

040912

**CITY OF
GAINESVILLE**

**INTER-OFFICE
COMMUNICATION**

DATE: December 5, 2006
TO: Community Development Committee
FROM: Planning Division Staff
SUBJECT: Transportation Concurrency Exception Area (TCEA)

In early 2006 the Community Development Committee engaged in a discussion regarding whether the City's TCEA payments were comparable to the County's Impact fees. The Committee recommended that staff report back to the Committee on County and City impact fees, and the TCEA, at a later date when the Mayor could attend the meeting. This item was on the April 6, 2006 CDC agenda and was not heard because of the large number of items on the agenda that day and in order to schedule at a later date when the Mayor could attend. Further discussion on the matter was never scheduled due to the mayor's schedule.

The City does not have impact fees, and the County impact fees are generally higher than the fees that may be collected through the TCEA. Transportation impact fees cannot be used to correct existing roadway level of service deficiencies, and transportation impact fees are almost always used to widen roads or construct new roads. The TCEA funds can be used for multi-modal transportation projects. A TCEA is usually implemented when there are no options for widening a road and the level of service is deficient. Transportation impact fees are not a tool for dealing with concurrency management issues; however, the TCEA concept was established by the State precisely for the purpose of dealing with transportation concurrency problems.

Since the earlier discussions on this topic, State policy for concurrency management has also changed with the introduction of a proportionate fare share model, which allows developments to proceed on roads with deficient level of service as long as the development pays its fair share of the costs for improving the level of service on the road. Based on the changes to State statutes requiring a proportionate fair share ordinance, and the positive result of redevelopment that we are getting from having the TCEA, staff recommends keeping the current system.

If the City would like to study the pros and cons of adopting an impact fee this issue could be referred to the Finance Department for fiscal analysis. However, staff recommends the City retain the current system of using the TCEA and the newly adopted proportionate fare share to deal with transportation concurrency issues, and recommends the item be removed from the referral list.

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS
ORDINANCE 06-30
(Transportation Impact Fee)

AN ORDINANCE AMENDING CHAPTER 364 OF THE
ALACHUA COUNTY CODE OF ORDINANCES RELATING
TO TRANSPORTATION IMPACT FEES; PROVIDING FOR
SEVERABILITY; PROVIDING A REPEALING CLAUSE;
PROVIDING FOR INCLUSION IN THE CODE; PROVIDING
AN EFFECTIVE DATE OF SEPTEMBER 12th, 2006.

BE IT ORDAINED BY THE
BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Sec. 364.01. Legislative findings.

The Board of County Commissioners of the Alachua County finds, determines and declares that:

- (1) Alachua County must expand the capacity of its transportation system in order to maintain current levels of service if new development is to be accommodated without decreasing current levels of service. This must be done in order to promote and protect the health, safety and welfare of both existing and new residents and businesses;
- (2) The Florida Legislature, through the enactment of the "Florida Impact Fee Act" Section 163.31801 , Florida Statutes, authorizes Alachua County to enact impact fees;
- (3) The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare;
- (4) The imposition of impact fees is consistent with the Alachua County Comprehensive Plan;
- (5) Each of the types of land development described in Section Seven hereof, will generate traffic necessitating the acquisition of rights-of-way, road construction and transportation capacity;
- (6) The fees established by section 364.07 are derived from, are based upon, and do not exceed a pro rata share of the costs of providing additional rights-of-way, road construction and transportation capacity necessitated by the new land developments for which the fees are levied; and
- (7) The report entitled "A Report Presenting Development Impact Fees", dated July 11, 2004, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional rights-of-way, road construction and transportation improvements in Alachua County.

(8) It is in the public interest to discount all transportation impact fees by 35% so as to encourage economic development and also promote the financing of public infrastructure to minimize the cost of such infrastructure to present and future taxpayers. (Economic Element, Alachua County Comprehensive Plan.)

(9) In recognition of the public benefits that non-residential developments provide to the entire community in terms of employment and enhanced tax receipts, it is in the public interest to provide an additional discount of 20 percent to non-residential transportation impact fee payers.

(10) The board of county commissioners recognizes its responsibility to assure that adequate financial resources are made available to implement the transportation impact fee program and maintain the financial integrity of the program.

Section 346.02. Short title, authority and applicability.

(a) This chapter shall be known and may be cited as the "Alachua County Transportation Impact Fee Ordinance."

(b) The board of county commissioners of Alachua County has the authority to adopt this ordinance pursuant to Article VIII of the Constitution of the State of Florida, and Chapters 125 and Section 163.31801, Florida Statutes.

(c) This chapter shall apply in the unincorporated area of Alachua County. If an Alachua County municipality enters into an interlocal agreement with Alachua County to collect the county transportation impact fee for development within its jurisdiction, the board of county commissioners will conduct a public hearing to consider an amendment to this ordinance to impose impact fees within that municipality.

Section 364.03. Intent and purpose.

(a) This chapter is intended to assist in the implementation of the Alachua County Comprehensive Plan.

(b) The purpose of this chapter is to require the payment of a fee so as to assure that new development is provided with needed expansions of transportation capacity and that new development bears a proportionate share of the cost of capital expenditures necessary to provide that needed expansion of transportation capacity.

Section 364.04. Rules of construction.

(a) The provisions of this chapter shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.

(b) For the purposes of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter:

- (1) In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
- (2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

- (3) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (4) Words expressed in the feminine gender shall include the masculine and words expressed in the masculine gender shall include the feminine.
- (5) The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".
- (6) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected terms, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (8) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (9) All terms relating to types of development shall have the same meaning as established in the Alachua County Land Development Code.

Section 364.05. Definitions.

Additional vehicular trips shall be assessed using independent variables determined by the impact fee administrator consistent with the most recent addition of the ITE Trip Generation Manual and professionally accepted transportation engineering and planning practice.

Arterial road shall have the same meaning as set forth in Subsection 334.03(1) of the Florida Statutes.

Building permit is the approval issued by Alachua County or any municipality within Alachua County that authorizes the construction, placement, interior completion or interior renovation of a building, dwelling, mobile home, recreational vehicle or other structure on a site. This would include temporary as well as permanent occupancy.

A capital improvement includes transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any transportation construction project including, but not limited to:

- (1) Construction of new through lanes,
- (2) Construction or extension of new turn lanes,
- (3) Construction of new bridges,
- (4) Construction of new drainage facilities, sidewalks and bicycle paths in conjunction with new roadway construction,
- (5) Purchase and installation of traffic signalization (including new and upgraded signalization),
- (6) Construction of a roundabout,
- (7) Construction of curbs, medians, and shoulders in conjunction with new roadway construction, and
- (8) Relocating utilities to accommodate new roadway construction.

Collector Road shall have the same meaning as set forth in Subsection 334.03(4) of the Florida Statutes.

Certificate of Occupancy is the certificate issued by the Alachua County Building Department to a building permit applicant, indicating that the building is in proper condition to be occupied.

Development Order means a regulatory approval for the development of land issued by Alachua County or any municipality within Alachua County.

Expansion of the capacity of a road applies to the addition of road and intersection capacity and includes but is not limited to extensions, widening, , signalization, and expansion of bridges.

A *feepayer* is a person commencing a land development activity within Alachua County which generates vehicular trips in Alachua County or a municipality within Alachua County.

Floor Area - residential is that area of the building or structure provided with heating or air conditioning or designed to be provided with heating or air conditioning.

Floor area - non-residential shall include all areas under roof or canopy and areas designed for storage, sales, seating, and occupancy that are utilized to carry out a primary function of the non-residential use.

The *impact fee administrator* means a county official, other than the county manager, designated by the county manager to carry out the administration of this chapter.

Independent fee calculation study means the traffic engineering, transportation planning, and/or economic documentation prepared by a feepayer or on behalf of a feepayer to allow the determination of the impact fee other than by the use of the table in subsection 364.07(a).

Land development activity generating vehicular trips means any change in land use or any construction of buildings or structures or any change in the use of any structure that attracts or produces vehicular trips.

Level of service shall have the same meaning as set forth in the Transportation Research Board's Highway Capacity Manual, latest edition and the Alachua County Comprehensive Plan.

Mandatory or required right-of-way dedications and/or roadway improvements means such non-compensated dedications and/or roadway improvements required by Alachua County or by any municipality within Alachua County.

Residential room means any room used for sleeping, living, dining, gathering, exercising, studying, entertaining or recreation.

Road shall have the same meaning as set forth in Subsection 334.03(23) of the Florida Statutes.

Shell building means a building where the exterior structure is constructed and the interior of the building is completed through application for a building permit for interior completion.

Site-related improvements are capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Direct access improvements include but are not limited to:

- (1) Construction of new through lanes,
- (2) Access roads leading to the development;
- (3) Driveways and roads within the development;
- (4) Connectivity with adjacent development;
- (5) Acceleration and deceleration lanes, and right and left turn lanes leading to those roads and driveways; and
- (6) Traffic control measures for those roads and driveways.

Section 364.06. Imposition of transportation impact fee.

(a) Any person who, after March 28, 2005, seeks to develop land within the unincorporated area of Alachua County, Florida, by applying for a building permit or the extension of a building permit to make an improvement to land which will generate vehicular trips is hereby required to pay a transportation impact fee in the manner and amount set forth in this chapter. The transportation impact fee shall be determined at the time of building permit application. Impact fees shall be paid prior to zoning approval or final development order approval, whichever occur last, for developments which generate vehicular trips but do not require the issuance of a building permit.

(b) No certificate of occupancy for any activity requiring payment of an impact fee pursuant to section 364.07 shall be issued by Alachua County unless and until the transportation impact fee hereby required has been paid.

(c) No zoning approval or final development order approval, whichever occurs last, shall be issued by Alachua County for developments which generate vehicular trips but do not require the issuance of a building permit unless and until the transportation impact fee hereby required has been paid.

Section 364.07. Computation of the amount of transportation impact fee.

(a) At the option of the feepayer, the amount of the transportation impact fee may be determined by the following fee schedule.

DEVELOPMENT TYPE AND UNIT	FEE
All Residential per 1,000 FT ²	\$1,052
NON-RESIDENTIAL:	
Hotel/Motel per Room	\$1,292
Movie Theatre per Seat	\$335
Church/Synagogue per 1,000 FT ²	\$918
Day Care Center per 1,000 FT ²	\$2,785
Offices per 1,000 FT ²	\$1,821
Medical Buildings:	
Hospitals per 1,000 FT ²	\$1,681
Nursing Home per 1,000 FT ²	\$882
Industrial Buildings per 1,000 FT ²	\$1,072
Commercial Retail per 1,000 FT ² :	\$3,814

For purposes of calculating residential impact fees, the floor area per residential unit will be capped at 2,600 FT².

- (1) If a building permit is requested for mixed uses, then the fee shall be determined through using the applicable impact fee schedule by apportioning the development committed to uses specified on the applicable impact fee schedule.
- (2) For applications for an extension of a building permit, the amount of the impact fee is the difference between that impact fee then applicable or paid when the permit was originally issued and the impact fee due pursuant to this chapter.
- (3) As a matter of policy, a broad range of uses have been categorized as being commercial, office, or industrial. The Impact Fee Administrative Manual shall specify the types of land use that shall be included under the broad categories of commercial, office, and industrial land uses. The land uses identified under the commercial, office, or industrial land use categories shall utilize the impact fee schedule for the land use category.

- (4) If the type of development activity that a building permit is applied for is not specified on the applicable fee schedule or identified in the Impact Fee Administrative Manual, the impact fee administrator shall use the fee applicable to the most nearly comparable type of land use on the impact fee schedule. The impact fee administrator shall be guided in the selection of a comparable type by the report titled Trip Generation (latest edition) prepared by Institute of Transportation Engineers.
- (5) If the impact fee administrator determines that there is no comparable type of land use on the applicable impact fee schedule then the impact fee administrator shall determine the fee by:
 - a. using traffic generation statistics provided by the Florida Department of Transportation or contained in a report titled Trip Generation (latest edition) prepared by Institute of Transportation Engineers and;
 - b. applying the formula set forth in subsection 364.07(b) hereof; and
 - c. making any appropriate adjustments to the fee pursuant to section 364.14.
- (6) In the case of the replacement or expansion of a residential use, the impact fee shall be based on the net increase in residential floor area, except as otherwise exempt in section 364.13.
- (7) In the case of change of use, redevelopment, or expansion or modification of an existing non-residential use which will result in additional vehicular trips, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use.

(b) If a feepayer opts not to have the impact fee determined according to paragraph (a) of this section, then the feepayer shall prepare and submit to the impact fee administrator an independent fee calculation study for the land development activity for which a building permit is sought. The traffic engineering and/or economic documentation submitted shall show the basis upon which the independent fee calculation was made, including but not limited to the following:

- (1) Transportation Engineering Studies:
 - a. Documentation of trip generation rates appropriate for the proposed land development activity via field data collection or other professional studies that utilize field collected data. Trip Generation rates from a report titled Trip Generation (latest edition) prepared by Institute of Transportation Engineers are not accepted for alternative studies.
 - b. Documentation of trip length appropriate for the proposed land development activity.

- c. Documentation of any other transportation data appropriate for the proposed land development activity.
- (2) Economic Documentation Studies:
- a. Documentation of the cost per lane per mile for roadway construction appropriate for proposed land development activity.
 - b. Documentation of credits attributable to the proposed land development activity which can be expected to be available to replace the portion of the service volume used by the traffic generated by the proposed land development activity.

Independent fee calculation studies shall be prepared and presented by professionals qualified in their respective fields and employ methods recognized within those respective fields. The impact fee administrator shall consider the documentation submitted by the fee payer but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the fee payer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the fee payer shall pay transportation impact fees based upon the schedules shown in paragraph (a) of this section. Determinations made by the Impact Fee Administrator pursuant to this paragraph may be appealed to the county manager by filing a written request with the county manager within ten (10) days of the impact fee administrator's determination.

Upon acceptance of an independent fee calculation study, the following formula shall be used by the impact fee administrator to determine the impact fee per unit of development:

FORMULA

ATTRIBUTABLE TRAVEL = [(TRIP RATE x TRIP LENGTH)/2] * %NEW TRIPS

NEW LANE MILES = ATTRIBUTABLE TRAVEL / LANE CAPACITY

CONSTRUCTION COST = NEW LANE MILES x CONSTRUCTION COST PER LANE MILE

RIGHT OF WAY COST = NEW LANE MILES x RIGHT OF WAY COST PER LANE MILE

ENGINEERING COST = NEW LANE MILES x ENGINEERING COST PER LANE MILE

TOTAL COST = CONSTRUCTION COST + RIGHT OF WAY COST + ENGINEERING COST

MOTOR FUEL CREDIT = {[(ATTRIBUTABLE TRAVEL * 365) / MPG] * TAX} * PV

NET COST = TOTAL COST - MOTOR FUEL CREDIT

PV = Present Value Factor.

Where:

Lane Capacity	= 10,081
Construction Cost	= \$1,250,000 per Lane-Mile
Right of Way Cost	= \$250,000 per Lane-Mile
Engineering Cost	= \$250,000 per Lane-Mile

MPG	= 19 Miles per Gallon
Capital Tax Rate	= ¢18.5 per Gallon
Present Value Factor	= 16.043

Section 364.08. Payment of fee.

(a) The feepayer shall pay the transportation impact fee required by this ordinance to Alachua County prior to the issuance of a certificate of occupancy.

(b) For a mobile home or recreational vehicle, the feepayer shall pay the transportation impact fee required by this ordinance to Alachua County prior to the issuance of a building permit.

(c) The feepayer shall pay the transportation impact fee required by this ordinance to Alachua County prior to zoning approval or final development order approval, whichever occurs last, for developments which generate vehicular trips but do not require the issuance of a building permit

(d) All funds collected shall be properly identified by transportation impact fee district and promptly transferred for deposit in the appropriate transportation impact fee trust fund to be held in separate accounts as determined in section 364.10 of and used solely for the purposes specified in this chapter.

Section 364.09. Transportation impact fee districts.

There are hereby established three (3) transportation impact fee districts as shown on the map attached in the Impact Fee Administrative Manual and incorporated herein by reference. District 1 is that area of Alachua County north of State Road 26 and west of State Road 121. District 2 is that area of Alachua County south of State Road 26 and west of State Road 121. District 3 is that area of Alachua County east of State Road 121.

Section 364.10. Transportation special revenue/capital projects impact fee trust funds established.

(a) There are hereby established three (3) separate transportation special revenue/capital projects impact fee trust funds, one for each transportation impact fee district established by section nine of this chapter.

(b) Funds withdrawn from these accounts must be used in accordance with the provisions of section 364.11.

Section 364.11. Use of funds.

(a) Funds collected from transportation impact fees shall be used for the purpose of capital improvements to and expansion of the transportation facilities shown in the Alachua County Comprehensive Plan or appropriate to the implementation thereof. No impact fees shall be expended for any capital improvements within the boundaries of a municipality that has not entered into an interlocal agreement with Alachua County for the collection of impact fees.

(b) No funds shall be used for periodic or routine maintenance.

(c) No funds shall be spent for expansion of through lanes on the Interstate Highway System.

(d) No funds shall be used for local roadways.

(e) Funds shall be used exclusively for capital projects or expansion to collector or arterials roadways within the transportation impact fee district, including district boundary roads, as identified in the Impact Fee Administrative Manual, hereof, from which the funds were collected or for projects in other transportation impact districts which are of benefit to the transportation impact district from which the funds were collected.

(f) Funds shall be expended in the order in which they are collected.

(g) In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which transportation impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are described in paragraph (a) of this section and are located within the appropriate impact fee districts created by section 360.09 or as provided in paragraph (c) of this section.

(h) Impact fees may be rebated to any person when that person donates any improvement provided for in (a) above if the reasonable value of that donation is greater than the impact fees available for credit for the donation.

(i) At least once each fiscal period the impact fee administrator shall present to the board of county commissioners an annual report of impact fees collected, credits provided, the total account balance for each transportation impact fee trust fund, and projects under construction or completed.

(j) The annual Capital Improvements Program shall clearly identify the amount of Transportation Impact Fees used for a project. Monies, including any accrued interest, not assigned to a project in any fiscal period shall be retained in the same transportation impact fee trust funds until the next fiscal period except as provided by the refund provisions of this chapter.

(k) Projects funded with transportation impact fees shall be consistent with the Transportation Mobility and Capital Improvements Element of the Comprehensive Plan. If a project is not in the Capital Improvements Element, then it shall be added during the next update of the Comprehensive Plan.

(l) Funds may be used to provide refunds as described in section 364.12.

(m) Funds collected, not to exceed the cost set forth in section 364.16, shall be used to fund the administrative cost to implement and operate the impact fee program including the salary and benefits of the impact fee administrator.

Section 364.12. Refund of fees paid.

Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the transportation impact fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of three percent (3%) per annum, provided that the landowner submits an application to the clerk of the Court of Alachua County for a refund within 180 days of the expiration of the six-year period.

Section 364.13. Exemptions from payment of impact fees.

The following shall be exempted from payment of the impact fee:

(1) All development within any municipality within Alachua County that has adopted a program that provides the needed municipal funding for the relevant capital improvements shown in section 364.11(a) and that has entered into an intergovernmental agreement with the county relieving the county of any obligation for providing the relevant capital improvements shown in section 364.11(a).

(2) All development within any municipality within Alachua County that does not require the expansion of transportation capacities shown in section 364.11(a) or will not benefit from the expansion of transportation capacities shown in Section 364.11(a) if that municipality has entered into an intergovernmental agreement with Alachua County that providing for the period of exemption and also requiring re-valuation of the exemption at least every five (5) years.

(3) Alterations or expansion of an existing residential building where no additional residential rooms are created. The addition or expansion of a bathroom, kitchen, laundry or storage room, where no additional residential rooms are created shall be exempt.

(4) Alterations or expansion of an existing non-residential building where the use is not changed and where no additional vehicular trips will be produced.

(5) The area of non-residential buildings under roof or canopy utilized for drop-off, loading or unloading, entranceways, pedestrian circulation and access, or for employee break areas.

(6) The construction of a new building or structure which will not produce additional vehicular trips.

(7) The construction of a shell building where a separate building permit is required for internal completion and issuance of a Certificate of Occupancy. The impact fee shall be established at the time of application of a building permit for internal completion and payable prior to issuance of a certificate of occupancy for the internal completion. Any portion of a shell building which is to be internally completed concurrent with the construction of the shell building shall be required to pay an impact fee.

(8) The construction of accessory buildings or structures which will not produce additional vehicular trips over and above those produced by or attracted to the principal building or use of the land.

(9) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use provided that no additional trips will be produced over and above those produced by the original use of the land. In the event that a destroyed or partially destroyed building or structure is replaced with a larger building or structure or additional trips will be produced above those produced by the original structure, the amount of the impact fee due is the positive difference between the impact fee for the new use as compared to the previous use.

(10) Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

Section 364.14. Credits against payment of impact fees.

(a) No credit shall be given for site-related construction or site-related right-of-way dedications.

(b) Construction of roadways that provide site related access and are identified on the Comprehensive Plan Future Traffic Circulation Map shall be eligible for transportation impact fee credit for the excess capacity provided. The roadway shall be constructed along the entire property boundary consistent with the Future Traffic Circulation Map and designed according to the Alachua County Corridor Design Manual in order to be eligible for the credit.

(c) All mandatory or required right-of-way dedications and/or the addition of transportation capacity made by a feepayer or the predecessor in interest to the feepayer, subsequent to the effective date of this ordinance, shall be credited on a pro rata basis against transportation impact fees otherwise due or to become due for the development that prompted the County to require such dedications or roadway project. Such credits shall be determined and provided as set forth in section 364.13.

(d) All roadway projects and ROW dedications where transportation impact fee credits are provided shall be consistent with the Transportation Mobility and Capital Improvement Elements of the Comprehensive Plan. If a roadway project or the ROW to be dedicated is not in the Transportation Mobility and Capital Improvement Elements, then it shall be added during the next update of the Comprehensive Plan.

(e) Credit shall be provided for the payment of a proportionate fair-share contribution made to Alachua County or the Florida Department of Transportation for facilities within unincorporated Alachua County that are classified as either collector or arterial per the Transportation Mobility Element of the Comprehensive Plan. For facilities not identified in the Comprehensive Plan, credit may still be provided if the facility is added to the Transportation Mobility Element during the next update of the Comprehensive Plan.

(f) A feepayer may obtain credit against all or a portion of transportation impact fees otherwise due or to become due by offering to dedicate non-site-related right-of-way and/or construct non-site related transportation capacity. This offer must specifically request or provide for a transportation impact fee credit. Such construction must be in accordance with city, county or state design standards, which ever is applicable. If the impact fee administrator accepts such an offer, whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner:

- (1) Credit for the dedication of non-site-related right-of-way shall be valued at:
 - a. 120% of the most recent assessed value by the property appraiser, or
 - b. By such other appropriate method as the board of county commissioners may have accepted prior to the effective date of this ordinance for particular right-of-way dedications and/or roadway improvements, or
 - c. At the option of the feepayer, by fair market value established by private appraisers acceptable to the county. Credit for the dedication of right-of-way shall be provided when the property has been conveyed at no charge to, and accepted by, the county in a manner satisfactory to the board of county commissioners or by another appropriate entity.

- (2) Applicants for credit for construction of non-site-related transportation capacity shall submit acceptable engineering drawings and specifications, and construction cost estimates to the impact fee administrator. The impact fee administrator shall determine credit for roadway construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the impact fee administrator determines that such estimates submitted by the applicant are either unreliable or inaccurate. The impact fee administrator shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the impact fee administrator before credit will be given. Failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.
- (3) Except as provided in subparagraph (g), credit against impact fees otherwise due will not be provided until:
- a. The construction is completed and accepted by the county , a municipality within Alachua County or the state, whichever is applicable;
 - b. A suitable maintenance and warranty bond is received and approved by Alachua County, when applicable; and
 - c. All design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the then current city or county paving and drainage ordinance, when applicable.
- (4) Credit may be provided before completion of specified transportation capacity if adequate assurances are given by the applicant that the standards set out in subparagraph c., above will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with and approved by Alachua County in an amount determined by the impact fee administrator consistent with the then current city or county paving and drainage ordinance. If the transportation construction project will not be constructed within one (1) year of the acceptance of the offer by the impact fee administrator, the amount of the security shall be increased by ten percent (10%) compounded, for each year of the life of the security. The security shall be reviewed and approved by the board of county commissioners prior to acceptance of the security. If the transportation construction project is not to be completed within five years of the date of the feepayer's offer, the board of county commissioners must approve

the transportation construction project and its scheduled completion date prior to the acceptance of the offer by the impact fee administrator.

- (5) No credit will be provided for any capital project within a municipality without first obtaining the recommendation of that municipality.
- (6) A successor in interest may claim credit for dedication if that successor can show adequate documentation that such credit is appropriately due to the fee payer making the application for credit against impact fees otherwise due.

(g) Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

(h) Transportation impact fee credits shall not be transferable from one project or development to another.

(i) Determinations made by the impact fee administrator pursuant to the credit provisions of this section may be appealed to the county manager by filing a written request with the county manager within ten (10) days of the impact fee administrator's determination.

Section 364.15. Review of fees.

The fees specified in section 364.07 (a) shall be reviewed by the board of county commissioners at least once each fiscal biennium.

Section 364.16. Cost to implement.

The cost to implement and administer the transportation impact fee ordinance shall be based upon the actual cost to implement and administer the ordinance in accordance with Section 163.31801(3)(c), Florida Statutes.

Section 364.17. Requirement of public notice.

Public notice shall be provided no less than 90 days before the effective date of an ordinance imposing a new or amended impact fee in accordance with Section 163.31801(3)(d), Florida Statutes.

Section 364.18. Audit requires affidavit.

Audits of financial statements of local governmental which are performed by a certified public accountant pursuant to Section 218.39, Florida Statutes, and submitted to the auditor general must include an affidavit signed by the chief financial officer of the local governmental entity that the local governmental entity has complied with Section 163.31801, Florida Statutes.

Section 364.19. Penalty provision.

Alachua County shall have the power to sue for relief in civil court to enforce the provisions of this ordinance. Knowingly furnishing false information to the impact fee administrator, his/her designee, the building official or any municipal official who is charged with the administration of this chapter on any matter relating to the administration of the ordinance shall constitute a violation of this chapter and shall be a misdemeanor punishable according to law.

Alachua County Impact Fee Rates

FIRE & PARK IMPACT FEE RATES per 1,000 sq. ft.

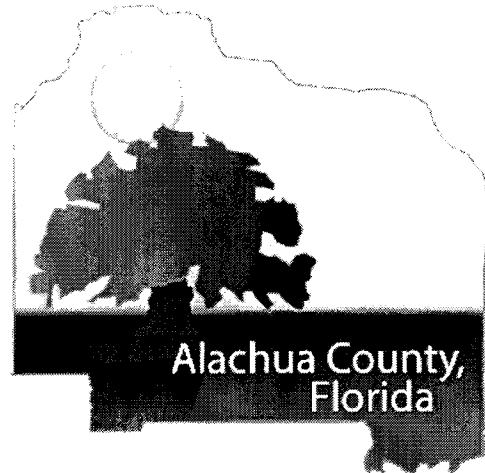
CATEGORY	RESIDENTIAL ²	NON-RESIDENTIAL
Fire	\$76	\$76
Parks	\$126	\$0

TRANSPORTATION IMPACT FEE RATES

DEVELOPMENT TYPE AND UNIT	FEE
All Residential ² per 1,000 sq. ft.	\$1.052
NON-RESIDENTIAL:	
Hotel/Motel per Room	\$1.292
Movie Theatre per Seat	\$335
Church/Synagogue per 1,000 sq. ft.	\$918
Day Care Center per 1,000 sq. ft.	\$2,785
Offices per 1,000 sq. ft.	\$1.821
MEDICAL BUILDINGS:	
Hospitals per 1,000 sq. ft.	\$1.681
Nursing Home per 1,000 sq. ft.	\$882
Industrial Buildings per 1,000 sq. ft.	\$1.072
Commercial Retail per 1,000 sq. ft.	\$3.814

These rates are current as of March 28th, 2005

COMPARATIVE ANALYSIS OF IMPACT FEES FOR SIMILAR SIZE FLORIDA COUNTIES



Alachua County
Growth Management Department
120 South Main Street
Gainesville, FL 32601
(352) 374-5243

<http://growth-management.alachua.fl.us>

The following tables are a comparative analysis of Impact Fees assessed by Alachua County and the Impact Fees assessed by similar size Florida Counties. The table only identifies some of the more common land uses. Each County has additional land use categories. This comparative analysis is for informational purposes only. Individuals seeking additional information for the Counties shown below should contact the individual County.

COMPARISON OF IMPACT FEES FOR RESIDENTIAL DEVELOPMENT					
2004		Single Family	Townhome	Mobile Home	Multi Family
County	Population	3 bedroom (1,800 sq ft)	2 Bedroom (1,300 sq ft)	2 Bedroom (1,100 sq ft)	2 Bedroom (900 sq ft)
Alachua ^{(1) (2) (3)}	236,174	\$ 2,257	\$ 1,630	\$ 1,379	\$ 1,129
Charlotte ^{(1) (2) (3) (5) (6)}	156,985	\$ 6,696	\$ 4,836	\$ 4,092	\$ 3,348
Citrus ^{(1) (2) (3) (4) (5) (6)}	129,110	\$ 9,867	\$ 5,975	\$ 5,470	\$ 6,522
Hernando ^{(1) (2) (3) (4) (5) (6)}	145,207	\$ 9,220	\$ 6,490	\$ 6,834	\$ 6,905
Indian River ^{(1) (2) (3) (4) (5) (6)}	126,829	\$ 9,631	\$ 4,956	\$ 4,360	\$ 4,956
Lake ^{(1) (2) (3) (4) (5) (6)}	251,878	\$ 9,985	\$ 6,190	\$ 4,596	\$ 6,190
Manatee ^{(1) (2) (3) (4) (5)}	295,242	\$ 11,421	\$ 7,497	\$ 3,470	\$ 5,292
Marion ^{(1) (3)}	293,317	\$ 2,349	\$ 1,534	\$ 1,214	\$ 1,151
Martin ^{(1) (2) (3) (4) (5) (6)}	137,637	\$ 8,287	\$ 8,287	\$ 7,972	\$ 7,972
Osceola ^{(1) (3) (4)}	225,816	\$ 14,690	\$ 9,086	\$ 9,556	\$ 9,460
St. Johns ^{(1) (2) (3) (4) (5) (6)}	149,336	\$ 8,921	\$ 6,380	\$ 6,380	\$ 6,380
St. Lucie ^{(1) (2) (3) (4) (5) (6)}	226,216	\$ 8,493	\$ 5,186	\$ 7,306	\$ 5,186
(1) Transportation Impact Fee, (2) Park Impact Fee, (3) Fire Impact Fee, (4) School Impact Fee, (5) Law Enforcement Impact Fee, (6) Public Building / Library Impact Fee					

COMPARISON OF IMPACT FEES FOR NON-RESIDENTIAL DEVELOPMENT												
County	2004 Population	Retail	Office	Industrial	Church	Day Care	Hotel	Bank	Gas/ Retail	Medical Office	Pharmacy	Fast Food
Alachua ⁽¹⁾⁽²⁾	236,174	\$ 3,890	\$ 1,897	\$ 1,148	\$ 994	\$ 2,785	\$ 1,292	\$ 1,897	\$ 3,890	\$ 1,897	\$ 3,890	\$ 3,890
Charlotte ⁽¹⁾⁽²⁾⁽³⁾	156,985	\$ 8,606	\$ 6,471	\$ 4,062	\$ 2,538	\$ 6,423	\$ 4,338	\$ 21,169	\$ 12,722	\$ 13,587	\$ 4,806	\$ 14,424
Citrus ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾	129,110	\$ 9,402	\$ 6,652	\$ 2,651	\$ -	\$ 8,057	\$ 2,544	\$ 23,730	\$ 52,718	\$ 11,941	\$ 5,014	\$ 44,621
Hernando ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾	145,207	\$ 6,406	\$ 3,080	\$ 2,094	\$ -	\$ 6,406	\$ 3,687	\$ 6,406	\$ 6,406	\$ 7,934	\$ 6,406	\$ 13,790
Indian River ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾	126,829	\$ 12,306	\$ 8,860	\$ 3,535	\$ 3,477	\$ 11,642	\$ 3,800	\$ 29,377	\$ 30,128	\$ 17,390	\$ 12,307	\$ 48,804
Lake ⁽¹⁾⁽²⁾	251,878	\$ 3,912	\$ 4,886	\$ 2,245	\$ 1,530	\$ 4,811	\$ 2,542	\$ 13,303	\$ 15,930	\$ 7,813	\$ 5,011	\$ 18,802
Manatee ⁽¹⁾⁽²⁾⁽³⁾	295,242	\$ 8,917	\$ 4,230	\$ 1,413	\$ 671	\$ 1,188	\$ 2,166	\$ 10,937	\$ 10,937	\$ 9,532	\$ 10,937	\$ 10,937
Marion ⁽¹⁾⁽²⁾	293,317	\$ 4,155	\$ 4,228	\$ 1,617	\$ 1,804	\$ 5,307	\$ 1,654	\$ 9,712	\$ 10,394	\$ 7,798	\$ 6,624	\$ 17,661
Martin ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾	137,637	\$ 12,708	\$ 4,140	\$ 2,751	\$ 2,590	\$ 5,494	\$ 2,402	\$ 15,708	\$ 31,935	\$ 8,925	\$ 3,633	\$ 54,580
Osceola ⁽¹⁾⁽²⁾	225,816	\$ 11,883	\$ 6,540	\$ 4,090	\$ 3,610	\$ 43,140	\$ 3,261	\$ 30,160	\$ 30,790	\$ 15,618	\$ 25,062	\$ 72,247
St. Johns ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾	149,336	\$ 6,562	\$ 6,814	\$ 2,773	\$ -	\$ 6,562	\$ 3,628	\$ 14,670	\$ 6,562	\$ 6,906	\$ 6,526	\$ 20,549
St. Lucie ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾	226,216	\$ 6,853	\$ 2,284	\$ 711	\$ -	\$ 4,295	\$ 2,525	\$ 7,038	\$ 7,921	\$ 6,323	\$ 6,853	\$ 6,853

(1) Transportation Impact Fee, (2) Fire Impact Fee, (3) Law Enforcement Impact Fee, (4) Public Building Impact Fee

Note: All dollar amounts are per 1,000 square feet. The Impact Fee rates for Hotels are based on the number of rooms. Some of the comparative Impact Fee rates for Banks are based on the number of drive-thru lanes. Some of the comparative Impact Fee rates for Gas/ Retail stores are based on number of gas pumps. Comparative Retail and Office Impact Fee rates are for development less than 50,000 square feet. Further detail is available upon request.