

ORDINANCE NO: 1419

AN ORDINANCE OF THE CITY OF CRESTVIEW ESTABLISHING A TRAFFIC IMPACT FEE TO BE PAID ON ALL NEW CONSTRUCTION WITHIN THE CITY SUBJECT TO CERTAIN EXCEPTIONS; PROVIDING FOR AUTHORITY; PROVIDING FOR DEFINITIONS: PROVIDING FOR THE AMOUNT OF THE FEES REQUIRED TO BE PAID: PROVIDING FOR INDEPENDENT TRAFFIC IMPACT FEE STUDY; PROVIDING FOR THE TIME OF PAYMENT; PROVIDING FOR REFUNDS UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR THE USE OF PROCEEDS: PROVIDING FOR THE ESTABLISHMENT OF A TRUST FUND FOR MONIES COLLECTED; PROVIDING FOR WAIVING THE FEE UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR A TRANSPORTATION IMPROVEMENT PLAN; PROVIDING FOR REVIEW OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the present public roadways of the City of Crestview, Florida are operating at or beyond full capacity; and

WHEREAS, there have been increasing demands on the City for the issuance of building permits for increased construction for residential premises as well as additional service establishments, commercial enterprises, businesses, industrial developments, public assembly facilities and institutions to serve the increasing number of people using the public roadways of the City, none of such increase constituting additional services to presently existing residents of the City; and

WHEREAS, the City Council finds that it is necessary to provide additional public roadways and upgrade existing public roadways which shall be required by the continuing growth and development of construction activities within the City, these facilities being in the nature of capital improvements to the City's public roadways; and

WHEREAS, the City Council desires to establish an equitable way for making these capital improvements to meet the demands of new construction and for providing that the money collected for these capital improvements will be used for no other purpose; and

WHEREAS, the City Council finds that it is equitable for the new construction creating the increased demand for public roadways to contribute directly to their funding rather than placing such increased burden on the presently existing City residents; and

WHEREAS, the City, through contract with the Moore Bass Consulting, has conducted a study and analysis to determine the proper amount for a fair and just Traffic Impact fee based on projected construction and transportation capital needs to serve such new construction; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRESTVIEW, FLORIDA AS FOLLOWS:

Section 1. AUTHORITY. The authority for enactment of this ordinance is Chapter 166.021, Florida Statutes and Section 2 of the City Charter.

Section 2. The Code of Ordinances, City of Crestview, Florida, is hereby amended by adding a new Article to be numbered V to Chapter 86, which Article reads as follows:

ARTICLE V. TRAFFIC IMPACT FEE

Sec. 86-90. Definitions.

Unless the context specifically indicates otherwise the meaning of terms used in this Article shall be as

follows:

- (a) "Building" shall mean any structure, having a roof and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind for a period of time in excess of four (4) weeks in any one (1) calendar year. This term shall include tents, trailers, mobile homes, or any vehicles serving in any way the function of a building. This term shall also include outdoor-patio seating provided as part of a restaurant or bar, whether such seating is covered by a roof or not.
- (b) "Building Permit" shall mean an official document or certificate, issued by the authority having jurisdiction, authorizing the construction of any building. The term shall also include tie-down permits for those structures or buildings that do not require a Building Permit, such as a mobile home, in order to be occupied.
- (c) "Capital improvement" shall mean any long-term investment of public funds for the acquisition, construction, or improvement of public lands or facilities that by reason of its size and cost, is nonrecurring in the local budget.
- (d) "Capital Improvement Plan" or (CIP) shall mean a multiyear schedule of capital improvement projects, including priorities and cost estimates, budgeted to fit the financial resources of the community. This plan is updated annually and is incorporated into part of the City's Comprehensive Plan as part of the Capital Improvements Element.
- (e) "Dwelling unit" means a single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (f) "Square feet" or "square footage" (also referred to as "Sq Ft") in both this ordinance and the fee schedule shall mean the area under roof used for occupancy or storage that is used to calculate the square footage of the development, including the gross area measured in square feet from the exterior faces or exterior walls or other exterior boundaries of the building, excluding areas within the interior of the building which are utilized for parking. With respect to dwelling units, the square footage shall be calculated as the living area under heat/air conditioning.

Sec.86-91. Fee Imposed.

As a condition of the issuance of a building permit for the initial construction of or substantial reconstruction of a building, the person, firm or corporation constructing such residential, commercial, manufacturing, public assembly or institutional building, or addition thereto, shall pay to the City of Crestview, Florida, in advance, the traffic impact fee as set forth in Sec. 86-92. The only exceptions to the requirement for payment of such fee are the following type construction:

- (a) Expansion of existing residential structures not creating another dwelling unit.
- (b) Remodeling, repair, rebuilding, or restoration of any structure, so long as no substantial additional impact to the services addressed in this Article, as determined jointly by the administrative services department director or designee and subject to approval to the City Council by an aggrieved applicant, is caused thereby.
- (c) Any construction that is in progress prior to the effective date of this Article with a valid building permit.

Sec. 86-92. Amount of Fee.

The traffic impact fee to be paid prior to issuance of a building permit shall be as follows:

Traffic Impact Fee Schedule

51.29

Land Use Type	ITE Code	Unit	Transportation Cost Per Unit	Credit for Fuel Taxes	Transportation Impact Fee Per Unit
Industrial					
General Light Industrial	110	1,000 Sq Ft	\$ 2,630	\$ 1,286	\$ 1,344
Manufacturing	140	1,000 Sq Ft	\$ 1,441	\$ 705	\$ 737
Warehousing	150	1,000 Sq Ft	\$ 1,872	\$ 915	\$ 957
Mini Warehouse/Self Storage	151	1,000 Sq Ft	\$ 943	\$ 461	\$ 482
Concrete Plant	n/a	acres	\$ 5,887	\$ 2,878	\$ 3,008
Sand Mining	n/a	acres	\$ 755	\$ 369	\$ 386
				\$ -	\$ -
Residential				\$ -	\$ -
Single Family Detached	210	DU	\$ 3,448	\$ 1,686	\$ 1,762
Attached Housing Unit (Condo/Townhouse)	230	DU	\$ 2,112	\$ 1,032	\$ 1,079
Apartments	220	DU	\$ 2,421	\$ 1,184	\$ 1,237
Mobile Home Park	240	DU	\$ 1,798	\$ 879	\$ 919
Retirement/Senior Adult Housing - Detached	251	DU	\$ 1,337	\$ 654	\$ 683
Assisted Living/Nursing Home	254	Beds	\$ 879	\$ 430	\$ 449
Hotel/Motel	320	Rooms	\$ 1,178	\$ 576	\$ 602
				\$ -	\$ -
Recreational/Civic				\$ -	\$ -
Golf Course	430	hole	\$ 10,460	\$ 5,114	\$ 5,346
Golf Driving Range	432	tees/positions	\$ 3,595	\$ 1,758	\$ 1,837
Bowling Alley	437	1,000 Sq Ft	\$ 7,804	\$ 3,816	\$ 3,988
Health/Fitness Club	492	1,000 Sq Ft	\$ 7,228	\$ 3,534	\$ 3,694
Recreational Community Center	495	1,000 Sq Ft	\$ 6,027	\$ 2,947	\$ 3,080
Church	560	1,000 Sq Ft	\$ 2,002	\$ 979	\$ 1,023
Daycare Center	565	1,000 Sq Ft	\$ 14,961	\$ 7,315	\$ 7,646
School (Elementary)	520	1,000 Sq Ft	\$ 2,997	\$ 1,466	\$ 1,532
School (Middle/Jr High)	522	1,000 Sq Ft	\$ 2,851	\$ 1,394	\$ 1,457
School (High)	530	1,000 Sq Ft	\$ 3,000	\$ 1,467	\$ 1,533
Hospital	610	1,000 Sq Ft	\$ 4,619	\$ 2,259	\$ 2,361
Clinic/Outpatient Care	630	1,000 Sq Ft	\$ 9,879	\$ 4,831	\$ 5,049
				\$ -	\$ -
Office				\$ -	\$ -
General Office	710	1,000 Sq Ft	\$ 3,496	\$ 1,709	\$ 1,787
Medical/Dental Office	720	1,000 Sq Ft	\$ 10,980	\$ 5,368	\$ 5,611
				\$ -	\$ -
Retail				\$ -	\$ -
Building Materials/Lumber	812	1,000 Sq Ft	\$ 7,264	\$ 3,551	\$ 3,712
Hardware/Paint Store	816	1,000 Sq Ft	\$ 8,250	\$ 4,034	\$ 4,216
Nursery (Garden Center)	817	1,000 Sq Ft	\$ 7,058	\$ 3,451	\$ 3,607
Shopping Center	820	1,000 Sq Ft	\$ 4,620	\$ 2,259	\$ 2,361
Quality Restaurant (not national chain)	931	1,000 Sq Ft	\$ 10,948	\$ 5,353	\$ 5,595
High Turnover/Sit Down Restaurant	932	1,000 Sq Ft	\$ 11,815	\$ 5,777	\$ 6,038
Fast Food Restaurant	934	1,000 Sq Ft	\$ 26,958	\$ 13,181	\$ 13,777
Auto Repair Shop	943	1,000 Sq Ft	\$ 4,294	\$ 2,099	\$ 2,194
Service Station (less than 1,000 sq ft)	944	Fuel Position	\$ 9,159	\$ 4,478	\$ 4,681
Supermarket (stand-alone store)	850	1,000 Sq Ft	\$ 10,667	\$ 5,215	\$ 5,451
Convenience Market w/ Gas Pumps	853	1,000 Sq Ft	\$ 31,245	\$ 15,277	\$ 15,968
Discount Club	861	1,000 Sq Ft	\$ 5,815	\$ 2,843	\$ 2,972
Pharmacy/Drugstore w/ Drive-Through	881	1,000 Sq Ft	\$ 7,329	\$ 3,584	\$ 3,746
Furniture Store	890	1,000 Sq Ft	\$ 517	\$ 253	\$ 264
Walk-in Bank	911	1,000 Sq Ft	\$ 15,305	\$ 7,483	\$ 7,822
Drive-in Bank	912	1,000 Sq Ft	\$ 21,296	\$ 10,413	\$ 10,884

NA = Not Available
DU = Dwelling Unit
Occ.Room = Occupied Room

For retail uses with no pass-by data the average (36%) of data for land use codes 816, 820, 850, 881 was used

Land uses that are not specifically listed in the Fee Schedule shall be assigned the trip rate of the most similar land use. If a similar land use is not listed in this table, then trip generation rates from the most recent edition of the Institute of Transportation Engineers Trip Generation Manual (“ITE Manual”) shall be used to determine the trip generation of the unlisted land use, and such land use shall be assigned the rate of the land use listed in the Fee Schedule with the most similar trip generation. If the unlisted land use is not listed in the ITE Manual, then the trip generation rates of the most similar land use in the ITE Manual shall be used to determine the trip generation rate of the unlisted land use.

Sec. 86-93. Independent Traffic Impact Fee Study.

Any person:

- (a) who believes that any part of the demand component, comprised of trip length, trip rate, and percent new trips, that is used to calculate the impact fee of the applicable land use is incorrect, or
- (b) who has a unique or restrictive land use that can be verified through the City’s building permitting process and believes that this results in different demand characteristics than those of the land use the development is to be assessed at, or
- (c) whose land use is not listed in the Fee Schedule or believes the use is incorrectly assigned shall have the option to provide an independent fee study. The independent study is not intended to allow site-specific review of uses, which include; 1) conducting an independent study on the same site that the impact fee is being challenged, or 2) conducting an independent study on sites that may have differing trip characteristics than used in the fee schedule due to specific characteristics of the structure that cannot be tracked by the City’s permitting process. For any Independent Traffic Impact Fee Study, only the demand variables may be challenged, and all three demand variables, including trip length, trip rate, and percent new trips, must be reviewed as part of the independent study.

Requests for an Independent Traffic Impact Fee Study must be received no later than thirty (30) days after the issuance of a Building Permit. If the independent fee study cannot be completed, reviewed, and finally determined by the City, including any appeals, by the time the Certificate of Occupancy is issued, the City shall retain the fee paid per the Traffic Impact Fee Schedule. If the Independent Traffic Impact Fee Study is accepted by the City, a refund shall be due to the extent the scheduled fee paid was higher than the fee due pursuant to the Independent Traffic Impact Fee Study.

The Independent Traffic Impact Fee Study must be prepared by an accredited consultant other than Moore Bass Consulting, Inc. The Independent Traffic Impact Fee Study is not intended to allow review of the economic effect of the impact fee on site-specific uses or to review land use classifications with specific characteristics that cannot be tracked by the City's permitting process. The City may charge a review fee for the Independent Traffic Impact Fee Study, which shall be One Thousand Dollars (\$1,000.00), or the actual cost of review, whichever is less.

Sec. 86-94. Refunds.

Refunds of traffic impact fees paid hereunder may be allowed upon application therefore when it is determined that no construction has occurred and the building permit issued for such construction has expired or otherwise been canceled.

Sec. 86-95. Time of Payment.

Payment of all traffic impact fees provided in this Article shall be made prior to the issuance of the building permit.

Sec. 86-96. Use of Proceeds.

The funds accumulated by reason of the collection of the traffic impact fee shall be used only for the purchase of capital improvements consisting of land, design costs, and construction costs for public roadways per all applicable standards in affect.

Sec. 86-97. Trust Funds Established.

All traffic impact fees received by the City shall be deposited in an appropriate trust fund to be referred to as the "Transportation Improvement Trust Fund" to be held separately and to be used only for the purposes referred to in Section 86-95 above. Funds from this Trust Fund may be disbursed in the customary manner in accordance with appropriate law and with the added requirement that the disbursement of such funds shall require the prior approval of the City Council upon a finding that the transportation capital expenditure is in accordance with the terms of this Article. Before authorizing an expenditure from the trust fund, the City Council shall determine that:

- (a) Such expenditure is for land, design costs, and construction costs to be used for the purpose of such fund;
- (b) Such expenditure is required by new construction from which such funds were collected; and
- (c) Such expenditure will result predominantly in a special benefit to new construction, as opposed to pre-existing uses.

Any funds on deposit in said Trust Fund which are not immediately necessary for expenditure may be invested by the City and all income derived from such investment shall be deposited in the Trust Fund.

Sec. 86-98. Waivers.

The City Council may waive the traffic impact fee in the following situations:

- (a) The owner or developer of any construction has the right of attempting to demonstrate that their construction will have less impact on the need for transportation facilities than is indicated by the fee schedule. Data demonstrating less impact shall be submitted to the administrative services director or designee for review. The administrative services department shall make a recommendation to the City Council concerning such requested waiver. The City Council shall determine the amount of the fee to be waived, if any.
- (b) Any waiver provided for in this section shall be subject to approval by the City Council.

Sec. 86-99. Capital Improvement Plan.

The City Council shall adopt a capital improvement plan for the Trust Fund established in this Article. Such plan shall be reviewed annually during the budget review process.

Sec. 86-100. Review of Fees.

Any changes to either the construction costs or right-of-way costs or other components of the transportation impact fee shall be adopted by July 31 of each year (with an effective date of October 1) by resolution of the City Council, and no change shall be effective until such time as the City Council has adopted the resolution.

Neither the construction cost indexing nor the right-of-way indexing shall be applied for more than five (5) consecutive years, with a full evaluation of the impact fee calculation and impact fee study no later than five (5) years from the adoption of this ordinance.

During the five (5) year period referenced above, construction costs referenced in this ordinance are subject to annual change to account for general increases in the Consumer Price Index each year. Construction costs and right-of-way costs shall be indexed by a factor of 3.3 percent each, annually, based upon FDOT for programming construction costs for projects based upon a three (3) year-average, annual cost increase in the respective years. The data is from the 2004 report on the FDOT Price Trends Index prepared by the FDOT, Office of Planning. The City shall utilize these rates to estimate construction costs and right-of-way costs in subsequent years, unless the City adopts a change to the construction costs.

Secs. 86-101 - 86-110. Reserved.

Section 4. Severability. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This ordinance shall become effective ninety (90) days from its adoption.

PASSED AND ADOPTED by the City Council of Crestview, Florida on this 26th day of January, 2009.

ATTEST:

CITY OF CRESTVIEW, FLORIDA

BY: s/Janice F. Young
JANICE YOUNG
City Clerk

BY: s/Charles J. Wells
CHARLES J. WELLS
Council President Pro-tem

APPROVED by me this 26th day of January, 2009.

s/David Cadle
DAVID CADLE
Mayor