

**ORDINANCE NO. 2023-16**

AN ORDINANCE OF CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING AND CONSOLIDATING CERTAIN PROVISIONS OF CHAPTER 21 OF THE CITY'S LAND DEVELOPMENT CODE RELATED TO IMPACT FEES IMPOSED BY THE CITY OTHER THAN WATER AND SEWER DEVELOPMENT FEES; PROVIDING FOR UNIFORMITY AND CONSISTENCY OF IMPACT FEE ADMINISTRATION AND PROCEDURES; PROVIDING FOR REORGANIZATION, REVISIONS, ADDITIONS AND DELETIONS TO EFFECTUATE CONSOLIDATION OF THE IMPACT FEE CODE PROVISIONS; ADOPTING UPDATED SCHEDULES OF FIRE/RESCUE IMPACT FEES, TRANSPORTATION IMPACT FEES, AND PARKS AND RECREATION IMPACT FEES; PROVIDING FOR THE IMPOSITION OF POLICE IMPACT FEES; ADOPTING A SCHEDULE OF POLICE IMPACT FEES AND CLASSIFYING USES OF PROPERTY SUBJECT TO SUCH IMPACT FEES; PROVIDING DEFINITIONS, RULES OF CONSTRUCTION AND FINDINGS; PROVIDING FOR THE USE OF IMPACT FEE MONIES COLLECTED; PROVIDING FOR EXEMPTIONS IN CONNECTION WITH IMPACT FEES; PROVIDING FOR THE CALCULATION OF ALTERNATIVE IMPACT FEES; PROVIDING FOR CHANGES OF SIZE AND USE; PROVIDING FOR PAYMENT AND COLLECTION OF IMPACT FEES; PROVIDING FOR IMPACT FEE CREDITS; REQUIRING PERIODIC REVIEW OF IMPACT FEE STUDIES AND THIS ORDINANCE; DECLARATION OF EXCLUSION FROM THE ADMINISTRATIVE PROCEDURE ACT; PROVIDING FOR NOTICE OF THE UPDATED SCHEDULES OF FIRE/RESCUE IMPACT FEES, TRANSPORTATION IMPACT FEES, AND PARKS AND RECREATION IMPACT FEES AND FOR THE IMPOSITION OF POLICE IMPACT FEES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Chapter 21 of the Land Development Code (the "Impact Fee Ordinance") of the City of Port Orange, Florida (the "City") provides for the imposition of various impact fees to fund the acquisition of public facilities necessitated by new growth and development; and

**WHEREAS**, the City Council has considered the studies recently prepared by Raftelis Financial Consultants, Inc. related to updating the City's existing fire/rescue, transportation and recreation impact fees, and implementing a new police impact fee; and

**WHEREAS**, this Ordinance is adopted for purposes of (i) updating the City's fire/rescue, transportation and recreation impact fees, (ii) establishing new police impact fees, and (iii) consolidating the administrative and procedural provisions of Chapter 21 into a single comprehensive ordinance providing for uniform and consistent administration procedures for all impact fees imposed thereunder; and

**WHEREAS**, the provisions of this Ordinance shall not apply to water and sewer development fees, the governing provisions for which are currently codified in Article IV, Chapter 21 of the City's Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PORT ORANGE, FLORIDA, THAT:**

**Section 1:** Effective as of April 1, 2024, Articles I, II and III of Chapter 21 of the Land Development Code are hereby amended and restated in their entirety as follows:

## **CHAPTER 21 IMPACT FEES AND PROPORTIONATE FAIR SHARE**

### **ARTICLE I: GENERAL PROVISIONS**

#### **Section 1: Short title; applicability; purpose.**

(a) This Chapter shall be known and may be cited as the "City of Port Orange, Florida Consolidated Impact Fee Ordinance."

(b) This Chapter shall apply to the development of property within the boundaries of the City. This Article shall apply to the payment of Impact Fees imposed upon Impact Construction under Article II of this Chapter.

(c) The purpose of this Chapter is to provide for the imposition and collection of impact fees to fund the public facilities necessary to serve the demands of new development and to require that future growth contributes its fair share to the cost of additions and improvements to city facilities in amounts reasonably anticipated to offset the impacts and demands generated by such growth. This cost does not include costs associated with operation, maintenance or repair of City facilities, or increases to standards or levels of service unrelated to meeting the impacts and demands of new growth and development.

#### **Section 2: Definitions.**

When used in Articles I and II of this Chapter, the following terms shall have the following meanings, unless the context clearly requires otherwise:

"Accessory Use or Structure" means any use or structure, clearly incidental, subordinate and related to the principal use or structure and located on the same lot with such principal use or structure. The term shall include but not be limited to satellite dish antennas, windmills, solar energy equipment, detached garages and carports, above-grade swimming pools and utility sheds.

"Apartment" shall mean a rental Dwelling Unit located within the same Building as other Dwelling Units.

"Applicant" shall mean the Owner, or duly designated agent of the Owner, who applies for a Building Permit.

"Building" shall mean any relatively permanent, immobile structure with an impervious roof built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof." This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of construction.

"Building Permit" shall mean an official document or certificate issued by the City, under the authority of ordinance or law, authorizing the construction or siting of any Building. "Building Permit" shall also include site plan approvals, or other development orders for those activities, structures, or Buildings that do not require a Building Permit in order to be undertaken.

"Capital Facilities" shall mean City facilities, improvements, infrastructure and equipment for which Impact Fees are imposed hereunder.

"Certificate of Occupancy" shall mean a document or action certifying compliance with applicable building, land development, or zoning laws and regulations, and authorizing the occupancy of any Building, or parts thereof. The term "Certificate of Occupancy" shall include, but not be limited to, Certificates of Completion or other final inspection sign-off for those structures or Buildings that may not require a Certificate of Occupancy and/or any functional equivalent of a Certificate of Occupancy.

"City" shall mean the City of Port Orange, Florida.

"City Clerk" shall mean the City Clerk of the City of Port Orange, Florida.

"City Manager" shall mean the City Manager of the City of Port Orange, Florida.

"Comprehensive Plan" shall mean the City's long-range planning guide prepared and adopted by the City in accordance with Part II, Chapter 163, Florida Statutes.

"Condominium" shall mean a single-family or time-sharing ownership unit that has at least one other similar unit within the same building structure. The term Condominium includes all fee simple or titled multi-unit structures, excluding Townhomes and Duplexes.

"Council" shall mean the City Council of the City of Port Orange, Florida.

"Dwelling Unit" shall mean a single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation. The term "dwelling" is synonymous.

"Educational Board" shall mean a district school board, a Florida College System institution board of trustees, and/or a university board of trustees. The term "Educational Board" does not include the State Board of Education or the Board of Governors.

"Encumbered" shall mean a commitment by contract, appropriation or purchase order in a manner that obligates the City to expend the Encumbered amount upon delivery of goods, the rendering of services or the conveyance of real property by a vendor, supplier, contractor or Owner or approval of the expenditure of funds in an approved budget, including expenditures for payment of debt service on municipal bonds or other debt obligations of the City secured in whole or in part by the Impact Fees contemplated hereunder.

"Finance Director" shall mean the Finance Director of the City of Port Orange, Florida.

"Governmental Use" shall mean and refer to the use of property exclusively for public purposes by, and which property is owned or leased by, the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district, a school district, or a municipal corporation, or any department or branch thereof.

"Impact Construction" shall mean land construction or improvement designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or Square Footage than the existing use of land, or to otherwise change the use of the land in a manner that increases the impact upon Capital Facilities.

"Impact Fee Coordinator" shall mean the City Manager.

"Impact Fee Land Use Category" shall mean those categories of land use incorporated in the Impact Fee Rate Schedules hereunder and further described in the Impact Fee Studies.

"Impact Fees" shall mean collectively the impact fees imposed by the City pursuant to this Article and Sections 163.31801 and 166.021, Florida Statutes.

"Impact Fee Studies" shall mean, collectively, the "2023 Municipal Impact Fee Study" dated June 19, 2023 and the "Transportation Impact Fee Study Update" dated June 2023, each prepared by Raftelis Financial Consultants, Inc., as such studies may amended and supplemented from time to time.

"Industrial" shall mean an establishment primarily engaged in the fabrication, assembly or processing of goods. Typical uses include manufacturing plants, welding shops, wholesale bakeries, dry cleaning plants, bottling works and research and development centers.

"Institutional" shall mean an establishment or use which is assigned a Florida Department of Revenue property use code of "70" through "79," indicative of institutional use. Typical uses include private schools, private hospitals, orphanages, cemeteries, sanitoriums and nursing homes.

"Manufactured Dwelling" means a dwelling fabricated in a manufacturing facility and bearing a seal certifying it is constructed to standards as adopted under the authority of Chapter 553, pt. IV, Florida Statutes, and any administrative rules adopted thereunder.

"Mobile Home" shall mean a Dwelling Unit with all of the following characteristics: (1) designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; (2) designed for transportation after fabrication on streets or highways on its own wheels; and (3) arriving at the site where it is to be occupied as a dwelling complete, including major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities and the like. The term "Mobile Home" shall include Manufactured Dwellings. A travel trailer or recreational vehicle (RV) is not considered a Mobile Home.

"Multi-Family Residential" shall mean Dwelling Units located within the same Building as other Dwelling Units, including Apartments and Condominiums but excluding Townhomes and Duplexes.

"Office Building" shall mean a Building not located in a shopping center and exclusively containing establishments providing executive, management, administrative or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or childcare facilities. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics and kennels; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.

"Ordinance" shall mean this Ordinance.

"Owner" shall mean any person, group of persons, firm, corporation or other legal entity having legal title to any specific lands in question.

"Person" shall mean any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, property owners' association, two (2) or more persons having a joint or common interest, governmental agency, or other legal entity.

"Single-Family Residential" means a Building containing only one Dwelling Unit, detached or attached.

"Square Footage" shall mean the gross area measured in feet from the exterior faces of exterior walls or other exterior boundaries of the Building, excluding areas within the interior of the Building which are used for parking.

"Townhomes and Duplexes" shall mean Dwelling Units located within the same Building as other Dwelling Units, provided that there are no more than three (3) Dwelling Units in the Building. Any development consisting of more than three (3) Dwelling Units shall constitute Multi-Family Residential land use for purposes of this Chapter.

"Warehouse" shall mean an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, activities involving significant movement and storage of products or equipment, and self-storage facilities. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations, major mail processing centers and mini-warehouses.

### **Section 3: Findings.**

It is hereby ascertained, determined and declared as follows:

(a) Pursuant to Article VIII, Section 2 of the Florida Constitution and Sections 166.021 and 166.041, Florida Statutes, the Council has all governmental, corporate and proprietary power to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law, and such power may be exercised by the enactment of legislation in the form of City ordinances.

(b) Development and redevelopment necessitated by the growth contemplated in the Comprehensive Plan and the Impact Fee Studies will require improvements and additions to the Capital Facilities to accommodate the new development generated by such growth and maintain the standards and levels of service provided by the City.

(c) Future growth, as represented by Impact Construction, should contribute its fair share to the cost of improvements and additions to the City facilities that are required to accommodate the impact generated by such growth.

(d) The Impact Fees are necessary to offset the costs to the City associated with meeting the necessary public service and facility demand created by projected new residential and non-residential development or redevelopment.

(e) The amount of the Impact Fees contemplated hereunder bears a reasonable relationship to the burden imposed upon the City to provide the new public facilities addressed in the Impact Fee Studies to new development.

(f) A reasonable connection, or rational nexus, exists between the projected new development and the need for additional public facilities to be funded by the Impact Fees.

(g) A reasonable connection, or rational nexus, exists between the expenditure of the funds collected pursuant to this Chapter and the benefits accruing to new development through the new capital facilities acquired by such expenditure.

(h) The Impact Fees adopted hereunder are proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or nonresidential construction.

(i) The Impact Fees adopted hereunder are proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

(j) The required improvements and additions to City facilities needed to eliminate any deficiencies shall be financed by revenue sources of the City other than Impact Fees.

(k) Implementation of the Impact Fees to require Impact Construction within the City to contribute its fair share to the cost of required capital improvements is an integral and vital element of the regulatory plan of growth management of the City.

(l) The Council expressly finds that the improvements and additions to the City facilities to be funded by the respective Impact Fees imposed hereunder provide a benefit to all Impact Construction within the City that is in excess of the amount of the Impact Fees.

(m) The purpose of this Chapter is to regulate the development of land within the City by requiring payment of Impact Fees by Impact Construction and to provide for the cost of capital improvements to City facilities which are required to accommodate such growth. This Chapter shall not be construed to permit the collection of Impact Fees in excess of the amount reasonably anticipated to offset the demand on the Capital Facilities generated by such applicable Impact Construction.

(n) This Chapter includes procedures for accounting and reporting of impact fee collections and expenditures in order to assure compliance with applicable legal requirements.

(o) This Chapter establishes and requires separate accounting funds for the respective Impact Fees adopted hereunder.

(p) This Chapter requires audits of the City's financial statements to include an affidavit of the Finance Director stating that the requirements of Section 163.31801, Florida Statutes, have been complied with.

(q) The administrative fees set forth herein are equal to or lower than the City's actual costs for collection of the Impact Fee including the actual costs related to the administration and the collection process.

#### **Section 4: Impact fee studies.**

The Council hereby incorporates the Impact Fee Studies by reference, particularly the assumptions, conclusions and findings in such studies as to the allocation of anticipated costs of capital improvements and additions to the respective City facilities among the various property uses and those assumptions, conclusions and findings in such studies as to the determination of anticipated costs of additions required to accommodate growth. Copies of the Impact Fee Studies and this Ordinance shall be available to the public in the office of the City Clerk.

#### **Section 5: Exemptions.**

The following shall be exempted from payment of the Impact Fees adopted in this Chapter:

- (a) Alterations, expansion or replacement of an existing Dwelling Unit (including a Mobile Home) where no additional Dwelling Units are created.
- (b) The construction of Accessory Uses or Structures, which will not create an additional impact on the respective Capital Facilities.
- (c) The replacement of a Building or Dwelling Unit where no additional Dwelling Units or Square Footage are created and where the existing and replacement Buildings or Dwelling Units are located on the same lot.
- (d) Replacement of a Building or Dwelling Unit which does not increase the impact upon the City's Capital Facilities.
- (e) All public educational and ancillary plants constructed by an Educational Board, to the extent such exemption is required by Section 1013.371(1)(a), Florida Statutes, or any successor statute or law.
- (f) Charter school facilities, to the extent such exemption is required by Section 1002.33(18)(d), Florida Statutes, or any successor statute or law.
- (g) Affordable housing properties developed and owned by any housing authority established by the City.
- (h) Governmental Use. However, any Impact Fee exemption issued for a Governmental Use shall expire if an alteration causes the Building or development to no longer be for Governmental Use.
- (i) Lots or parcels for which an Impact Fee has been paid or a developer contribution credit has been shall be exempt from the payment of such Impact Fees except in the event that a change in size or use justifies payment of an additional Impact Fee as provided in Section 6.

(j) The determination as to the applicability of exemptions hereunder shall be guided by any generally accepted standard source for planning and cost impact analysis.

### **Section 6: Changes of size and use.**

An Impact Fee shall be imposed and calculated for the alteration, expansion or replacement of a Building or Dwelling Unit or the construction of an Accessory Use or Structure if the alteration, expansion or replacement of the Building or Dwelling Unit or the construction of an Accessory Use or Structure results in a land use determined to generate greater impact than the present use under the applicable Impact Fee rate schedules adopted in this Chapter. The Impact Fee imposed shall be calculated as follows:

(a) If the Impact Fee is calculated on a per Dwelling Unit basis and not on the basis of Square Footage, the Impact Fee imposed shall be the amount due under the applicable Impact Fee rate schedule for the Impact Fee Land Use Category resulting from the alteration, expansion or replacement, less the Impact Fee that would have been imposed under the applicable Impact Fee rate schedule for the Impact Fee Land Use Category prior to the alteration, expansion or replacement.

(b) If the Impact Fee is calculated on the basis of Square Footage, in the event the Square Footage of a Building is increased, the Impact Fee due for the increased Square Footage represented by the Impact Construction shall be calculated by determining the Impact Fee due according to the Square Footage resulting from the alteration, expansion or replacement, less the Impact Fee that would have been imposed for the original Square Footage prior to the alteration, expansion or replacement.

(c) If the use of a Building is changed after payment of the Impact Fee which results in a change in the applicable Impact Fee Land Use Category of the Building and such change is determined to generate a greater impact than the present use, the additional Impact Fee due for the change in use shall be calculated by determining the Impact Fee due according to the Square Footage of the Building under the new Impact Fee Land Use Category less the Impact Fee that was imposed for the Square Footage of the Building under the original Impact Fee Land Use Category.

(d) If an Impact Fee is imposed for an Accessory Use or Structure because such Accessory Use or Structure is determined to generate a greater impact than the present use, the fee shall be that applicable to the Impact Fee Land Use Category for the primary Building.

(e) The determination as to whether a change in size or use requires payment of an Impact Fee hereunder shall be guided by any generally accepted standard source for planning and cost impact analysis.

### **Section 7: Payment.**

(a) An Applicant shall pay the applicable Impact Fee(s) adopted in this Ordinance directly to the City prior to the issuance of a Temporary Certificate of Occupancy, Certificate of Occupancy, or Letter of Completion, whichever is applicable. Payment of the Impact Fees shall be a condition precedent to issuance of a Temporary Certificate of Occupancy, Certificate of Occupancy, or Letter of Completion, except for Fire Impact Fee(s) which shall be paid by the Applicant prior to Building Permit Issuance.

(b) The payment of the Impact Fees shall be in addition to all other fees, charges or assessments due for the issuance of a Building Permit, Certificate of Occupancy, plat and/or any other applicable land development approvals.

(c) The obligation for payment of the Impact Fees shall run with the land.

(d) In the event an Impact Fee is paid by check, draft or other form of negotiable instrument, and such instrument does not clear, issuance of the Certificate of Occupancy associated with the payment of such Impact Fee shall be suspended and the City Manager shall send the appropriate suspension notice to the feepayer by certified mail. In the event such Impact Fee, together with any charges for funds not clearing, are not paid within ten business days following the mailing of such notice, the Certificate of Occupancy shall not be issued until such time as the Impact Fee is paid and the funds clear.

#### **Section 8: Alternative impact fee.**

(a) In the event an Owner believes that the impact to the City facilities caused by proposed Impact Construction will be less than the impact established in the Impact Fee Studies and the Impact Fee Rates Schedules provided herein, such Owner may file an alternative Impact Fee Study with the Impact Fee Coordinator. The Owner shall, at the time the alternative impact fee study is submitted, pay to the City six percent of the amount of the impact fee identified on the fee schedule for the most nearly comparable type of land use up to a maximum of \$2,000.00. These funds shall be used for review and processing the study. This amount shall not be credited against the impact fee payment. The Impact Fee Coordinator shall review the alternative calculations and make a determination within thirty (30) days of submittal as to whether such calculations comply with the requirements of this Section.

(b) For purposes of any alternative Impact Fee calculation, the Impact Construction shall be presumed to have the maximum impact on City facilities.

(c) The alternative Impact Fee calculation shall be based on data, information or assumptions contained in this Article and the Impact Fee Studies or independent sources, provided that the independent source is a local study supported by local data adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and local cost impact analysis which is consistent with the Impact Fee Studies.

(d) If the Impact Fee Coordinator determines that the data, information and assumptions utilized by the applicant comply with the requirements of this Section and that the calculation of the Alternative Impact Fee was by a generally accepted methodology that is consistent with the Impact Fee Study, then the alternative Impact Fee shall be paid in lieu of the fees adopted hereunder.

(e) If the Impact Fee Coordinator determines that the data, information and assumptions utilized by the applicant to compute an Alternative Impact Fee do not comply with the requirements of this Section, then the Impact Fee Coordinator shall provide to the Owner by certified mail, return receipt requested, written notification of the rejection and the reasons therefore.

### **Section 9: Applicability.**

Effective April 1, 2024, at 12:00 A.M. City of Port Orange Impact Fees will change. Fee schedule changes will affect new construction and additions. The Impact Fee components that will change are: Parks and Recreation, Transportation, Police, and Fire Rescue. All completed Building Permit applications received after 11:59 P.M. on March 31, 2024, will be subject to the new Impact Fee rates.

### **Section 10: Developer contribution credit.**

(a) A credit shall be granted against the respective Impact Fees imposed hereunder for the donation of land or equipment or for the construction of capital facilities for the City otherwise funded by an Impact Fee, required pursuant to a development order of the City or voluntarily made in connection with an Impact Construction. Such land donation and construction and improvement shall be subject to approval by and acceptance of the Council. No credit shall be given for the donation of land or equipment or construction unless such property is conveyed in fee simple to the City without remuneration.

(a) Prior to payment of the Impact Fee, the Applicant shall submit a proposed plan for donations or contributions to the Capital Facilities to the Impact Fee Coordinator. The proposed plan shall include:

(1) a designation of the Impact Construction for which the plan is being submitted;

(2) a legal description of any land proposed to be donated and a written appraisal prepared in conformity with Subsection (c) of this Section;

(3) a list of the contemplated contributions to the Capital Facilities and an estimate of the proposed construction costs certified by a professional architect or engineer; and

(4) a proposed time schedule for completion of the proposed plan.

(b) Upon receipt of the proposed plan, the Impact Fee Coordinator shall determine:

(1) if such proposed plan is in conformity with contemplated improvements and additions to the Capital Facilities;

(2) if the proposed donation of land or equipment or proposed construction is consistent with the public interest; and

(3) if the proposed time schedule is consistent with the City's capital improvement program for the Capital Facilities.

(c) The amount of developer contribution credit shall be determined as follows:

(1) The value of donated land shall be based upon a written appraisal of fair market value as determined by an M.A.I. Appraiser who was selected and paid for by the Applicant, and who used generally accepted appraisal techniques. 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 Impact Fee Coordinator accepts the methodology of the appraisal but disagrees with the appraised value, he may engage another M.A.I. Appraiser at the City's expense and the value shall be an amount equal to the average of the two appraisals. If either party does not accept the average of the two appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the City and the Owner or Applicant. The third appraiser shall be selected by the first two appraisers and the third appraisal shall be binding on the parties.

(2) The actual cost of construction to the Capital Facilities shall be certified by a professional architect or engineer. The credited amount shall be applied on a dollar-for-dollar basis at fair market value, based on the appraisal process above, to reduce the Impact Fee collected for the class of Capital Facilities or Impact Construction for which the contribution was made; provided, however, in no event shall any credit be granted in excess of the actual cost of construction.

(3) The land donations and construction contributions shall only provide improvements or additions to the respective Capital Facilities required to accommodate growth.

(d) The decision of the Impact Fee Coordinator as to whether to accept the proposed plan of conveyance or construction shall be in writing and issued within sixty (60) days of receipt of the proposed plan from the Applicant. A copy shall be provided to the Applicant and Owner.

(e) If a proposed plan is approved for credit, the Applicant or Owner and the City shall enter into a credit agreement which shall provide for the parties' obligations and responsibilities, including, but not limited to:

(1) The timing of actions to be taken by the Applicant and the obligations and responsibilities of the Applicant, including, but not limited to, the construction standards and requirements to be complied with;

(2) The obligations and responsibilities of the City including, but not limited to, inspection of the project; and

(3) The amount of the credit as determined in accordance with Subsection (c) of this Section.

(f) A credit for the donation of land or a credit for the construction of an improvement or addition to the Capital Facilities shall be granted at such time as the credit agreement is approved and executed by both the City and the Applicant or Owner, subject to review and approval by the City Attorney; provided, however, that the amount of an impact fee credit for construction of improvements shall not be deemed final until the actual costs of construction have been certified by an architect or engineer. In the event the Applicant or Owner fails to convey the property, which is the subject of the donation to the City or such property is not ultimately accepted by the City in accordance with the terms of the credit agreement, then the credit for donation shall be revoked and all Impact Fees shall immediately become due and payable. The administration of said contribution credits shall be the responsibility of the Impact Fee Coordinator.

(g) Any Applicant or Owner who submits a proposed plan pursuant to this Section and desires the immediate issuance of a Certificate of Occupancy prior to approval of the proposed plan shall pay the Impact Fees prior to the issuance of the Certificate of Occupancy. Any difference between the amount paid and the amount due, should the Impact Fee Coordinator approve and accept the proposed plan, shall be refunded to the Applicant or Owner.

(h) Credits provided pursuant to this Section are assignable and transferable from one Impact Construction to another. Notice of any such transfers shall be filed with the Community Development Department at the time of, or before, the issuance of a Certificate of Occupancy, Temporary Certificate of Occupancy, or Letter of Completion on a form provided by the City..

(i) If an Impact Fee is increased, the holder of any credits which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established.

## **Section 11: Review hearings.**

(a) An Applicant or Owner who is required to pay Impact Fees pursuant to this Article shall have the right to request a review hearing before the Council.

(b) Such hearing shall be limited to the review of the following:

(1) The application or calculation of the appropriate Impact Fees pursuant to this Article.

(2) The rejection of an alternative Impact Fee calculation pursuant to Section 8 of this Article.

(3) Denial of an exemption pursuant to Section 5 of this Article.

(4) Any dispute concerning an application for credits pursuant to Section 10 of this Article.

(c) Except as otherwise provided in this Article, such hearing shall be requested by the Applicant or Owner within thirty (30) days of the written notice of the event sought to be reviewed. Failure to request a hearing within such period or as soon thereafter as reasonably possible shall constitute a waiver of the right to a review hearing, unless otherwise approved by the Council.

(d) The request for hearing shall be filed with the Impact Fee Coordinator and shall contain the following:

(1) The name and address of the Applicant or Owner;

(2) The legal description of the property in question;

(3) If issued, the date the Building Permit and Certificate of Occupancy were issued;

(4) A brief description of the nature of the construction being undertaken pursuant to the Building Permit;

(5) If paid, the date the Impact Fee was paid; and

(6) A statement of the reasons why the Applicant or Owner is requesting the hearing.

(e) Upon receipt of such request, a hearing shall be scheduled before the Council at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the Applicant and Owner written notice of the time and place of the hearing. Such hearing shall be held within sixty (60) days of the date the request for hearing was filed.

(f) Such hearing shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence. A determination shall be in writing and issued within thirty (30) days of the hearing to the Applicant and Owner.

(g) Any Applicant or Owner who requests a hearing pursuant to this Section and desires the immediate issuance of a Building Permit, or if a Building Permit has been issued without the payment of the Impact Fee, shall pay prior to or at the time the request for hearing is filed, the applicable Impact Fee. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights.

(h) An Applicant or Owner may request a hearing under this Section without paying the applicable Impact Fee, but no Building Permit shall be issued until all Impact Fees are paid in the amount initially calculated or the amount approved upon completion of the review provided in this Section.

(i) The City may retain up to 2.0% of all Impact Fees received or the actual costs of collection, whichever is less, as an administrative fee to defray all costs of collection relating to the Impact Fees. The amount of the City's reasonable administrative costs in connection with the collection and administration of these funds shall be documented as part of the City's annual budget process. Any funds retained by the City to offset the City's reasonable administrative costs in connection with the collection and administration of said funds shall be placed in a separate city account which account shall be used solely for administrative expenses incurred by the City in the collection and administration of funds collected from the Impact Fees.

### **Section 12: Review requirement; audits.**

(a) This Chapter and the Impact Fee Studies shall be reviewed by the Council at least once every four (4) years. The initial and each subsequent review shall include but not be limited to all components of the Impact Fee Studies accepted in Section 4 of this Article. The purpose of this review is to ensure that the respective Impact Fees do not exceed the reasonably anticipated costs associated with the improvements and additions necessary to offset the demand generated by the Impact Construction on the respective Capital Facilities. In the event the required review of this Chapter alters or changes the assumptions, conclusions and findings of the Impact Fee Studies adopted by reference in Section 4 of this Article or alters or changes the amount or classification of the Impact Fee, the respective Impact Fee Study shall be amended, supplemented, and/or updated to reflect the assumptions, conclusions and findings of such reviews and Section 4 of this Article shall be amended to adopt by reference such updated study.

(b) Audits of the City's financial statements which are performed by a certified public accountant pursuant to Section 218.39, Florida Statutes, and submitted to the Auditor General shall include an affidavit signed by the Finance Director stating that the City has complied with the requirements of Section 163.31801, Florida Statutes, and that to the best of his or her knowledge, all Impact Fees were collected and expended by the City in full compliance with the spending period provisions of this Article and funds were

expended from each impact fee trust account established herein only to acquire, construct or improve specific infrastructure needs.

**Section 13: Declaration of exclusion from administrative procedures act.**

Nothing contained in this Article shall be construed or interpreted to include the City in the definition of Agency as contained in Section 120.52, Florida Statutes, or to otherwise subject the City to the application of the Administrative Procedure Act, Chapter 120, Florida Statutes. This declaration of intent and exclusion shall apply to all proceedings taken as a result of or pursuant to this Chapter.

**Section 14: Notice.**

(a) Upon adoption of this Chapter or any ordinance amending this Chapter imposing new Impact Fees, increased Impact Fee rates or revising the Impact Fee Land Use Categories, the City shall publish notice of the effective date of such ordinance and the Impact Fees contemplated thereunder once in a newspaper of general circulation which notice shall include: (1) a brief and general description of the applicable Impact Fee; (2) the Impact Fee Rates to be imposed for each Impact Fee Land Use Category for the applicable Impact Fee; and (3) the date of implementation of the Impact Fee rates set forth in the notice, which date shall be no sooner than ninety (90) calendar days after the date of publication of the notice.

(b) On or prior to the date of such publication, the notice of Impact Fees shall also be posted in the following locations:

- (1) On the City website.
- (2) On the City Hall Notice Board.

(3) In a conspicuous place near the public counters in the following offices and departments: the Office of the City Clerk, the Building Department and the Planning and Zoning Department.

**Section 15: Impact fees as additional or supplemental requirement.**

The payment of Impact Fees is additional and supplemental to, and not in substitution of, any other requirements imposed by the City or any other governmental agency on the development or redevelopment of real property or the issuance of a Building Permit, and an Owner or Applicant may be required to pay, pursuant to other ordinances, regulations or policies of the City or any other governmental agency, other fees and/or charges in addition to the Impact Fees contemplated hereunder. Nothing herein shall be construed as a guarantee of adequate public facilities at the time of development of any particular property.

**Section 16: Effect of impact fees on zoning and land development regulations.**

The provisions of this Chapter shall not affect, in any manner, the permissible use of the property, density of development, design and improvement standards and

requirements, or any other aspect of the development of land or provision of public improvements subject to the land development regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

**Section 17: Collection of fees when not paid by inadvertence; liens.**

If the Impact Fees are not paid as required by this Article prior to or on the date of the issuance of a Building Permit because of mistake, inadvertence or any other reason, the City shall proceed to collect the Impact Fees as follows:

(a) The City shall serve, by certified mail, return receipt requested, an Impact Fee statement notice upon the Applicant and the Owner at the address appearing on the most recent records maintained by the Property Appraiser of Volusia County. The City also shall attach a copy of the Impact Fee statement notice to the Building Permit posted at the affected construction site if all or a portion of the Building is under construction. Service of the Impact Fee statement notice shall be deemed effective on the date the return receipt indicates the notice was received by either the Applicant or the Owner or the date said notice was attached to the Building Permit, whichever occurs first.

(b) The Impact Fee statement notice shall contain the legal description of the property and shall advise the Applicant and the Owner as follows:

(1) The amount due and the general purpose for which the Impact Fee was imposed.

(2) That the Impact Fee shall be delinquent if not paid and received by the City within 60 calendar days of the date the Impact Fee statement notice is received, excluding the date of receipt, and upon becoming delinquent, shall be subject to the imposition of a delinquent fee and interest on the unpaid amount until paid;

(3) That in the event the Impact Fee becomes delinquent, a lien against the property for which the Building Permit was secured shall be recorded in the Official Records of Volusia County.

(c) The Impact Fee shall be delinquent if, within 60 calendar days from the date of the receipt of the Impact Fee statement notice by either the Applicant or the Owner, or the date said notice was attached to the Building Permit, neither the Impact Fees have been paid and received by the City, nor a hearing requested pursuant to the requirements above. In the event a hearing is requested, the Impact Fees shall become delinquent if not paid within 30 calendar days from the date the Council determines the amount of Impact Fees due upon the conclusion of such hearing. Said time periods shall be calculated on a calendar day basis, including Sundays and legal holidays, but excluding the date of the earliest receipt of said Impact Fee statement notice or the hearing date of the Council's decision in the event of an appeal. In the event the last day falls on a Sunday or legal holiday, the last due date prior to becoming delinquent shall be the next business

day. Upon becoming delinquent, a delinquency fee equal to ten percent of the total Impact Fee imposed shall be assessed. Such total Impact Fee, plus delinquency fee, shall bear interest at the statutory rate for final judgments calculated on a calendar day basis, until paid.

(d) Should the Impact Fee become delinquent, the City shall serve, by certified mail return receipt requested, a "notice of lien" upon the delinquent Applicant if all or a portion of the Building is under construction at the address indicated in the application for the Building Permit, and upon the delinquent Owner at the address appearing on the most recent records maintained by the Property Appraiser of Volusia County. The notice of lien shall notify the delinquent Applicant and Owner that due to their failure to pay the Impact Fee, the City shall file a claim of lien with the Clerk of the Circuit Court in and for Volusia County.

(e) Upon mailing of the notice of lien, the City shall file a claim of lien with the Clerk of the Circuit Court in and for Volusia County for recording in the Official Records of Volusia County. The claim of lien shall contain the legal description of the property, the amount of the delinquent Impact Fees and the date of their imposition. Once recorded, the claim of lien shall constitute a lien against the property described therein. The City shall proceed expeditiously to collect or otherwise enforce said lien.

(f) After the expiration of six months from the date of recording of the claim of lien, as provided herein, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted, conducted and enforced in conformity with the procedures for the foreclosure of municipal special assessment liens, as set forth in Chapter 173, Florida Statutes, which provisions are hereby incorporated herein in their entirety to the same extent as if such provision were set forth herein verbatim.

(g) The liens for delinquent Impact Fees imposed hereunder shall remain liens, coequal with the lien of all state, county, district and municipal taxes, superior in dignity to all other subsequently filed liens and claims, until paid as provided herein.

(h) The collection and enforcement procedures set forth in this Section shall be cumulative with, supplemental to and in addition to, any applicable procedures provided in any other ordinances or administrative regulations of the City or any applicable law or administrative regulation of the State of Florida. Failure of the City to follow the procedure set forth in this Section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the City or any applicable law or administrative regulation of the State of Florida.

(i) Notwithstanding anything herein to the contrary, the City may enforce collection of delinquent Impact Fees in any manner authorized by law.

**Section 18: Impact Fee Refunds.** Impact Fees collected pursuant to this Chapter shall be returned to the then current Owner of the property on behalf of which such fee was paid, if such fees have not been expended or Encumbered by the end of the calendar quarter immediately following the six years from the date upon which such fees were paid. Refunds shall be made only in accordance with the following procedure:

(1) The then present Owner shall petition the City for the refund within one hundred eighty (180) days following the end of the calendar quarter immediately following six years from the date on which the fee was received. Failure to submit an application for refund within such period shall constitute a waiver of any right to a refund.

(2) The petition for refund shall be submitted to the Impact Fee Coordinator and shall contain:

a. A notarized sworn statement that the petitioner is the present Owner of the property on behalf of which the Impact Fee was paid;

b. A copy of the dated receipt issued for payment of the Impact Fee or such other record as would evidence payment; and

c. A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.

(3) Within three (3) months from the date of receipt of a petition for refund, the Impact Fee Coordinator will advise the petitioner and the Council of the status of the Impact Fee requested for refund, and if such Impact Fee has not been expended or Encumbered within the applicable time period, then such Impact Fee shall be returned to the petitioner. For the purposes of this Section, fees collected shall be deemed to be spent or Encumbered on the basis of the first fee in shall be the first fee out.

## **ARTICLE II: IMPACT FEES**

### **DIVISION 1. FIRE/RESCUE IMPACT FEE**

#### **Section 1: Definitions.**

In addition to the general definitions contained in Article I of this Chapter, the following terms shall have the following meanings in the application of the Fire/Rescue Impact Fee.

"Fire/Rescue Facilities" shall mean the Buildings, land, vehicles, apparatus, and equipment used by the City Fire Department in the suppression and prevention of fires, responses to disasters and the handling of incidents involving hazardous materials.

"Fire/Rescue Impact Construction" shall mean land construction designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or Square Footage than the existing use of land, or to otherwise change the use of the land in a manner that increases the impact upon the Fire/Rescue Facilities.

"Fire/Rescue Impact Fee" shall mean the Fire/Rescue Impact Fee imposed by the City pursuant to Section 2 of this Division.

"Fire/Rescue Impact Fee Land Use Category" shall mean those categories of land use incorporated in the Fire/Rescue Impact Fee Rate Schedule in Section 2 of this Division.

"Fire/Rescue Impact Fee Study" shall mean the 2023 Municipal Impact Fee Study dated June 19, 2023, prepared by Raftelis Financial Consultants, Inc. as such study may be amended and supplemented.

## **Section 2: Imposition.**

(a) The data set forth in the Fire/Rescue Impact Fee Study which was employed in the calculation of the Fire/Rescue Impact Fee rates adopted herein is the most recent and localized data available for the Fire/Rescue Facilities.

(b) The Council specifically finds that Fire/Rescue Facilities benefit all residents and businesses within the City and, therefore, the Fire/Rescue Impact Fee shall be imposed on all Fire/Rescue Impact Construction in all incorporated areas of the City.

(c) All Fire/Rescue Impact Construction occurring within the City for which a completed Building Permit application is submitted shall pay the following Fire/Rescue Impact Fee rates:

**FIRE/RESCUE IMPACT FEE RATE SCHEDULE**

<u>Land Use Category</u>	<u>Impact Unit</u>	Completed Building Permit Application Submitted between 4/1/24 and 3/31/25	Completed Building Permit Application Submitted between 4/1/25 and 3/31/26	Completed Building Permit Application Submitted between 4/1/26 and 3/31/27	Completed Building Permit Application Submitted on or after 4/1/27
Single Family Residential	Per Dwelling Unit	\$303.75	\$337.50	\$371.25	\$405.00
Multi-Family Residential	Per Dwelling Unit	\$303.75	\$337.50	\$371.25	\$405.00
Industrial/Warehousing	Per 1,000 Sq. Ft.	\$146.00	\$146.00	\$146.00	\$146.00
Hotel	Per Room	\$74.25	\$82.50	\$90.75	\$99.00
Recreational	Per 1,000 Sq. Ft.	\$225.00	\$250.00	\$275.00	\$300.00
Institutional	Per 1,000 Sq. Ft.	\$225.00	\$250.00	\$275.00	\$300.00
Office Building	Per 1,000 Sq. Ft.	\$225.00	\$250.00	\$275.00	\$300.00
Retail	Per 1,000 Sq. Ft.	\$225.00	\$250.00	\$275.00	\$300.00
Assisted Living Facility	Per Bed	\$194.00	\$214.00	\$234.00	\$254.00

(d) The land uses set forth in the rate schedule above are further described in the Fire/Rescue Impact Fee Study and as follows.

(1) Industrial/Manufacturing – Generally includes Light Industrial, Heavy Industrial, Manufacturing, Mini-warehousing, and Industrial Parks.

(2) Hotel – A place of lodging that provides sleeping accommodation. Includes suites hotel, motel, resort hotels, etc.

(3) Recreational – Generally includes cultural organization facilities, camps, clubs, lodges, union halls, tourist attractions, and exhibits.

(4) Institutional – Generally includes schools, daycares, religious facilities, medical clinics, medical office buildings, and hospitals.

(5) Office Building – This land use consists of various types of office building.

(6) Retail – Generally includes all types of retail establishments such as shopping centers, stand-alone stores, grocery stores, department stores, auto repair shops, restaurants, and several others.

(7) Assisted Living Facility – Generally consists of assisted living facilities including: senior adult housing, congregate care facilities, retirement homes, nursing homes, and similar land uses.

(e) Except as otherwise provided in this Article, the Fire/Rescue Impact Fee shall be paid directly to the City prior to the issuance of a Building Permit.

**Section 3: Individual calculation of Fire/Rescue impact fees.**

(a) In the event a Fire/Rescue Impact Construction involves a land use not contemplated under the Fire/Rescue Impact Fee Land Use Categories set forth in Section 2 of this Division, the Impact Fee Coordinator shall determine the impact to be generated by the proposed Fire/Rescue Impact Construction and shall calculate the appropriate Fire/Rescue Impact Fees utilizing the methodology contained in the Fire/Rescue Impact Fee Study. The Impact Fee Coordinator shall utilize as a standard in this determination the impact assumed in the most similar Fire/Rescue Impact Fee Land Use Category or any other generally accepted standard source of planning and cost impact analysis.

(a) In the event a Fire/Rescue Impact Construction involves mixed use or more than one Fire/Rescue Impact Fee Land Use Category, the Impact Fee Coordinator shall calculate the Fire/Rescue Impact Fees based upon the impact to be generated by each separate Fire/Rescue Impact Fee Land Use Category included in the proposed Fire/Rescue Impact Construction.

**Section 4: Use of monies.**

(a) The Council hereby creates a separate trust account for the Fire/Rescue Impact Fees, to be designated as the "Fire/Rescue Impact Fee Capital Projects Fund," which shall be established and maintained separate and apart from all other accounts of the City. All Fire/Rescue Impact Fees shall be deposited into such trust account immediately upon receipt.

(b) The monies deposited into the Fire/Rescue Impact Fee Capital Projects Fund, as established in paragraph (a) above, are hereby earmarked and shall be used solely for the purpose of acquiring, constructing or improving growth-necessitated Capital Facilities for the City Fire Department, including, but not limited to:

(1) Land acquisition, including any cost of acquisition;

(2) Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;

(3) Design and construction documents;

(4) Site development and on-site and off-site improvements incidental to construction thereto;

(5) Any permitting or application fees necessary for the construction;

(6) Construction and design of new Fire Rescue Facilities, including related drainage facilities and relocation of utilities, and other related construction costs required to bring the facilities into service;

(7) Landscaping;

(8) Acquisition of apparatus, vehicles and equipment necessary to outfit the vehicles for their official use, or other capital equipment utilized by the City Fire Department;

(9) Repayment of monies borrowed from any budgetary fund of the City which were used to fund growth necessitated capital improvements to the Fire/Rescue Facilities as provided herein, subject to paragraph (c) below;

(10) Costs related to the administration, collection and implementation of the Fire/Rescue Impact Fee; and

(11) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide funds to construct or acquire growth necessitated capital improvements or additions to the Fire/Rescue Facilities as provided herein, subject to paragraph (c) below; and

(12) Any other expenditures of the Fire/Rescue Impact Fee as allowed by law.

(c) Revenues generated by the Fire/Rescue Impact Fee shall not be used, in whole or in part, to pay existing debt for the Fire/Rescue Facilities or for previously approved projects related to the Fire/Rescue Facilities unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by Fire/Rescue Impact Construction.

(d) The monies deposited into the Fire/Rescue Impact Fee Capital Projects Fund shall be used solely to provide improvements or additions to the Fire/Rescue Facilities required to serve new growth as projected in the Fire/Rescue Impact Fee Study. Funds on deposit in the Fire/Rescue Impact Fee Capital Projects Fund shall not be used for any expenditure that would be classified as a maintenance or repair expense. A report will be prepared annually by the City reflecting the collection and expenditures of Fire/Rescue Impact Fees by the City during the previous year.

(e) Any Fire/Rescue Impact Fee Funds on deposit which are not immediately necessary for expenditure may be held in an interest-bearing account or invested by the City. All income derived from such interest on investments shall be deposited in the Fire/Rescue Impact Fee Capital Projects Fund and used as provided herein.

## **DIVISION 2. PARKS AND RECREATION IMPACT FEE**

### **Section 1: Definitions.**

In addition to the general definitions contained in Article I of this Chapter, the following terms shall have the following meanings in the application of the Parks and Recreation Impact Fee.

"Parks and Recreation Facilities" shall mean the City park, recreation and open space facilities provided by the City for use and enjoyment by the public including but not limited to active parks, passive parks, water access sites, and associated recreational facilities and buildings.

"Parks and Recreation Impact Construction" shall mean land construction designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or Square Footage than the existing use of land, or to otherwise change the use of the land in a manner that increases the impact upon the Parks and Recreation Facilities.

"Parks and Recreation Impact Fee" shall mean the Parks and Recreation Impact Fee imposed by the City pursuant to Section 2 of this Division.

"Parks and Recreation Impact Fee Land Use Category" shall mean those categories of land use incorporated in the Parks and Recreation Impact Fee Rate Schedule in Section 2 of this Division.

"Parks and Recreation Impact Fee Study" shall mean the 2023 Municipal Impact Fee Study dated June 19, 2023, prepared by Raftelis Financial Consultants, Inc. as such study may be amended and supplemented.

### **Section 2: Imposition.**

(a) The data set forth in the Parks and Recreation Impact Fee Study which was employed in the calculation of the Parks and Recreation Impact Fee rates imposed herein is the most recent and localized data available for the Parks and Recreation Facilities.

(b) The Council specifically finds that the Parks and Recreation Facilities benefit all residents and residential properties within the City and, therefore, the Parks and Recreation Impact Fee shall be imposed on all Parks and Recreation Impact Construction in all incorporated areas of the City.

(c) All Parks and Recreation Impact Construction occurring within the City for which a completed Building Permit application is submitted shall pay the following Parks and Recreation Impact Fee rates:

## **PARKS AND RECREATION IMPACT FEE RATE SCHEDULE**

<u>Land Use Category</u>	<u>Impact Unit</u>	Completed Building Permit Application Submitted between 4/1/24 and 3/31/25	Completed Building Permit Application Submitted between 4/1/25 and 3/31/26	Completed Building Permit Application Submitted between 4/1/26 and 3/31/27	Completed Building Permit Application Submitted on or after 4/1/27
Single Family Residential	Per Dwelling Unit	\$1,632.75	\$1,740.50	\$1,848.25	\$1,956.00
Mobile Home	Per Dwelling Unit	\$1,263.00	\$1,578.74	\$1,736.61	\$1,894.48
Townhomes and Duplexes	Per Dwelling Unit	\$1,452.50	\$1,467.00	\$1,467.00	\$1,467.00
Multi-Family Residential	Per Dwelling Unit	\$1,408.50	\$1,467.00	\$1,467.00	\$1,467.00

(d) The land uses set forth in the rate schedule above are further described in the Parks and Recreation Impact Fee Study.

(e) Except as otherwise provided in this Article, the Parks and Recreation Impact Fee shall be paid directly to the City on the date of and as a condition precedent to issuance of a Building Permit.

### **Section 3: Individual calculation of Parks and Recreation Impact Fees.**

(a) In the event a Parks and Recreation Impact Construction involves a land use not contemplated under the Parks and Recreation Impact Fee Land Use Categories set forth in Section 2 of this Division, the Impact Fee Coordinator shall determine the impact to be generated by the proposed Parks and Recreation Impact Construction and shall calculate the appropriate Parks and Recreation Impact Fees utilizing the methodology contained in the Parks and Recreation Impact Fee Study. The Impact Fee Coordinator shall utilize as a standard in this determination the impact assumed in the most similar Parks and Recreation Impact Fee Land Use Category or any other generally accepted standard source of planning and cost impact analysis.

(b) In the event a Parks and Recreation Impact Construction involves mixed use or more than one Parks and Recreation Impact Fee Land Use Category, the Impact Fee Coordinator shall calculate the Parks and Recreation Impact Fees based upon the impact to be generated by each separate Parks and Recreation Impact Fee Land Use Category included in the proposed Parks and Recreation Impact Construction.

### **Section 4: Use of Monies.**

(a) The Council hereby creates a separate trust account for the Parks and Recreation Impact Fees, to be designated as the "Parks and Recreation Impact Fee Fund,"

which shall be established and maintained separate and apart from all other accounts of the City. All Parks and Recreation Impact Fees shall be deposited into such trust account immediately upon receipt.

(b) The monies deposited into the Parks and Recreation Impact Fee Fund, as established in paragraph (a) above, are hereby earmarked and shall be used solely for the purpose of acquiring, constructing or improving growth-necessitated Capital Facilities related to parks, recreation and open space, including, but not limited to:

- (1) Land acquisition, including any cost of acquisition;
- (2) Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
- (3) Design and construction documents;
- (4) Site development and on-site and off-site improvements incidental to construction thereto;
- (5) Any permitting or application fees necessary for the construction;
- (6) Construction and design of new Parks and Recreation Facilities, including related drainage facilities and relocation of utilities, and other related construction costs required to bring the facilities into service;
- (7) Landscaping;
- (8) Acquisition of apparatus, vehicles and equipment necessary to outfit the vehicles for their official use, or other capital equipment utilized by the City in providing Parks and Recreation Facilities;
- (9) Repayment of monies borrowed from any budgetary fund of the City which were used to fund growth necessitated capital improvements to the Parks and Recreation Facilities as provided herein, subject to paragraph (c) below;
- (10) Costs related to the administration, collection and implementation of the Parks and Recreation Impact Fee; and
- (11) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide funds to construct or acquire growth necessitated capital improvements or additions to the Parks and Recreation Facilities System as provided herein, subject to paragraph (c) below; and
- (12) Any other expenditures of the Parks and Recreation Impact Fee as allowed by law.

(c) Revenues generated by the Parks and Recreation Impact Fee shall not be used, in whole or in part, to pay existing debt for the Parks and Recreation Facilities or for

previously approved projects related to the Parks and Recreation Facilities unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by Parks and Recreation Impact Construction.

(d) The monies deposited into the Parks and Recreation Impact Fee Fund shall be used solely to provide improvements or additions to the Parks and Recreation Facilities required to serve new growth as projected in the Parks and Recreation Impact Fee Study. Funds on deposit in the Parks and Recreation Impact Fee Fund shall not be used for any expenditure that would be classified as a maintenance or repair expense. A report will be prepared annually by the City reflecting the collection and expenditures of Parks and Recreation Impact Fees by the City during the previous year.

(e) Any Parks and Recreation Impact Fee Funds on deposit which are not immediately necessary for expenditure may be held in an interest-bearing account or invested by the City. All income derived from such interest on investments shall be deposited in the Parks and Recreation Impact Fee Fund and used as provided herein.

### **DIVISION 3. POLICE IMPACT FEE**

#### **Section 1: Definitions.**

In addition to the general definitions contained in Section 2 of Article I, the following terms shall have the following meanings in the application of the Police Impact Fee.

"Police Facilities" shall mean the Buildings, land, vehicles, apparatus and equipment used by the City Police Department in the apprehension, prevention or investigation of criminal violations or illegal actions within the City.

"Police Impact Construction" shall mean land construction designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or Square Footage than the existing use of land, or to otherwise change the use of the land in a manner that increases the impact upon the Police Facilities.

"Police Impact Fee" shall mean the Police Impact Fee imposed by the City pursuant to Section 2 of this Division.

"Police Impact Fee Land Use Category" shall mean those categories of land use incorporated in the Police Impact Fee Rate Schedule in Section 2 of this Division.

"Police Impact Fee Study" shall mean the 2023 Municipal Impact Fee Study dated June 19, 2023, prepared by Raftelis Financial Consultants, Inc. as such study may be amended and supplemented.

## Section 2: Imposition.

(a) The data set forth in the Police Impact Fee Study which was employed in the calculation of the City Police Impact Fee rates adopted herein is the most recent and localized data available for the Police Facilities.

(b) The Council specifically finds that the Police Facilities benefits all residents and businesses within the City and, therefore, the Police Impact Fee shall be imposed on all Police Impact Construction in all incorporated areas of the City.

(c) All Police Impact Construction occurring within the City for which a completed Building Permit application is submitted shall pay the following Police Impact Fee rates:

### POLICE IMPACT FEE RATE SCHEDULE

<u>Land Use Category</u>	<u>Impact Unit</u>	Completed Building Permit Application Submitted between 4/1/24 and 3/31/25	Completed Building Permit Application Submitted between 4/1/25 and 3/31/26	Completed Building Permit Application Submitted between 4/1/26 and 3/31/27	Completed Building Permit Application Submitted on or after 4/1/27
Single Family Residential	Per Dwelling Unit	\$526.00	\$526.00	\$526.00	\$526.00
Multi-Family Residential	Per Dwelling Unit	\$393.00	\$393.00	\$393.00	\$393.00
Industrial/Warehousing	Per 1,000 Sq. Ft.	\$139.00	\$139.00	\$139.00	\$139.00
Hotel	Per Room	\$260.00	\$260.00	\$260.00	\$260.00
Recreational	Per 1,000 Sq. Ft.	\$395.00	\$395.00	\$395.00	\$395.00
Institutional	Per 1,000 Sq. Ft.	\$399.00	\$399.00	\$399.00	\$399.00
Office Building	Per 1,000 Sq. Ft.	\$317.00	\$317.00	\$317.00	\$317.00
Retail	Per 1,000 Sq. Ft.	\$727.00	\$727.00	\$727.00	\$727.00
Assisted Living Facility	Per Bed	\$241.00	\$241.00	\$241.00	\$241.00

(d) The land uses set forth in the rate schedule above are further described in the Police Impact Fee Study and as follows:

(1) Industrial/Manufacturing – Generally includes Light Industrial, Heavy Industrial, Manufacturing, Mini-warehousing, and Industrial Parks.

(2) Hotel – A place of lodging that provides sleeping accommodation. Includes suites hotel, motel, resort hotels, etc.

(3) Recreational – Generally includes cultural organization facilities, camps, clubs, lodges, union halls, tourist attractions, and exhibits.

(4) Institutional – Generally includes schools, daycares, religious facilities, medical clinics, medical office buildings, and hospitals.

(5) Office Building – This land use consists of various types of office building.

(6) Retail – Generally includes all types of retail establishments such as shopping centers, stand-alone stores, grocery stores, department stores, auto repair shops, restaurants, and several others.

(7) Assisted Living Facility – Generally consists of assisted living facilities including: senior adult housing, congregate care facilities, retirement homes, nursing homes, and similar land uses.

(e) Except as otherwise provided in this Article, the Police Impact Fee shall be paid directly to the City on the date of and as a condition precedent to issuance of a Building Permit.

### **Section 3: Individual calculation of police impact fees.**

(a) In the event a Police Impact Construction involves a land use not contemplated under the Police Impact Fee Land Use Categories set forth in Section 2 of this Division, the Impact Fee Coordinator shall determine the impact to be generated by the proposed Police Impact Construction and shall calculate the appropriate Police Impact Fees utilizing the methodology contained in the Impact Fee Study. The Impact Fee Coordinator shall utilize as a standard in this determination the impact assumed in the most similar Police Impact Fee Land Use Category or any other generally accepted standard source of planning and cost impact analysis.

(b) In the event a Police Impact Construction involves more than one Police Impact Fee Land Use Category, the Impact Fee Coordinator shall calculate the Police Impact Fees based upon the impact to be generated by each separate Police Impact Fee Land Use Category included in the proposed Police Impact Construction.

### **Section 4: Use of monies.**

(a) The Council hereby creates a separate trust account for the Police Impact Fees, to be designated as the "Police Impact Fee Capital Projects Fund," which shall be established and maintained separate and apart from all other accounts of the City. All Police Impact Fees shall be deposited into such trust account immediately upon receipt.

(b) The monies deposited into the Police Impact Fee Capital Projects Fund, as established in paragraph (a) above, are hereby earmarked and shall be used solely for the

purpose of acquiring, constructing or improving growth-necessitated Capital Facilities for the City Police Department, including, but not limited to:

- (1) Land acquisition, including any cost of acquisition;
- (2) Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
- (3) Design and construction documents;
- (4) Site development and on-site and off-site improvements incidental to construction thereto;
- (5) Any permitting or application fees necessary for the construction;
- (6) Construction and design of new Police Facilities, including related drainage facilities and relocation of utilities, and other related construction costs required to bring the facilities into service;
- (7) Landscaping;
- (8) Acquisition of apparatus, vehicles and equipment necessary to outfit the vehicles for their official use, or other capital equipment utilized by the City Police Department;
- (9) Repayment of monies borrowed from any budgetary fund of the City which were used to fund growth necessitated capital improvements to the Police Facilities as provided herein, subject to paragraph (c) below;
- (10) Costs related to the administration, collection and implementation of the Police Impact Fee; and
- (11) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide funds to construct or acquire growth necessitated capital improvements or additions to the Police Facilities as provided herein, subject to paragraph (c) below; and
- (12) Any other expenditures of the Police Impact Fee as allowed by law.

(c) Revenues generated by the Police Impact Fee shall not be used, in whole or in part, to pay existing debt for the Police Facilities or for previously approved projects related to the Police Facilities unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by Police Impact Construction.

(d) The monies deposited into the Police Impact Fee Capital Projects Fund shall be used solely to provide improvements or additions to the Police Facilities required to serve new growth as projected in the Police Impact Fee Study. Funds on deposit in the Police Impact Fee Capital Projects Fund shall not be used for any expenditure that would

be classified as a maintenance or repair expense. A report will be prepared annually by the City reflecting the collection and expenditures of Police Impact Fees by the City during the previous year.

(e) Any Police Impact Fee Funds on deposit which are not immediately necessary for expenditure may be held in an interest-bearing account or invested by the City. All income derived from such investments shall be deposited in the Police Impact Fee Capital Projects Fund and used as provided herein.

## **DIVISION 4. TRANSPORTATION IMPACT FEE**

### **Section 1: Definitions.**

In addition to the general definitions contained in Section 2 of Article I, the following terms shall have the following meanings in the application of the Transportation Impact Fee.

"Transportation Facilities" shall mean the Capital Facilities related to the City's transportation infrastructure which may include but are not limited to rights of way, roads, through lanes, turn lanes, bridges, traffic signals, curbs, medians and shoulders.

"Transportation Impact Construction" shall mean land construction designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or Square Footage than the existing use of land, or to otherwise change the use of the land in a manner that increases the impact upon the Transportation Facilities.

"Transportation Impact Fee" shall mean the Transportation Impact Fee imposed by the City pursuant to Section 2 of this Division.

"Transportation Impact Fee Land Use Category" shall mean those categories of land use incorporated in the Transportation Impact Fee Rate Schedule in Section 2 of this Article.

"Transportation Impact Fee Study" shall mean the Transportation Impact Fee Study Update dated June 2023, prepared by Raftelis Financial Consultants, Inc., as may amended and supplemented from time to time.

### **Section 2: Imposition.**

(a) The data set forth in the Transportation Impact Fee Study which was employed in the calculation of the Transportation Impact Fee rates imposed herein is the most recent and localized data available for the Capital Facilities related to the City's transportation infrastructure.

(b) The Council specifically finds that such Capital Facilities benefit all residents and businesses within the City and, therefore, the Transportation Impact Fee shall be imposed on all Transportation Impact Construction in all incorporated areas of the City.

(c) All Transportation Impact Construction occurring within the City for which a completed Building Permit application is submitted shall pay the following Transportation Impact Fee rates:

### **TRANSPORTATION IMPACT FEE RATE SCHEDULE**

<u>Land Use Category</u>	<u>Impact Unit</u>	Completed Building Permit Application Submitted between 4/1/24 and 3/31/25	Completed Building Permit Application Submitted between 4/1/25 and 3/31/26	Completed Building Permit Application Submitted between 4/1/26 and 3/31/27	Completed Building Permit Application Submitted on or after 4/1/27
General Light Industrial	Per 1,000 Sq. Ft.	\$401.63	\$446.25	\$490.88	\$535.50
Industrial Park	Per 1,000 Sq. Ft.	\$415	\$415	\$415	\$415
Manufacturing	Per 1,000 Sq. Ft.	\$406.13	\$451.25	\$496.38	\$541.50
Warehousing	Per 1,000 Sq. Ft.	\$211	\$211	\$211	\$211
Mini-Warehouse	Per 1,000 Sq. Ft.	\$158.00	\$165	\$172	\$179
Single-Family Detached Housing	Per Dwelling Unit	\$992.26	\$1,082.51	\$1,172.77	\$1,263
Multifamily Housing (Low-Rise)	Per Dwelling Unit	\$724.43	\$783.87	\$843.30	\$903
Multifamily Housing (Mid-Rise)	Per Dwelling Unit	\$608	\$608	\$608	\$608
Multifamily Housing (High-Rise)	Per Dwelling Unit	\$608	\$608	\$608	\$608
		\$392.63	\$436.25	\$479.88	\$523.50
Low-Rise Residential with Ground-Floor Commercial	Gross Floor Area (1-25K Sq. Ft.)	\$452	\$461	\$461	\$461
Mid-Rise Residential with Ground-Floor Commercial	Gross Floor Area (1-25K Sq. Ft.)	\$461	\$461	\$461	\$461
High-Rise Residential with Ground-Floor Commercial	Gross Floor Area (1-25K Sq. Ft.)	\$461	\$461	\$461	\$461
Mobile Home Park	Per Dwelling Unit	\$393	\$436	\$480	\$524
Hotel	Per Room	\$676.25	\$687.50	\$698.75	\$710
Motel	Per Room	\$344	\$344	\$344	\$344
Campground/Recreational Vehicle Park	Per Site	\$311.75	\$328.50	\$345.25	\$362
Marina	Per Berth	\$323	\$323	\$323	\$323
Movie Theater	Per Screen	\$4,693.50	\$5,215.00	\$5,736.50	\$6,258

Health/Fitness Club	Per 1,000 Sq. Ft.	\$4,344	\$4,344	\$4,344	\$4,344
Place of Worship	Per 1,000 Sq. Ft.	\$591.75	\$657.50	\$723.25	\$789
Day Care Center	Per 1,000 Sq. Ft.	\$2,074.50	\$2,305	\$2,535.50	\$2,766
Hospital	Per 1,000 Sq. Ft.	\$1,180.37	\$1,267.75	\$1,355.12	\$1,442.50
Nursing Home/Assisted Living Facility	Per Bed	\$113.63	\$126.25	\$138.88	\$151.50
Clinic	Per 1,000 Sq. Ft.	\$5,036	\$5,036	\$5,036	\$5,036
Animal Hospital/Veterinary Clinic	Per 1,000 Sq. Ft.	\$988.88	\$1,098.75	\$1,208.63	\$1,318.50
General Office Building > 10K Sq. Ft.)	Per 1,000 Sq. Ft.	\$1,502	\$1,502	\$1,502	\$1,502
Small Office Building (<10K Sq. Ft.)	Per 1,000 Sq. Ft.	\$1,987	\$1,987	\$1,987	\$1,987
Corporate Headquarters Bldg.	Per 1,000 Sq. Ft.	\$587.25	\$652.50	\$717.75	\$783
Medical-Dental Office Building	Per 1,000 Sq. Ft.	\$2,894.63	\$3,216.25	\$3,537.88	\$3,860
Office Park	Per 1,000 Sq. Ft.	\$1,513	\$1,529	\$1,529	\$1,529
Research Center	Per 1,000 Sq. Ft.	\$716.63	\$796.25	\$875.88	\$956
Business Park	Per 1,000 Sq. Ft.	\$1,530.50	\$1,662	\$1,662	\$1,662
Building Materials and Lumber Store	Per 1,000 Sq. Ft.	\$1,632	\$1,632	\$1,632	\$1,632
Hardware/Paint Store	Per 1,000 Sq. Ft.	\$772	\$772	\$772	\$772
Nursery (Garden Center)	Per 1,000 Sq. Ft.	\$6,517	\$6,517	\$6,517	\$6,517
Retail/Shopping Center (>150K Sq. Ft.)	Per 1,000 Sq. Ft.	\$2,380.66	\$2,544.32	\$2,707.98	\$2,872
Retail/Shopping Plaza (40-150K Sq. Ft.)	Per 1,000 Sq. Ft.	\$7,332	\$7,332	\$7,332	\$7,332
Retail/Strip Retail Plaza (<40K Sq. Ft.)	Per 1,000 Sq. Ft.	\$4,225	\$4,225	\$4,225	\$4,225
Automobile Sales (New)	Per 1,000 Sq. Ft.	\$2,227.54	\$2,421.08	\$2,614.62	\$2,808
Automobile Sales (Used)	Per 1,000 Sq. Ft.	\$2,207.87	\$2,381.74	\$2,555.62	\$2,729
Tire Superstore	Per 1,000 Sq. Ft.	\$1,099.13	\$1,221.25	\$1,343.38	\$1,466
Supermarket	Per 1,000 Sq. Ft.	\$2,421.00	\$2,690	\$2,959	\$3,228
Convenience Store (w/o gas station)	Per 1,000 Sq. Ft.	\$7,418.24	\$8,049.48	\$8,680.72	\$9,322
Home Improvement Superstore	Per 1,000 Sq. Ft.	\$1,433.25	\$1,592.50	\$1,751.75	\$1,911
Pharmacy/Drugstore without Drive-Through Window	Per 1,000 Sq. Ft.	\$3,774	\$3,774	\$3,774	\$3,774
Pharmacy/Drugstore with Drive-Through Window	Per 1,000 Sq. Ft.	\$1,568.25	\$1,742.50	\$1,916.75	\$2,091
Marijuana Dispensary	Per 1,000 Sq. Ft.	\$8,737	\$8,737	\$8,737	\$8,737
Furniture Store	Per 1,000 Sq. Ft.	\$280.13	\$311.25	\$342.38	\$374

Liquor Store	Per 1,000 Sq. Ft.	\$6,516	\$6,516	\$6,516	\$6,516
Walk-in Bank	Per 1,000 Sq. Ft.	\$3,416.63	\$3,796.25	\$4,175.88	\$4,555.50
Drive-in Bank	Per 1,000 Sq. Ft.	\$4,368	\$4,368	\$4,368	\$4,368
Fine Dining Restaurant	Per 1,000 Sq. Ft.	\$3,869.37	\$4,169.74	\$4,470.12	\$4,770
High-Turnover (Sit-Down) Restaurant	Per 1,000 Sq. Ft.	\$5,663.50	\$6,209	\$6,209	\$6,209
Fast-Food Restaurant without Drive-Through Window	Per 1,000 Sq. Ft.	\$10,863.81	\$11,788.63	\$12,713.44	\$13,638.25
Fast-Food Restaurant with Drive-Through Window	Per 1,000 Sq. Ft.	\$10,556	\$11,173	\$11,173	\$11,173
Fast-Food Restaurant with Drive-Through Window and No Indoor Seating	Per 1,000 Sq. Ft.	\$16,829	\$16,829	\$16,829	\$16,829
Coffee/Donut Shop without Drive-Through Window	Per 1,000 Sq. Ft.	\$3,245	\$3,245	\$3,245	\$3,245
Coffee/Donut Shop with Drive-Through Window	Per 1,000 Sq. Ft.	\$2,834	\$2,834	\$2,834	\$2,834
Coffee/Donut Shop with Drive-Through Window and No Indoor Seating	Per Lane	\$951	\$951	\$951	\$951
Quick Lubrication Vehicle Shop	Per Position	\$1,845	\$2,050	\$2,255	\$2,460
Gasoline/Service Station	Per Position	\$4,953	\$4,953	\$4,953	\$4,953
Convenience Store/Gas Station	Per Position	\$5,998.50	\$6,196	\$6,196	\$6,196
Self-Service Car Wash	Per Wash Stall	\$3,526	\$3,847	\$3,847	\$3,847
Automated Car Wash	Per 1,000 Sq. Ft.	\$12,487	\$12,487	\$12,487	\$12,487
Brewery Tap Room	Per 1,000 Sq. Ft.	\$4,787	\$4,787	\$4,787	\$4,787
Drinking Place	Per 1,000 Sq. Ft.	\$7,032.83	\$7,626.66	\$8,220.49	\$8,814

(d) Except as otherwise provided in this Article, the Transportation Impact Fee shall be paid directly to the City on the date of and as a condition precedent to issuance of a Building Permit.

### **Section 3. Individual calculation of transportation impact fees.**

(a) In the event a Transportation Impact Construction involves a land use not contemplated under the Transportation Impact Fee Land Use Categories set forth in Section 2 of this Division, the Impact Fee Coordinator shall determine the impact to be generated by the proposed Transportation Impact Construction and shall calculate the appropriate Transportation Impact Fees utilizing the methodology contained in the Transportation Impact Fee Study. The Impact Fee Coordinator shall utilize as a standard in this determination the impact assumed in the most similar Transportation Impact Fee

Land Use Category or any other generally accepted standard source of planning and cost impact analysis.

(b) In the event a Transportation Impact Construction involves mixed use or more than one Transportation Impact Fee Land Use Category, the Impact Fee Coordinator shall calculate the Transportation Impact Fees based upon the impact to be generated by each separate Transportation Impact Fee Land Use Category included in the proposed Transportation Impact Construction.

#### **Section 4: Use of monies.**

(a) The Council hereby creates a separate trust account for the Transportation Impact Fees, to be designated as the "Transportation Impact Fee Capital Projects Fund," which shall be established and maintained separate and apart from all other accounts of the City. All Transportation Impact Fees shall be deposited into such trust account immediately upon receipt.

(b) The monies deposited into the Transportation Impact Fee Fund as established in paragraph (a) above, are hereby earmarked and shall be used solely for the purpose of acquiring, constructing or improving growth-necessitated Capital Facilities for the City's transportation infrastructure, including, but not limited to:

(1) Land acquisition, including any cost of acquisition;

(2) Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;

(3) Design and construction documents;

(4) Site development and on-site and off-site improvements incidental to construction thereto;

(5) Any permitting or application fees necessary for the construction;

(6) Construction and design of new Transportation Facilities, including related drainage facilities and relocation of utilities, and other related construction costs required to bring the facilities into service;

(7) Landscaping;

(8) Acquisition of apparatus, vehicles and equipment necessary to outfit the vehicles for their official use, or other capital equipment utilized by the City in developing and providing transportation infrastructure;

(9) Repayment of monies borrowed from any budgetary fund of the City which were used to fund growth necessitated capital improvements to City transportation infrastructure as provided herein, subject to paragraph (c) below;

(10) Costs related to the administration, collection and implementation of the Transportation Rescue Impact Fee;

(11) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide funds to construct or acquire growth necessitated capital improvements or additions to City transportation infrastructure as provided herein, subject to paragraph (c) below;

(12) Construction of new sidewalks, bikeways, trails and similar facilities along existing or new City roads when part of a capital improvement project adding new capacity to such road; and

(13) Any other expenditures of the Transportation Impact Fee as allowed by law.

(c) Revenues generated by the Transportation Impact Fee shall not be used, in whole or in part, to pay existing debt for transportation infrastructure or for previously approved projects related to transportation infrastructure unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by Transportation Impact Construction.

(d) The monies deposited into the Transportation Impact Fee Fund shall be used solely to provide improvements or additions to City transportation infrastructure required to serve new growth as projected in the Transportation Impact Fee Study. Funds on deposit in the Transportation Impact Fee Fund shall not be used for any expenditure that would be classified as a maintenance or repair expense. A report will be prepared annually by the City reflecting the collection and expenditures of Transportation Impact Fees by the City during the previous year.

(e) Any funds on deposit in the Transportation Impact Fee Fund which are not immediately necessary for expenditure may be held in an interest-bearing account or invested by the City. All income derived from such interest on investments shall be deposited in the Transportation Impact Fee Fund and used as provided herein.

**ARTICLE III: RESERVED**

\* \* \*

**Section 2: Repeal of Ordinances in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Severability Clause.** If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 4: Inclusion in Code.** The provisions of this Ordinance shall be included and incorporated in the Land Development Code of the City of Port Orange, as an addition or amendment thereto, and the sections of this Ordinance and of Chapter 21 of the Land Development Code may be renumbered to conform to the uniform numbering system of the Code and the amendments adopted by this Ordinance.

**Section 5: Effective Date.** This Ordinance shall take effect immediately upon adoption.

---

MAYOR DONALD O. BURNETTE

ATTEST:

---

Roblin L. Fenwick, MMC,  
City Clerk

Passed on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2023.

Passed and adopted on second and final reading on the \_\_\_\_ day of \_\_\_\_\_, 2023.

Reviewed and Approved: \_\_\_\_\_

Matthew J. Jones,  
City Attorney