

ORDINANCE NO. 25-__

AN ORDINANCE TO AMEND ARTICLE XI OF CHAPTER 10 OF THE MARION COUNTY CODE TO ADD A NEW CATEGORY OF TRANSPORTATION IMPACT FEES: FAST-FOOD RESTAURANT WITH DRIVE-THRU; ADDING A NEW SUBSECTION 10-282(b) ADOPTING A MARION COUNTY TRANSPORTATION FEE UPDATE STUDY SUPPLEMENT DATED JUNE 6, 2025; AMENDING THE TRANSPORTATION IMPACT FEE SCHEDULE IN SECTION 10-327 TO INCLUDE THE NEW CATEGORY AND FEE AMOUNT; INCLUDING FINDINGS, AND ADMINISTRATIVE PROCEDURES.

WHEREAS, Marion County, Florida, imposes and collects Impact Fees for Transportation Facilities, as provided in Article XI of Chapter 10 of the Marion County Code of Ordinances; and

WHEREAS, Article XI of Chapter 10 of the Marion County Code of Ordinances was amended by the adoption of County Ordinance No. 2025-18 on May 23, 2025, which among other things, updated Marion County Code Section 10-327, the Transportation Impact Fee Schedule; and

WHEREAS, during the public hearing for the adoption of Ordinance No. 2025-18, the Board determined that Section 10-327 did not differentiate fast-food restaurants with drive-through service from traditional dine-in restaurants and that there is a need to adopt a new land use type in the Transportation Impact Fee Schedule for fast-food restaurants with drive-through service due to their significantly higher traffic generation rates than dine-in restaurants; and

WHEREAS, the Board then directed that the County obtain a current Technical Study from Benesch, the County's Impact Fee Consultant, to support transportation impact fee rates specific to fast-food restaurants with drive-through service; and

WHEREAS, Benesch has submitted to Marion County its **Transportation Impact Fee Update Study Supplement** dated **June 6, 2025** ("Update Supplement") that provides such support for transportation impact fee rates specific to fast-food restaurants with drive-through service, and implementation of the recommendations within that Update Supplement necessitates that the Marion County Board of County Commissioners ("Board") make certain amendments to Chapter 10, Article XI of the Marion County Code; and

WHEREAS, the Board hereby finds that the adoption of the recommendations of the Update Supplement, and the imposition of transportation impact fee rates specific to the new category of fast-food restaurant with drive-thru, is in the best interests of the health, safety, and welfare of the citizens of Marion County; and

WHEREAS, upon adoption of this Ordinance, notice of the transportation impact fee rates for the category of fast-food restaurant with drive-thru shall be provided in accordance with Section 10-284 of the Marion County Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA:

SECTION 1. RECITALS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. ADOPTION OF NEW PARAGRAPH 10-282(b) of the MARION COUNTY CODE. A new paragraph 10-282(b) of the Marion County Code is hereby created to read as follows:

Sec. 10-282. Adoption of Impact Fee Technical Studies.

...

(b) The Board hereby adopts and incorporates by reference the Technical Study entitled **“Marion County Transportation Impact Fee Update Study Supplement”** dated **June 6, 2025** and prepared by Benesch, including the assumptions, conclusions, supporting data sources, and findings therein, which Technical Study is on file with the office of the County Administrator and available for public inspection.

SECTION 3. Amendment of Section 10-321 of the MARION COUNTY CODE.

Section 10-321 of the Marion County Code, entitled Findings, is hereby amended to add a new finding (13), as follows:

Sec. 10-321. Findings.

It is hereby ascertained, determined and declared:

...

(13) The Technical Study entitled **“Marion County Transportation Impact Fee Update Study Supplement”** dated June 6, 2025 and prepared by Benesch, including the assumptions, conclusions, supporting data sources, and findings therein, was employed in the calculation of the transportation impact fee rates imposed here is the most recent and localized data available for the Major Road Network System and was not more than 4 years old at the time of the study, and sets forth a reasonable methodology and analysis for the determination of the impact of **new fast-food restaurants with drive-thru features** on the needs and costs of additional transportation Capital Improvements in Marion County. The transportation impact fees rates included herein were adopted within twelve (12) months of the initiation of the technical study.

SECTION 4. AMENDMENT OF SECTION 10-327 OF THE MARION COUNTY CODE FEE SCHEDULE. Section 10-327 of the Marion County Code, entitled

Transportation Impact Fee Schedule, paragraph (b) is hereby amended by the addition of in the fee schedule ITE LUC **category 934** for the land use category (LUC) of **Fast-Food Restaurant with Drive-Thru**, under the heading of **SERVICES** in such Fee Schedule, the rates of which category shall take effect in accordance with the publication of notice provisions Section 5 of this Ordinance, but in no event earlier than October 1, 2025, as follows:

Marion County

Calculated Transportation Impact Fee Rates

70% 80% 90% 100%

ITE	Land Use	Unit	Transportation Impact Fee	Oct. 1, 2025	Oct. 1, 2026	Oct. 1, 2027	Oct. 1, 2028
RESIDENTIAL:							
210	Single Family (Detached) - 1,500 sf or less	du	\$4,388	\$3,072	\$3,510	\$3,949	\$4,388
	Single Family (Detached) - 1,501 to 2,499 sf	du	\$5,318	\$3,723	\$4,254	\$4,786	\$5,318
	Single Family (Detached) - 2,500 sf and greater	du	\$5,855	\$4,099	\$4,684	\$5,270	\$5,855
215	Single Family (Attached)	du	\$4,606	\$3,224	\$3,685	\$4,145	\$4,606
220	Multi-Family Housing (Low-Rise, 1-3 floors)	du	\$3,590	\$2,513	\$2,872	\$3,231	\$3,590
221/222	Multi-Family Housing (Mid/High-Rise, 4+ floors)	du	\$2,412	\$1,688	\$1,930	\$2,171	\$2,412
240	Mobile Home Park	du	\$1,945	\$1,362	\$1,556	\$1,751	\$1,945
251	Senior Adult Housing - Detached	du	\$1,962	\$1,373	\$1,570	\$1,766	\$1,962
252	Senior Adult Housing - Attached	du	\$1,319	\$923	\$1,055	\$1,187	\$1,319
TRANSIENT, ASSISTED, GROUP:							
253	Congregate/Assisted Care Facility	du	\$520	\$364	\$416	\$468	\$520
310	Hotel	room	\$2,364	\$1,655	\$1,891	\$2,128	\$2,364
320	Motel	room	\$1,136	\$795	\$909	\$1,022	\$1,136
620	Nursing Home	bed	\$611	\$428	\$489	\$550	\$611
RECREATION:							
411	Public Park	acre	\$343	\$240	\$274	\$309	\$343
416	RV Park/Campground	site	\$680	\$476	\$544	\$612	\$680
420	Marina	berth	\$1,339	\$937	\$1,071	\$1,205	\$1,339
430	Golf Course	hole	\$16,971	\$11,880	\$13,577	\$15,274	\$16,971
445	Movie Theater	screen	\$19,609	\$13,726	\$15,687	\$17,648	\$19,609
492	Racquet Club/Health Spa	1,000 sf	\$15,512	\$10,858	\$12,410	\$13,961	\$15,512
495	Recreational Community Center	1,000 sf	\$12,405	\$8,684	\$9,924	\$11,165	\$12,405
INSTITUTIONS:							
520	Elementary School (Private)	student	\$678	\$475	\$542	\$610	\$678
522	Middle School (Private)	student	\$637	\$446	\$510	\$573	\$637
525	High School (Private)	student	\$657	\$460	\$526	\$591	\$657
540	University/Junior College (7,500 or more students)	student	\$1,125	\$788	\$900	\$1,013	\$1,125

	fewer students) (
550	University/Junior College (more than 7,500 students)	student	\$835	\$585	\$668	\$752	\$835
560	Church	1,000 sf	\$2,462	\$1,723	\$1,970	\$2,216	\$2,462
565	Day Care Center	1,000 sf	\$6,365	\$4,456	\$5,092	\$5,729	\$6,365
590	Library	1,000 sf	\$21,904	\$15,333	\$17,523	\$19,714	\$21,904
MEDICAL:							
610	Hospital	1,000 sf	\$5,213	\$3,649	\$4,170	\$4,692	\$5,213
640	Animal Hospital/Veterinary Clinic	1,000 sf	\$2,773	\$1,941	\$2,218	\$2,496	\$2,773
OFFICE:							
710	Office	1,000 sf	\$4,766	\$3,336	\$3,813	\$4,289	\$4,766
720	Medical Office/Clinic	1,000 sf	\$10,961	\$7,673	\$8,769	\$9,865	\$10,961
770	Business Park	1,000 sf	\$5,638	\$3,947	\$4,510	\$5,074	\$5,638
RETAIL:							
822	Retail 6,000 sfgla or less	1,000 sfgla	\$1,866	\$1,306	\$1,493	\$1,679	\$1,866
822	Retail 6,001 to 40,000 sfgla	1,000 sfgla	\$3,182	\$2,227	\$2,546	\$2,864	\$3,182
821	Retail 40,001 to 150,000 sfgla	1,000 sfgla	\$6,435	\$4,505	\$5,148	\$5,792	\$6,435
820	Retail greater than 150,000 sfgla	1,000 sfgla	\$6,944	\$4,861	\$5,555	\$6,250	\$6,944
840/ 841	New/Used Auto Sales	1,000 sf	\$8,247	\$5,773	\$6,598	\$7,422	\$8,247
850	Supermarket	1,000 sf	\$9,530	\$6,671	\$7,624	\$8,577	\$9,530
862	Home Improvement Superstore	1,000 sf	\$4,030	\$2,821	\$3,224	\$3,627	\$4,030
880/ 881	Pharmacy/Drug Store with or w/o Drive-Thru	1,000 sf	\$5,992	\$4,194	\$4,794	\$5,393	\$5,992
890	Furniture Store	1,000 sf	\$1,939	\$1,357	\$1,551	\$1,745	\$1,939
SERVICES:							
911	Bank/Savings Walk-In	1,000 sf	\$5,792	\$4,054	\$4,634	\$5,213	\$5,792
912	Bank/Savings Drive-In	1,000 sf	\$10,370	\$7,259	\$8,296	\$9,333	\$10,370
931	Restaurant	1,000 sf	\$18,790	\$13,153	\$15,032	\$16,911	\$18,790
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$49,319	\$34,523	\$39,455	\$44,387	\$49,319
n/a	Small Local Restaurant	1,000 sf	\$8,855	\$6,199	\$7,084	\$7,970	\$8,855
941	Quick Lube	service bay	\$9,497	\$6,648	\$7,598	\$8,547	\$9,497
942	Automobile Care Center	1,000 sf	\$6,694	\$4,686	\$5,355	\$6,025	\$6,694
944	Gas Station w/Convenience Store <2,000 sq ft	fuel pos.	\$6,480	\$4,536	\$5,184	\$5,832	\$6,480
945	Gas Station w/Convenience Store 2,000 to 5,499 sq	fuel pos.	\$9,947	\$6,963	\$7,958	\$8,952	\$9,947
	Gas Station w/Convenience Store 5,500+ sq ft	fuel pos.	\$13,012	\$9,108	\$10,410	\$11,711	\$13,012
947	Self-Service Car Wash	service bay	\$5,691	\$3,984	\$4,553	\$5,122	\$5,691
948	Automated Car Wash	car tunnel	*	*	*	*	*
INDUSTRIAL:							
110	General Light Industrial	1,000 sf	\$2,145	\$1,502	\$1,716	\$1,931	\$2,145
140	Manufacturing	1,000 sf	\$2,083	\$1,458	\$1,666	\$1,875	\$2,083
150	Warehousing	1,000 sf	\$755	\$529	\$604	\$680	\$755
151	Mini-Warehouse	1,000 sf	\$425	\$298	\$340	\$383	\$425

154	High-Cube Transload and Short-Term Warehouse	1,000 sf	\$621	\$435	\$497	\$559	\$621
n/a	Mine/Commercial Excavation	1,000 cy	\$2.86	\$2.00	\$2.29	\$2.57	\$2.86

* Rate to be established by a new County study and adopted by subsequent ordinance amendment.

SECTION 5. NOTICE OF IMPACT FEES. The impact fees and rates for Fast-Food Drive-Thru restaurants adopted by this ordinance shall take effect following ninety (90) days from the publication of notice thereof. The notice shall be published once in a newspaper of general circulation within the County, which notice shall include: (A) a brief and general description of the specific transportation impact fees; (B) a description of the geographic area in which the transportation impact fees will be collected; (C) the transportation impact fee rates to be imposed for the specific Impact Fee Land Use Category; and (D) that the published rates will go into effect for all building permit applications received for the specific Impact Fee Land Use Category on the date specified in the notice, which date shall not be sooner than ninety (90) days after the date of publication of the notice.

SECTION 6. MISCELLANEOUS.

- (a) If any clause, section, or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this Ordinance shall remain in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.
- (b) It is the intention of the Board, and it is ordained that the relevant provisions of this Ordinance may be re-numbered or re-lettered to accomplish such

intentions; and that the word "Ordinance" may be changed to "Article" or any other appropriate word in the Code of Ordinances.

(c) The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

(d) A copy of this Ordinance as enacted shall be filed by the Clerk of the Board by email with the office of the Secretary of the State of Florida within ten (10) days after enactment, and this Ordinance shall take effect upon receipt of official acknowledgment from the Secretary of State that this Ordinance has been filed with such office; provided that the impact fee rates shall take effect following the required publication of notice of such rates as provided herein.

DULY ADOPTED this ____ day of July, 2025 by a vote of ____ in favor and ____ opposed.

MARION COUNTY BOARD OF COUNTY COMMISSIONERS

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell
Clerk of the Circuit Court

APPROVED AS TO FORM:

Matthew "Guy" Minter
County Attorney