

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, REGARDING IMPACT FEES FOR TRANSPORTATION FACILITIES; FINDING EXTRAORDINARY CIRCUMSTANCES EXIST NECESSITATING AN INCREASE IN TRANSPORTATION IMPACT FEE RATES IN EXCESS OF THOSE PHASE-IN LIMITATIONS SET FORTH IN SECTION 163.31801, FLORIDA STATUTES; REDESIGNATING ARTICLE XI OF CHAPTER 10 OF THE MARION COUNTY CODE OF ORDINANCES AS "IMPACT FEES;" PROVIDING CERTAIN RECITALS; AMENDING ARTICLE XI OF CHAPTER 10 OF THE MARION COUNTY CODE REGARDING IMPACT FEES FOR TRANSPORTATION FACILITIES, INCLUDING SECTION 10-271 SHORT TITLE, AUTHORITY, AND APPLICABILITY, SECTION 10-272 INTENT AND PURPOSE, SECTION 10-273 DEFINITIONS, SECTION 10-275 WHO MUST PAY IMPACT FEES, SECTION 10-277 REBATE OF IMPACT FEES PAID, SECTION 10-278 INDEPENDENT IMPACT ANALYSIS, SECTION 10-279 LOCAL STUDIES; FIVE-YEAR UPDATE, SECTION 10-280 REVIEW HEARINGS BEFORE A HEARING OFFICER, SECTION 10-321 FINDINGS, SECTION 10-322 COMPUTATION OF AMOUNT OF FEES, SECTION 10-323 DEVELOPER CONTRIBUTION CREDITS, SECTION 10-325 USE OF FUNDS, SECTION 10-327 TRANSPORTATION IMPACT FEE SCHEDULE; REPEALING SECTION 10-282 OF THE MARION COUNTY CODE ON INDEXING; REPEALING SECTION 10-283 OF THE MARION COUNTY CODE ON ANNUAL INDEXING PROCEDURE; ADOPTING A NEW SECTION 10-282 OF THE MARION COUNTY CODE ON ADOPTION OF IMPACT FEE TECHNICAL STUDIES; ADOPTING A NEW SECTION 10-283 OF THE MARION COUNTY CODE ON ADMINISTRATIVE CHARGES; ADOPTING A NEW SECTION 10-286 OF THE MARION COUNTY CODE ON EXEMPTIONS; ADOPTING A NEW SECTION 10-287 OF THE MARION COUNTY CODE ON PENALTIES AND LIENS; ADOPTING A NEW SECTION 10-324 OF THE MARION COUNTY CODE ON DEFINITIONS APPLICABLE TO TRANSPORTATION IMPACT FEES; REPEALING SECTION 10-326 OF THE MARION COUNTY CODE ON MOBILE HOME IMPACT FEES; DIRECTING THE PROVISION OF NOTICE OF IMPACT FEE RATES; PROVIDING FOR SEVERABILITY, CODIFICATION, LIBERAL CONSTRUCTION, AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, pursuant to Section 10-279, the County recently completed a new technical study pertaining to the Transportation Impact Fees, and implementation of the recommendations within that study, along with recent updates to state law pertaining to impact fees, 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, in accordance with Section 163.31801(6), Florida Statutes, the Board has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances set forth in the demonstrated-need analysis, entitled “Marion County Transportation Impact Fee Supplement, Demonstration of Extraordinary Circumstances,” dated March 19, 2025, and prepared by Benesch; and

WHEREAS, based upon the findings and conclusions in the demonstrated-need analysis and after considering all information and comment provided at the publicly-noticed workshops, the Board hereby finds that the County has experienced extraordinary circumstances -- including rapid population growth, significant increases in building permits leading to growth in demand for Public Facilities capacity, significant increases in Capital Improvement and land costs, and projected revenue losses if the Transportation Impact Fees are not increased – that justify the need to exceed the statutory phase-in limitations set forth in Section 163.31801(6), Florida Statutes; and

WHEREAS, the Board hereby finds based on the extraordinary circumstances set forth in the demonstrated-need analysis that it is necessary and in the best interests of the health, safety, and welfare of the citizens of Marion County to impose the updated Transportation Impact Fee rates set forth herein; and

WHEREAS, upon adoption of this Ordinance, notice of the Transportation Impact Fee rates imposed herein 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. REDESIGNATING ARTICLE XI OF CHAPTER 10 OF THE MARION COUNTY CODE. Article XI of Chapter 10 of the Marion County Code is hereby redesignated from "Impact Fee for Transportation Facilities" to "Impact Fees."

SECTION 3. AMENDMENT OF SECTION 10-271 OF THE MARION COUNTY CODE. Section 10-271 of the Marion County Code, entitled Short Title, Authority and Applicability, is hereby amended as follows

Sec. 10-271. Short title, authority ~~and applicability.~~

(a) This article shall be known and may be cited as the "Marion County Impact Fee Ordinance ~~for Transportation Facilities.~~"

(b) The Board of County Commissioners of Marion County (~~hereafter the "board"~~) has the authority to adopt this article pursuant to Article VIII, Section 1 of the Florida Constitution and Chapters 125 and 163, Florida Statutes.

(c) ~~Chapter 336, Florida Statutes, invests the board with general superintendence and control of all county roads and structures within Marion County including all collector roads in the unincorporated areas of~~

~~Marion County and all extensions of such collector roads into and through any incorporated areas, all local roads in the unincorporated areas and all urban minor arterial roads not in the state highway system.~~

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 4. AMENDMENT OF SECTION 10-272 OF THE MARION COUNTY

CODE. Section 10-272 of the Marion County Code, entitled Intent and Purpose, is hereby amended as follows:

Sec. 10-272. Intent, and purpose, and findings.

(a) This article is intended to implement and be consistent with the Marion County Comprehensive Plan to assess new development a pro rata share of the costs required to finance Infrastructure and Capital Improvements to Public Facilities ~~transportation improvements~~ necessitated by new development.

(b) The purpose of this article is to ensure that new development bears a fair share of the cost of capital expenditures necessary to provide Public Facilities in the County as contemplated by the comprehensive plan. ~~require the impact generating land development activity within the county to provide for capital improvements and additions to the Major Road Network System system which are necessitated by impact generating land development activity through the payment of impact fees.~~

(c) This Article shall not be construed to permit the collection of Impact Fees from Impact Generating Land Development Activity in excess of the amount reasonably anticipated to offset the cost of the demand from the Impact Generating Land Development Activity.

(d) This Article is intended to be consistent with the principles for allocating a fair share of the cost of new Public Facilities to new users. This article is intended to require development to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development and for which the need is reasonably attributable to the proposed development.

(e) The State of Florida through the enactment of Sections 163.3203 and 163.31801, Florida Statutes, has found that Impact Fees are an important source of revenue for a local government to use in funding the Capital Improvements and Infrastructure necessitated by new growth and that Impact Fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction provided that any Impact

Fee adoption or amendment must meet certain minimum standards as set out in Section 163.31801, Florida Statutes.

(f) The implementation of Impact Fees for Public Facilities to assist the County in funding growth-necessitated improvements is in the best interests of the citizens of Marion County, Florida.

(g) The Administrative Charge authorized for the Impact Fees pursuant to Section 10-282 is equal to or less than the actual costs of administration and collection of the Impact Fees in accordance with Section 163.31801, Florida Statutes, or its statutory successor in function.

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 5. AMENDMENT OF SECTION 10-273 OF THE MARION COUNTY

CODE. Section 10-273 of the Marion County Code, entitled Definitions, is hereby amended as follows:

Sec. 10-273. General Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate security means cash, a cashiers check, a letter of credit, property, or any other thing of value reasonably acceptable to the county.

Accessory Building or Structure means a detached, subordinate Building, meeting all property development regulations, the use of which is clearly incidental and related to the use of the principal Building or use of Land and which is located on the same lot as the principal Building or use.

Administrative Charge means the fee imposed in Section 10-283 to offset the actual costs associated with the collection and administration of Impact Fees imposed pursuant to this Article. The Administrative Charge is in addition to the Impact Fees imposed for Impact Generating Land Development Activity.

Alternative Impact Fee means any alternative Impact Fee calculated by an applicant and approved by the Board pursuant to Section 10-278 hereof.

~~*Apartment* means a structure that includes more than one dwelling unit. For impact fee determining purposes, duplex, triplex and quadruplex shall be categorized as "Apartment Residential 1-2 stories (per dwelling unit)."~~

~~*Arterial road* means a road providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating~~

~~speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.~~

Board means the Marion County Board of County Commissioners.

Building means any structure, either temporary or permanent, designed or built for the support, enclosure shelter or protection of persons, chattels or property of any kind. This term shall include manufactured homes, 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 maintained during the term of a construction.

Building area means the area expressed in square feet (sf) included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts, but including all Floor Area. The area of a Building or portion of a Building without surrounding walls shall be the usable area under the horizontal projection of the roof or floor above. Building Area is the applicable unit of measurement for those Impact Fee Land Use Categories where the Impact Fee is determined based on square feet (sf).

Building permit means that development permit issued by the County or a city under the authority of law that is required before the construction or siting of a structure Building or portion thereof and, for purposes of this Article on Impact Fees, includes move-on permits, electrical permits, tie-down permits, or other development approvals for those structures or Buildings, such as a Mobile Home, that do not require a Building Permit to be constructed or occupied.

~~Capital improvement~~ means any project eligible for inclusion as a road project in the Major Road Network System system, including expenditures for transportation planning, right-of-way acquisition, engineering, and construction, and facility planning, land acquisition, site improvements, and necessary off-site improvements. The term does not include routine or periodic maintenance as those terms are defined in subsections 334.03(18) or (23), Florida Statutes (2015). This term also does not include routine resurfacing.

Certificate of Occupancy means the official document or certificate issued by the County or a city under the authority of law, authorizing the occupancy of any Building or parts thereof and, for purposes of this Article on Impact Fees, includes move-on permits, electrical permits, tie-down permits, or other development approvals for those structures or Buildings, such as a Mobile Home, that do not require a Certificate of Occupancy to be occupied.

~~Collector road~~ means a road providing service which is of average traffic volume, trip length, and operating speed. Such a road also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

County means Marion County, Florida.

County Administrator means the chief administrative officer of the County appointed by the Board or such person's designee.

Development order means ~~an order granting a comprehensive plan amendment changing the land use of property or~~ an order granting or granting with conditions an application for a development permit as defined in subsection 163.3164(156), Florida Statutes.

Developer contribution means a feepayer's ~~donation and conveyance of land, Capital Improvements, or Infrastructure as a contribution to the County's Public Facilities; right-of-way or drainage retention areas for, or contribution toward or construction of, off-site road improvements to the Major Road Network System.~~

Dwelling unit (du) means a Building, or a portion thereof, which is designed for residential occupancy, consisting of one or more rooms which are arranged, designed or used to provide complete independent living quarters for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation. The terms shall not include hotels, motels, time-shares, tourist or trailer camps allowing a rental of less than three months, or residential facilities which provide 24 hours a day medical care.

Encumbered means monies committed by contract or purchase order in a manner that obligates the county to expend the Encumbered amount upon delivery or completion of goods, services or real property provided by a vendor, supplier, contractor, or owner. For purposes of the Transportation Impact Fee, the execution of an agreement with the Florida Department of Transportation by the County for the construction of improvements or additions to a designated improvement to the state highway system, with or without reimbursement, shall be considered to have encumbered Transportation Impact Fees collected for that improvement or addition.

Existing land development activity means the most intense use of land since January 1, 1990. In the case of a building that has been vacant since January 1, 1990, the last documented use of the building shall be used. In the case of the Ocala Redevelopment Area, as defined by resolution 88-52 of the City of Ocala Council, the most intensive use of the land since 1965 shall be used. The board may, by resolution, adopt a different period of time for county and municipal community redevelopment areas.

Feepayer shall means a person who is commencing Land Development Activity covered by this article. A Feepayer may also be referred to as the applicant or developer.

Floor Area shall mean the sum of the gross floor area for each of a Building's stories, measured from the exterior faces of the structure.

Government Property means property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of

Florida or any agency or political subdivision thereof, a city, a special district, or a school district.

~~Generation of traffic shall mean the production or attraction of traffic.~~

Impact Fees means the fees imposed by the Board pursuant to this Article.

Impact Fee Land Use Category means those categories of land use incorporated in the impact fee rate schedules adopted in this Article XI, as identified by ITE LUC code.

~~Impact generating land development activity means land development activity designed or intended to permit a use of the land which will cause an increased the impact on the County's Public Facilities generation of vehicle-miles of travel for such land development activity.~~

Independent Impact Analysis means a study prepared by an applicant and submitted to the County Administrator pursuant to Section 10-278.

ITE LUC means the Impact Fee Land Use Category based on the publication Trip Generation Manual, 11th Edition, 2021, as supplemented, published by the Institute of Transportation Engineers, or the most recent edition thereof.

Land means the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

Land development activity means is any activity which requires the issuance of a Building Permit.

~~Major road network system means all principal and minor arterial roads, and major and minor collector roads within Marion County, including proposed arterial and collector roads of this type. The Major Road Network System shall also include new roads approved by the board by resolution and those proposed section line roads, required to be dedicated and/or constructed as part of new final development orders, which the county determines to meet collector or arterial road definition. The Major Road Network System shall also include arterial and collector roads shown on the Marion County Comprehensive Plan Future Traffic Circulation Functional Classification Map, or listed in the transportation planning organization's (TPO's) long range transportation plan (LRTP) or the county transportation improvement plan (TIP) or municipal capital improvement plans (CIP) or capital improvement elements.~~

A-Mobile home is means a structure transportable in one or more sections which is eight (8) feet or more in width and which is built upon an integral chassis and designed to be used as a dwelling unit when connected to the required utilities. This definition also includes manufactured homes.

A-Multifamily residence is means a building or portion thereof, used for residential purposes, and which contains two (2) or more separate dwelling units.

Nonresidential means Impact Generating Land Development Activity that is not Residential.

Owner means the person holding legal title to the real property.

~~*Off-site road improvement*~~ means a road improvement, which meets the definition of a capital improvement, located outside the boundaries of the parcel proposed for development, which is required in order to serve the development's external trips on the Major Road Network System. Off-site road improvements do not include access improvements.

Person means individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.

Public Facilities means major capital facilities for which the Board imposes an Impact Fee pursuant to this Article XI, Chapter 10 of the Marion County Code.

Residential means Impact Generating Land Development Activity consisting of Mobile Homes, Multifamily Residences, or Single Family Residences.

~~*Right-of-way*~~ means land in which the state, the department of transportation, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

~~*Road*~~ shall include highways, streets, sidewalks, bike lanes or paths, alleys, multi-modal facilities associated with road capacity only, and other ways open to travel by the public, including the roadbed, right-of-way, and all culverts, drains, sluices, ditches, water storage areas, drainage retention areas, waterways, embankments, slopes, retaining walls, and bridges necessary for the maintenance of travel.

~~*Road construction district*~~ shall have the meaning ascribed to it in section 10-325 of this article.

~~*Road necessary to provide direct access to the development*~~ shall mean road improvements and right-of-way dedications for any road or intersection improvement that is not part of the Major Road Network System system, and whose function at the time of its construction is primarily to allow access to the development.

A Single-family residence is means a detached dwelling unit used for single family residential purposes, and for the purposes of calculating the Impact Fee rate, includes Mobile Homes that are not within a mobile home park.

~~*Site-related road improvements*~~ are road improvements and right-of-way dedications which do not meet the same needs as the impact fee and which are (a) internal, on-site land or facilities required by local regulations, or (b) off-site improvements necessary to provide safe and adequate services to the development. Site-related improvements include, but are not limited to, the following: (1) site driveways and roads; (2) right and left turn lanes

~~leading to those driveways; (3) traffic control measures for those driveways; (4) frontage roads; and (5) road necessary to provide direct access to the development.~~

Site Plan means, for the purposes of this Article, a plan approved by the County or a city to ensure that development activities occur in compliance with all land development regulations and specifying the specific arrangement of Buildings and other improvements on site in relation to each other, existing site conditions, and information on the nature and intensity of land use.

Technical study means is the periodic methodological study prepared by a qualified consultant in order to determine the amount of impact fees imposed by this article, as adopted pursuant to section 10-282 hereof.

[underline indicates additions; strikethrough indicates deletions]

SECTION 6. AMENDMENT OF SECTION 10-275 OF THE MARION COUNTY

CODE. Section 10-275 of the Marion County Code, entitled Who Must Pay Impact Fees, is hereby amended as follows:

Sec. 10-275. Who must pay impact fees.

(a) Any person who, ~~after the effective date of this article,~~ shall commences any new impact generating land development activity, shall be required to pay the impact fees in the manner and amount set forth in this article.

(b) In the case of a change of use, redevelopment, or modification of an existing use which requires the issuance of a building permit, Site Plan approval, or a Certificate of Occupancy, the impact fee shall be based upon the net increase in the impact fee for the new use as compared to the existing use ~~land development activity~~. If a subsequent change in the nature of an existing use ~~land development activity~~, or a replacement of the existing use ~~land development activity~~ to be permitted generates additional traffic impact on the Public Facilities, then the new use ~~land development activity~~ shall pay impact fees only to the extent of the net increase in the impact of the use ~~land development activity~~. The amount of the impact fee that is due as a result of the change in land use shall be paid ~~prior~~ as a condition of ~~to~~ the issuance of a certificate of occupancy for construction or remodeling. If the change of land use does not require the issuance of a building permit, ~~or site plan approval,~~ or a Certificate of Occupancy, then there shall be no requirement to pay an impact fee. The planning division shall calculate the impact fee due to a change in use. Under no circumstances will a refund of the impact fee be granted for change of use. Where portable buildings utilized for education have paid an impact fee at one site and such buildings

are relocated to another site, no additional impact fees will be required for such relocation.

(c) Any land development activity, for which a complete application for a building permit has been submitted prior to the effective date of any impact fee increase, may pay impact fees for that land development activity at the rate in effect at the time a complete application for a building permit has been submitted, provided however, this provision shall apply only as long as such building permit remains valid.

(d) Notwithstanding any provision to the contrary, any modification to an existing use which does not exceed five hundred (500) square feet, and the addition of a room to a residential structure which does not create an additional dwelling unit, shall be deemed de minimis impacts and no impact fee shall be due for such modifications. Except for residential additions, which do not create an additional dwelling unit, de minimis impact modifications shall be limited to one per calendar year per parcel. The addition of a dwelling unit greater than (one thousand) 1,000 s.f.g.l.a. in size, to a parcel already occupied by a single-family residence, when not attached to such single-family residence by a habitable space, shall be considered as an additional dwelling unit subject to payment of a separate impact fee.

(e) ~~Reserved.~~ 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 or Certificate of Occupancy.

(f) Education facilities. The board hereby finds that providing incentives for the creation of private educational facilities reduces the burden on public educational facilities, benefits the community as a whole and constitutes a valid public purpose. The board further finds that private educational facilities may provide fiscal benefits to the county in excess of the cost of the project's impact to the county's Major Road Network System. The board further finds that by operation of state law public educational facilities are exempt from the payment of impact fees. Therefore, the board may, in its sole discretion, grant a partial or total rebate of all impact fees actually paid in cash on account of an impact generating land development activity when the original occupant of such development activity was a private educational facility from kindergarten through high school, upon letter application from the fee payer. To be considered for such rebate, an application for rebate must be filed with the county administrator within seven (7) years of the date of payment of such Transportation Impact Fees, and the improvements must still be in use as a private educational facility as of the date of the application. Payment of any rebates made to the applicant shall be made from the county's general fund.

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

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 7. AMENDMENT OF SECTION 10-277 OF THE MARION COUNTY

CODE. Section 10-277 of the Marion County Code, entitled Rebate of Fees Paid, is hereby amended as follows:

Sec. 10-277. Rebate of fees paid.

(a) Any funds not expended or Encumbered by the end of the calendar quarter immediately following seven (7) years from the date on which the impact fee was paid ~~may~~ shall be returned to the feepayer with interest at the rate earned in the impact fee ordinance trust fund, if any, in accordance with the procedures in this section.

(b) The Board may, by resolution, extend for up to three (3) years the date at which the funds may be rebated. Such an extension shall be made upon a finding that within the three-year period, eligible improvements are scheduled to be constructed that are reasonably attributable to the feepayer's land development activity and that the fees for which the time of rebate is extended shall be spent for those Capital Improvements or Infrastructure.

(c) For purposes of computation of time and expenditure of collected fees, the first fees collected shall be deemed the first fees Encumbered or expended ~~spent. For purposes of this section, funds shall be considered expended when contracts(s) have been awarded by the county committing the funds or when the funds have actually been spent, whichever is earlier.~~ Rebates shall be made only in accordance with the following procedures:

(1) To qualify for a rebate, the feepayer or his successor in interest must submit a petition for a rebate within one hundred eighty (180) days of the time identified in subsection (a) or (b) above, as applicable.

(2) The petition for rebate shall be submitted to the county administrator or his designee and shall contain:

- a. A notarized sworn statement that the petitioner is the then current owner of the property on behalf of which the impact fee was paid;
- b. A copy of the dated receipt issued for payment of such fee, or such other record as would indicate payment of such fee;
- c. A certified copy of the latest recorded deed; and
- d. A copy of the most recent ad valorem tax bill.

(3) The county administrator or his designee shall review the rebate application within thirty (30) days from the date of its receipt and determine whether an impact fee rebate is appropriate. If rebate is determined not to be appropriate, the applicant will be notified in writing.

(4) Any impact fee collected shall be rebated to the feepayer or his successor in interest if the fees have not been spent or encumbered prior to the time identified in subsection 10-277(a) or (b) above. ~~Impact fees collected shall be deemed to be spent or encumbered on the basis that the first fee collected shall be the first fee spent.~~

(5) Any application submitted after the one hundred eighty- (180-) day period provided in subsection 10-277(c) shall not be accepted and the applicant shall have no further right to a rebate of impact fees. The impact fee rebate shall be made to the applicant within sixty (60) days of such determination of appropriateness as indicated in subsection 10-277(c)(3).

[underline indicates additions; ~~striketrough~~ indicates deletions]

SECTION 8. AMENDMENT OF SECTION 10-278 OF THE MARION COUNTY

CODE. Section 10-278 of the Marion County Code, entitled Independent Impact Analysis, is hereby amended as follows:

Sec. 10-278. Independent impact analysis.

(a) At the option of the feepayer, the an Alternative Impact Fee may be computed by the use of an independent impact analysis. The person who prepares the independent impact analysis shall be approved by the county administrator or his designee on the basis of professional training and experience in the preparation of impact analyses. The feepayer shall be responsible for preparation of a complete independent impact analysis, which must be submitted to the County Administrator prior to the issuance of a Certificate of Occupancy for the subject Impact Generating Land Development Activity. Upon review and analysis, and the county administrator or his designee shall submit a recommendation to the board to accept, reject or modify that analysis and the proposed Alternative Impact Fee. The Board shall determine whether to accept, reject, or modify the Independent Impact Analysis and the Alternative Impact Fee ~~The decision of the board may be appealed to the circuit court within thirty (30) days of the decision.~~

(b) If the an Alternative Impact Fee is computed by an independent impact analysis, the analysis must be consistent with the following:

(1) The independent impact analysis shall be based on data, information, assumptions, and the methodology defined in the independent impact analysis guidelines provided in the Marion County Impact Fee Administrative Procedures Manual .The independent impact analysis shall study all demand component variables utilized in the formula and shall not be acceptable if less than all demand components are studied. The independent impact analysis shall utilize the cost and audit components set

forth in the most current applicable technical study referenced herein or the Independent Impact Analysis may utilize alternative data sources provided that (i) the alternative source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology consistent with the applicable Technical Study and (ii) the alternative source is based upon the most recent and localized data that is available within 4 years of the Independent Impact Analysis submission and adequate to support the conclusions contained in such study. For purposes of any Independent impact Analysis, the Impact Generating Land Development Activity shall be presumed to have the maximum impact on the Capital Facilities for the appropriate Impact Fee Land Use Category.

(2) If the independent impact analysis is prepared in connection with a contribution agreement ~~by which terms the fee will be paid at the time of discretionary action by the board~~, the statement shall be submitted by the county administrator or his designee to the board for its review and at the same time it considers the action to be taken contribution agreement.

(3) If the independent impact analysis covers a development located within a municipality, the county shall make a copy of the analysis available for municipal review and comment.

(c) A processing and review fee of five hundred dollars (\$500.00) shall be submitted with the independent impact analysis, which fee is equal to or less than the County's anticipated actual costs associated with the review and administration of an Independent Impact Analysis. County staff processing and reviewing the analysis shall keep records of the time and cost of such review and if the total cost of processing and review is less than five hundred dollars (\$500.00), a rebate of the difference shall be provided to the applicant.

(d) An Applicant who submits an Independent Impact Analysis for a proposed Alternative Impact Fee pursuant to this section and desires the issuance of a Certificate of Occupancy prior to the resolution of a pending Alternative Impact Fee shall pay the applicable Impact Fee at the time of said application for Certificate of Occupancy. Said payment shall be deemed "Under Protest" and shall not be construed as a waiver of any rights. Any difference in the amount of the Impact Fees after resolution of the pending Alternative Impact Fee shall be refunded or paid, as applicable.

[underline indicates additions; ~~strike through~~ indicates deletions]

SECTION 9. AMENDMENT OF SECTION 10-279 of the MARION COUNTY

CODE. Section 10-279 of the Marion County Code, Local Studies; Five-Year Updates, is hereby amended as follows:

Sec. 10-279. - ~~Local studies; five-year updates~~Review Requirement.

This Article and the Technical Study for each Impact Fee imposed herein shall be reviewed by the County approximately every five (5) years. The initial and each subsequent review shall consider but not be limited to all components of the applicable Technical Study. The purpose of this review is to demonstrate that the Impact Fees do not exceed reasonably anticipated costs associated with growth necessitated improvements to the Public Facilities. In the event the review of this Article and a Technical Study required by this section alters or changes the assumptions, conclusions and findings of the Technical Study then said study shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and the applicable Impact Fees shall be amended in accordance therewith. Once a Technical Study is initiated, if the Impact Fee rates are going to be increased, those increases must be adopted within twelve (12) months.

~~The county administrator or his designee shall periodically perform studies, as directed by the board, to determine whether the data utilized to establish the impact fees stated herein are consistent with local experience. At least every five (5) years, the county administrator shall inform the board regarding the progress of and results obtained in such studies, and may make recommendations regarding changes to the impact fees. The county administrator may recommend to the board the performance of studies within such five-year period consistent with local experience, as necessary.~~

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 10. AMENDMENT OF SECTION 10-280 OF THE MARION COUNTY

CODE. Section 10-280 of the Marion County Code, Review Hearings Before a Hearing Officer, is hereby amended as follows:

Sec. 10-280. - Review hearings before a hearing officer.

* * *

- (b) Such a hearing shall be limited to the review of the following:
- (1) The application or calculation of the appropriate impact fee pursuant to this Article section 10-322.
 - (2) The application or calculation of the appropriate rebate of impact fee pursuant to section 10-277.
 - (3) The refusal or valuation of developer impact fee credit for dedication of land or construction of improvements.
 - (4) The county's ~~administrator's~~ rejection of an independent impact analysis pursuant to Section 10-278.
 - (5) A claim that the new fee schedule constitutes an unlawful impairment of an existing construction or development contract.

* * *

(g) The application fee for appeals to the hearing officer shall be eight hundred dollars (\$800.00), which fee is equal to or less than the County's anticipated actual costs associated with the review and administration of such an appeal. ~~This fee and~~ shall be paid when the applicant files his request to a review hearing with the zoning director. If the total fees paid to the hearing officer for issuance of the hearing officer's final order on review is less than eight hundred dollars (\$800.00), the county will provide a rebate of the excess application fee to the applicant.

[underline indicates additions; ~~strikethrough~~ indicates deletions; *** indicates omitted text that was not amended]
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SECTION 11. REPEAL OF SECTION 10-282 THE MARION COUNTY CODE.

Section 10-282 of the Marion County Code, entitled Indexing, is hereby repealed in its entirety.

SECTION 12. REPEAL OF SECTION 10-283 OF THE MARION COUNTY CODE.

Section 10-283 of the Marion County Code, entitled Annual Indexing Procedure, is hereby repealed in its entirety.

SECTION 13. ADOPTION OF NEW SECTION 10-282 OF THE MARION COUNTY CODE. A new Section 10-282 of the Marion County Code, entitled Adoption of Impact Fee Technical Studies, is hereby created to read as follows:

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

(a) The Board hereby adopts and incorporates by reference the Technical Study entitled "Marion County Transportation Impact Fee Study," dated February 28, 2025 and prepared by Benesch, including the assumptions, conclusions, supporting data sources, and findings therein as to the determination of the anticipated costs of Capital Improvements and additions to the Major Road Network System required to accommodate growth, which Technical Study is on file with the office of the County Administrator and available for public inspection.

SECTION 14. ADOPTION OF NEW SECTION 10-283 OF THE MARION COUNTY CODE. A new Section 10-283 of the Marion County Code, entitled Administrative Charges, is hereby created to read as follows:

Sec. 10-282. Administrative Charges. In addition to the Impact Fees imposed in this Article, the County or city, whichever entity is collecting the Impact Fee, may charge an additional \$25 Administrative Charge for each Residential Impact Fee collected and an additional \$35 Administrative Charge for each Nonresidential Impact Fee collected to defray the costs of collecting and administering the Impact Fees, which charges are equal to or less than the actual costs of administration and collection.

SECTION 15. ADOPTION OF NEW SECTION 10-286 OF THE MARION COUNTY CODE. A new Section 10-286 of the Marion County Code, entitled Exemptions, is hereby created to read as follows:

Sec. 10-286. Exemptions.

(a) The following shall be exempted wholly or in part from payment of the transportation impact fee:

(1) Alterations or expansion of an existing Building where no additional units are created, the use is not changed, and where no additional impact on Public Facilities is caused by the alterations or expansions over and above that produced by the existing use.

(2) The construction of Accessory Buildings or Structures which will not produce additional impact on Public Facilities over and above that produced by the principal Building or use of the land.

(3) The replacement of an existing Mobile Home on the same Land, provided the applicant presents evidence to the County Administrator

that the existing Mobile Home was licensed by the State of Florida, located in Marion County and use as a residence since January 1, 1990. Evidence may include a mobile home certificate of payment, electric utility service statements, tax roll records or other such records that demonstrate that the existing Mobile Home was used as a residence. A statement from any individual verifying the residence is not acceptable.

(b) Any claim of exemption must be made no later than the time of application for a Certificate of Occupancy. Any claim not so made shall be deemed waived.

SECTION 16. ADOPTION OF NEW SECTION 10-287 OF THE MARION COUNTY CODE. A new Section 10-287 of the Marion County Code, entitled Penalties and Liens, is hereby created to read as follows:

Sec. 10-287. Penalties and Liens.

(a) A violation of this Article shall be prosecuted as provided in Section 125.69, Florida Statutes; however, in addition to or in lieu of any criminal prosecution, Marion County shall have the power to sue in civil court or to use the code enforcement process as provided by Chapter 162, Florida Statutes to enforce the provisions of this Article.

(b) Failure to pay an Impact Fee when required by the County to satisfy the impact of Impact Generating Land Development Activity shall result in the amount due becoming a lien against the property, as provided for herein. County shall provide a written notice of the Impact Fee due by personal service, certified, return receipt requested United States mail or other equivalent letter delivery company. Upon failure to pay the Impact Fee within thirty (30) days of the date of the notice, a notice of lien shall be served by personal service, certified, return receipt requested United States mail or other equivalent letter delivery company, advising the Owner that the County shall file a claim of lien against the property in question. Once recorded, the claim of lien may be foreclosed as provided for in Chapter 173, Florida Statutes, or any other applicable law. The lien for unpaid Impact Fees shall be coequal with a lien for state, county, special district and municipal taxes and is superior in dignity to subsequently filed liens.

SECTION 17. AMENDMENT OF SECTION 10-321 OF THE MARION COUNTY CODE. Section 10-321 of the Marion County Code, entitled Findings, is hereby amended as follows:

Sec. 10-321. Findings.

It is hereby ascertained, determined and declared:

- (1) Development necessitated by the growth contemplated in the Marion County Comprehensive Plan and the Technical Study for Transportation Impact Fees will require Capital Improvements and additions to the Major Road Network System to accommodate the new development generated by such growth and maintain the standards of service provided by the Major Road Network System. Both existing development and development necessitated by the growth contemplated in the comprehensive plan will require improvements and additions to the Major Road Network System to accommodate and maintain traffic at the level of service adopted by municipalities and the county.
- (2) Future growth, as represented by Impact Generating Land Development Activity, should contribute to the cost of Capital Improvements and additions to the Major Road Network System required to accommodate traffic generated by such growth as contemplated in the comprehensive plan.
- (3) The required Capital Improvements and additions to the Major Road Network System needed to accommodate existing traffic at the level of service adopted by municipalities and the county shall be financed by revenue sources of municipalities and the county other than transportation impact fees. The required Capital Improvements to the Major Road Network System needed to eliminate any deficiencies shall be financed by revenues other than Transportation Impact Fees.
- (4) Implementation of a the Transportation Impact Fees structure, to require future impact generating land development activity to contribute the cost of required transportation capital improvements and additions, is an integral and vital element of the regulatory plan of growth management incorporated in the comprehensive plan of the county.
- (5) There is a rational nexus between future growth, as measured by Impact Generating Land Development Activity, and the need to expand the Major Road Network System through the acquisition and construction of new Buildings, equipment, Right-of-Way, Land, transportation improvements, and other Capital Improvements in order to maintain the standards of service currently provided by the Major Road Network System. The Transportation Impact Fees adopted herein for each Impact Fee Land Use Category are proportional to impact expected to be generated by Impact Generating Land Development Activity.
- (56) The Board expressly finds that Capital Improvements and additions to the Major Road Network System provide a benefit to all Impact Generating Land Development Activity within the county in excess of the Transportation Impact Fee and the collection of Transportation Impact Fees is ~~the~~ a major source of funding for the county five (5) year transportation

improvement program. The Board has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the Capital Improvements to the Major Road Network System that are necessary to accommodate new Impact Generating Land Development Activity within the County.

(7) The purpose of this Article is to require payment of Transportation Impact Fees by those who engage in Impact Generating Land Development Activity to provide for the cost of Capital Improvements to the Major Road Network System that are required to accommodate such growth. This Article shall not be construed to permit the collection of Transportation Impact Fees in excess of the amount reasonably anticipated to offset the demand on the Major Road Network System generated by such applicable Impact Generating Land Development Activity.

(68) In recognition that transportation planning is an evolving process, it is the intent of the Board that needed Capital Improvements to the Major Road Network System be identified and evaluated periodically to ensure ~~insure~~ Transportation Impact Fee revenues are allocated to provide benefits to new development as required by law. By periodically reevaluating Transportation Impact Fees and planned road improvements, the County can ensure ~~insure~~ fees are imposed equitably and lawfully and are utilized effectively based upon actual and anticipated growth needs at the time of their imposition. Therefore, the cost of reviewing, updating, and adjusting this division is necessary to ensure ~~insure~~ that Transportation Impact Fees are imposed and administered in accordance with applicable law.

(79) The County has a responsibility to provide and maintain all roads in the County Road System in Marion County and cooperates with cities and the State of Florida in the provision of non-County Roads in the Major Road Network System, including Collector and Arterial Roads within the City Street System and the State Highway System. in both the unincorporated areas as well as the incorporated areas. New Impact Generating Land Development Activity occurring both within unincorporated and incorporated areas has impacts upon the Major Road Network System and county road system and state highway system within Marion County. placing a fair share of the burden of the cost of providing the Capital Improvements and additions to the Major Road Network System required by Impact Generating Land Development Activity within incorporated areas constitutes a county purpose. In recognition of these findings, it is the intent of the Board to impose the Transportation Impact Fee on all Impact Generating Land Development Activity occurring within the county, including areas within municipal boundaries.

(810) The technical study entitled "Marion County Transportation Impact Fee Update Study" dated June 15, 2015February 28, 2025, prepared by Tindale-Oliver and Associates-Benesch, sets forth a reasonable methodology and analysis for the determination of the impact of new

development on the needs for and costs of additional transportation Capital Improvements facilities in Marion County.

(11) The data set forth in the Technical 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 Major Road Network System and was not more than 4 years old at the time of the updated Technical Study. The increased Transportation Impact Fee rates included herein were adopted within twelve (12) months of the initiation of the Technical Study.

(12) The Transportation Impact Fees collected by the County pursuant to this Article may be used to pay existing debt related to the construction of Capital Improvements or for previously approved Capital Improvements. The Board legislatively finds and determines that these Capital Improvements funded by the Transportation Impact Fees are proportional and have a rational nexus to the impacts generated by new development that contributes Transportation Impact Fees towards the funding of these facilities and that there is available capacity to serve those properties from the debt funded infrastructure from previously approved projects.

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 18. AMENDMENT OF SECTION 10-322 OF THE MARION COUNTY

CODE. Section 10-322 of the Marion County Code, entitled Computation of Amount of Fees, is hereby amended as follows:

Sec. 10-322. Computation of amount of fees.

(a) All Impact Generating Land Development Activity within the County, including all municipal areas, shall pay the Transportation Impact Fees, as established in this division, as a condition of issuance of a Certificate of Occupancy.

(b) At the time a complete application for a building permit is submitted for the construction of an impact generating land development activity, the county will determine the amount of Transportation Impact Fees to be paid. The impact fee shall be in the amounts set forth in section 10-327 and payable pursuant to Section 10-276.

(c) If the Impact Generating Land Development Activity includes fractional units, the fee shall be computed to the appropriate fraction.

(d) If the Impact Generating Land Development Activity is requested for mixed uses, then the Transportation Impact Fee shall be determined through using the schedule adopted in Section 10-327 by apportioning the space committed to uses specified on the schedule.

(e) Pursuant to Section 10-275, in the case of a change of use, redevelopment or modification of an existing use which requires the issuance of a building permit, Site Plan approval, or certificate of occupancy, the impact fee shall be based on the net increase in the impact fee for the new use as compared to the existing ~~useland development~~ activity.

(ef) If the land development activity being commenced cannot be classified into an Impact Fee Land Use Category ~~development type~~ identified in section 10-327, ~~then the fee payer may, at his option, use:~~

(1) The County Administrator shall use the fee schedule for the most nearly comparable Impact Fee Land Use Category to determine the Transportation Impact Fee. The County Administrator shall be guided in the selection of a comparable type by Florida Department of Transportation (FDOT) and/or Institute of Transportation Engineers (ITE) traffic generation statistics. If the County Administrator determines that there is no comparable type of land use on the above fee schedule, then the County Administrator shall determine the fee by:

(a) Using traffic generation statistics contained in the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers or trip generation statistics supplied and certified by a registered state professional engineer;

(b) Using for average trip length the average trip length of all average trip lengths for the applicable land use type as set out in this article (i.e., residential, office and financial, industrial, recreational, institutional, retail) that were used in calculating the above fee schedule;

(c) Using as a percent new trips the average percent new trips for the applicable land use type (i.e., residential, office and financial, industrial, recreational, institutional, retail) that were used in calculating the above fee schedule; and

(d) Applying the formula set forth in applicable Technical Study to calculate the Transportation Impact Fee.

~~The current edition of the Institute of Transportation Engineers (ITE) manual entitled Trip Generation and the methodology used in the impact fee Study, to determine the trip generation component of the transportation impact fee.~~

(2) Or the feepayer may at his option determine the amount of Transportation Impact Fees by use of an independent impact analysis pursuant to section 10-278 of this article.

(dg) Any person undertaking an Impact Generating Land Development Activity ~~land development activity subject to impact fee payment~~ who is in doubt as to the type or amount of any Impact Fees due may request, in writing, a nonbinding statement of Impact Fees due for the Impact Generating Land Development Activity ~~land development activity~~ from the County Administrator or his designee, who shall expeditiously respond, in writing, to the request. The County Administrator may require sufficient drawings or plans related to the proposed development to ~~permit~~ as a basis for his written answer.

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 19. AMENDMENT OF SECTION 10-323 OF THE MARION COUNTY

CODE. Section 10-323 of the Marion County Code, entitled Developer Contribution Credits, is hereby amended as follows:

Sec. 10-323. Developer contributions/~~credits~~.

(a) A credit shall be granted against the transportation impact fee imposed in ~~this Article section 10-322~~ pursuant to a written impact fee credit agreement that has been approved by the board for certain conveyance of right-of-way, including any required water retention areas, or for the contribution toward or construction of off-site road improvements to the Major Road Network System required to be made pursuant to a development order by the county, a municipal development order that is the subject of a written impact fee credit agreement approved by the board for credit, or pursuant to an voluntary impact fee credit agreement made in connection with impact generating land development activity. Such conveyances or improvements shall be subject to the following standards:

(1) ~~The conveyance of right-of-way or other Land~~ shall be an integral part of the Major Road Network System; ~~which is~~ are scheduled for ~~right-of-way~~ acquisition in the five (5) year county transportation improvement plan (TIP) or any municipal five (5) year CIP. The board may, by super majority vote, allow impact fee credits for conveyance of right-of-way for projects anticipated for acquisition beyond the five (5) year county TIP or beyond the first five (5) years of any municipal CIP.

(2) The off-site road improvements to be constructed shall be an integral part of the Major Road Network System which are scheduled for construction in the five (5) year county TIP or any municipal CIP, and shall

exclude site-related road improvements. The board may, by super majority vote, allow for impact fee credits for construction of off-site road improvements for projects anticipated for construction beyond the five (5) year county TIP or beyond the first five (5) years of any municipal CIP.

(3) Conveyance of right-of-way and off-site road improvements on principal and minor arterial or major or minor collector roads identified in the TPO long range transportation plan may be approved for a credit agreement by a supermajority vote of the board.

(4) All conveyances of right-of-way or off-site road improvements, together with appurtenant right-of-way or easements required by the county, shall be conveyed to the county pursuant to ordinances, resolutions or regulations then in effect and in a form acceptable to the county attorney provided however, this requirement may be waived by the board where conveyance is to any municipality or the state.

(5) If the development order requires the developer to contribute land or a public facility Capital Improvement or construct, expand, or pay for land acquisition or construction or expansion of a public facility Capital Improvement, or portion thereof, which complies with the requirements of subsections 10-323(a)(1) through (3), and the developer is also subject to impact fees or exactions to meet the same needs, the developer shall receive a Transportation Impact Fee credit on a dollar-for-dollar basis at fair market value as of the date of conveyance pursuant to ~~may enter into an impact fee credit agreement with the county in conformance with subsection (f) that credits a development order exaction or fee toward an impact fee or exaction for the same need. For purposes of this section, the contribution or construction will meet the same needs if the improvement complies with the requirements of subsection 10-323(3).~~ The nongovernmental developer need not be required, by virtue of this credit, to competitively bid or negotiate any part of the construction or design of the facility Capital Improvement, unless otherwise required by the county, or unless the estimated cost of construction exceeds two million dollars (\$2,000,000.00), in which case the project shall be competitively bid unless waived by the board.

(6) Any credit granted for conveyance of right-of-way or other Land, or contribution or construction of other Capital Improvements shall be valued in accordance with subsection 10-323(ed).

(7) Any developer seeking a credit against impact fees for development within any municipality shall contact the county impact fee coordinator immediately and the county shall review all traffic studies and participate with the city during negotiation of the development order to be submitted to the board for approval.

(b) A feepayer who desires to contribute land or construct an off-site road improvement in lieu of payment, or in partial payment, of the Transportation Impact Fee shall, prior to issuance of a building permit, submit to the county administrator or his designee a proposed plan for the

contribution of the land or for the construction of the off-site road improvement to the Major Road Network System. The county administrator or his designee shall review the proposed plan to determine if it meets the requirements of section 10-323. If the amended proposed plan meets the requirements for credit, the county administrator or his designee shall submit the proposed plan to the board. If the proposed plan does not meet the requirements for credit, the county administrator or his designee shall notify the applicant in writing. Upon such notice, the applicant may amend the application to meet the requirements for credit and, if applicable, may request the board to add all or a portion of the proposed off-site road improvements to the county transportation improvement plan during its yearly update. ~~If the amended proposed plan meets the requirements for credit, the county administrator or his designee shall resubmit the proposed plan to the board. In the case of a credit requiring a supermajority vote, the county administrator or his designee shall also submit the proposed plan to the board.~~ The proposed plan of construction, dedication or contribution shall include:

(1) A designation and legal description of the impact generating land development activity for which the plan is being submitted;

(2) A list of the contemplated off-site road improvements ~~Land or Capital Improvements to be donated;~~

(3) A legal description and a written appraisal prepared in conformity with subsection 10-323(ed)(1) of this section of any land proposed to be dedicated or conveyed;

(4) An estimate of proposed construction costs certified by a registered professional engineer; and

(5) A proposed time schedule for completion of the proposed plan of construction, dedication or conveyance.

* * *

(d) The amount of developer credit to shall be applied to reduce the transportation impact fee on a dollar-for-dollar basis at fair market value and shall be determined according to the following standards of valuation:

(1) The value of contributed land shall be based upon a written appraisal of fair market value by a qualified and professional appraiser acceptable to the county and based on an appraisal of the fair market value of the property to be contributed, as of the date of the contribution. However, the county may require submission of an additional appraisal by an appraiser selected by the county, at the expense of the applicant, if the appraisal submitted by the applicant is in excess of the value derived on the basis of the current county property appraiser's assessment multiplied by a factor of 1.50.

(2) The actual cost of construction of off-site road improvements to the Major Road Network System shall be based upon costs certified by

a professional engineer. However, in no event shall any credit be granted for the construction of off-site road improvements in excess of the estimated costs approved by the county unless the construction project is competitively bid, in which case the credit shall be the actual cost or one hundred twenty (120) percent of the bid amounts whichever is less.

* * *

(f) Upon approval for the contribution of land or construction of off-site road improvements, an impact fee credit agreement shall be entered into between the county and the owner. A nonrefundable processing, review and audit fee of two thousand five hundred dollars (\$2,500.00), which fee is equal to or less than the County's anticipated actual costs associated with the processing, review, and audit of the developer contribution credit, shall be due once the plan has been approved and prior to the preparation of an impact fee credit agreement by the county attorney. The agreement shall include, but not be limited to:

* * *

(4) The duration of the agreement shall be for a period of five (5) years ~~unless the applicant requests a longer period in which the board may approve a period of up to twenty (20) years.~~ If requested prior to expiration, an extension can be requested for an additional five (5) years. All credits available under an impact fee credit agreements shall be transferable within the applicable Road Construction District or to a development within an adjoining road construction district if the construction or contributions that generated the credit will provide direct benefit to the assignee development. In no event shall the duration exceed ~~twenty (20)~~ ten (10) years, exclusive of any moratoria, from the date of recording in the official records.

* * *

(10) A requirement that the credit for the ~~road~~ Transportation impact fees identified in the agreement shall run with the land for which the transportation impact fee is being assessed and shall be reduced ~~by the entire amount of the transportation impact fee due~~ for each building permit issued thereon until the development project is either completed or the credits are exhausted or no longer available.

* * *

(h) Any road right-of-way or Land ~~required~~ to be dedicated to the county ~~as a condition of development approval~~ shall be dedicated no later than the time at which impact fees are required to be paid under this section. The portion of the fee represented by a credit for construction shall be deemed paid when the construction is completed and accepted by the county for maintenance or when adequate security for the completion of the construction has been provided.

(i) Any developer contribution credit granted from the transportation impact fee shall only be for construction or contributions made to the Major

Road Network System to accommodate growth within the respective road construction district where the impact generating land development activity is located. Credits granted under this section shall run with the land and may be assigned to other developments, regardless of ownership, within the same road construction district or to a development within an adjoining road construction district if the construction or contributions that generated the credit will provide direct benefit to the assignee development.

(j) If the Transportation Impact Fee rates are increased after a credit is granted under this section, the credit holder shall be entitled to the full benefit of the intensity or density prepaid by the credit amount as of the date the credit was established.

[underline indicates additions; ~~strikethrough~~ indicates deletions; *** indicates omitted text that was not amended]

SECTION 20. ADOPTION OF NEW SECTION 10-324 OF THE MARION COUNTY CODE. A new Section 10-324 of the Marion County Code, entitled Definitions Applicable to Transportation Impact Fees, is hereby created to read as follows:

Sec. 10-324. Definitions Applicable to Transportation Impact Fees.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Arterial Road means a Road providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every State of Florida and United States numbered highway is an Arterial Road.

Capital Improvement means a fixed capital expenditure or fixed capital outlay providing additional capacity to the Major Road Network System, excluding the cost of repairs or maintenance, associated with the construction, reconstruction, or improvements to the Major Road Network System that have a life expectancy of at least five years; related Land acquisition, Land improvement, design, engineering, and permitting costs; and other related construction costs required to bring the Public Facility into service. The term "capital improvement" is intended to be consistent with the term "infrastructure" in Section 163.31801, Florida Statutes.

Collector Road means a Road providing service which is of average traffic volume, trip length, and operating speed. Such a road also collects and distributes traffic between local roads or Arterial Roads and serves as a linkage between land access and mobility needs.

Major Road Network System means all principal and minor Arterial Roads and major and minor Collector Roads within Marion County, including Roads within the state highway system as defined in Section 334.03(24), Florida Statutes, and proposed Arterial and Collector Roads, but excluding the city street system as defined in Section 334.03(3), Florida Statutes, local roads as defined in Section 334.03(14), Florida Statutes, interstate highways, and toll facilities. The Major Road Network System shall also include new Roads approved by the Board by resolution and those proposed section line Roads, required to be dedicated and/or constructed as part of new final development orders, which the County determines to meet Collector Road or Arterial Road definitions. The Major Road Network System shall also include Arterial Roads and Collector Roads shown on the Marion County Comprehensive Plan Future Traffic Circulation Functional Classification Map, or listed in the transportation planning organization's (TPO's) long range transportation plan (LRTP) or the county transportation improvement plan (TIP) or municipal capital improvement plans (CIP) or capital improvement elements.

Off-site Road Improvement means a Road improvement, which meets the definition of a Capital Improvement, located outside the boundaries of the parcel proposed for development, which is required to serve the development's external trips on the Major Road Network System. Off-site road improvements do not include Site-related Road Improvements.

Right-of-Way means land in which the state, the department of transportation, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

Road shall include highways, streets, sidewalks, bike lanes or paths, alleys, multi-modal facilities associated with road capacity only, and other ways open to travel by the public, including the roadbed, right-of-way, and all culverts, drains, sluices, ditches, water storage areas, drainage retention areas, waterways, embankments, slopes, retaining walls, and bridges necessary for the maintenance of travel.

Road Construction District shall have the meaning ascribed to it in Section 10-325 of this Article.

Site-related Road Improvements are road improvements and right-of-way dedications which do not qualify as Capital Improvements, as defined herein, and which are internal, on-site land or facilities required by local regulations. Site-related improvements include, but are not limited to, the following: (1) site driveways and roads; (2) right and left turn lanes leading to those driveways; (3) traffic control measures for those driveways; (4) frontage roads; and (5) road necessary to provide direct access to the development.

Transportation Impact Fee means the fees imposed pursuant to this Article to fund growth-necessitated Capital Improvements to the Major Road Network System.

SECTION 21. AMENDMENT OF SECTION 10-325 OF THE MARION COUNTY

CODE. Section 10-325 of the Marion County Code, entitled Use of Funds, is hereby amended as follows:

Sec. 10-325. Use of funds.

(a) All Transportation Impact Fee funds collected under this division ~~are expressly designated for the accommodation of impacts reasonably attributable to the proposed development, and shall be used solely for the purpose of to provide growth-necessitated Capital Improvements for roads on to the County's Major Road Network System. , and not for maintenance or operations.~~ Funds on deposit in the respective Transportation Impact Fee trust accounts shall not be used for any expenditure that would be classified as a maintenance or repair expense, nor shall they be used on local roads or on interstate highways. Transportation Impact Fees may be used for the following purposes, including, but not limited to:

- (1) Design and construction plan preparation;
- (2) Permitting;
- (3) Right-of-way and other Lands acquisition, including costs of acquisition or condemnation;
- (4) Construction of new through lanes;
- (5) Construction of new turn lanes;
- (6) Construction of new bridges;
- (7) Construction of new drainage facilities in conjunction with new roadway construction;
- (8) Purchase and installation of new traffic signalization;
- (9) Construction of new curbs, medians and shoulders;
- (10) Construction management and inspection;
- (11) Surveying and soils and material testing;
- (12) Fees for professional services, including, but not limited to, architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, construction managements, and consultant fees to study and update this division and to provide specific trip characteristic studies;
- (13) Environmental mitigation costs;
- (14) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the county to provide funds to construct or acquire Capital ~~off-site roadway~~

Improvements on to the Major Road Network System if allowable in accordance with Section 163.31801(4)(i), Florida Statutes. Funds on deposit in the respective Transportation Impact Fee trust accounts shall not be used for any expenditure that would be classified as a maintenance or repair expense, nor shall they be used on local roads or on interstate highways;

(15) Intelligent transportation system costs that increase roadway capacity or optimize the use of roadway capacity or optimize the use of road capacity including but not limited to, new traffic signals, computerized signalization systems, computerized traffic monitoring systems and computerized changeable message systems;

(16) Construction of sidewalks, multi-use trails, bicycle lanes that are linearly adjacent to a capital roadway improvement

(17) Construction of mass transit enhancements (e.g., transit shelters, bus turnouts or bus bulbs);

(17) Site development and on-site and off-site improvements incidental to construction of Capital Improvements;

(18) Relocating utilities required by construction of Capital Improvements; and

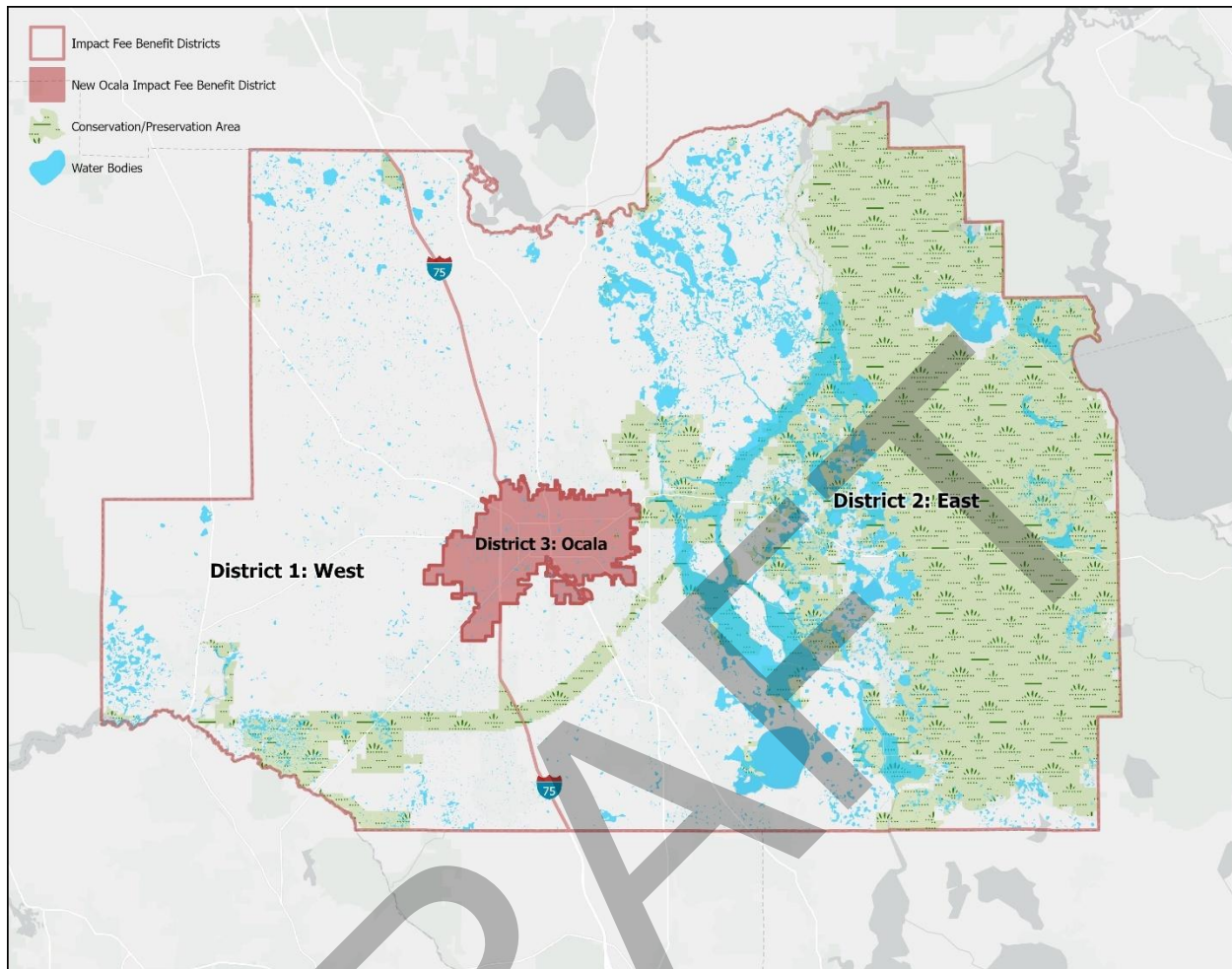
(19) Repayment of any monies borrowed from any budgetary fund of the County which was used to fund growth-necessitated Capital Improvements to the Major Road Network System.

(b) There are hereby established ~~two~~ three (3) road construction districts as shown below ~~on Exhibit A~~ and described as follows:

(1) West county district: The west county district includes all lands in unincorporated and incorporated Marion County, which are west of I-75, but excluding all Lands within the Ocala District; and

(2) East county district: The east county district includes all lands in unincorporated and incorporated Marion County, which are east of I-75 but excluding all Lands within the Ocala District; and

(3) Ocala District: The Ocala District includes all lands within the incorporated area of the City of Ocala as it exists on the effective date of this Article, including all enclaves within the incorporated area, as such term in defined in Section 171.031(5), Florida Statutes.



(c) Proceeds collected from road Transportation Impact Fees and all interest accrued on such funds shall be used solely within the road construction district from which the fees have been collected, in effect at the time impact fees were paid, or for projects in other road construction districts which are of direct benefit to the district from which funds were collected. The ~~board~~ County Administrator may approve the use of funds collected in one district for a project in another district after a specific finding that the project will be a direct benefit to the district where funds were collected. ~~There were previously four (4) road construction districts as established by Ordinance No. 94-33, which districts are depicted herein and attached hereto as Exhibit B. Solely for the purpose of expenditure of transportation impact fees that have been collected within those four (4) districts before the effective date of this article, those four (4) districts and their corresponding trust accounts shall remain in effect until all funds that were previously collected within any of those districts has been spent within such district, or within another district based on a specific board finding of direct benefit as provided above.~~

(d) There is hereby established a Marion County Transportation Impact Fee Ordinance Trust Fund for each road construction district for the purpose of ensuring that the fees collected pursuant to this division are designated and held separately to provide growth-necessitated Capital Improvements in accordance with this Article ~~for use in an accommodation of impacts~~ reasonably attributable to the proposed land development activity within the road construction district from which they are collected. Transportation Impact Fees shall be deposited into the appropriate trust fund immediately upon receipt.

(e) Funds shall be encumbered and expended in the order in which they are collected. Any proceeds in a trust fund account on deposit, not immediately necessary for expenditure, may be invested in interest bearing assets. All income derived from this investment shall be added to and retained in the trust fund account.

(f) Each year, at the time the annual county budget is reviewed, the county administrator or his designee shall propose appropriations to be spent from the road construction district trust fund. After review of the county administrator's recommendation, the board shall approve, modify, or deny the recommended expenditures of the trust fund monies. Any amounts not appropriated from a trust fund account, together with any interest earnings, shall be carried over in the specific trust fund account to the following fiscal year period.

[underline indicates additions; strikethrough indicates deletions]

SECTION 22. AMENDMENT OF SECTION 10-327 OF THE MARION COUNTY

CODE. Section 10-327 of the Marion County Code, entitled Transportation Impact Fee Schedule, is hereby amended as follows:

Sec. 10-327. Transportation Impact Fee schedule.

(a) Except as otherwise provided by the terms of this article, all Impact Generating Land Development Activity shall pay the transportation impact fees set forth in the ~~shall be paid in accordance with the schedule set forth below~~ as a condition of issuance of a Certificate of Occupancy. The Impact Fee rates in this subsection (a) shall remain in effect until the updated rates in subsection (b) go into effect.

MARION COUNTY TRANSPORTATION IMPACT FEE SCHEDULE

ITE LUC	Land Use	Unit	Impact Fee Amount
	<i>RESIDENTIAL:</i>		
210	Single family (detached)—1,500 s.f. or less	du	\$1,093.00

	Single family (detached)—Greater than 1,500 s.f. and less than 2,500 s.f.	du	1,397.00
	Single family (detached)—2,500 s.f. or greater	du	1,562.00
220	Multi-family (apartment); 1—2 stories	du	903.00
222/223	Multi-family (apartment); 3+ stories	du	568.00
240	Mobile home park	du	514.00
252	Assisted care living facility (ACLF)	du	184.00
<i>LODGING:</i>			
310	Hotel	room	375.00
320	Motel	room	267.00
<i>RECREATION:</i>			
412	General recreation/county park	acre	136.00
430	Golf course	hole	2,774.00
492	Racquet club/health spa	1,000 s.f.	2,065.00
520	Elementary school (private)	student	55.00
522	Middle school (private)	student	76.00
530	High school (private)	student	80.00
540	University/Jr. College (7,500 or fewer students) (private)	student	156.00
550	University/Jr. College (more than 7,500 students) (private)	student	116.00
560	Church	1,000 s.f.	410.00
565	Day care center	1,000 s.f.	1,318.00
590	Library	1,000 s.f.	2,377.00
610	Hospital	1,000 s.f.	879.00
620	Nursing home	bed	80.00
640	Animal hospital/veterinary clinic	1,000 s.f.	539.00
<i>OFFICE:</i>			
710	Office	1,000 s.f.	676.00
720	Medical office/clinic	1,000 s.f.	1,528.00
770	business park	1,000 s.f.	785.00
<i>RETAIL:</i>			
820	Retail 6,000 s.f.g.l.a. or less	1,000 s.f.g.l.a.	442.00
820	Retail greater than 6,000 s.f.g.l.a.	1,000 s.f.g.l.a.	1,014.00
841	New/used auto sales	1,000 s.f.	1,325.00
850	Supermarket	1,000 s.f.	1,490.00
853	Convenience market w/gasoline	1,000 s.f.	3,963.00
862	Home improvement superstore	1,000 s.f.	619.00
880/881	Pharmacy/drug store with or w/o drive-thru	1,000 s.f.	791.00
890	Furniture store	1,000 s.f.	217.00
911	Bank/savings walk-in	1,000 s.f.	1,720.00
912	Bank/savings drive-in	1,000 s.f.	2,260.00
931	Restaurant	1,000 s.f.	2,803.00
n/a	Small local restaurant	1,000 s.f.	1,340.00

941	Quick lube	service bay	1,334.00
942	Automobile care center	1,000 s.f.	1,047.00
944	Gas/service station	fuel pos.	850.00
947	Self-service car wash	service bay	811.00
INDUSTRIAL:			
110	General light industrial	1,000 s.f.	428.00
140	Manufacturing	1,000 s.f.	234.00
150	Warehousing	1,000 s.f.	218.00
151	Mini-warehouse	1,000 s.f.	78.00
152	High-cube warehouse	1,000 s.f.	102.00

(b) Except as otherwise provided by the terms of this Article, effective October 1, 2025, all Impact Generating Land Development Activity shall pay the Transportation Impact Fees set forth in the schedule below as a condition of issuance of a Certificate of Occupancy.

ITE	Land Use	Unit	Transportation Impact Fee
RESIDENTIAL:			
210	Single Family (Detached) - 1,500 sf or less	du	\$4,388
	Single Family (Detached) - 1,501 to 2,499 sf	du	\$5,318
	Single Family (Detached) - 2,500 sf and greater	du	\$5,855
215	Single Family (Attached)	du	\$4,606
220	Multi-Family Housing (Low-Rise, 1-3 floors)	du	\$3,590
221/222	Multi-Family Housing (Mid/High-Rise, 4+ floors)	du	\$2,412
240	Mobile Home Park	du	\$1,945
251	Senior Adult Housing - Detached	du	\$1,962
252	Senior Adult Housing - Attached	du	\$1,319
TRANSIENT, ASSISTED, GROUP:			
253	Congregate/Assisted Care Facility	du	\$520
310	Hotel	room	\$2,364
320	Motel	room	\$1,136
620	Nursing Home	bed	\$611
RECREATION:			
411	Public Park	acre	\$343
416	RV Park/Campground	site	\$680
420	Marina	berth	\$1,339
430	Golf Course	hole	\$16,971
445	Movie Theater	screen	\$19,609
492	Racquet Club/Health Spa	1,000 sf	\$15,512

495	Recreational Community Center	1,000 sf	\$12,405
INSTITUTIONS:			
520	Elementary School (Private)	student	\$678
522	Middle School (Private)	student	\$637
525	High School (Private)	student	\$657
540	University/Junior College (7,500 or fewer students) (Private)	student	\$1,125
550	University/Junior College (more than 7,500 students) (Private)	student	\$835
560	Church	1,000 sf	\$2,462
565	Day Care Center	1,000 sf	\$6,365
590	Library	1,000 sf	\$21,904
MEDICAL:			
610	Hospital	1,000 sf	\$5,213
640	Animal Hospital/Veterinary Clinic	1,000 sf	\$2,773
OFFICE:			
710	Office	1,000 sf	\$4,766
720	Medical Office/Clinic	1,000 sf	\$10,961
770	Business Park	1,000 sf	\$5,638
RETAIL:			
822	Retail 6,000 sf gla or less	1,000 sf gla	\$1,866
822	Retail 6,001 to 40,000 sf gla	1,000 sf gla	\$3,182
821	Retail 40,001 to 150,000 sf gla	1,000 sf gla	\$6,435
820	Retail greater than 150,000 sf gla	1,000 sf gla	\$6,944
840/841	New/Used Auto Sales	1,000 sf	\$8,247
850	Supermarket	1,000 sf	\$9,530
862	Home Improvement Superstore	1,000 sf	\$4,030
880/881	Pharmacy/Drug Store with or w/o Drive-Thru	1,000 sf	\$5,992
890	Furniture Store	1,000 sf	\$1,939
SERVICES:			
911	Bank/Savings Walk-In	1,000 sf	\$5,792
912	Bank/Savings Drive-In	1,000 sf	\$10,370
931	Restaurant	1,000 sf	\$18,790
n/a	Small Local Restaurant	1,000 sf	\$8,855
941	Quick Lube	service bay	\$9,497
942	Automobile Care Center	1,000 sf	\$6,694
944	Gas Station w/Convenience Store <2,000 sq ft	fuel pos.	\$6,480
945	Gas Station w/Convenience Store 2,000 to 5,499 sq ft	fuel pos.	\$9,947
	Gas Station w/Convenience Store 5,500+ sq ft	fuel pos.	\$13,012
947	Self-Service Car Wash	service bay	\$5,691
948	Automated Car Wash	car tunnel	\$100,351
INDUSTRIAL:			

110	General Light Industrial	1,000 sf	\$2,145
140	Manufacturing	1,000 sf	\$2,083
150	Warehousing	1,000 sf	\$755
151	Mini-Warehouse	1,000 sf	\$425
154	High-Cube Transload and Short-Term Warehouse	1,000 sf	\$621
n/a	Mine/Commercial Excavation	1,000 cy	\$2.86

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 23. REPEAL OF SECTION 10-326 OF THE MARION COUNTY CODE.

Section 10-326 of the Marion County Code, entitled Mobile Home Impact Fees, is hereby repealed in its entirety.

SECTION 24. NOTICE OF IMPACT FEES.

(a) In accordance with Section 10-284 of the Marion County Code, no later than July 1, 2025, the County Administrator is hereby directed to publish a notice once in a newspaper of general circulation within the County which notice shall include: (A) a brief and general description of the Transportation Impact Fees, (B) a description of the geographic area in which the Transportation Impact Fees will be collected; (C) the Transportation Impact Fees rates to be imposed for each Impact Fee Land Use Category; and (D) that the updated Transportation Impact Fees rates will go into effect for all Building Permit applications received on October 1, 2025 and thereafter.

(b) In the event, this notice is not published at least ninety (90) days prior to the initial October 1, 2025 implementation dates for the increased Transportation Impact Fees, then the October 1, 2025 implementation date shall be adjusted to ensure that the increased Transportation Impact Fees rates are not implemented earlier than ninety (90) days after the date of publication of the notice.

(c) In the event the Transportation Impact Fee rate for an Impact Fee Land Use Category is decreasing, then that rate shall initially go into effect for all Impact Generating Land Development Activity that applies for a Building Permit on or after June 1, 2025 following the effective date of this Ordinance as provided in Section 25(d), notwithstanding the implementation dates specified in Section 10-327(b).

(d) The obligations herein for the payment of the Transportation Impact Fees shall apply to all Impact Generating Land Development Activity that applies for a Building Permit on or after the applicable implementation date.

SECTION 25. 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 said Ordinance shall be 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 hereby ordained that the relevant provisions of this Ordinance shall become and be made a part of the Marion County Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article" or other appropriate word.

(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 the revisions to the Transportation Impact Fees rates shall become effective as provided in Sections 22 and 24 hereof.

DULY ADOPTED this ____ day of May, 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:

County Attorney