Road Impact Fee Study

for New Smyrna Beach, Florida

duncan associates

September 2019

Final Report

Table of Contents

List of Tables

Duncan Associates
Clancy Mullen, Principal, Project Manager
17409 Rush Pea Circle, Austin, TX 78738
512-423-0480; clancy@duncanassociates.com

EXECUTIVE SUMMARY

This study evaluates the City's current road impact fee system, makes recommendations related to methodology and land use categories, and calculates updated fees based on those recommendations.

This executive summary first provides background on the history of the City's road impact fees. It then summarizes the recommendations derived from the current system evaluation. Finally, it compares current fees to updated fees.

Background

The City initially adopted a road impact fee ordinance on November 28, 2006. The fees became effective on February 19, 2007. The fees were subsequently adjusted twice for inflation. This is the first comprehensive update. The City's original and inflation-adjusted fees are shown in Table 1. New development in the city also pays Volusia County's thoroughfare road fees. The two jurisdiction's road impact fees do not overlap – the County fees cover the cost of major County roads and State/U.S. highways, while the City fees cover the cost of major City roads.

Table 1. Current City and County Road Impact Fees

		City Adopted Fee per Unit			County
Land Use Type	Unit	2006	2012	2018	Fee/Unit
Single Family	Dwelling	$924	$1,022	$1,115	$4,034
Apartment	Dwelling	$683	$755	$824	$2,410
Residential Condo/Townhouse	Dwelling	$454	$503	$548	n/a
Mobile Home Park	Dwelling	$358	$395	$431	$1,487
Hotel	Room	$671	$742	$809	$2,231
Motel	Room	$374	$414	$451	$892
Retail/Commercial					
Retail, less than 10,000 sf	1,000 sf	$2,271	$2,511	$2,740	$4,789
Retail, 10,000 - 99,999 sf	1,000 sf	$1,449	$1,603	$1,749	$4,789
Retail, 100,000 - 1,000,000 sf	1,000 sf	$1,116	$1,234	$1,346	$4,789
Retail, more than 1,000,000 sf	1,000 sf	$1,560	$1,725	$1,882	$4,789
Bank w/out Drive-through	1,000 sf	$2,085	$2,307	$2,516	$4,238
Bank w/ Drive-through	1,000 sf	$6,066	$6,709	$7,320	$7,147
Quality Restaurant	1,000 sf	$3,655	$4,042	$4,410	$12,918
High-Turnover Restaurant	1,000 sf	$5,240	$5,795	$6,323	$16,079
Fast Food Restaurant	1,000 sf	$10,175	$11,254	$12,278	$35,530
CBD Sandwich Shop	1,000 sf	$81,732	$1,916	$2,090	n/a
Bar/Lounge/Drinking Place	1,000 sf	$6,592	$7,291	$7,955	n/a
Building Materials/Lumber Store	1,000 sf	$2,114	$2,338	$2,551	n/a
Hardware / Paint Store	1,000 sf	$5,509	$6,093	$6,647	n/a
Supermarket	1,000 sf	$2,203	$2,437	$2,659	$8,031
Pharmacy/Drugstore w/Drive Thru	1,000 sf	$1,427	$1,579	$1,722	$3,872
Convenience Store	1,000 sf	$6,949	$7,686	$8,385	n/a
Conv. Store w/Gas Pumps	1,000 sf	$5,939	$6,569	$7,167	$18,011
Conv. Store w/Gas & Fast Food	1,000 sf	$12,972	$14,348	$15,653	$22,047
Movie Theater	Screen	$4,271	$4,724	$5,154	$9,736

continued on next page

Table 1. Current City and County Road Impact Fees (cont'd)

Land Use Type	Unit	City Adopted Fee per Unit 2006	2012	2018	County Fee/Unit
Marina	Slip	$360	$398	$434	n/a
Home Improvement Store	1,000 sf	$1,304	$1,443	$1,574	$9,209
Furniture Store	1,000 sf	$256	$283	$309	$1,337
Quick Lube	Bay	$1,679	$1,858	$2,027	$3,458
Auto Care/Detailing	1,000 sf	$1,405	$1,554	$1,696	$2,741
New and Used Car Sales	1,000 sf	$2,083	$2,303	$2,513	$6,268
Car Wash	1,000 sf	$3,282	$3,630	$3,960	n/a
Tire Store/Auto Repair	Bay	$1,001	$1,107	$1,208	$3,272
Office					
Office up to 10,000 sf	1,000 sf	$1,685	$1,864	$2,034	$2,981
Office over 10,000 sf	1,000 sf	$1,074	$1,188	$1,296	$2,981
Corporate Headquarters Building	1,000 sf	$535	$592	$646	$2,429
Medical Office	1,000 sf	$2,635	$2,914	$3,180	$10,973
Office Park	1,000 sf	$1,534	$1,696	$1,851	n/a
Veterinary Clinic	1,000 sf	$900	$995	$1,086	n/a
Industrial/Warehouse					
Research Center	1,000 sf	$652	$722	$787	n/a
Business Park	1,000 sf	$1,433	$1,585	$1,729	n/a
Light Industry	1,000 sf	$874	$745	$813	$1,517
Industrial Park	1,000 sf	$839	$928	$1,012	n/a
Manufacturing	1,000 sf	$390	$431	$470	$1,194
Warehouse	1,000 sf	$483	$534	$582	$533
Mini-Warehouse	1,000 sf	$155	$172	$188	$461
Public/Institutional					
General Recreation	Parking Sp.	$281	$311	$339	n/a
City Park	Parking Sp.	$864	$956	$1,043	n/a
Major Park	Parking Sp.	$189	$209	$229	n/a
Campground / RV Park	Parking Sp.	$302	$334	$365	n/a
Major Sports Facility	Parking Sp.	$169	$187	$204	$351
Hospital	1,000 sf	$1,119	$1,238	$1,350	$1,596
Nursing Home	Bed	$104	$115	$125	n/a
Church	1,000 sf	$539	$596	$650	$1,034
Day Care	1,000 sf	$1,888	$2,088	$2,278	$4,556
Airport Hanger	1,000 sf	$844	$934	$1,019	n/a

Source: 2006 City fees from Ord. 126-06, Exhibit A, effective February 19, 2007; 2012 fee schedule downloaded from City website on September 16, 2018; 2018 fee schedule revised October 1, 2018 from City website; County fees from Volusia County fees effective March 4, 2019 from Ord. 2018-20 adopted December 5, 2018 (adopted at 75% of maximum fee, which includes 3% administrative charge).

Summary of System Evaluation

The major findings from the evaluation of the current impact fee system are summarized as follows.

Methodology. The major methodological alternatives are consumption-based versus plan-based. A plan-based methodology is not feasible because the City does not have a long-range transportation master plan that can create the nexus between planned costs and projected growth. The City's fees were calculated using a consumption-based methodology, which is by far the most commonly-used

road impact fee methodology in Florida. This update retains the consumption-based methodology but recommends a modified approach that takes into account the need to maintain some additional capacity beyond what is directly used by existing traffic.

Major Roadway System. The City's road impact fees are intended to make improvements to a list of major City streets identified in the ordinance. This update modifies the list of eligible roads to bring it up to date and ensure no overlap with the County's fees. It also calibrates the travel demand derived from national and Florida demand factors (particularly trip length) to ensure that the cumulative estimated demand from existing development does not exceed the amount of travel that exists on the City's major roads today.

Land Use Categories. This update recommends some changes to the land use categories in the fee schedule to be consistent with current trip generation data and to make it easier to assess fees.

- Drop the residential condominium/townhouse category. Condominium is an ownership type, and townhouse trip rate data are not very robust. This category is folded into the multi-family category.

- Split multi-family into low-rise (1-2 stories) and mid-rise (3-10 stories) to reflect the latest trip generation data.

- Combine multiple retail and office categories by shopping center/building size into single retail and office categories. While trip rates decline with shopping center and office building size, this is counter-balanced by the tendency of new trip factors and trip lengths to increase with development size.

- Combine separate categories for convenience store and convenience store without gas sales. Higher ITE trip generation rates for convenience stores without gas sales are based on a small number of older studies.

- Drop some categories for which current trip characteristics data are not available. These include CBD sandwich shop, general recreation, city park, and major park. Add public park, for which current data are available, and assess per acre, rather than per parking space.

- Trip information for major sports facility and airport hangar is dated and current information is not available. Remove from the fee schedule and assess any new such uses based on an independent fee determination.

- Change the assessment basis for movie theater and nursing home from screens and beds, respectively, to building square feet.

Updated Fees

The updated fees are compared to current fees in Table 2 on the following page. The updated fees are shown for the proposed land use categories, with current fees shown where comparable. The wide variation in change by land use is due to updated travel demand factors based on the newest ITE

Trip Generation Manual (the 2017 10th edition versus the 2003 7th edition) and current percent new trips and trip length data.

Table 2. Comparison of Current and Updated Road Impact Fees

Land Use Type	Unit	Current Fee/Unit	Updated Fee/Unit	Percent Change
Single-Family Detached*	Dwelling	$1,115	$1,752	57%
Multi-Family, 1-2 Stories	Dwelling	$824	$1,043	27%
Multi-Family, 3+ Stories	Dwelling	$824	$632	-23%
Mobile Home/RV Park	Space	$431	$644	49%
Hotel	Room	$809	$966	19%
Motel	Room	$451	$387	-14%
Retail/Commercial				
Shopping Center/General Retail	1,000 sq. ft.	$1,346	$2,080	55%
Bank with Drive-Through	1,000 sq. ft.	$7,320	$3,171	-57%
Bank without Drive-Through	1,000 sq. ft.	$2,516	$1,877	-25%
Quality Restaurant	1,000 sq. ft.	$4,410	$5,602	27%
Fast Food Restaurant	1,000 sq. ft.	$12,278	$15,413	26%
Supermarket	1,000 sq. ft.	$2,659	$3,487	31%
Pharmacy with Drive-Through	1,000 sq. ft.	$1,722	$1,681	-2%
Convenience Store w/ or w/o Gas Sales	1,000 sq. ft.	$7,167	$7,814	9%
Super Convenience Store (10+ fuel pos.)	1,000 sq. ft.	$15,653	$9,566	-39%
Home Improvement Store	1,000 sq. ft.	$1,574	$3,993	154%
Furniture Store	1,000 sq. ft.	$309	$578	87%
Auto Parts and Service (943)	1,000 sq. ft.	$1,696	$1,186	-30%
New and Used Car Sales	1,000 sq. ft.	$2,513	$2,718	8%
Movie Theater	1,000 sq. ft.	n/a	$4,226	n/a
Marina	Berth	$434	$173	-60%
Office				
General Office	1,000 sq. ft.	$1,296	$1,293	0%
Medical Office	1,000 sq. ft.	$3,180	$4,762	50%
Industrial/Warehouse				
Light Industrial	1,000 sq. ft.	$813	$656	-19%
Manufacturing	1,000 sq. ft.	$470	$519	10%
Warehouse	1,000 sq. ft.	$582	$232	-60%
Mini-Warehouse	1,000 sq. ft.	$188	$203	8%
Public/Institutional				
Hospital	1,000 sq. ft.	$1,350	$691	-49%
Place of Worship	1,000 sq. ft.	$650	$447	-31%
Day Care Center	1,000 sq. ft.	$2,278	$650	-71%
Nursing Home	1,000 sq. ft.	n/a	$429	n/a
Elementary/Secondary School	1,000 sq. ft.	n/a	$310	n/a
Public Park	Acre	n/a	$54	n/a
Other Public/Institutional	1,000 sq. ft.	n/a	$1,323	n/a

* category also includes a mobile home on a single-family lot

Source: Current fees from Table 1 (shopping center based on 100,000 square foot center; office based on building greater than 10,000 sq. ft., super convenience store based on convenience store/gas/fast food category); updated fees from Table 10.

While the overall effect on impact fee revenue depends on the mix of uses built in the future, it can be estimated by assuming the existing mix of development holds for new development. Under that scenario, total impact fee revenue under the updated fee schedule would be about 32% higher than under the current fee schedule.

LEGAL FRAMEWORK

Impact fees are a way for local governments to require new developments to pay a proportionate share of the infrastructure costs they impose on the community. In contrast to "negotiated" developer exactions, impact fees are charges assessed on new development using a standard formula based on objective characteristics, such as the number and type of dwelling units constructed. The fees are a one-time, up-front charge, with the payment made at the time of building permit issuance. Impact fees require that each new development project pay a pro-rata share of the cost of new capital facilities required to serve that development.

Since impact fees were pioneered in states like Florida that lacked specific enabling legislation, such fees have generally been legally defended as an exercise of local government's broad "police power" to regulate land development in order to protect the health, safety and welfare of the community. The courts have developed guidelines for constitutionally-valid impact fees, based on the "rational nexus" standard. The standard essentially requires that fees must be proportional to the need for additional infrastructure created by the new development, and the fees must be spent to provide that same type of infrastructure to benefit new development. A Florida district court of appeals described the dual rational nexus test in 1983 as follows, and this language was subsequently quoted and followed by the Florida Supreme Court in its 1991 St. Johns County decision:[1]

> In order to satisfy these requirements, the local government must demonstrate a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth in population generated by the subdivision. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision. In order to satisfy this latter requirement, the ordinance must specifically earmark the funds collected for use in acquiring capital facilities to benefit the new residents.

Florida Statutes

The 2006 Florida Legislature passed Senate Bill 1194, which established certain requirements for impact fees in Florida. The bill, which became effective on June 14, 2006, created a new Section 163.31801, Florida Statutes. It was most recently amended in 2019 by House Bill 7103, which was enacted by the Legislature and become effective on June 28, 2019. The amended Florida Impact Fee Act reads as follows:

163.31801 Impact fees; short title; intent; minimum requirements, audits; challenges.--

(1) This section may be cited as the "Florida Impact Fee Act."

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due

[1] St. Johns County v. Northeast Florida Builders Association, Inc., 583 So.2d 635, April 18, 1991

to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

(3) At a minimum, an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must satisfy all of the following conditions:

(a) The calculation of the impact fee must be based on the most recent and localized data.

(b) The local government must provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity must account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) Administrative charges for the collection of impact fees must be limited to actual costs.

(d) The local government must provide notice not less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.

(e) Collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.

(f) The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

(g) The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

(h) The local government must specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.

(i) Revenues generated by the impact fee may not be used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.

(4) The local government must credit against the collection of the impact fee any contribution, whether identified in a proportionate share agreement or other form of exaction, related to public education facilities, including land dedication, site planning and design, or construction. Any contribution must be applied to reduce any education-based impact fees on a dollar-for-dollar basis at fair market value.

(5) If a local government increases its impact fee rates, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established. This subsection shall operate prospectively and not retrospectively.

(6) Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.

(7) In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 438 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government.

(8) A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(9) This section does not apply to water and sewer connection fees.

Key provisions of the Florida Impact Fee Act in effect prior to the 2019 amendments include the requirements that: (1) impact fees are calculated based on the most current and localized data, (2) administrative charges do not exceed actual costs, (3) 90 days' notice is provided before a new or increased impact fee goes into effect, (4) financial audits include certification of compliance with the Act, and (5) the burden of proof in any impact fee litigation is on the local government.

Notable provisions added in 2019 include the following:

- Fees cannot be collected prior to the date of issuance of a building permit.

- Developer contributions must be credited at full market value. In particular, proportionate-share contributions for educational facilities must be credited based on the full value of the contribution, without regard for what grade level was benefitted by the contribution (amendment by the same bill to Sec. 163.3180(6)(h)2.b., as referenced in the amended Act).

- The value of developer credits must be increased by the same percentage when the applicable type of impact fees for which the credit was given is increased. Because the provision states that it does not apply retroactively, it appears to apply only to developer credits created after the effective date. Future credit agreements should require the developer to specify the land uses for which the credits will be used.

- Waivers of impact fees for affordable housing projects, as defined in Sec. 420.9071, do not have to be offset with other government revenues.

- Mobility fees must comply with the Florida Impact Fee Act (amendment by the same bill to Sec. 163.3180(5)(i), not referenced in the amended Act).

Other provisions relating to impact fees are scattered about in the Florida Statutes. For example, the boards of independent special fire control districts are authorized to establish fire impact fees in Section 191.009(4). Public schools are exempted from the payment of impact fees in Section 1013.371(1)(a).

METHODOLOGY

A wide range of methodologies have been developed to calculate impact fees, consistent with legal requirements. Despite variations, there are two primary types of methodologies, which can be referred to as "standards-based" and "plan-based." Standards-based methodologies use a system-wide level of service standard, such as the system-wide ratio of road capacity to demand. Plan-based methodologies are generally based on modeling and geographically-specific level of service (LOS) standards (e.g., "all road segments and intersections shall function at LOS D or better") and rely on a facility master plan to create the nexus between the cost of planned improvements and the projected growth over a defined time period. In general, the standards-based approach provides greater flexibility in expenditures (a plan-based approach requires a master plan update when planned projects change). The two approaches are described in more detail below.

Standards-Based

The "standards-based" methodology uses a generalized level-of-service standard to determine the costs to accommodate new development. This approach does not require that there be a master plan, or even a list of specific planned projects that will be funded with the impact fees. Most often, the standards-based approach uses the actual level of service (LOS) that exists at the time the study is prepared.

For transportation, the most common standards-based approach is often referred to as the "consumption-based" methodology. This methodology charges a new development the cost required to replace the capacity the new development will consume in the major roadway system. In other words, if a development will generate 100 vehicle-miles of travel (VMT) per day, it is charged impact fees based on the average cost to create 100 vehicle-miles of capacity (VMC). Most well-functioning roadway systems have considerably more than one VMC for each VMT (although at least a portion of this surplus system-wide capacity represents needed "slack" in the system to accommodate the fact that capacity of some roads will never be fully utilized).

For the purposes of the consumption-based methodology, the appropriate LOS indicator is the system-wide ratio of capacity to demand, not the LOS of individual roadway segments. A variant of the standard consumption-based approach, called modified consumption-based, uses a VMC/VMT ratio higher than 1.00 but lower than the system-wide average.

The City's current road impact fees were calculated in 2006 using a standard consumption-based methodology. The major road system was defined by a list of major City street segments that were listed in the adopting ordinance. A LOS of 1.00 VMC/VMT was implicitly assumed.

Plan-Based

In contrast to standards-based methodologies, which rely on generalized, system-wide LOS standards and the average cost to add capacity, plan-based methodologies rely on segment or intersection-

specific LOS and the total cost of a list of planned improvements. A plan-based methodology basically divides the cost of planned improvements over a fixed time period by the anticipated growth in service units over the same time period. The portion of the cost of planned improvements attributable to existing LOS deficiencies must be removed from the cost used in the fee calculation.

The least defensible of these approaches are those based on a Capital Improvements Plan, because there is not a strong correlation between short-term planned improvement costs and long-term costs to accommodate new development. Much more defensible are those based on a long-range master plan or build-out plan.

Plan-based methodologies seldom account for the cost of existing excess capacity. Instead, they focus solely on future costs to be incurred, and generally exclude any future costs to retire debt on existing capacity. A potential advantage of the plan-based approach is that it can be used to justify reducing fees in more developed areas that have most of the build-out infrastructure in place, in order to provide an incentive for development in such areas. The difficulty, however, is in defining such areas as reasonable service areas for a major roadway system that is primarily designed to move traffic long distances. The major drawback of this approach is that any change to the long-range master plan must be accompanied by an update of the impact fees, and vice versa.

Non-Vehicular Improvements

The inputs into the consumption-based methodology for calculating the fees focus exclusively on vehicular capacity and demand, because this component of the transportation system is the easiest to measure. However, roadways are designed to accommodate non-vehicular forms of transportation as well, including walking, biking and mass transit. These types of multi-modal improvements are included in the average lane-mile costs used in the fee calculations. Consequently, the fees can be spent not only on new roads, widened roads, signalization and intersection improvements, but also on things like bicycle and pedestrian facilities, bus pull-out lanes, and transit shelters.

Recommendation

This study's recommendation is to use the modified consumption-based methodology. This methodology recognizes that roadway systems need more than a one-to-one ratio of capacity to demand in order to function effectively. The recommended approach differs somewhat from that used in the 2006 ordinance. It uses the inventory of existing facilities and data on existing land uses to calibrate the travel demand factors, rather than relying solely on data from national sources or other Florida jurisdictions. In other words, it determines how much daily VMT would be expected on the City's major road system based on average national and Florida travel demand factors, and compares that to the actual VMT. If expected VMT is higher than actual VMT, a calibration factor is introduced into the formula to reduce the expected travel demand. This has the effect of reducing the calculated fee by an across-the-board percentage for each land use category. Calibrating the travel demand schedule in this way ensures that the fees reflect the actual impact of new development in the City on the City's major road system.

MAJOR ROADWAY SYSTEM

The consumption-based road impact fee methodology charges new development for the capacity that it consumes in the major roadway system. To determine the cost per service unit of new travel on the major roadway system, it is necessary to clearly define the major roadway system. Key characteristics of the City's existing major roadways are summarized in Table 3.

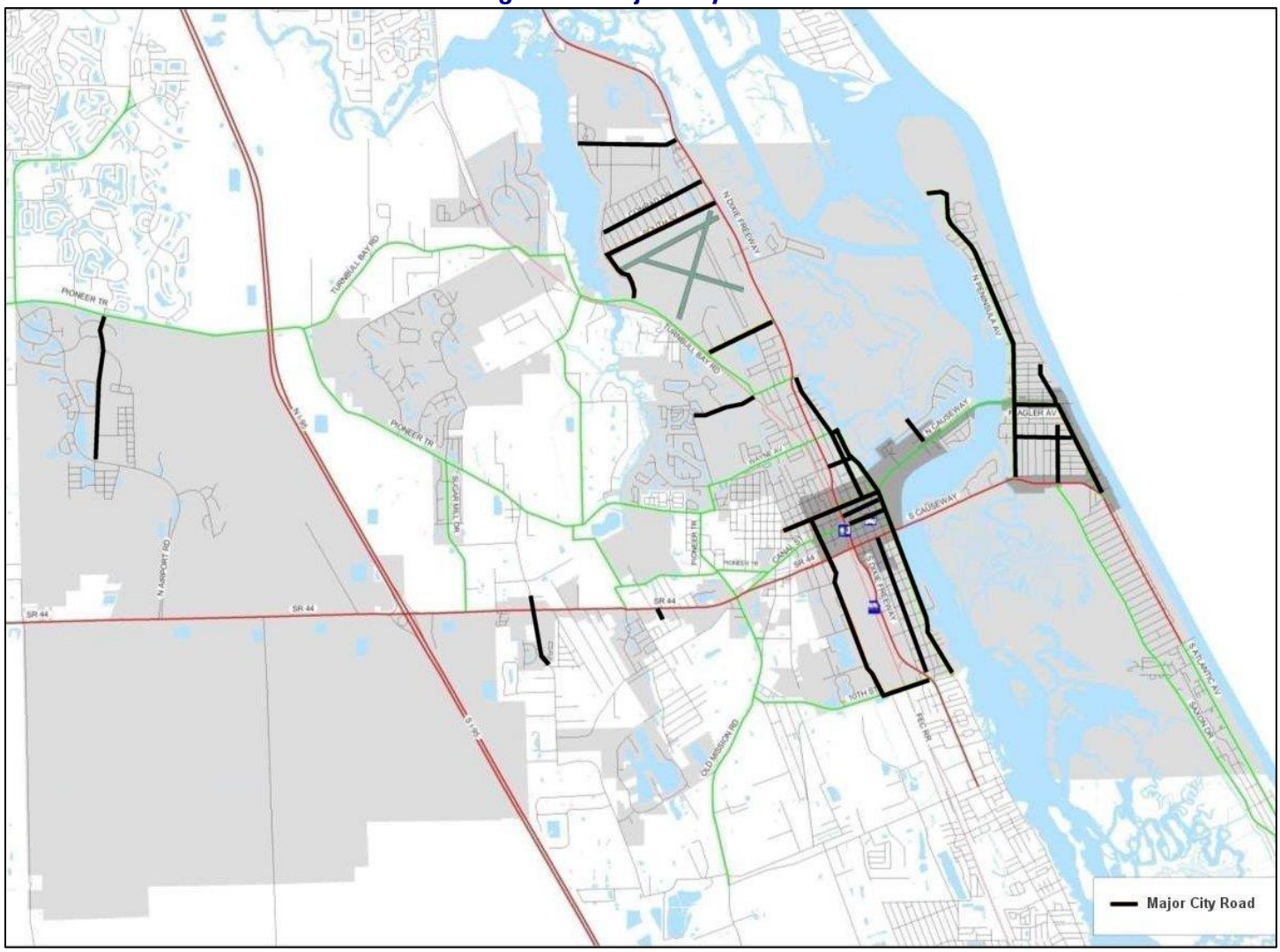
Table 3. Existing City Major Road Inventory

Major Roadway	Segment (From - To)	Lns	Mi.	Volume	Capacity	VMT	VMC
E 2nd Ave	N Atlantic Ave - Peninsula Ave	2	0.65	326	13,640	212	8,866
Art Center Ave	SR A1A-Sundance Trail	2	0.83	1,030	13,640	855	11,321
S Atlantic Ave	Flagler Ave - SR A1A	3	0.87	2,839	14,740	2,470	12,824
N Atlantic Ave	Flagler Ave - Crawford Rd	2	0.37	1,885	13,640	697	5,047
Barracuda Blvd	N Causeway - End	2	0.29	1,885	13,640	547	3,956
Canal St (Bus 44)	Dixie Hwy - Riverside Dr	2	0.36	6,100	13,640	2,196	4,910
Colony Park Rd	SR 44 - Pioneer Trail	2	0.72	6,312	13,640	4,545	9,821
Conrad Dr	US 1-Sunset Dr	2	0.96	1,757	13,640	1,687	13,094
Cooper St	SR 44 - Flagler Ave	2	0.67	1,188	13,640	796	9,139
Fairgreen Ave	Turnbull Bay Rd - Fairway Dr	2	0.55	2,944	13,640	1,619	7,502
Fairway Dr	Fairgreen Ave - Wayne Ave	2	0.62	3,538	13,640	2,194	8,457
Faulkner St	N Causeway - Turnbull Bay Rd	2	1.17	791	13,640	925	15,959
Flagler Ave	Atlantic Ave - Peninsula Ave	2	0.37	9,600	13,640	3,552	5,047
N Glencoe Rd	SR 44 - City Limits	2	0.11	4,601	13,640	506	1,500
S Glencoe Rd	SR 44 - City Limits	2	0.41	1,998	13,640	819	5,592
Hidden Pines Blvd	SR 44 - Piage Ave	2	0.57	723	13,640	412	7,775
Horton St	SR A1A - Oakwood Ave	2	0.51	2,297	13,640	1,171	6,956
Industrial Park Dr	Turnbull Bay Rd - US 1 (N Dixie Fwy)	2	0.63	1,368	13,640	862	8,593
Julia St	US 1 - N Riverside Dr	2	0.35	1,361	13,640	476	4,774
Live Oak St	SR 44 - 9th St	2	1.21	3,977	13,640	4,812	16,504
Luna Bella Ln	Pioneer Tr - N Airport Rd	2	1.24	1,678	13,640	2,081	16,914
N Myrtle Ave	Washington St - Bus 44 (Canal Stt)	2	0.25	1,761	13,640	440	3,410
S Myrtle Ave	Bus 44 (Canal St) - SR 44 (Lytle Ave)	2	0.20	1,883	13,640	377	2,728
S Myrtle Ave	SR 44 (Lytle Ave) - 10th St	2	1.24	2,607	13,640	3,232	16,914
Ocean Ave	S Atlantic Ave - S Peninsula Ave	2	0.50	799	13,640	400	6,820
S Peninsula Ave	SR A1A (S Causewy) - Oakwood Ave	2	0.47	6,720	13,640	3,158	6,411
S Peninsula Ave	Oakwood Ave - Flagler Ave	2	0.17	6,023	13,640	1,024	2,319
N Peninsula Ave	Flagler Ave - Sapphire Rd	2	0.51	4,656	13,640	2,375	6,956
N Peninsula Ave	Sapphire Rd - US Coast Guard Reserv	2	1.53	3,482	13,640	5,328	20,869
N Riverside Dr	Wayne Ave - Washington St	2	0.62	4,106	13,640	2,545	8,457
S Riverside Dr	Washington St - SR A1A	3	0.20	4,390	14,740	878	2,948
S Riverside Dr	SR A1A - S City Limit	2	1.32	3,100	13,640	4,092	18,005
Ronnoc Ave	US 1 - N Riverside Dr	2	0.09	490	13,640	44	1,228
South St	US 1-Sunset Dr	2	1.04	1,945	13,640	2,023	14,186
Sunset Dr	South St - Turnbull Bay Rd	2	0.48	2,000	13,640	960	6,547
S Walker Dr	SR 44 - City Limits	2	0.10	352	13,640	35	1,364
Washington St	N Riverside Dr - City Limits	2	0.85	2,098	13,640	1,783	11,594
Wayne Ave	US 1 - N Riverside Dr	2	0.09	3,465	13,640	312	1,228
Total			23.12			62,440	316,535

Source: Major roadways derived from list of roads in the City's 2006 ordinance, Transportation Element of the New Smyrna Beach *Comprehensive Plan*, City GIS files that include segment lengths and maintenance responsibility, review of *Volusia County Road Impact Fee Study*, September 2018 to ensure no overlap with roads included in County fee, and additional major roadways identified by the City; current traffic volumes provided by Traffic Engineering Data Solutions based on available Florida Department of Transportation data and additional traffic counts prepared for this study; capacities at LOS E for 2- and 3-lane collector roads from Volusia County study,

The locations of the City's existing major roads are illustrated in Figure 1.

Figure 1. Major City Roads



Level of Service

The modified consumption-based methodology recognizes that new development should replace more capacity than it consumes in order to maintain enough additional capacity for the system to function effectively. While it is a relatively straight-forward matter to determine the amount of travel, the capacity of a roadway depends on the operational level of service (LOS) that is acceptable. The City's Comprehensive Plan indicates that LOS E is acceptable. The maximum volume at LOS E is the most traffic that can be accommodated before the breakdown of traffic flow – in other word, the capacity of the road. This study uses generalized collector road capacities developed by Volusia County.

Functioning major roadway systems require an overall VMC/VMT ratio greater than one, which represents a system in which, on average, every roadway segment is utilized to its full capacity. Because

traffic is not spread uniformly in proportion to capacity, even systems with severe congestion issues on some major roadways have VMC/VMT ratios greater than one. The existing system-wide level of service on the City's major roadway system is summarized in Table 4. As noted in the Methodology chapter, the City could base the fees on a VMC/VMT ratio somewhat higher than 1.00, referred to as a modified consumption-based approach. The City's existing roadway system provides four VMC per VMT. This study recommends a 2-to-1 ratio to be used as the basis for the updated fees.

Table 4. Existing Level of Service

Existing Vehicle-Miles of Capacity (VMC)	316,535
÷ Existing Vehicle-Miles of Travel (VMT)	62,440
Existing VMC/VMT Ratio	5.07
Recommended VMC/VMT Ratio	2.00

Source: VMC and VMT from Table 3.

SERVICE UNITS

In impact fee analysis, a "service unit" is a standardized measure of the demand generated by development for the type of infrastructure covered by the fee. The service unit for consumption-based road impact fees is vehicle-miles of travel (VMT). The vehicular travel demand generated by specific land use types in New Smyrna Beach is a product of four factors: 1) trip generation, 2) percent new trips, 3) average trip length and 4) a local adjustment factor to calibrate VMT generation by land use based on national and Florida travel characteristics to reflect actual system-wide travel demand on the City's major roads.

Trip Generation

Average daily trip generation rates are based on information published in the most recent edition of the Institute of Transportation Engineers' (ITE) *Trip Generation* manual. Trip generation rates represent trip ends, or driveway crossings at the site of a land use. Thus, a single one-way trip from home to work counts as one trip end for the residence and one trip end for the work place, for a total of two trip ends. To avoid over counting, all trip rates are divided by two. This allocates the responsibility of the trip equally between the origin and destination and avoids double charging. This update utilizes the 10th edition of the ITE manual published in 2017. The current fees are based in part on trip generation rates from the 7th edition, published in 2003.

New Trip Factor

Trip rates must also be adjusted by a "new trip factor" to exclude pass by and diverted-linked trips. This adjustment is intended to reduce the possibility of over-counting by only including primary trips generated by the development. Pass by trips are those trips that are already on a particular route for a different purpose and simply stop at a development on that route. For example, a stop at a convenience store on the way home from the office is a pass by trip for the convenience store. A pass by trip does not create an additional burden on the street system and therefore should not be counted in the assessment of impact fees. A diverted-linked trip is similar to a pass by trip, but a diversion is made from the regular route to make an interim stop. The reductions for pass by and diverted-linked trips are drawn from a recent compendium of Florida origin-and-destination studies.

Average Trip Length

In the context of a road impact fee based on a consumption-based methodology, it is important to determine the average length of a trip on the major roadway system. Average trip lengths are derived from a recent compendium of Florida origin-and-destination studies.

Adjustment Factor

This update study uses national and Florida data for trip generation rates and average trip lengths and calibrates total VMT to local conditions using a local adjustment factor. The local adjustment factor is derived by dividing the VMT that is currently observed on the City's major roadway system by the VMT that would be expected based on existing land uses, national trip generation rates, and state-wide new trip factors and average trip lengths.

The first step in developing the adjustment factor is to estimate the total daily vehicle-miles of travel (VMT) that would be expected on the City's major roadway system based on national and Florida travel demand characteristics. The number of existing units for each land category is multiplied by average daily trip generation rate, new trip percentage and average trip length and summed to determine total expected county-wide VMT. As shown in Table 5, existing city-wide land uses, using national and Florida trip characteristics, would be expected to generate approximately 663,375 VMT during an average weekday on the City's major streets.

Table 5. Expected City-Wide Vehicle-Miles of Travel

Land Use	ITE Code	Unit	Existing Units	Trip Rate	% New Trips	Avg. Trip Length	Expected VMT
Single-Family Detached	210	Dwelling	10,904	4.72	100%	6.62	340,711
Multi-Family	220	Dwelling	7,662	3.66	100%	5.10	143,019
Mobile Home	240	Dwelling	603	2.50	100%	4.60	6,935
Retail/Commercial	820	1,000 sf	3,563	18.87	68%	2.89	132,128
Office	710	1,000 sf	473	4.87	92%	5.15	10,914
Industrial	130	1,000 sf	467	2.48	92%	5.15	5,487
Warehouse	150	1,000 sf	456	0.87	92%	5.15	1,880
Public/Institutional	620	1,000 sf	2,914	3.32	89%	2.59	22,301
Total							663,375

Source: Existing residential units from 2010 Census, 2013-2017 American Community Survey, and 2010-2018 building permit data from the City on November 8, 2018; existing nonresidential square feet from City GIS data, November 17, 2018; trip rates, % new trips and average trip lengths from Table 7; expected daily VMT is product of existing units, trip rate, % new trips and average trip length.

The next step in developing the local trip length adjustment factor is to determine actual VMT on the City's major roadway system. An inventory of the existing major roadway system was prepared, and eleven new traffic counts were conducted as part of this update. Roadway segment lengths and current traffic volumes are used to determine actual daily travel. The expected VMT based on existing land use data and national/regional travel demand characteristics over-estimates VMT actually observed on the major roadway system. This is not surprising given that the City's major roadway system excludes travel on County roads, State/U.S. highways, and roads outside the city limits. Consequently, it is necessary to develop an adjustment factor to account for this variation. The local adjustment factor is the ratio of actual to expected VMT on the major roadway system. As shown in Table 6, the expected travel demand for each land use category should be multiplied by a local adjustment factor of 0.094.

Table 6. Local Adjustment Factor

Actual Daily Vehicle-Miles of Travel (VMT)	62,440
÷ Expected Daily Vehicle-Miles of Travel (VMT)	663,375
Ratio of Actual to Expected VMT	0.094

Source: Actual daily VMT from Table 3; expected VMT from Table 5.

Travel Demand Summary

The result of combining trip generation rates, new trip factors, average trip lengths and the local adjustment factor is the travel demand schedule. The travel demand schedule establishes the average daily vehicle-miles of travel (VMT) generated by various land use types per unit of development on the City's major roads. The updated travel demand schedule is presented in Table 7.

Table 7. Travel Demand Schedule

Land Use Type (ITE Code)	Unit	1/2 Trip Rate	% New Trips	Trip Length (mi.)	Local Adjust. Factor	VMT/ Unit
Single-Family Detached (210)	Dwelling	4.72	100%	6.62	0.094	2.94
Multi-Family, 1-2 Stories (220)	Dwelling	3.66	100%	5.10	0.094	1.75
Multi-Family, 3+ Stories (222)	Dwelling	2.22	100%	5.10	0.094	1.06
Mobile Home/RV Park (240)	Space	2.50	100%	4.60	0.094	1.08
Hotel (310)	Room	4.18	66%	6.26	0.094	1.62
Motel (320)	Room	1.67	66%	6.26	0.094	0.65
Retail/Commercial						
Shopping Center (820)	1,000 sq. ft.	18.87	68%	2.89	0.094	3.49
Bank w/Drive-Thru (912)	1,000 sq. ft.	50.01	46%	2.46	0.094	5.32
Bank w/o Drive-Thru (911)	1,000 sq. ft.	29.66	46%	2.46	0.094	3.15
Standard Restaurant (931)	1,000 sq. ft.	41.92	76%	3.14	0.094	9.40
Fast Food Restaurant (934)	1,000 sq. ft.	235.47	57%	2.05	0.094	25.86
Supermarket (850)	1,000 sq. ft.	53.39	56%	2.08	0.094	5.85
Pharmacy w/Drive-Thru (880)	1,000 sq. ft.	45.04	32%	2.08	0.094	2.82
Convenience Store (853)	1,000 sq. ft.	342.10	27%	1.51	0.094	13.11
Super Convenience Store (960)	1,000 sq. ft.	418.79	27%	1.51	0.094	16.05
Home Improvement Store (862)	1,000 sq. ft.	15.37	74%	6.27	0.094	6.70
Furniture Store (890)	1,000 sq. ft.	3.15	54%	6.09	0.094	0.97
Auto Parts and Service (943)	1,000 sq. ft.	8.14	72%	3.62	0.094	1.99
New and Used Car Sales (841)	1,000 sq. ft.	13.53	78%	4.60	0.094	4.56
Movie Theater (444)	1,000 sq. ft.	39.04	87%	2.22	0.094	7.09
Marina (420)	Berth	1.20	100%	2.59	0.094	0.29
Office						
General Office (710)	1,000 sq. ft.	4.87	92%	5.15	0.094	2.17
Medical Office (720)	1,000 sq. ft.	17.40	88%	5.55	0.094	7.99
Industrial/Warehouse						
Light Industrial (110)	1,000 sq. ft.	2.48	92%	5.15	0.094	1.10
Manufacturing (140)	1,000 sq. ft.	1.95	92%	5.15	0.094	0.87
Warehouse (150)	1,000 sq. ft.	0.87	92%	5.15	0.094	0.39
Mini-Warehouse (151)	1,000 sq. ft.	1.25	92%	3.10	0.094	0.34
Public/Institutional						
Hospital (610)	1,000 sq. ft.	5.36	89%	2.59	0.094	1.16
Church (560)	1,000 sq. ft.	3.47	89%	2.59	0.094	0.75
Day Care Center (565)	1,000 sq. ft.	23.81	24%	2.03	0.094	1.09
Nursing Home (620)	1,000 sq. ft.	3.32	89%	2.59	0.094	0.72
Elem./Secondary School (520/22/30)	1,000 sq. ft.	8.96	24%	2.59	0.094	0.52
Public Park (411)	Acre	0.39	90%	2.59	0.094	0.09
Other Public/Institutional (540)	1,000 sq. ft.	10.12	90%	2.59	0.094	2.22

Source: Trip rates are ½ of daily trip ends from Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10th Edition, 2017, new trip percentages and trip lengths from Florida studies summarized in Tindale-Oliver & Associates, *City of St. Cloud Mobility Fee Study*, January 2017; local adjustment factor from Table 6; VMT is product of trip rate, % new trips, trip length, and adjustment factor.

COST PER SERVICE UNIT

This chapter calculates the cost per service unit used in the impact fee calculations. The service unit is a vehicle-mile of travel (VMT) as described in the previous chapter. The methodology used is the modified consumption-based approach described in the Methodology chapter.

Roadway Improvement Cost

Roadways consist of multiple components, including right-of-way, vehicular travel lanes, intersections and turn lanes, sidewalks, bike paths, and transit facilities. Associated cost components include planning and design, drainage improvements, environmental mitigation, utility relocation, and project management.

While the most obvious component of a roadway project is the construction of the improvement, there are other components that add to the cost of the project. These include the cost of right-of-way acquisition, professional services (planning and design), environmental mitigation, utility relocation, permitting, inspection, and project management. In a consumption-based impact fee system, roadway construction costs are entered into the formula as an average cost for providing new roadway capacity. Using this method, assuming there are no dramatic changes to the type of construction contemplated, it is not necessary to revisit impact fees each time that the capital improvement program changes. Updates at reasonable periodic intervals are sufficient to analyze potential changes to average costs.

The average cost to add capacity to the major roadway system is determined by examining the most recent cost data available. The roadway improvements costs shown in Table 8 are for Volusia County projects that have been recently-completed or have bids or detailed cost estimates. As calculated below, the average cost of these recent and planned improvements is $298 per added vehicle-mile of capacity (VMC).

Table 8. Cost per Vehicle-Mile of Capacity

			Avg. Daily Capacity			New		Cost/
Road Segment	Project	Miles	Before	After	New	VMC	Total Cost	VMC
Saxon Blvd, Kmart Entry-I-4 Ramp	4 to 6 Lanes	1.31	26,320	44,320	18,000	23,580	$5,698,295	$242
Tymber Crk Rd, SR 40-Peruvian Ln	2 to 4 Lanes	0.70	13,640	35,820	22,180	15,526	$9,152,093	$589
LPGA Blvd, Jimmy Ann-E of Derbyshire	2 to 4 Lanes	1.05	14,040	37,970	23,930	25,127	$7,139,360	$284
Williamson Blvd/ Dunn Ave-LPGA Blvd	2 to 4 Lanes	2.10	17,050	37,970	20,920	43,932	$5,367,433	$122
Howland Blvd, Courtland-SR 415	2 to 4 Lanes	2.22	13,640	37,970	24,330	54,013	$14,884,317	$276
Williamson Blvd, LPGA Blvd-Strickland Rng	2 to 4 Lanes	2.00	17,050	37,970	20,920	41,840	$5,196,000	$124
Dunn Ave Ext., Tomoka Farms-Wllmsn	New 2-Lane	0.74	0	17,050	17,050	12,617	$10,864,651	$861
10th St, US 1-Myrtle Ave	2 to 4 Lanes	0.50	14,040	37,970	23,930	11,965	$11,345,108	$948
Orange Camp/MLK, MLK Blvd to I-4	2 to 4 Lanes	1.80	17,050	37,970	20,920	37,656	$11,342,198	$301
Howland Blvd, Providence Blvd-Elkcam	2 to 4 Lanes	2.20	13,640	37,970	24,330	53,526	$14,179,365	$265
Total County Cost at LOS E		14.62				319,782	$95,168,820	$298

Source: Duncan Associates, *Road Impact Fee Study for Volusia County*, September 2018; new VMC is product of miles and new capacity; cost per VMC is cost divided by new VMC.

While the cost calculated above is for a unit of capacity (VMC), the fees are based on the cost for a unit of demand (VMT). In order to convert the average cost per VMC to the cost per VMT, the cost per VMC must be multiplied by the ratio of VMC/VMT. This is done in Table 9, resulting in a cost of $596 per service unit.

Table 9. Cost per Service Unit

Cost per VMC	$298
x Recommended VMC/VMT Ratio	2.00
Cost per VMT	$596

Source: Cost per VMC from Table 8; recommended ratio from Table 4.

NET COST PER SERVICE UNIT

A revenue credit is a reduction from the cost per service unit designed to equalize the burden between existing and new development arising from the expenditure of future revenues that can be attributed in part to new development. While developer credits are provided on a case-by-case basis, revenue credits must be addressed in the fee calculation study.

If there are existing deficiencies with respect to the level of service used in the fee calculation, the fees should be reduced by a credit that accounts for the contribution of new development toward remedying the existing deficiencies. A similar situation arises when the existing level of service has not been fully paid for. Outstanding debt on existing facilities that are counted in the existing level of service will be retired, in part, by revenues generated from new development. Given that new development will pay impact fees to provide the existing level of service for itself, the fact that new development may also be paying for the facilities that provide that level of service for existing development could amount to paying for more than its proportionate share. Consequently, impact fees should be reduced to account for future payments that will retire outstanding debt on existing facilities that provide the level of service on which the fees are based for existing development.

The issue is less clear-cut when it comes to other types of revenue that may be used to make capacity-expanding capital improvements of the same type being funded by impact fees. The clearest case occurs when general fund tax revenues are programmed for capacity-expanding improvements on an "as available" basis because impact fees are insufficient to fund all needed growth-related improvements. These general fund contributions could be booked as a loan to the impact fee fund, to be repaid when sufficient impact fee funds are available.

Similar considerations apply to dedicated funding sources, such as special taxes that can only be used for the same type of facilities as the impact fees. Like discretionary revenue, these types of dedicated revenue sources are typically not specifically dedicated only for capacity-expanding improvements, and even if they are, their use to fund capacity-related improvements improves the level of service for both existing and new development.

Outside funding or grants for capacity-expanding improvements to major roads that can reasonably be anticipated in the future could warrant a credit, but again this is not clear-cut. In addition to the argument made above (i.e., the additional funding raises the level of service and benefits both new development and existing development), two additional arguments can be made against providing credits for such funding. First, new development in a community does not directly pay for State and Federal grants in the same way they pay local gasoline and property taxes. Second, future grant funding is far more uncertain than dedicated revenue streams.

In sum, there are only two cases where a revenue credit is clearly required. There are no existing deficiencies, and the City does not have any outstanding debt on past road capacity improvements. In addition, the City does not anticipate receiving any State or Federal funds for road improvements. Consequently, no revenue credits are required, and the net cost per service unit is the same as the cost per service unit calculated in the previous chapter.

FEE SCHEDULE

The updated road impact fees for the various land use categories are shown in Table 10. The impact fee calculation for each land use category is the product of daily VMT per development unit on the major roadway system and the net cost per VMT. The comparison of updated fees with current fees is presented in the Executive Summary.

Table 10. Updated Road Impact Fees

Land Use Type	ITE Code	Unit	VMT/ Unit	Net Cost/ VMT	Net Cost/ Unit
Single-Family Detached*	210	Dwelling	2.94	$596	$1,752
Multi-Family, 1-2 Stories	220	Dwelling	1.75	$596	$1,043
Multi-Family, 3+ Stories	222	Dwelling	1.06	$596	$632
Mobile Home/RV Park	240	Space	1.08	$596	$644
Hotel	310	Room	1.62	$596	$966
Motel	320	Room	0.65	$596	$387
Retail/Commercial					
Shopping Center/General Retail	820	1,000 sq. ft.	3.49	$596	$2,080
Bank with Drive-Through	912	1,000 sq. ft.	5.32	$596	$3,171
Bank without Drive-Through	911	1,000 sq. ft.	3.15	$596	$1,877
Quality Restaurant	931	1,000 sq. ft.	9.40	$596	$5,602
Fast Food Restaurant	934	1,000 sq. ft.	25.86	$596	$15,413
Supermarket	850	1,000 sq. ft.	5.85	$596	$3,487
Pharmacy with Drive-Through	880	1,000 sq. ft.	2.82	$596	$1,681
Convenience Store w/ or w/o Gas Sales	853	1,000 sq. ft.	13.11	$596	$7,814
Super Convenience Store (10+ fuel pos.)	960	1,000 sq. ft.	16.05	$596	$9,566
Home Improvement Store	862	1,000 sq. ft.	6.70	$596	$3,993
Furniture Store	890	1,000 sq. ft.	0.97	$596	$578
Auto Parts and Service (943)	943	1,000 sq. ft.	1.99	$596	$1,186
New and Used Car Sales	841	1,000 sq. ft.	4.56	$596	$2,718
Movie Theater	444	1,000 sq. ft.	7.09	$596	$4,226
Marina	420	Berth	0.29	$596	$173
Office					
General Office	710	1,000 sq. ft.	2.17	$596	$1,293
Medical Office	720	1,000 sq. ft.	7.99	$596	$4,762
Industrial/Warehouse					
Light Industrial	110	1,000 sq. ft.	1.10	$596	$656
Manufacturing	140	1,000 sq. ft.	0.87	$596	$519
Warehouse	150	1,000 sq. ft.	0.39	$596	$232
Mini-Warehouse	151	1,000 sq. ft.	0.34	$596	$203
Public/Institutional					
Hospital	610	1,000 sq. ft.	1.16	$596	$691
Place of Worship	560	1,000 sq. ft.	0.75	$596	$447
Day Care Center	565	1,000 sq. ft.	1.09	$596	$650
Nursing Home	620	1,000 sq. ft.	0.72	$596	$429
Elementary/Secondary School	520/22/30	1,000 sq. ft.	0.52	$596	$310
Public Park	411	Acre	0.09	$596	$54
Other Public/Institutional	540	1,000 sq. ft.	2.22	$596	$1,323

* category also includes a mobile home on a single-family lot

Source: VMT per unit from Table 7; net cost per VMT is cost per VMT from Table 9.

APPENDIX: LAND USE DEFINITIONS

Recommended definitions for some of the major land use categories in the City's updated road impact fee schedule are provided below. These definitions are intended to assist City staff in classifying proposed developments and assessing appropriate impact fees. If these definitions are adopted by ordinance or resolution, they should be accompanied by a disclaimer that they only apply to interpretation of the road impact fee schedule.

Single-Family Detached means a building containing only one dwelling unit, including a mobile home not located in a mobile home park.

Multi-Family means a building containing two or more dwelling units. It includes duplexes, apartments, residential condominiums, townhouses, and timeshares.

> **Multi-Family, Low-Rise** means a multi-family building with up to two stories.
>
> **Multi-Family, Mid-Rise** means a multi-family building with three or more stories.

Mobile Home/RV Park means a parcel (or portion thereof) or abutting parcels of land designed, used or intended to be used to accommodate two or more occupied mobile homes or recreational vehicles, with necessary utilities, vehicular pathways, and concrete pads or vehicle stands.

Hotel/Motel means a building or group of buildings on the same premises and under single control, consisting of sleeping rooms kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants. This land use category includes rooming houses, boardinghouses, and bed and breakfast establishments.

> **Hotel** means a hotel/motel that includes meeting rooms suitable for conventions, weddings, dining or similar activities.
>
> **Motel** means a hotel/motel that does not include meeting rooms suitable for conventions, weddings, dining or similar activities.

Shopping Center/General Retail means an integrated group of commercial establishments planned, developed, owned or managed as a unit, or a free-standing retail or commercial use not otherwise listed in the impact fee schedule. Uses located on shopping center outparcels are considered free-standing for the purposes of this definition. A retail or commercial use shall mean the use of a building or structure primarily for the sale to the public of nonprofessional services, or goods or foods that have not been made, assembled or otherwise changed in ways generally associated with manufacturing or basic food processing in the same building or structure. This category includes but is not limited to all uses located in shopping centers and the following free-standing uses:

> Amusement park
> Auto parts store
> Auto wrecking yard
> Automobile repair
> Bank without drive-through facilities

Bar and cocktail lounge
Camera shop
Car wash
Convenience food and beverage store without gas pumps
Department store
Florist shop
Food store
Grocery
Hardware store
Health or fitness club
Hobby, toy and game shop
Junkyard
Laundromat
Laundry or dry cleaning
Lawn and garden supply store
Massage establishment
Music store
Newsstand
Nightclub
Racetrack
Recreation facility, commercial
Rental establishment
Repair shop, including auto repair
School, commercial
Specialty retail shop
Supermarket
Theater, indoor (including movie theater)
Used merchandise store
Variety store
Vehicle and equipment dealer

Convenience Store means an establishment offering the sale of convenience items, which may also sell motor fuel with less than ten (10) fueling stations.

Super Convenience Store means an establishment offering the sales of motor fuels and convenience items and having ten (10) or more fueling stations.

General Office means a building exclusively containing establishments providing executive, management, administrative, financial, or non-medical professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. It may be the upper floors of a multi-story office building with ground floor retail uses. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations. This category does not include an administrative office that is ancillary to a principal commercial or industrial use.

Medical Office means a building primarily used for the examination and/or treatment of patients on an outpatient basis (with no overnight stays by patients) by health professionals, and which may include ancillary services for medical office workers or a medical laboratory to the extent necessary to carry out diagnostic services for the medical office's patients. It also includes the use of a site primarily for the provision of medical care and treatment of animals, which may include ancillary boarding facilities.

Restaurant, Standard means a stand-alone establishment, not located in a shopping center but may be located on an out-parcel, that sells meals prepared on site, and does not provide drive-through or drive-in service.

Restaurant, Drive-Through means a stand-alone establishment, not located in a shopping center but may be located on an out-parcel, that sells meals prepared on site, and provides drive-through or drive-in service.

Hospital means an establishment primarily engaged in providing medical, surgical, or skilled nursing care to persons, including overnight or longer stays by patients.

Nursing Home means an establishment primarily engaged in providing limited health care, nursing and health-related personal care but not continuous nursing services.

Place of Worship means a structure designed primarily for accommodating an assembly of people for the purpose of religious worship, including related religious instruction for 100 or fewer children during the week and other related functions.

Day Care Center means a facility or establishment that provides care, protection and supervision for six or more children unrelated to the operator and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. The term does not include public or nonpublic schools.

Elementary/Secondary School means a school offering an elementary through high school curriculum.

Other Public/Institutional means a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center or separately listed in the impact fee schedule. Typical uses include higher education institutions, city halls, courthouses, post offices, jails, libraries, museums, military bases, airports, bus stations, fraternal lodges, parks and playgrounds. It also includes bus terminals, fraternal clubs, adult day care centers, college dormitories, and prisons.