or attached to a building that has a use open to the public or end user and is not just a standalone ATM structure or building shall not be assessed a fee. The fee shall be based upon the total number of drive-thru lanes with a banking window, pneumatic device or ATM and/or the total number of freestanding ATM's. Credit unions and savings and loans are also considered to be banks for purposes of this definition and the applicable mobility fees.
- (c) *Building permit*: An official document or certificate issued by the city authorizing the commencement of construction of any structure or portion of a structure, or construction to effect a change of occupancy of a structure or portion of a structure.
- (d) *Capital improvement*: Includes the planning of, design and engineering for, acquisition of land or equipment, relocation of utilities and the construction of improvements for roads multi-modal transportation and associated stormwater management facilities, parks and recreation, fire and emergency medical services and police capital facilities. Improvements can also include site preparation, geotechnical analysis, mobilization,

maintenance of traffic, floodplain and wetland compensation and mitigation and construction engineering and inspection services.

- (e) *Community retail*: A single retail, bank, restaurant, pharmacy, entertainment or personal, professional or business service development that is between ten thousand (10,000) and one hundred thousand (100,000) gross square feet in size that does not include a vehicular drive-thru lane, window or service and is not otherwise specifically included in Schedule 4: Mobility Fees.
- (f) *Convenience retail / convenience market*: Uses that sell convenience food, snacks and drinks, cigarettes, beer, wine, pre-heated food, lottery tickets, small packaged goods. Convenience retail may or may not sell gasoline and may or may not have an automated car wash. Convenience retail may feature prepared food items or quick service restaurants with or without seating and drive-thru. The square footage shall be based on all enclosed areas under roof.
- (fg) *Development*: The carrying out of any building or mining operation, or the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. The words development and redevelopment are synonymous for the purposes of this definition. See section 1.2.1, city Land Development Code for further examples of activities or uses constituting or involving development.
- (h) *Drinking establishment*: Bars, cocktail lounges, and night clubs are those uses where more than 50% of revenue is derived through sale of alcoholic drinks for on-site consumption and may or may not include liquor and may or may not feature bar games such as billiards, darts, trivia games, stages for live music performances and open floor space for dancing by patrons.
- (gi) *Encumbered*: Committed in capital improvements program for a specified improvement on a specified time schedule not in excess of ten (10) years or committed by contract or interlocal governmental agreement for improvement, construction or *acquisition* such that the city is obligated to expend the committed or encumbered funds.
- (hj) *Fast casual/fast-food restaurant*: An eating establishment with higher turnover that may feature counter service or selection of items from a counter and would fall under the descriptions of ITE Trip Generation Manual (10<sup>th</sup> Edition, as may be amended from time to time) Land use codes 926, 930, 933, 934, 935, 936, 937, 938, 939 and 940. Fast casual/fast-food restaurants also include quick service restaurants. Fast casual/fast-food restaurants may or may not have drive-thrus. For uses with a drive-thru lane, there is a separate mobility fee per drive-thru lane that is assessed in addition to the fee per square foot for the restaurant use.
- (k) *Free-standing retail and personal services*: Retail and personal services in a single building where any use under common ownership exceeds 75% of the total square footage of the building. Free-standing retail and personal service uses are typically located on their own parcel, have designated off-street parking areas and one or more access to an external road. Free-standing retail and personal services may also be outparcels within a larger overall development and may share an access to an external street with one or more uses. ITE Trip Generation Manual (10<sup>th</sup> Edition, as may be amended from time to time) Land Use Code under the 800 and 900 Series, except uses otherwise listed under their own land use classification on the impact fee schedule, shall be considered free-standing retail. Stand-alone dollar stores, package stores (alcoholic beverages for off-site consumption), pharmacies, wholesale clubs are examples of free-standing retail uses.

- (il) *Gross square feet*: As referred to in the impact fee schedules and mobility fee schedule means a total gross square footage under roof, measured from the exterior faces of the exterior walls and any enclosed areas for outdoor seating and sales, display or storage, except for auto sales and industrial uses which shall be based upon all areas under roof.
- (jm) *Impact fee or mobility fee component*: That portion of the impact fee or mobility fee attributable to either mobility, parks and recreation, police or fire rescue and emergency medical services all of which are components of the overall impact fee.
- (kn) *Impact generating land development activity*: ~~Is land~~ Land development designed or intended to permit a use of the land which will contain more dwelling units or floor space than the then-existing use of the land, or to change the occupancy of an existing building, in a manner that increases the person miles of travel demand, increases the park user occasions, increases the demand on library facilities, or increases the demand on police or fire rescue and emergency medical service facilities.
- (o) *Multi-unit retail and personal services*: Retail and personal services consisting of single buildings with two or more uses under different corporate ownership, where no single use exceeds 75% of the total square footage of the building. Multi-unit buildings feature shared off-street parking, access connections to external streets, internal circulation and stormwater management. Multi-unit retail uses include those listed under the ITE Trip Generation Manual (10<sup>th</sup> Edition, as may be amended from time to time) Land Use Code Series 800 and 900, unless otherwise specified on the Impact Fee Schedule. Personal services include uses such as nail salons, spas, tailor, shoe repair, and dry cleaners. A shopping center with a grocery store and multiple attached retail uses within smaller spaces or a mall are examples of multi-unit center uses.
- (lp) *Neighborhood retail*: A retail, bank, restaurant, pharmacy, entertainment or personal, professional or business service development that is less than ten thousand (10,000) gross square feet in size that does not include a vehicular drive-thru lane, window or service and is not otherwise specifically included in Schedule 4: Mobility Fees.
- (mq) *Office*: Activities primarily involving the provision of professional or skilled services, including but not limited to accounting, legal, real estate, insurance, financial, engineering, architecture, accounting, and technology. Banks are also included in this land use with a separate fee calculated per drive-thru lane or freestanding ATM with or without a drive-thru lane.
- (nr) *Off-site improvement*: Improvements located outside of the boundaries of the parcel proposed for development. Access improvements required to provide ingress and egress to the development parcel, which may include rights-of-way, easements, paving of adjacent or connecting roadways, turn lanes and deceleration/acceleration lanes, along with required traffic control devices, signage, and markings, and drainage and utilities, shall be considered on site improvements for the purposes of this chapter regardless of their actual location.
- (es) *Out parcels*: A small area of a larger development, typically located on corners or adjacent to an ingress and egress point; which area may be developed independently of the larger development and which development may be dissimilar in use or architectural style to the larger development.
- (pt) *Person mile of travel (PMT)*: The number of miles traveled by each person on a trip in order to account for all miles traveled by motor vehicle, transit, walking and/or bicycling.
- (qu) *Person trip*: A trip by one person by motor vehicle, transit, walking and/or bicycling.

- (rv) *Regional retail*: A retail, bank, restaurant, pharmacy, entertainment or personal, professional or business service development that is greater than one hundred thousand (100,000) gross square feet in size that does not include a vehicular drive-thru lane, window or service and is not otherwise specifically included in Schedule 4: Mobility Fees.
- (sw) *Restaurant and drinking establishment*: Restaurants comprised of sit-down, fast food, coffee, tea, or any establishment that sells prepared foods and drinks, and establishments where alcoholic drinks are served. Restaurants and drinking establishments fall under the descriptions of Institute of Transportation Engineers (ITE) Trip Generation Manual (10<sup>th</sup> Edition, as may be amended from time to time) Land Use Code 900 Series. Restaurants also include ghost kitchen, containers, or food trucks. Restaurants may include a bar area for serving food and alcoholic drinks. Restaurants may be located in multi-tenant retail buildings, free-standing retail buildings, convenience retail buildings, or in the same building with sit-down restaurants and drinking establishments. Restaurants may or may not have drive-thrus. Drinking establishments such as bars, cocktail lounges, night clubs, and speakeasys are those uses where more than 50% of revenue is derived through sale of alcoholic drinks for on-site consumption and may or may not include liquor and may or may not feature bar games such as billiards, darts, trivia games, stages for live music performances and open floor space for dancing by patrons.
- (sx) *Restaurant drive-thru per drive-thru lane*: A drive-thru lane where an order for food or drinks is placed. The vehicle will proceed to one (1) or more pick-up windows after the order has been placed. The number of drive-thrus may be based upon the total number of points where an order is taken, not the number of windows where an order is picked-up. Some drive-thrus may be opened longer than the restaurant is open. The fee per restaurant drive-thru is in addition to the fee assessed for either a sit-down or a fast casual/fast-food restaurant based on the square footage of the restaurant.
- (ty) *Sit down restaurant*: Sit-down, full-service eating establishments or establishments where alcoholic drinks are served with or without food. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. Patrons commonly wait to be seated, are served by a waiter/waitress, order from menus and pay for their meal after they eat. Restaurants may include a bar area for serving food and alcoholic drinks. A sit down eating establishment with table service and would fall under the description of ITE Trip Generation Manual Land Use Codes 925, 931 and 932 and are either freestanding buildings or located within an outparcel.
- (uz) *Vehicle fueling pump per fueling position*: The total number of vehicles that can be fueled at one (1) time for a land use that is not considered a convenience market and gas station. Increasingly, land uses such as superstores, (i.e., super WalMart), variety stores, (i.e., Dollar General), and wholesale clubs (i.e., Costco) are also offering vehicle fueling with or with/out small convenience stores. Outside of Florida, several grocery store chains are also starting to sell fuel. The mobility fee rate per fueling position would be in addition to any mobility fee per one thousand (1,000) square feet under the applicable retail thresholds for land uses with vehicle fueling other than a convenience market and gas station that has a separate land use within the mobility fee schedule.
- (vaa) *Vehicle miles of travel (VMT)*: A unit to measure vehicle travel made by a private motor vehicle, such as an automobile, van, pickup truck, or motorcycle where each mile traveled is counted as one (1) vehicle mile regardless of the number of persons in the vehicle.



## ARTICLE II. - IMPACT FEES

### Sec. 25-5. - Adoption of impact fee study.

The city commission hereby adopts by reference the study entitled the City of Altamonte Springs Parks and Recreation Services and Police Services Impact Fee Update, dated July 2021, prepared by NUE Urban Concepts, LLC, "Impact Fee Background Report," dated July 1986, and its supplements, dated May 1987, as prepared by Plantec Corporation, Jacksonville, Florida, by Henderson, Young & Company, Winter Park, Florida; and the studies entitled "Rate Study for Parks and Recreation Facilities," dated July 2002 and "Rate Study for Police Facilities," dated September 2002, prepared by Solin & Associates, Inc., as they it relates to the computation and allocation of the capital costs of new improvements to be borne by new users of such improvements.

### Sec. 25-6. - Impact fee imposed.

- (a) There is hereby imposed upon all impact-generating land development activity, as herein defined, an impact fee due at the time of issuance of a building permit, and no building permit shall be issued until said impact fee shall have been paid except as otherwise herein provided. Impact fees are assessed at the impact fee rate in effect at the time the building permit is issued. The fee shall be determined in accordance with the following schedule. If the building permit is for less than the entire contemplated development, the fee shall be computed for the amount of development covered by the permit. The obligations for payment of impact fees shall run with the land. Impact fee collections and expenditures shall be accounted for and reported in separate accounting funds, which the finance department shall maintain.
- (b) Any person who shall initiate any new impact-generating land development activity shall, except as otherwise provided for herein, pay an impact fee as set forth in the following schedules:

**SCHEDULE 1. PARKS AND RECREATION SERVICES IMPACT FEES\***

<u>Use Category (heading), Land Use Classification, Representative Land Uses (in brackets)</u>	<u>Impact Fee</u>	
<b><u>Residential Uses per dwelling unit</u></b>	<b><u>Effective Dec. 14, 2021</u></b>	<b><u>Effective Dec. 14, 2022</u></b>
Single-Family Detached & Duplex	\$319.64	\$337.19
Single-Family Attached & Townhome	\$319.64	\$337.19
Multi-Family Apartments & Condos	\$286.64	\$314.14
<b><u>Non-Residential Uses per square foot (sf)</u></b>	<b><u>Effective Dec. 14, 2021</u></b>	
Cultural & Assembly (Arts, Civic, Cultural, Lodge, Place of Assembly, Place of Worship)	\$0.0180	
Education (College, Day Care, Private Pre-K & Primary School, University, Vocational)	\$0.0180	
Long-Term Care (Assisted Living / Congregate Care / Nursing Home)	\$0.0180	
Recreation (Amusement, Bowling, Entertainment, Gym, Fitness, Movie, Sports, Studios)	\$0.0180	
Office (Bank, Dental, Financial, General, Medical, Professional)	\$0.0297	
Industrial (Brewing, Fabrication, Manufacturing or Assembly, Trades, Utilities, Warehousing)	\$0.0198	
Retail & Personal Services (Convenience, Free-Standing, Multi-Unit, Personal Services)	\$0.0225	
Restaurant & Drinking Establishment (Bar, Fast Casual/Fast-Food Restaurant, Pub, Sit-Down Restaurant)	\$0.0603	
<b><u>Non-Residential Uses per Unit of Measure</u></b>	<b><u>Effective Dec. 14, 2021</u></b>	
Hotel & Overnight Accommodation per Room	\$155.23	

<b>Housing Type</b>	<b>Impact Fee (per dwelling unit)</b>
Single family	\$302.09
Multifamily	259.15

;sz=10; \*A city library fee of \$90.74 is incorporated within the total fee.

**SCHEDULE 2. POLICE SERVICES IMPACT FEES**  
**IMPACT FEE SCHEDULE — SCHEDULE 2**

<u>Use Category (heading), Land Use Classification, Representative Land Uses (in brackets)</u>	<u>Effective Dec. 14, 2021</u>	<u>Effective Dec. 14, 2022</u>	<u>Effective Dec. 14, 2023</u>	<u>Effective Dec. 14, 2024</u>
<b><u>Residential Uses per dwelling unit</u></b>				
<u>Single-Family Detached &amp; Duplex</u>	<u>\$ 208.73</u>	<u>\$ 231.93</u>	<u>\$ 255.12</u>	<u>\$ 278.31</u>
<u>Single-Family Attached &amp; Townhome</u>	<u>\$ 208.73</u>	<u>\$ 231.93</u>	<u>\$ 255.12</u>	<u>\$ 278.31</u>
<u>Multi-Family Apartments &amp; Condos</u>	<u>\$ 189.23</u>	<u>\$ 210.25</u>	<u>\$ 231.28</u>	<u>\$ 252.30</u>
<b><u>Institutional &amp; Recreational Uses per square foot (sq. ft.)</u></b>				
<u>Cultural &amp; Assembly (Arts, Civic, Club, Cultural, Lodge, Place of Assembly, Place of Worship)</u>	<u>\$ 0.378</u>	<u>\$ 0.420</u>	<u>\$ 0.462</u>	<u>\$ 0.504</u>
<u>Education (College, Day Care, Private Pre-K &amp; Primary School, University, Vocational)</u>	<u>\$ 0.378</u>	<u>\$ 0.420</u>	<u>\$ 0.462</u>	<u>\$ 0.504</u>
<u>Long Term Care (Assisted Living, Congregate Care, Nursing Home)</u>	<u>\$ 0.131</u>	<u>\$ 0.145</u>	<u>\$ 0.160</u>	<u>\$ 0.174</u>
<u>Recreation (Amusement, Bowling, Entertainment, Gym, Fitness, Movie, Sports, Studios)</u>	<u>\$ 0.555</u>	<u>\$ 0.616</u>	<u>\$ 0.678</u>	<u>\$ 0.740</u>
<b><u>Industrial &amp; Office Uses per square foot (sq. ft.)</u></b>				
<u>Industrial (Brewing, Fabrication, Manufacturing or Assembly, Trades, Utilities, Warehousing)</u>	<u>\$ 0.100</u>	<u>\$ 0.111</u>	<u>\$ 0.122</u>	<u>\$ 0.134</u>
<u>Office (Business, Professional, Business Services)</u>	<u>\$ 0.309</u>	<u>\$ 0.344</u>	<u>\$ 0.378</u>	<u>\$ 0.413</u>
<u>Medical (Clinic, Physician, Emergency Care, Health Care, Hospital, Veterinary)</u>	<u>\$ 0.309</u>	<u>\$ 0.344</u>	<u>\$ 0.378</u>	<u>\$ 0.413</u>
<u>Financial (Bank, Check Cashing, Credit Union, Savings &amp; Loan)</u>	<u>\$ 0.555</u>	<u>\$ 0.616</u>	<u>\$ 0.678</u>	<u>\$ 0.740</u>
<b><u>Commercial / Retail Uses per square foot (sq. ft.)</u></b>				
<u>Multi-Unit Retail &amp; Personal Services</u>	<u>\$ 0.555</u>	<u>\$ 0.616</u>	<u>\$ 0.678</u>	<u>\$ 0.740</u>
<u>Free-Standing Retail &amp; Personal Services (General Retail, Discount, Grocery, Superstore, Variety, Wholesale)</u>	<u>\$ 0.555</u>	<u>\$ 0.616</u>	<u>\$ 0.678</u>	<u>\$ 0.740</u>
<u>Convenience Retail (Convenience Market or Store with or without Fuel, Gas Stations, Service Stations)</u>	<u>\$ 0.555</u>	<u>\$ 0.616</u>	<u>\$ 0.678</u>	<u>\$ 0.740</u>

<u>Use Category (heading), Land Use Classification, Representative Land Uses (in brackets)</u>	<u>Effective Dec. 14, 2021</u>	<u>Effective Dec. 14, 2022</u>	<u>Effective Dec. 14, 2023</u>	<u>Effective Dec. 14, 2024</u>
Restaurant & Drinking Establishment (Bar, Restaurant, Fast Casual/Fast Food Restaurant, Pub, Sit-Down Restaurant)	\$ 2.486	\$ 2.763	\$ 3.039	\$ 3.315
<b><u>Non-Residential Uses per unit of measure</u></b>				
Hotel & Overnight Accommodations per room	\$ 167.07	\$ 185.64	\$ 204.20	\$ 222.77

<b>Land Use Classification</b>	<b>Fee Rates<sup>1</sup></b>	<b>Measure<sup>2</sup></b>
Industrial/manufacturing/warehousing	\$0.089	Per sq. ft.
Institutional	\$0.336	Per sq. ft.
Office	\$0.275	Per sq. ft.
Retail	\$0.493	Per sq. ft.
Eating and drinking establishment	\$2.21	Per sq. ft.
Lodging and special residential needs		
—Adult living facility/nursing home	\$58.24	Per bed
—Hotel/motel	\$148.51	Per guest room
Residential		
—Single-family residential	\$185.54	Per unit
—Multiple-family residential	\$168.20	Per unit

1— Fee rate has been discounted by five percent from the actual fee.

2— Impact fee rate is multiplied by the total gross square feet, number of residential dwelling units, or number of beds, or number of guest rooms, as indicated by the development measure.

### SCHEDULE 3. FIRE / RESCUE IMPACT FEE

#### *Residential*

	<b>Nonfire Sprinkler Protected</b>	<b>Fire Sprinkler Protected</b>	
Single-family	\$172.00	\$129.00	Dwelling unit
Apartment	\$172.00	\$129.00	Dwelling unit

	<b>Nonfire Sprinkler Protected</b>	<b>Fire Sprinkler Protected</b>	
Condominium	\$172.00	\$129.00	Dwelling unit
Mobile home	\$172.00	\$129.00	Dwelling unit
Hotel	\$313.00	\$234.75	1,000 gross square feet
Motel	\$313.00	\$234.75	1,000 gross square feet

*Commercial*

	<b>Nonfire Sprinkler Protected</b>	<b>Fire Sprinkler Protected</b>	
Church	\$684.00	\$513.00	1,000 net square feet
Marina	320.00	240.00	1,000 net square feet
Racquet club	320.00	240.00	1,000 net square feet
Health spas	320.00	240.00	1,000 net square feet
Golf course clubhouse	320.00	240.00	1,000 net square feet
Restaurant, sit-down	320.00	240.00	1,000 net square feet
Restaurant, drive-in	320.00	240.00	1,000 net square feet
Hospital, room area	10.00	7.50	1,000 gross square feet
Hospital, treatment area	5.00	3.75	1,000 gross square feet
Nursing home, room area	10.00	7.50	1,000 gross square feet
Nursing home, treatment area	5.00	3.75	1,000 gross square feet
Day care	51.00	38.25	1,000 net square feet
Office	72.00	54.00	1,000 gross square feet
Bank/savings, walk-in	72.00	54.00	1,000 gross square feet
Bank/savings, drive-in	72.00	54.00	1,000 gross square feet
Retail/wholesale, <300,00 sq. ft.	160.00	120.00	1,000 gross square feet
Retail/wholesale, 300,000— 400,000 sq. ft.	144.00	108.00	1,000 gross square feet
Retail/wholesale, >400,000 sq. ft.	130.00	97.50	1,000 gross square feet
Basic industry	13.00	9.75	1,000 gross square feet

	<b>Nonfire Sprinkler Protected</b>	<b>Fire Sprinkler Protected</b>	
Utility plants/substation	13.00	9.75	1,000 gross square feet
Manufacturing	6.00	4.50	1,000 gross square feet
Warehousing/storage	6.00	4.50	1,000 gross square feet
Mini-warehouses	6.00	4.50	1,000 gross square feet
Concentrated assembly, 50+ persons	684.00	513.00	1,000 net square feet
Less concentrated assembly, 50+ persons	320.00	240.00	1,000 net square feet
Assembly, <50 persons, non- office/other	72.00	54.00	1,000 gross square feet

**NOTE:** Net usable square footage is based on netting out all nonpublic areas.

- (c) Any developer who, prior to the effective date of this chapter, September 3, 1986, agreed as a condition of development approval to pay impact fees, shall be responsible for the payment of the fees under the terms of such agreement. Any portion of impact fees agreed to be paid pursuant to a prior agreement that are greater than the fees established in this chapter shall be refunded.
- (d) In the event that an applicant for building permit contends that the land use for which the building permit is proposed is not within the above categories or fits within a different category from that determined by the growth management department, then director of growth management or his designee shall make a determination as to the appropriate land use designation. Such determination may be appealed to the city commission.
- (e) Where new development involves the redevelopment of land such that existing impact generating development is removed or substantially altered the new development impact fees shall be computed on the additional or new impacts only. Impact fees shall be computed for the existing development and such sum shall then be subtracted from the impact fees calculated for the new development. It being the city's intent to collect impact fees for only that additional impact generated by redevelopment over and above the impact attributable to the existing redevelopment.
- (f) Where fire sprinkler systems are voluntarily installed in buildings where not otherwise required by this Code, and/or where fire sprinkler systems are installed in accordance with the provisions of section 6.1.1.5, Land Development Code of the City of Altamonte Springs, a discount of twenty-five (25) percent to the fire portion of the fire and rescue services impact fees is granted, and is so indicated on Schedule-3 of subsection 25-6(b).

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## ARTICLE IV. - MISCELLANEOUS PROVISIONS

\* \* \*

### Sec. 25-18. - Use of funds collected and return of unused funds.

- (a) The impact fees or mobility fees collected by the city pursuant to this section shall be kept separate from other revenue of the city. The following funds ~~trust fund accounts~~ are hereby established:
- (1) Police services impact fee - One (1) ~~fund general account~~ for city-wide assessments and expenditures;
  - (2) Mobility fee - One (1) ~~fund general account~~ for the city-wide ~~mobility fee district~~ for assessments and expenditures;
  - (3) Fire rescue impact fee and EMS - One (1) fund for city-wide assessments and expenditures ~~Two (2) separate accounts for response time assessments and expenditures in the east and west sectors of the city and one (1) account for an ISO city-wide assessment and expenditures;~~
  - (4) Parks and recreation services impact fee - One (1) fund for city-wide assessments and expenditures ~~Four (4) separate accounts for neighborhood park facilities to be assessed and expended by city quadrant sections and one (1) account for a community park and special facilities city wide assessment and expenditure;~~
  - (5) Transportation impact fee - One (1) ~~fund for city-wide account for arterial and collector roadway improvements as outlined in the CIP for city wide assessments and expenditures from the City's former transportation impact fee program.~~
- (b) No impact fees or mobility fees shall be expended on a particular capital improvement pursuant to this chapter unless or until the city commission identifies sources of funds for right-of-way acquisition, construction of improvements or acquisition of capital facilities needed to overcome existing service deficiencies for a particular capital improvement which deficiency is not attributable to new growth and development, so as to ensure that impact fees are not utilized to correct existing deficiencies.
- (c) The funds collected by reason of the establishment of the impact fees or mobility fee in accordance with this chapter shall be used solely for the purpose of acquisition, expansion and development of the capital assets determined to be needed to serve new development to include the payment or repayment of loans the proceeds of which were used solely for the purpose of acquisition, expansion and development of the capital assets determined to be needed to serve new development.
- (d) All funds shall be used exclusively for the capital assets for 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 of Florida and all applicable laws. Said funds shall not be used to maintain or repair any existing facilities or to correct any existing deficiencies.

- (e) Funds withdrawn from these accounts must be used solely in accordance with the provisions of this section. The disbursement of such funds shall require the approval of the city commission upon recommendation of the city manager.
- (f) Any funds on deposit not immediately necessary for expenditure shall be invested in interest-bearing accounts. Funds may be pooled for investment provided all income derived from the fund's assets shall be deposited in the applicable trust account.
- (g) The fees collected pursuant to this chapter shall be returned to the then present owner of the development if the fees have not been encumbered or spent by the end of the calendar quarter immediately following ten (10) years from the date the fees were received, or if the development for which the fees were paid was never begun. For purposes of this section, fees collected shall be deemed to be encumbered or expended on a "first in-first out" basis, i.e., the first money placed in a fee fund shall be deemed to be the first money expended or encumbered. The following procedure will apply for requests for eligible refunds:
  - (1) The then-present owner must petition the city commission for the refund within one (1) year following the end of the calendar quarter immediately following ten (10) years from the date on which the fee was received.
  - (2) The petition must be submitted to the city manager and must contain:
    - a. A notarized sworn statement that the petitioner is the current owner of the property or his authorized agent;
    - b. A copy of the dated receipt issued for payment of the fee or other competent evidence of payment;
    - c. A certificate of title or attorney's title opinion showing the petitioner to be the current owner of the property or his authorized agent;
    - d. A copy of the most recent ad valorem tax bill;
    - e. A copy of the building permit or development agreement pursuant to which the impact fees were paid.
  - (3) Within sixty (60) days from the date of receipt of petition for refund, the city manager or his designee shall advise the petitioner and the city commission of the status of the fee requested for refund. For the purposes 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 paragraph (c) above.
  - (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 ten (10) years from the date of the fees were paid, the money shall be returned with interest at the rate of five (5) percent per annum.
  - (5) When a refund is requested because construction was never begun, all development approvals shall have expired and the applicant shall execute an agreement acknowledging the expiration of development approval.
  - (6) A request for a refund of impact fees or mobility fees must be made one (1) year from the issuance of the building permit or six (6) months from the expiration of the permit whichever is later only if no development activity has started. The refund amount will be less ten (10) percent of the fees that were ultimately to have been paid, regardless of the



amount actually paid. If the applicant does not apply within the time limits stated above, there will be no refund.

\* \* \*

**SECTION TWO: Repeal of Conflicting Provisions.** Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

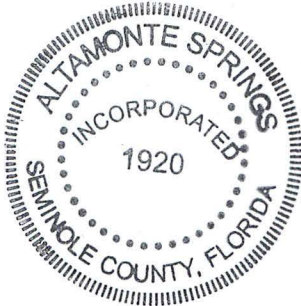
**SECTION THREE: Severability.** If any section, phrase, sentence, portion or provision of this Ordinance or the application thereof to any person or circumstance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**SECTION FOUR: Codification in Code.** It is the intent of the City Commission, and it is therefore ordained, that the provisions of this Ordinance shall become and be codified as a part of the City Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" may be changed to "Section", "Article" or appropriate designation.

**SECTION FIVE: Scrivener's Error.** The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

**SECTION SIX: Effective Date.** This Ordinance shall become effective ninety days from its passage and adoption.

PASSED AND ADOPTED THIS 14th DAY OF September, 2021.



ADVERTISED: 4/18/2021  
4/25/2021

FIRST READING: 5/4/2021  
(Continued several times)

ADVERTISED: 7/18/2021

FIRST READING: 8/3/2021

SECOND READING: 9/14/2021

A handwritten signature in blue ink that reads "Pat Bates".

PAT BATES, MAYOR  
City of Altamonte Springs, Florida

ATTEST:

A handwritten signature in blue ink that reads "Angela M. Apperson".

ANGELA M. APPERSON, CITY CLERK

Approved as to form and legality  
for use and reliance by the City  
of Altamonte Springs, Florida

A handwritten signature in black ink that reads "James A. Fowler".

JAMES A. FOWLER, ESQ., CITY ATTORNEY