



COMMERCIAL DEFERRED IMPACT FEE APPLICATION
(Fee Applicable)

Building Permit Number _____

I, _____, contractor/agent/owner (if other than owner an agent authorization form must be attached to this application) of the below identified property, do hereby request that the Orange County Growth Management Department allow deferral of applicable impact fees. I believe that my project qualifies for deferral under Orange County Code because (check all that apply):

[] The project valuation is over one million dollars (\$1,000,000.00), as acknowledged on the building permit application(s). Applicable fees are due and payable to the Orange County Board of County Commissioners. A lien notice of non-payment will be placed on the property until all fees have been paid in full.

[] The project is a certified affordable housing project and an executed agreement setting forth the terms and conditions for deferral of impact fees is attached to this application.

PROPERTY APPRAISER'S PARCEL IDENTIFICATION NUMBER(S)

Tax I.D. Number: Section _____ Township _____ Range _____ Sub _____ B&L _____

(Street Address)

Name of Owner or Authorized Agent (please print)

Telephone Number

Owner or Authorized Agent Address

City, State, Zip Code

Mailing address (if different from above)

Note: Any deferral of impact fees shall be until prior to authorization of pre-power or issuance of a certificate of occupancy (whichever occurs first). My signature acknowledges that I understand and agree that a recorded lien notice for non-payment of impact fees will be placed on the property described above until all fees have been paid in full (except for Certified Affordable Housing projects).

The above statements are true and correct to the best of my knowledge.

Owner or Authorized agent Signature

Date

Notary Signature

My Commission Expires:

DO NOT WRITE BELOW THIS LINE (TO BE COMPLETED BY ORANGE COUNTY STAFF)

IMPACT FEE INFORMATION:

Law Enforcement Impact Fee: \$ _____

Fire & Rescue Impact Fee: \$ _____

Road Impact Fee : \$ _____

TRANSPORTATION IMPACT FEE ZONE #: _____

School Impact Fee (Must have an approved Letter of credit) : \$ _____

Parks & Recreation Impact Fee : \$ _____

BCC Approval date for Affordable Housing project when applicable: _____

IMPACT FEE SECTION STAFF APPROVAL:

Name: _____

Date: _____

Lien placed? Yes No

OR BOOK _____ PAGE _____

Recording Date: _____

SATISFACTION INFORMATION:

Date fees where paid: _____

AMOUNTS:

Road \$ _____ Fire \$ _____ Law \$ _____

TOTAL FEES PAID \$ _____

DATE OF RECORDING: _____

OR BOOK _____ PAGE _____



AGENT AUTHORIZATION FORM
FOR DEFERRAL OF IMPACT FEES APPLICATION

Building Permit Number _____

I, _____, as the property owner of the property described below, hereby give my permission for _____ to act as my agent for the limited purpose of applying for deferral of impact fees at the time of permitting in accordance with the Orange County, Florida Code of Ordinances.

Parcel Identification Number: Section __ Township __ Range __ Sub ____ B&L ____

Legal Description:

Signature of Property Owner

Date

Print Name of Property Owner

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____, as an individual/officer/agent, on behalf of himself /herself or on behalf of _____, a _____ corporation/ partnership/ limited liability company. He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 20__.

Notary Public
My commission expires: _____

Chapter 23, Article III Fire & Rescue Services, Sec. 23-60 (d)(4) a

Time of payment.

- (1)** Except as permitted by subsection (d)(2) or (d)(6), fire rescue impact fees imposed on all new development shall be paid as a condition to the issuance of a building permit. In the case of a mobile home, the fee shall be paid at the issuance of a tie-down permit.
- (2)** For the following types of projects, the fire rescue impact fee may be paid prior to the authorization of prepower or issuance of a certificate of occupancy (temporary or otherwise), but no prepower or certificate of occupancy shall be authorized or issued until the impact fee has been paid as provided by subsection (d)(3):

 - a.** A certified affordable housing project, provided an agreement setting forth the terms and conditions of the discount and deferral of the impact fee has been executed; and
 - b.** A new commercial project (a project without single-family homes or duplexes) with a building permit valuation of at least one million dollars (\$1,000,000.00), provided an impact fee deferral form has been executed and the service charge required under subsection (d)(4) has been paid.
- (3)** For an eligible commercial project or eligible certified multifamily affordable housing project, the impact fee for the entire project shall be paid when prepower is authorized for the first building or the first certificate of occupancy is issued.
- (4)**

 - a.** If the fire rescue impact fee is deferred at the time of issuance of the building permit as authorized by subsection (d)(2) for an eligible commercial project, a service charge shall be assessed and a notice of nonpayment setting forth the legal description of the property and the amount of the impact fee liability shall be executed by the county. The county shall serve notice upon the owner by certified mail and record it in the official records of the county. This notice shall thereupon operate as a lien against such property for the amount of the impact fee, and all interest, penalties, and the costs and fees for collection, coequal with the lien of all state, county, district, and municipal taxes.
 - b.** Upon payment of the impact fee, the county shall promptly serve a notice of payment upon the owner by certified mail and record the notice of payment in the official records of the county.

Chapter 23, Article II, Law Enforcement, Section 23-29 (d)(4)a

Time of payment.

(1)

Except as permitted by subsection (d)(2), law enforcement impact fees imposed on all new development shall be paid as a condition to the issuance of a building permit or for single family homes or duplexes the applicant may elect to pay the applicable impact fee no later than immediately prior to the issuance of the certificate of occupancy. In the case of a mobile home, the fee shall be paid at the issuance of a tie-down permit or at the election of the applicant no later than immediately prior to the issuance of the certificate of occupancy.

(2)

For the following types of projects, the law enforcement impact fee may be paid prior to the authorization of pre-power or issuance of a certificate of occupancy (temporary or otherwise), but no pre-power or certificate of occupancy shall be authorized or issued until the impact fee has been paid as provided by subsection (d)(3):

a.

A certified multifamily affordable housing project, provided an agreement setting forth the terms and conditions of the discount and deferral of the impact fee has been executed; and

b.

A new commercial project (a project without single-family homes or duplexes) with a building permit valuation of at least one million dollars (\$1,000,000.00), provided an impact fee deferral form has been executed and the service charge required under subsection (d)(4) has been paid.

(3)

For an eligible commercial project or eligible certified multifamily affordable housing project, the impact fee for the entire project shall be paid when pre-power is authorized for the first building or the first certificate of occupancy is issued.

(4)

a.

If the law enforcement impact fee is deferred at the time of issuance of the building permit as authorized by subsection (d)(2) for an eligible commercial project, a service charge shall be assessed and a notice of nonpayment setting forth the legal description of the property and the amount of the impact fee liability shall be executed by the county. The county shall serve this notice upon the owner by certified mail and record it in the official records of the county. This notice shall thereupon operate as a lien against such property for the amount of the impact fee, and all interest, penalties, and the costs and fees for collection, coequal with the lien of all state, county, district and municipal taxes.

b.

Upon payment of the impact fee, the county shall promptly serve a notice of payment upon the owner by certified mail and record the notice of payment in the official records of the county.

Chapter 23, Article VI Parks & Recreation, Sec. 23-180 (e)(2)(3)(5)

Time of payment.

- (1) Except as permitted by subsection (e)(2) or subsection (e)(5), parks and recreation impact fees imposed on new residential development shall be paid as a condition to the issuance of a building permit. In the case of a mobile home, the impact fee shall be paid at the issuance of a tie-down permit.
- (2) The parks and recreation impact fee may be paid prior to the authorization of prepower or issuance of a certificate of occupancy (temporary or otherwise) for a certified affordable housing project, provided that an agreement setting forth the terms and conditions of the discount and deferral of the impact fee has been executed, but no prepower or certificate of occupancy shall be authorized or issued until the impact fee has been paid as provided by subsection (e)(3).
- (3) For an eligible certified multifamily affordable housing project, the impact fee for the entire project shall be paid when prepower is authorized for the first building or the first certificate of occupancy is issued.
- (4) In the event the parks and recreation impact fee is not paid prior to the authorization of prepower or issuance of the certificate of occupancy (temporary or otherwise), the county shall make demand for payment of the impact fee. If the impact fee is not paid within fourteen (14) days after the county makes demand:
 - a. The county may collect the impact fee, interest from the date payment was due at the rate fixed by state statute for judgments, a penalty of five (5) percent per month or any portion of a month (not to exceed twenty-five (25) percent), the costs of such collection, and a reasonable attorney's fee; and
 - b. For an eligible affordable housing project, the builder and/or license holder who pulled the building permit may be prohibited from pulling any other building permits until the impact fee has been paid.
- (5) For single-family homes and duplexes, the applicant may elect to pay the applicable impact fee no later than immediately prior to the issuance of the certificate of occupancy.

(Ord. No. 2006-03, § 1, 2-7-06; Ord. No. 2009-32, § 9, 11-3-09)

Chapter 23, Article IV Road, Sec. 23-91 (b)(3)a

(a)

Except as permitted by subsection (b), no person shall carry out any traffic-generating development unless the applicable alternative impact fee under section 23-92 or 23-93 was paid at the time of issuance of the building permits.

(b)

(1)

For the following types of projects, the road impact fee may be paid prior to the authorization of prepower or issuance of a certificate of occupancy (temporary or otherwise), but no prepower or certificate of occupancy shall be authorized or issued until the impact fee has been paid as provided by subsection (b)(2):

a.

A certified affordable housing project, provided an agreement setting forth the terms and conditions of the discount and deferral of the impact fee has been executed and

b.

A new commercial project (a project without single-family homes or duplexes) with a building permit valuation of at least one million (\$1,000,000.00) dollars, provided an impact fee deferral form has been executed and the service charge required under subsection (b)(3) has been paid.

(2)

a.

For an eligible commercial project or eligible certified multifamily affordable housing project, the impact fee for the entire project shall be paid when prepower is authorized for the first building or the first certificate of occupancy is issued.

b.

For an eligible certified single-family affordable housing project, the impact fee for a home shall be paid when the prepower for that home is authorized or the certificate of occupancy for that home is issued, whichever occurs first.

(3)

a.

If the road impact fee is deferred at the time of issuance of the building permit as authorized by subsection (b)(1) for an eligible commercial project, a service charge shall be assessed and a notice of nonpayment setting forth the legal description of the property and the amount of the impact fee liability shall be executed by the county. The county shall serve this notice upon the owner by certified mail and record it in the official records of the county. This notice shall thereupon operate as a lien against such property for the amount of the impact fee, and all interest, penalties, and the costs and fees for collection, coequal with the lien of all state, county, district and municipal taxes.

b.

Upon payment of the impact fee, the county shall promptly serve a notice of payment upon the owner by certified mail and record the notice of payment in the official records of the county.

Chapter 23, Article V Schools Impact Fee, Sec. 23-141 (d)(1)(2)

(d)

Prior to the issuance of a multifamily building permit, the applicant may defer the payment of the school impact fee by posting with the school board an irrevocable letter of credit payable by a financial institution acceptable to the school board.

(1)

Such letter of credit shall be in an amount which equals or exceeds the amount of the school impact fee due for such multifamily residential construction.

(2)

The payment of school impact fees may be deferred under this section until prior to the issuance of a certificate of occupancy for such multifamily residential construction. However, in no event shall they be deferred for more than eighteen (18) months from the issuance of the building permit.

(3)

Any letter of credit posted under this article shall equal or exceed the amount of the school impact fee due for such residential construction under subsection 23-141(c). The amount of school impact fee payable shall be the amount of impact fee in effect at the time payment is made.

(Ord. No. 92-28, § 2.01, 9-22-92; Ord. No. 98-31, § 4, 11-3-98; Ord. No. 99-2, § 10, 1-26-99; Ord. No. 2005-03, § 2, 3-8-05; Ord. No. 2007-12, §§ 1, 2, 10-23-07)

(e)

The impact from the development shall be calculated at the time of issuance of the building permit. If the applicant for a single-family or duplex home elects to pay the applicable impact fee after the issuance of the building permit, but no later than prior to the issuance of the certificate of occupancy, the impact fee due shall be calculated to be the fee due on the day of issuance of the building permit.

(Ord. No. 92-28, § 2.02, 9-22-92; Ord. No. 99-02, § 11, 1-26-99; Ord. No. 2005-03, § 2, 3-8-05)
