

APOPKA CITY COUNCIL AGENDA

November 5, 2025 1:00 PM

Apopka City Hall Council Chambers

APOPKA CITY COUNCIL MEETING WILL BE LIVE-STREAMED ON YOUTUBE. TO WATCH, PLEASE VISIT:

<https://www.youtube.com/CityofApopkaFL>

CALL TO ORDER

INVOCATION

PLEDGE

PRESENTATION

1. **Municipal Impact Fee Study Results — Extraordinary Circumstances Workshop**
Presented by: Blanche Sherman, Shawn Ocasio, and Henry Thomas

ADJOURNMENT

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.



City of Apopka CITY COUNCIL STAFF REPORT

Section: PRESENTATION

Item #: 1.

Meeting Date: November 5, 2025

Department: Finance Department

SUBJECT:

Municipal Impact Fee Study Results — Extraordinary Circumstances Workshop

ACTION ITEM INFORMATION:

REQUEST:

Presentation of the Municipal Impact Fee Study Results, including recommended rate increases and the extraordinary circumstances.

SUMMARY:

At the July 17, 2025, Budget Workshop, Mr. Henry Thomas with Raftelis, presented the Municipal Impact Fee Study Results. Mr. Thomas provided an overview of the recommended impact fee rates compared to the existing rates. In addition, Mr. Thomas explained the implementation process for increases exceeding the statutory limit of 50%. At the August 6, 2025, Council Meeting, Mr. Thomas and Shawn Ocasio presented the Municipal Impact Fee Study Results and Recommendation to Council for approval to proceed with the implementation process. Council approved staff to proceed with the implementation process.

The implementation process includes the following meetings, workshops and approval of the ordinance:

- Public Extraordinary Circumstance Workshop #1 – November 5th at 1:00pm (prior to the 1:30pm Regular City Council Meeting)
- Public Extraordinary Circumstance Workshop #2 – November 19th at 6:30pm (prior to the 7:00pm Regular City Council Meeting)
- Municipal Impact Fee Ordinance First Reading – November 19th at the 7:00pm Regular City Council Meeting
- Municipal Impact Fee Ordinance Second Reading/Adoption – December 3rd at the 1:30pm Regular City Council Meeting
- NOTE: There is a 90-day wait period after the effective date (proposed December 3rd) before the new impact fees will begin to be collected.

At the November 5, 2025, Council Meeting, Mr. Henry Thomas and Shawn Ocasio with Raftelis will present the results of the Impact Fee Funds studies, including the recommended rate increases and the extraordinary circumstances.

FUNDING SOURCE:

N/A

RECOMMENDED MOTION:

N/A

ATTACHMENTS:

1. Municipal Impact Fee Study Workshop November 5, 2025

City of Apopka

Municipal Impact Fee Study



Agenda

1. Discussion on Impact Fee Basics and Legal Considerations
2. Discuss Method and Major Assumptions
3. Summary Findings and Recommendations

Impact Fee Basics

- Fees are paid by new development that results in an increased demand for municipal services (e.g. police, fire, recreation, etc.)
- Fees are used to pay for growth-related capital facilities and major equipment
- Avoids growth-related costs from burdening existing residents



Impact Fee Basics (Cont.)

- Fees must be reasonably equitable to all parties - Dual rational nexus
 - Impact fees must be based on the capital cost requirements anticipated for providing service-related facilities to new development
- Impact fees must be based upon reasonable level of service standards that meet the needs of the City
- Impact fees cannot be used to fund deficiencies in capital needs of the city or pay for any operating costs
- Impact fees are adopted by ordinance

Legal Considerations

The methods and criteria to charge impact fees have been developed under Florida Statutes and recognized case law

Florida Impact Fee Act History

- Florida Legislature created section 163.31801 of the Florida Statutes governing impact fees
- Created June 14, 2006
- Amended 2009, 2011, 2019, 2021, 2024 and most recently in 2025

Legal Considerations (Cont.)

Florida Impact Fee Act

- Requires the calculation of impact fees to be based on the **most recent and localized data**
- Provides for accounting and reporting of impact fee revenues and expenditures in a separate fund
- Limits administrative charges for the collection of impact fees to actual costs
- Requires 90 days notice before imposing a new or increased fee
- Annual affidavit on compliance signed by the city
- **Government has the burden of proof in any challenge of an impact fee**
- Cannot be charged before issuance of building permit

Legal Considerations (Cont.)

New Limitations on Increasing Impact Fees

- Any increase not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted
- An increase that exceeds 25 percent, but not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted
- An impact fee increase may not exceed 50 percent of the current impact fee rate
 - Unless considered an [extraordinary circumstance](#)
- An impact fee may not be increased more than once every 4 years

Legal Considerations (Cont.)

Extraordinary Circumstances

- (g) A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:
 - 1. A **demonstrated-need study** justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.
 - 2. The local government jurisdiction has held not less than **two publicly noticed workshops** dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).
 - 3. The impact fee increase ordinance is approved by at least a **two-thirds vote** of the governing body.

Note: Extraordinary circumstance provisions will be changing per SB 1080

Legal Considerations (Cont.)

Extraordinary Circumstances (existing form)

- Demonstrated need study justifying increases above standard phasing approach (2- and 4-year phasing) and 50% maximum fee increase
- Must have at least 2 publicly noticed workshops dedicated to discussing extraordinary circumstances
- Requires 2/3 vote of governing body

Extraordinary Circumstances (revised form)

- Can still pursue full increase (over 50%) but **must** be implemented in at least **2** but not more than **4** equal annual increments
- Requires **unanimous** vote of governing body
- If the local government has not increased impact fees in 5 years then this provision **cannot** be pursued
 - Any year in which the local government is prohibit from increasing an impact fee because of being in a hurricane disaster area is not included in the 5-year period

Fee Calculation Methodology

- Identify residential population, dwelling units, and developed nonresidential square footage
- Review level of service criteria
- Identify existing investment and planned future investment in capital facilities to provide service for new growth
- Allocate costs to be recovered among residential and non-residential customer classes (where applicable)
 - Developed square footage
 - Service call data
 - Functional population approach
- Proposed rate:
 - Per residential dwelling unit
 - Per 1,000 square feet or room for non-residential properties

Major Assumptions

- Historical population growth of approx. 2.5%
- Projected population growth through 2050 of approx. 1.7%
 - 2023 population of 58,293 projected to increase to over 92,000 by 2050
 - Buildout population estimated at 120,000
- Existing investment in capital assets and Level of Service (LOS) by department
 - Police – \$10.7 million (\$4.9 million included) / LOS – 2.26 officers per 1,000 pop.
 - Fire – \$19.0 million (\$14.8 million included) / LOS – 5 min 20 sec @ 90%+
 - Parks – \$22.3 million / LOS – 3 acres per 1,000 population
 - Achieving LOS of 8+ acres per 1,000 population

Major Assumptions (cont.)

- Major Capital Improvements
 - Police – Total Plan \$86.1 million (\$80.0 included)
 - Public Safety Complex (Police Portion) – \$54.3 million
 - Training Facility – \$25.0 million
 - Fire – Total Plan \$50.6 million (\$41.8 million included)
 - Public Safety Complex (Fire Portion) – \$32.3 million
 - Station 7 – \$6.0 million
 - Parks – Total Plan \$116.9 million (\$26.1 million included)
 - Land Acquisition – \$20.2 million
 - New Soccer Field at NWRC - \$2.0 million
 - New Tennis and Pickleball Courts at NWRC - \$2.4 million

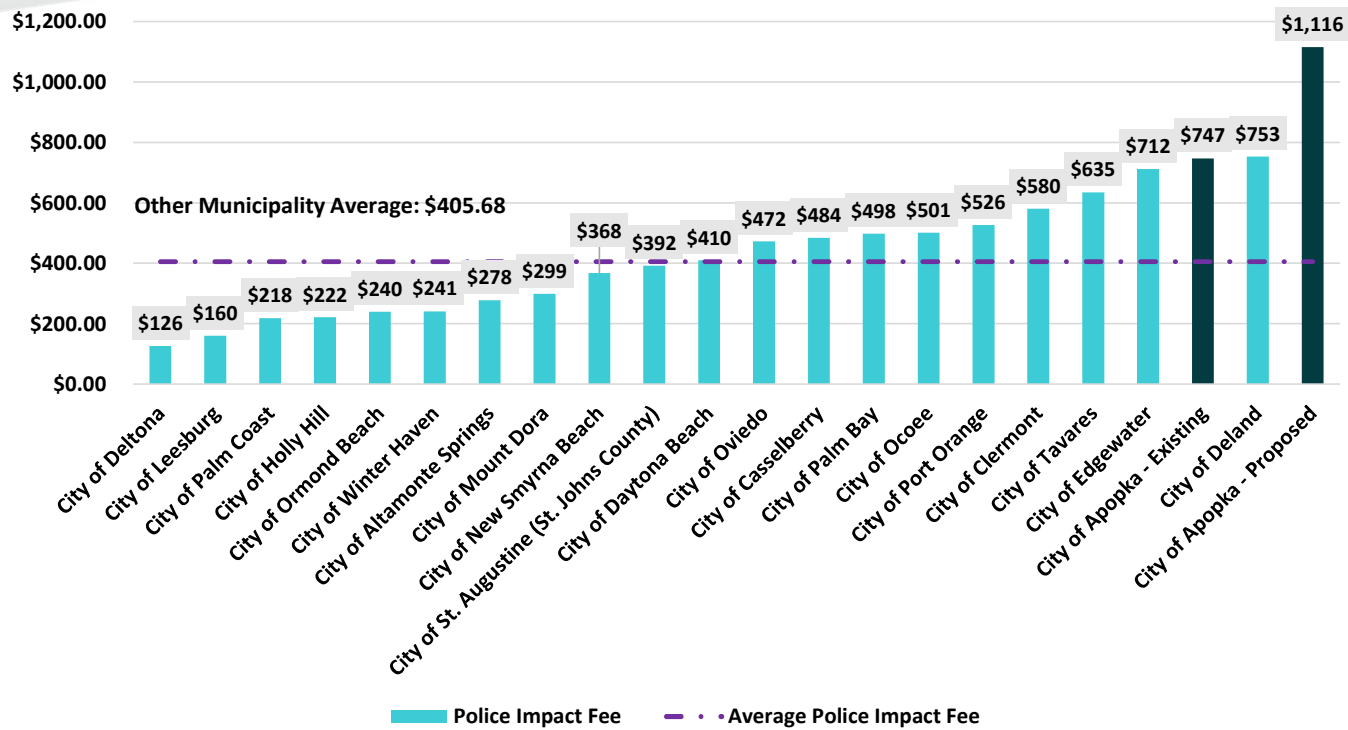
Existing and Calculated Police Impact Fees

Description	Impact Fee Unit	Existing Fee	Calculated Full Fee	\$ Change in Fee	Statutory 50% Cap
Residential Single Family	Dwelling Unit	\$747.00	\$1,116.00	\$369.00	\$1,116.00 [2]
Residential Multifamily (New)	Dwelling Unit	747.00	892.00	145.00	892.00 [2]
Non-residential:					
Industrial / Warehousing	1,000 Sq. Ft.	\$70.00	\$124.00	\$54.00	\$105.00
Institutional / Government	1,000 Sq. Ft.	540.00	270.00	(270.00)	270.00 [2]
Hotel / Motel [1]	Per Room	189.00	313.00	124.00	283.50
Office Building	1,000 Sq. Ft.	290.00	1,189.00	899.00	435.00
Retail (Retail and Food Service)	1,000 Sq. Ft.	1,000.00	3,602.00	2,602.00	1,500.00
Catch All Rate	1,000 Sq. Ft.	410.00	718.00	308.00	615.00

[1] The Hotel / Motel fee is currently applied on a per square foot basis, but the proposed fee will be applied on a per room basis. For comparison purposes the fees shown assume a room of 350 square feet.

[2] Calculated full fee is less than a 50% increase or a decrease compared to the current fee level so the max increase per statute and calculated fee are essentially equivalent.

Local Police Impact Fee Comparison – Single Family



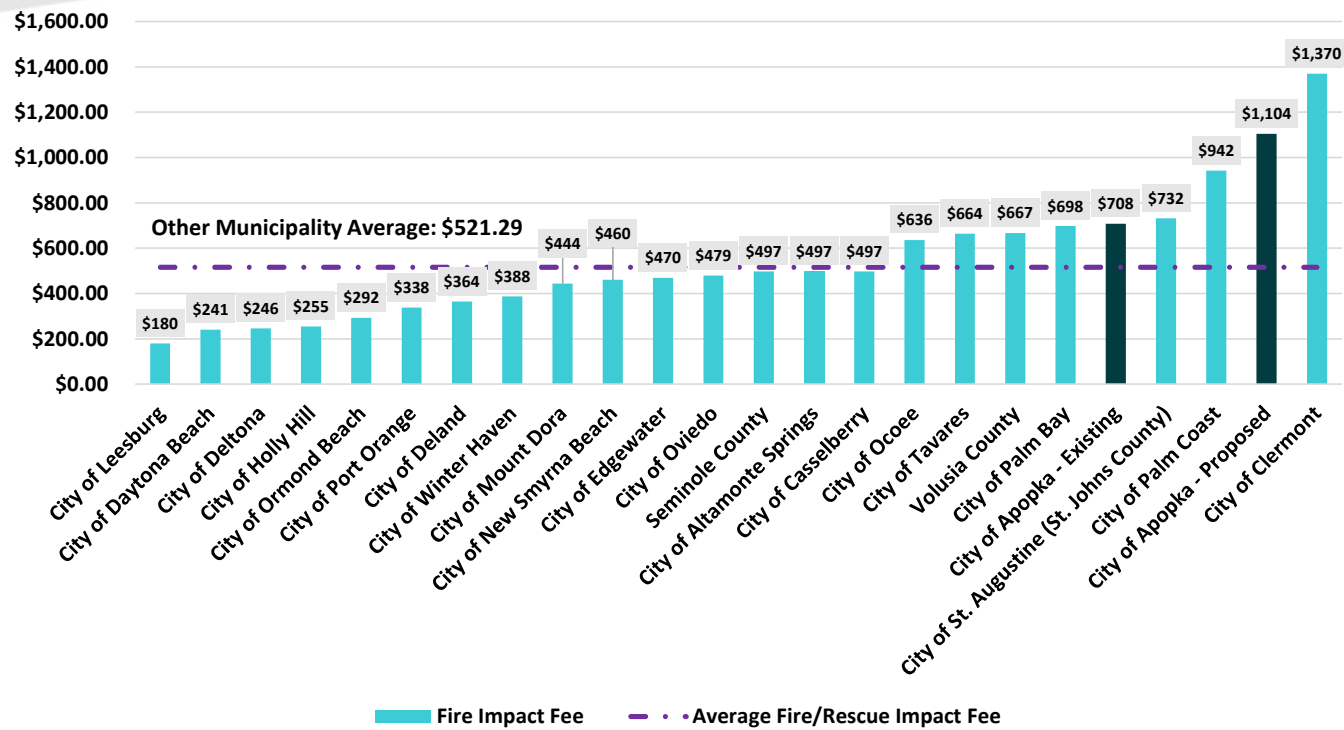
Existing and Calculated Fire Impact Fees

Description	Impact Fee Unit	Existing Fee	Calculated Full Fee	\$ Change in Fee	Statutory 50% Cap
Residential Single Family	Dwelling Unit	\$708.00	\$1,104.00	\$396.00	\$1,062.00
Residential Multifamily (New)	Dwelling Unit	708.00	883.00	175.00	883.00 [2]
Non-residential:					
Industrial / Warehousing	1,000 Sq. Ft.	\$70.00	\$91.00	\$21.00	\$105.00
Institutional / Government	1,000 Sq. Ft.	870.00	197.00	(673.00)	197.00 [2]
Hotel / Motel [1]	Per Room	304.50	229.00	(75.50)	229.00 [2]
Office Building	1,000 Sq. Ft.	490.00	870.00	380.00	735.00
Retail (Retail and Food Service)	1,000 Sq. Ft.	640.00	2,636.00	1,996.00	960.00
Catch All Rate	1,000 Sq. Ft.	440.00	525.00	85.00	525.00 [2]

[1] The Hotel / Motel fee is currently applied on a per square foot basis, but the proposed fee will be applied on a per room basis. For comparison purposes the fees shown assume a room of 350 square feet.

[2] Calculated full fee is less than a 50% increase or a decrease compared to the current fee level so the max increase per statute and calculated fee are essentially equivalent.

Local Fire Impact Fee Comparison – Single Family

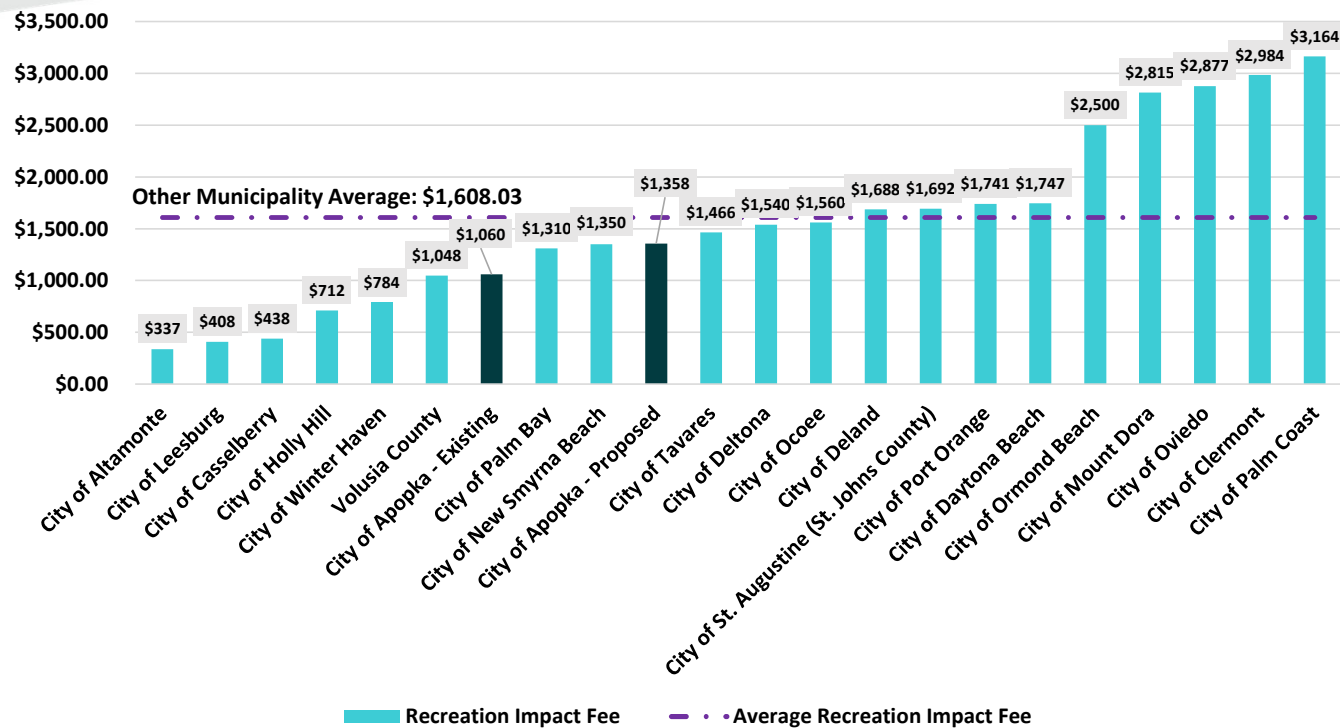


Existing and Calculated Parks and Recreation Impact Fees

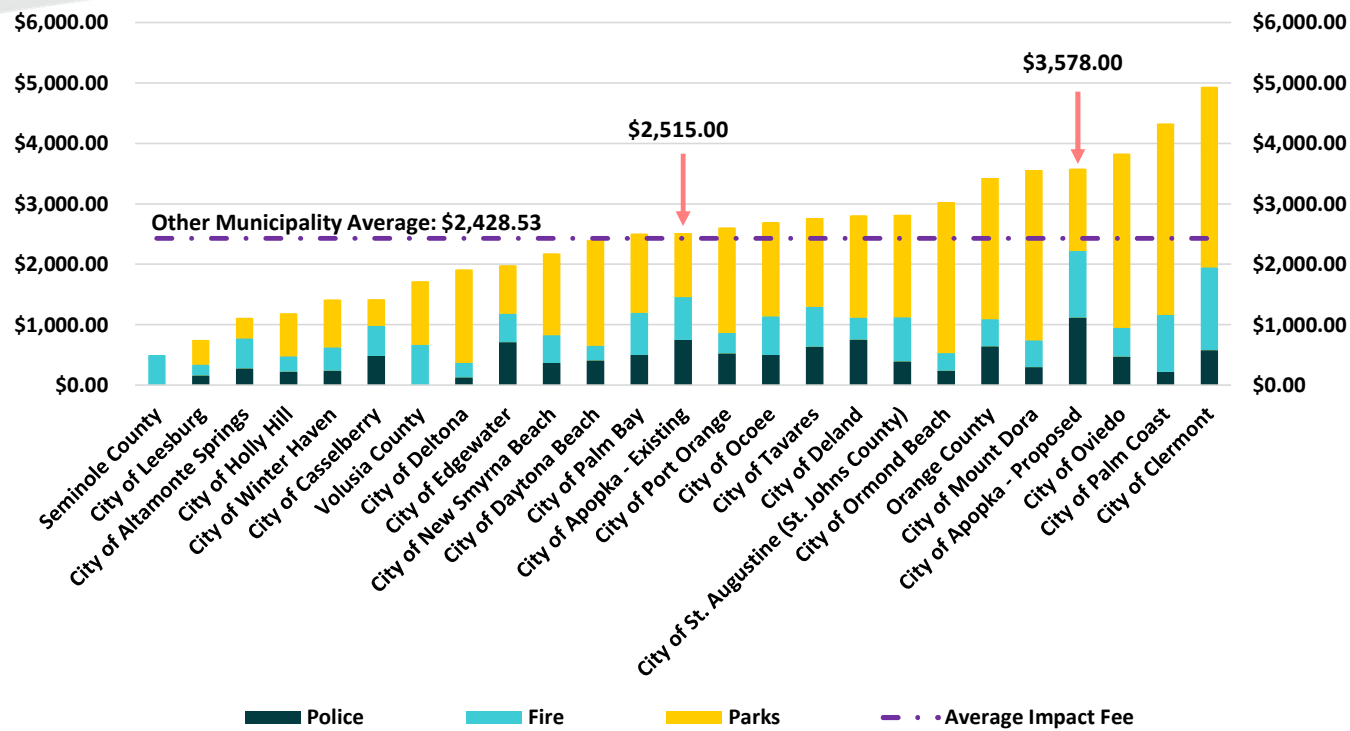
Description	Existing Fees	Calculated Full Fee	Change In Fee	Statutory Cap
Single Family per Unit	\$1,060.00	\$1,358.00	\$298.00	\$1,358.00 [*]
Multifamily per Unit	1,060.00	1,086.00	26.00	1,086.00 [*]

[*] Calculated full fee is less than a 50% increase compared to the current fee level so the max increase per statute and calculated fee are essentially equivalent.

Local Parks Impact Fee Comparison – Single Family



Combined Current Impact Fee Comparison – Single Family



Implementation Considerations

- Residential Fees – Increasing Between 19% and 56%
- Non-Residential Fee – Increasing between 19% and 312%
 - With some decreasing
- Maximum estimate of impact fee levels generally surpass the standard statutory increase limit of 50% noted previously
- Implementation Options:
 - Use standard maximum statutory increase of 50% and phase in evenly over 4 years
 - Fees will be under recovering costs from new growth thereby increasing burden to current residents / taxpayers
 - Pursue full one time increase through extraordinary circumstance provisions

Extraordinary Circumstances

- High population growth
 - Permanent population has increased by almost 21,800 residents since 2010; an increase of 2.8% per year on average
 - State average of approx. 1.5% per year
 - Continued population growth is projected necessitating the expansion of capital facilities to maintain levels of service
 - Police training facility, public safety complex, new fire station and related vehicles, park facility expansions and improvements, etc.
 - Near term growth projected at 2.3% per year through 2030
 - Projected growth through 2035 estimates at 2.0% per year

Extraordinary Circumstances

- Significant increases in asset acquisition and construction costs
 - Police vehicles at approx. \$65,000 (with service-related equipment) when previously (5+years ago) cost \$35,000 - \$40,000
 - Cost of essential fire apparatus have almost doubled since 2019
 - E.g., fire engine approx. \$900,000 when previously cost approx. \$500,000
 - Costs to construct new facilities have increased significantly
 - Consumer Price Index – Approx. 27% increase since 2019
 - Construction Materials Index – Approx. 40%+ increase since 2019
- Impact to community if fees are not fully implemented
 - Existing residents pick up burden of growth-related costs not recovered in impact fees

Q&A



Thank you!

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