

**CITY OF ORLANDO
COUNCIL AGENDA ITEM**

12-01

Items Types:

Ordinances/2nd Read

District: ALL

Contract ID:

Exhibits: Yes

Grant Received by City?: No

For Meeting of:

September 9, 2024

From:

Document Number:

On File (City Clerk) : Yes

Draft Only: No

Subject:

Ordinance No. 2024-32 Amending Chapter 56, Part II, Parks Impact Fee of the City Code to Reflect the Results of the 2023-2024 Impact Fee Study Update (Families, Parks and Recreation)

Summary:

Ordinance No. 2024-32: In November 2022, the City contracted with Benesch Consulting and Kittelson & Associates, Inc. to prepare an updated Parks Impact Fee study. Chapter 56.43 of the City Code is required to be reviewed for compliance every four years, in accordance with the guidance and limitations of Florida State Statute Section 163.310801, which governs the collection and expenditure of impact fees. These fees are levied on new developments to fund a wide range of park capacity projects.

As a result of the study, City staff is proposing an amendment to Chapter 56, Part II, Parks Impact Fee of the Orlando City Code in order to accept the recommended study rate results while applying a 41% policy discount; implement a tiered rate structure based on the square footage of a single-family unit instead of a one-rate-fits-all approach; adjust the affordable housing exemption or reduction to meet the City's certification program based on "area median income" consistent with other impact fee programs; introduce new Parks Impact Fee rates for townhomes, senior housing, mobile homes, and hotel/motel land uses; and identify new and adjusted existing applicable Parks Impact Fee code definitions.

The proposed Parks Impact Fee changes will encourage affordable housing construction throughout the City, continue to provide a payment plan option to commercial development projects to assist in meeting their impact fee obligations, and generate revenue collections needed to fund park capacity projects. As the City's population grows, corresponding investments must be made in the City's Capital Improvement Program (CIP) in order to maintain the City's level-of-service standards for public park facilities. The proposed update to the City's Parks Impact Fee will help ensure this happens.

This ordinance was approved on its first reading at the August 12, 2024, Orlando City Council meeting.

Fiscal & Efficiency Data:

Fiscal impact statement is attached.

Recommended Action:

Adopting Ordinance No. 2024-32 and authorizing the Mayor and City Clerk to execute the same, after review and approval by the City Attorney's Office.

Agenda Item attachment(s) on file in the City Clerks Office.

Note: All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.

City Council Meeting: 09-09-2024

Item: 12-01 Documentary: 2409091201

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Approved By:

Department	Date and Time
Budget Outside Routing Approval	8/28/2024 4:04 PM
City Clerk	8/30/2024 10:54 AM

ATTACHMENTS:

Name:	Description:	Type:
2024-32 (REVISED) TIF Chapter 56 Part II - Parks Ordinance Language-FORMATTED-M Soss.pdf	Ordinance No. 2024-32 Amending Chapter 56 Part II (REVISED)	Backup Material
Fiscal Impact Statement - Impact Fee Update.docx	Fiscal Impact Statement	Backup Material
City of Orlando Parks IF Study FINAL REPORT 6-23-24.pdf	Impact Fee Study - Final Report	Backup Material
Comparative Parks Impact Fee Rates.JPG	Comparative Parks Impact Fee Rates	Backup Material
Comparative All Impact Fees Combined.JPG	Comparative All Impact Fees Combined	Backup Material

"Enhance the quality of life in the City by delivering public services in a knowledgeable, responsive and financially responsible manner."

ORDINANCE NO. 2024-32

AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA, AMENDING CHAPTER 56, CITY CODE, PARKS IMPACT FEE, BY AMENDING SECTION 56.31, PURPOSE, INTENT AND FINDINGS TO INCORPORATE AN UPDATED IMPACT FEE STUDY; BY AMENDING 56.32, DEFINITIONS; BY ADDING SECTION 56.32a RULES OF CONSTRUCTION; BY AMENDING 56.33, PARKS IMPACT FEE FUNDS ESTABLISHED; BY AMENDING SECTION 56.35, IMPACT FEES IMPOSED, RATE ESTABLISHED, AND TIME OF PAYMENT; BY AMENDING 56.36, PRESUMPTION OF MAXIMUM IMPACT; BY AMENDING 56.37, CREDITS; BY AMENDING 56.38, EXEMPTIONS, DISCOUNTS; BY AMENDING 56.40, APPLICATION OF RATES; BY AMENDING 56.41, USE OF FUNDS; BY AMENDING 56.42, RETURN OF FUNDS; BY AMENDING 56.43 PERIODIC REVIEW; BY PROVIDING SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES AND ACTIONS; CODIFICATION; CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, The Orlando City Council hereby finds and declares that amending the City's current regulations relating to Parks Impact Fees by incorporating an updated impact fee study, providing additional definitions, modifying certain exemptions, and adopting a revised impact fee rates, constitutes a public purpose by ensuring compliance with state law and facilitating the City's construction of park improvements to address the impacts of development; and

WHEREAS, the amended rates adopted under this Ordinance reflect a new Park Impact Fee rate that is 41% lower than the rates provided in the impact fee study, applied to all land uses, which discount shall be funded through other City resources; and

WHEREAS, the City of Orlando held two publicly-noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the statutory phase-in limitations; and

WHEREAS, the Orlando City Council finds and determines that extensive population growth of the city in terms of population and land area and the increase of property acquisition costs, construction costs, and equipment costs constitute extraordinary circumstances necessitating the need to exceed the statutory phase-in limitations as set forth in Chapter 163, Florida Statutes; and

WHEREAS, the Orlando City Council further finds and determines that amending Sections 56.31, 56.32, 56.32a, 56.33, 56.35, 56.36, 56.37, 56.38, 56.40, 56.41, 56.42 and 56.43, to Ch. 56, City

Code, will accomplish the above and inure to the benefit of the citizens of, and visitors to, the City of Orlando.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

SECTION 1. CHAPTER 56.31 AMENDED. Chapter 56.31, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 56.31. – Purpose, Intent, and Findings. The purpose and intent of this ordinance, and the legislative findings supporting this ordinance, are set forth in City Ordinance #2024-32 and are hereby incorporated into this part as if fully set forth herein.

SECTION 2. CHAPTER 56.32 AMENDED. Chapter 56.32, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 56.32. - Definitions.

- (a) *Applicant* means the person, firm, or corporation seeking a building permit for residential development.
- (b) **Accessory Dwelling Unit(s) (ADU's):** (Garage Apartment, Cottage, Mother-in-Law Suite, etc.) to be located on a single-family parcel or lot of record, shall be evaluated for a parks impact fee assessment based on the additional square footage being added with the ADU (conditioned space) to the existing single-family (conditioned space) square footage. If the new square footage total of the conditioned space does not exceed the next tiered single-family rate, there shall be no additional fee due.
- (c) **Affordable Housing:** Residential units priced so that households whose incomes are at or below 80% of the median household income for the Orlando Metropolitan Statistical Area (MSA) or Area Median Income (AMI) would not be required to pay more than 30% of their gross income on rent (utilities included) or mortgage payments (including taxes and insurance).
- (d) **Affordable Housing Project:** A development in which no less than 20% of all residential units meet the definition of Affordable Housing.
- (e) **Building** means any structure, whether temporary or permanent, built for the support, shelter or enclosure of persons, chattels, or property of any kind. This term shall include tents, trailers, mobile homes, or any vehicles serving in any way the function of a building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintenance during the term of a building permit.
- (f) **Building Permit:** Any building or construction permit required under the Orlando Building Code (Chapter 13 of the City Code).

(g) **Certificate of Occupancy**: means an official document or certificate issued by the City of Orlando under the authority of ordinance or law authorizing the occupancy for its intended use of a building, or any portion thereof.

(h) **City Park**: Shall include all parks owned and operated by the city, including active parks, passive parks, water access sites, and associated recreational facilities and buildings, but can include parks and recreational facilities that are owned by Orange County Public School System with long-term lease agreement or Memorandum of Understanding, that are operated by the City of Orlando Families, Parks and Recreation.

(i) **Director**: means the director of the City of Orlando Families, Parks and Recreation Department, or his or her designee.

(j) **Development Permit**: Includes any building permit, having the effect of permitting the construction or alteration of any building or structure or other vertical improvement on the land.

(k) **Dwelling, Two Family (or Duplex)**: A single structure on a single lot or building site containing two dwelling units, each of which is totally separated from the other by a wall or ceiling, unpierced for any purpose including access, communication, or utility connection. The minimum height of the wall between the two units shall be at least 8 feet, and the space on either side of this wall shall contain heated living space and/or a garage.

(l) **Housing, Low Income (Affordable): Owner or Tenant-occupied housing**: As defined by applicable governmental regulations and Certified by the Housing and Community Development Department of the City of Orlando.

(m) **Impact fee** means the fee imposed by section 56.35 of this code. The fee may also be referred to as the "parks impact fee," the "parks and recreation facilities impact fee," or some other similar iteration of these terms.

(n) **Lodging (Hotel, Motel or Resort) Unit** means an establishment consisting of a group of attached or detached lodging units having bathrooms and designed primarily for transient tourists. May furnish customary services such as restaurants, dining rooms, meeting rooms, bars and similar uses. This term includes timeshare facilities, condotels, and any short-term group rental housing.

~~(o) **Multifamily dwelling unit** means a Two Family Dwelling or a Multi Family Dwelling as defined in Chapter 66 of this code;~~ means any group of three or more dwelling units occupying a single building site, whether composed of one or more than one principal building. This term includes apartments, multiplexes, and condominiums. However, this term shall not include Townhomes. This term shall include the following types of multifamily dwelling units: Studio Apartment, One bedroom, and Two or more bedrooms, or as defined in Chapter 66 of this code.

(p) **Park improvement** means a physical asset, constructed or purchased, with an expected useful life of at least five years and that is reasonably necessary to provide a safe and adequate park in

which the public may recreate. Without limitation, the term includes recreation centers, pools, playgrounds, playground equipment, park land, lights, fences, restroom facilities, basketball courts, baseball and softball fields, stormwater and other utility improvements, tennis courts, soccer fields, amphitheaters, gardens, beaches, docks, trails, nature preserves, and open fields.

(q) ***Pocket Park:*** Is an outdoor public park that is 0.5 acres or smaller in size.

~~(p) Regional park Means Lake Eola Park, Bill Fredrick Park at Turkey Lake, or Loch Haven Park.~~

(r) ***Regional park:*** Is a park, recreation or facility amenities that draw users from the broader Orlando limits due to specialty uses (skate parks, ballfields, pump tracks, etc...) frequent large events intended to attract large crowds (festivals, sporting events, concerts, etc...) or other factors such as unique features and amenities. Such parks as Lake Eola Park, Bill Frederick Park at Turkey Lake, Loch Haven Park, Lake Lorna Doone Park, Trotters Park, Lake Fairview Park, Emory Hamilton Sports Complex, Blue Jacket Park, Orlando Festival/Skate Park, or Airport Lakes Park (See 56.41 Use of funds)

~~(q) Residential development means the construction of any single family or multifamily dwelling unit. For the purpose of this ordinance, "construction of any single family or multifamily dwelling unit" includes the relocation of any single family or multifamily dwelling unit.~~

(s) ***Residential development*** means the construction of any single family, duplex, tandem, townhome or multifamily dwelling unit. For the purpose of this ordinance, "construction of any single family, duplex, tandem, townhome or multifamily dwelling unit" includes the relocation of any single family, duplex, tandem, townhome or multifamily dwelling unit.

(t) ***Single family dwelling unit*** means a One Family Dwelling as defined in Chapter 66 of this code.

(u) ***Square Feet*** means the condition (heated/cooled) area measured in square feet within the interior walls or other boundaries of the building or structure.

(v) ***Substantial Permit Plan Submittal:*** A completed permit application form accompanied by a full set of signed and sealed plans by an authorized design professional. The plan set shall include any relative civil and site work plans as needed to issue a building permit.

(w) ***Trail Segment*** – A section of a trail, which is a route along a series of paths or roads.

(x) ***Townhome (or Townhouse) Dwelling Unit:*** A self-contained dwelling unit which is designed and constructed so that the unit and lot on which it is located may be individually owned. Townhome units are separated by fireproof and soundproof walls as to provide privacy. Typically, three or more units are attached by a common wall.

SECTION 3. CHAPTER 56.32a CREATED Chapter 56.32a, Code of the City of Orlando, Florida, is hereby created as follows:

Sec. 56.32a. – Rules of Construction.

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

142 (a) In case of any difference of meaning or implication between the text of this subdivision
143 and any caption, illustration, summary table, or illustrative table, the text shall control.

144 (b) The word "shall" is always mandatory and not discretionary; the word "may" is
145 permissive.

146 (c) Words used in the present tense shall include the future and words used in the singular
147 number shall include the plural and the plural the singular, unless the context clearly
148 indicates the contrary.

149 (d)The word "person" includes an individual, a corporation, a partnership, an incorporated
150 association, or any other similar entity.

151 (e)Unless the context clearly indicates the contrary, where a regulation involves two (2) or
152 more items, conditions, provisions, or events connected by the conjunction "and," "or," or
153 "either ... or," the conjunction shall be interpreted as follows:

154 1) *And* indicates that all the connected terms, conditions, provisions, or events shall
155 apply.

156 (2) *Or* indicates that the connected items, conditions, provisions, or events may apply
157 singly or in any combination.

158 (3) *Either ... or* indicates that the connected items, conditions, provisions, or events
159 shall apply singly but not in combination.

160
161 (f) The word "includes" shall not limit a term to the specific example but is intended to
162 extend its meaning to all other instances or circumstances of like kind or character.
163

164 **SECTION 4. CHAPTER 56.33 AMENDED.** Chapter 56.33, Code of the City of Orlando,
165 Florida, is hereby amended as follows:

- 166 (a) There is hereby established a separate parks impact fee fund for each of the three parks benefit
167 areas established by [section 56.34](#) of this ordinance. Impact fee revenues must be deposited into
168 the fund that corresponds with the location of the proposed **residential** development from which
169 the respective fees were derived.
- 170 (b) Funds withdrawn from the Parks impact fee fund may be use only in accordance with this
171 ordinance.
- 172

SECTION 5. CHAPTER 56.35 AMENDED. Chapter 56.35, Code of the City of Orlando,

Florida, is hereby amended as follows:

Sec. 56.35. Impact Fee Imposed, Rate Established, and Time of Payment.

- (a) Subject to the various terms, conditions, credits, exemptions, and other provisions of this ordinance, a parks impact fee is hereby imposed upon all new residential development in the City of Orlando, as follows:

~~For each single family dwelling unit \$966~~

~~For each multifamily dwelling unit \$825~~

Tiered Rate Program:

<u>Land Use Categories</u>	<u>Fee Basis</u>	<u>Rate (w/41% policy disc.)</u>
<u>Single Family – 1,200 SF or Less</u>	<u>Per Unit</u>	<u>\$1,633.00</u>
<u>Single Family – 1,201 SF to 2,000 SF</u>	<u>Per Unit</u>	<u>\$2,225.00</u>
<u>Single Family – 2,001 SF to 2,499 SF</u>	<u>Per Unit</u>	<u>\$2,665.00</u>
<u>Single Family – 2,500 SF to 2,999 SF</u>	<u>Per Unit</u>	<u>\$2,980.00</u>
<u>Single Family – 3,000 SF to 3,499 SF</u>	<u>Per Unit</u>	<u>\$3,267.00</u>
<u>Single Family – 3,500 SF or Greater</u>	<u>Per Unit</u>	<u>\$3,649.00</u>
<u>Townhome or Duplex Unit</u>	<u>Per Unit</u>	<u>\$2,624.00</u>
<u>Multi-Family (apartment) Unit</u>	<u>Per Unit</u>	<u>\$1,758.00</u>
<u>Senior Housing (55+ detached)</u>	<u>Per Unit</u>	<u>\$1,423.00</u>
<u>Senior Housing (55+ attached)</u>	<u>Per Unit</u>	<u>\$1,060.00</u>
<u>Mobile Home Unit</u>	<u>Per Unit</u>	<u>\$2,063.00</u>
<u>Hotel, Motel & Resort Unit</u>	<u>Per Room</u>	<u>\$1,262.00</u>

Square footage (SF) is calculated on conditioned (heated/cooled) space.

- (b) Except as permitted by subsection 56.35(c), the parks impact fee imposed by this ordinance on new residential development must be paid as a condition of the issuance of a building permit for the respective residential unit or units. For the purpose of this section, a "building permit" means a building permit issued pursuant to the Florida Building Code and includes building permits for the construction of building foundations ~~only~~ or Hotel/Motel & Resort land uses.

- (c) At the option of the applicant for a multi-family or Hotel/Motel & Resort land use development, the parks impact fee for commercial developments may be paid in two installments, with half of the impact fee being paid before the issuance of the respective building permit, and the remaining half being paid before the issuance of the respective development's certificate of occupancy (or functional equivalent). Where a residential development will be permitted by multiple certificates of occupancy, the second installment of

the parks impact fee must be paid before the first certificate of occupancy is issued for the development.

SECTION 6. CHAPTER 56.36 AMENDED. Chapter 56.36, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 56.36. - Presumption of Maximum Impact.

Proposed residential or Hotel/Motel & Resort land use development is presumed to have the maximum incremental impact on the city's park system as such impact is determined by the Parks Impact Fee Study.

SECTION 7. CHAPTER 56.37 AMENDED. Chapter 56.37, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 56.37. - Credits.

~~Credit against the parks impact fee is available as follows:~~

- ~~(a) Demolition, relocation, or cessation of use. Persons responsible for the demolition, relocation, or cessation of a residential use are entitled to credit against their subsequent parks impact fee liability, but the credit must be used within 10 years of issuance and a written request for the credit must be delivered to the director within three years of the demolition, relocation, or cessation of use. Credit shall be issued in writing by the director and must equal the then applicable impact fee rate times the number of demolished, relocated, or abandoned residential units. Credit may be transferred to successors in interest to the land where the demolition, relocation, or abandonment occurred, but may not be transferred for use on other property.~~

An applicant shall be entitled to a credit against the park impact fee charged pursuant to this section and must meet the criteria listed below. No credit shall exceed the amount of the park impact fee assessed under section 56.35.

- (a) Demolition, relocation, or cessation/vacated of use. Persons responsible for the demolition, relocation, or cessation of a residential unit are entitled to credit against their subsequent parks impact fee liability, but the credit must be used within 10 years of issuance of abandoned residential unit(s) or hotel/motel rooms. Credit may be transferred to successors in interest to the land where the demolition, relocation, or abandonment occurred, but may not be transferred for use on another property.

(b) Developer improvements. Applicants are entitled to credit against their parks impact fee liability in an amount equal to the value of park improvements contributed to the city, provided that:

1. The park improvement is consistent with the GMP; and
2. The park improvement was required by the city as a condition of approval of a land development order or permit; and

3. The proposed park improvement is reviewed and accepted by the director; and
4. For a contribution of land, the land is at least five acres in size or, if less than five acres, the land is for a specialty park such as a trail segment, pocket park, or a park adjacent to a body of water; and
5. The park improvement is made directly by the applicant; and
6. The city and the applicant enter into a parks impact fee credit agreement setting forth the terms and conditions of the credit, including without limitation, the valuation of the contributed park improvements, the assignability of credits, the timing of contributions, and the expiry of credits. Agreements entered into pursuant to this paragraph must be approved by the Orlando City Council before any park improvement is contributed to the city. The agreement may provide for execution by mortgagees, lienholders, or contract purchasers in addition to the applicant, and may permit any party to record the agreement in the official records of Orange County. The Orlando City Council may approve an agreement pursuant to this section only if finds that the agreement will fairly apportion the costs associated with providing new parks and recreation facilities consistent with Florida law relating to impact fees. Recognizing the extraordinary staff time involved with reviewing a proposed credit agreement, Council may, by resolution, establish an appropriate fee for the submission of credit proposals pursuant to this paragraph.

SECTION 8. CHAPTER 56.38 AMENDED. Chapter 56.38, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 56.38. – Exemptions, Discounts.

The following types of development are exempt from the payment of the impact fees imposed pursuant to this section:

- (a) Where a building permit is required for the rehabilitation, renovation, or redevelopment of an existing residential or hotel/motel development where no additional units are being created, the applicant shall not be liable for the parks impact fee for each existing residential dwelling unit or where the conditioned (heated/cooled) space does not exceed the current living square footage as stated on the official Orange County records. If the redevelopment or renovation shall resort in an increase in the conditioned (heated/cooled) space or additional units, an additional parks impact fee shall be assessed on the new conditioned space or additional new units. if any, developed as part of the rehabilitation, renovation, or redevelopment project. A residential unit is considered "existing" for purpose of this section if it was actually used for residential or hotel/motel purposes for at least six months within 10 years of the issuance of the building permit for the rehabilitation, renovation, or redevelopment. The applicant is responsible for providing competent substantial evidence of the actual residential or hotel/motel use of each unit. Such evidence may include, without limitation, utility records, building plans, leases, mail addressed to the dwelling unit or units, and sworn statements from past residents or owner.

i. This exemption only applies to the property owner at the time of rehabilitation, renovation, or redevelopment of an existing residential or hotel/motel development. Per Sec. 56.37.

(b) ~~Affordable housing. The impact fee shall be discounted for certified affordable housing, as defined by Chapter 67 of this Code, as follows:~~

- ~~1. By 100% if the affordable residential development is located wholly inside a Community Park service area (or areas) and a Neighborhood Park service area (or areas) that are operating at or above the city's respective adopted level of service. For purposes of this paragraph, the level of service shall be measured at the time that the first building permit is issued for the proposed residential development and the measurement must include the new residential units of the proposed affordable residential development.~~
- ~~2. By 50% if the affordable residential development is located within any part of a Community Park service area (or areas) or a Neighborhood Park service area (or areas) that are operating below the city's respective adopted level of service. For purposes of this paragraph, the level of service shall be measured at the time that the first building permit is issued for the proposed residential development and the measurement must include the new residential units of the proposed affordable residential development.~~

(b) Construction of a residential unit(s), owner-occupied or tenant- occupied, with a City-approved Affordable Housing Certification to the following extents:

1. One hundred percent (100%) exemption of the transportation impact fees assessed for certified Affordable Housing Units, if the certified Affordable Housing Units are dedicated to those earning at or below 80% AMI (Area Median Income)
2. Fifty percent (50%) exemption of the transportation impact fees assessed for certified Affordable Housing Units if the certified Affordable Housing Units are dedicated to those earning between 81% AMI to 120% AMI (Area Median Income.)
3. Proposed developments in areas that fall below established parks level of service standards may be subject to full impact fee assessment.
4. Modifications to approved certified housing projects that result in a reduction of certified units converted to market rate, shall be required to pay the rate in effect at such time.
5. Impact fees shall be applicable to certified housing units that reach the end of their certification period or transition to market rate units.

SECTION 9. CHAPTER 56.40 AMENDED. Chapter 56.40, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 56.40. – Application of Rates.

~~The impact fee imposed by section 56.35 of this ordinance applies only to residential development receiving a building permit on or after March 1, 2017, except that residential development having received a building permit for foundation work only is hereby made exempt from the impact fee even if a building permit for vertical work is issued on or after March 1, 2017.~~

The impact fee imposed by section 56.35 of this ordinance applies only to residential or Hotel/Motel & Resort land use development receiving a building permit on or after **December 8, 2024**, except that residential or Hotel/Motel & Resort land use development having received a building permit for foundation work only is hereby made exempt from the impact fee increase even if a building permit for vertical work is issued on or after **December 8, 2024**.

SECTION 10. CHAPTER 56.41 AMENDED. Chapter 56.41, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 56.41. – Use of Funds.

- (a) Impact fee funds may be used only for park or recreation amenities and facilities improvements. Park improvements do not include operating costs associated with parks and recreation facilities and does not include routine maintenance of parks and recreation facilities, but may include the enlargement or substantial renovation or improvement of a park or recreation facility if such enlargement or substantial renovation or improvement substantially improves the service capacity of the park or facility. Impact fee funds may be used for park, recreation or facility amenities that draw users from the broader Orlando limits due to specialty uses (skate parks, ballfields, pump tracks, etc.) frequent large events intended to attract large crowds (festivals, sporting event, concerts, etc.) or other factors such as unique features and amenities as well as costs associated with the planning, design, permitting, acquisition, purchase, expansion, or construction of park improvements.
- (b) Funds withdrawn from the three parks impact fee funds may be used only for park improvements within the parks benefit area that corresponds with the respective impact fee fund, except that park improvements to a regional park may be funded in part, or in whole, by impact fee funds derived from any one or more of the three parks impact fee funds without regard for the location of the regional park.
- (c) Parks impact fee funds are to be used only on properties the City of Orlando owns or has total long-term control over through a lease, agreement, or other instruments.
- (d) City of Orlando shall be entitled to retain an amount of \$150,000 or three percent (3%) whichever is greater, of the aggregate of annual, collected impact fees. The retained funds shall be utilized to off-set the actual administrative costs associated with the collection and use of said funds that year pursuant to this ordinance.

SECTION 11. CHAPTER 56.42 AMENDED. Chapter 56.42, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 56.42. Return of Funds.

Impact fees collected pursuant to this ordinance shall be returned to the then-present owner of a residential or hotel/motel or resort land use development if the respective impact fee funds have not been spent, revoked or encumbered within ~~five~~ ten years of being paid or if the respective residential or hotel/motel or resort land use development was abandoned after the fee was paid but before a certificate of occupancy was issued for the respective development, if:

(a) The then-present owner petitions the director for the refund within one year of the end of the ~~five-year~~ ten-year term (during which the impact fees were not spent or encumbered) or of abandonment of the development.

(b) The petition contains:

1. A notarized sworn statement that the petitioner is the current owner of the property; and
2. A copy of the dated receipt issued by the city for payment of the impact fee; and
3. A certified copy of the latest recorded deed for the applicable property; and
4. A copy of the most recent ad valorem tax bill for the applicable property.

The director shall render a written decision on the petition within 60 days of receiving the petition. For purposes of determining whether impact fees have been spent or encumbered, the first money place in an impact fee fund shall be deemed to be the first money withdrawn from that account when withdrawals have been made pursuant to section 56.42 of this ordinance. Funds returned to a petitioner shall be returned with the actual interest earned while deposited in the impact fee fund. The City shall not pay interest on any funds paid under protest and subsequently refunded, unless the city has earned interest on such funds.

SECTION 12. CHAPTER 56.43 AMENDED. Chapter 56.43, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 56.43. – Periodic Review.

The parks impact fee must be reviewed by the Orlando City Council at least every ~~five~~ four years. The review should consider changes to the inventory of parks and recreation facilities, the then-proposed parks capital improvements plan, service delivery, the unit costs of providing new parks and recreation facilities, population growth, trends in park and recreation facility use, and such other information useful to ensuring that the impact fee is fair and appropriate. The purpose of the review is to revise, if necessary, the parks impact fee charged to new development to ensure it will not exceed its pro rata share for the reasonably anticipated expansion costs of capital improvements for parks and recreation facilities necessitated by the new residential or Hotel/Motel & Resort land use development.

SECTION 13. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 14. CONFLICTS. If in conflict with the exhibits to this ordinance, the text of this ordinance controls. Previously adopted ordinances inconsistent with this ordinance are hereby superseded by this ordinance to the extent necessary to fully effectuate the purpose and intent of this ordinance.

SECTION 15. REPEAL. All ordinances or parts of ordinances previously adopted and in conflict with this ordinance are hereby repealed.

SECTION 16. CODIFICATION. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 17. SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 18. EFFECTIVE DATE. This ordinance takes effect ninety (90) days after final passage.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this 12 day of August, 2024.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 27 day of August, 2024.

413 **DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE**, by an
414 affirmative vote of two-thirds of the City Council of the City of Orlando, Florida, at a regular meeting,
415 this 9 day of September, 2024.

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BY THE MAYOR/MAYOR PRO TEMPORE OF
THE CITY OF ORLANDO, FLORIDA:



Mayor / ~~Mayor Pro Tempore~~

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ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

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City Clerk

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APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

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Assistant City Attorney