

1 ALACHUA COUNTY
2 BOARD OF COUNTY COMMISSIONERS

3
4 **ORDINANCE 07-23**
5 (Transportation Impact Fee Amendment)
6

7 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
8 ALACHUA COUNTY FLORIDA AMENDING THE UNIFIED LAND
9 DEVELOPMENT CODE IN THE ALACHUA COUNTY CODE OF
10 ORDINANCES, PART III; CHAPTER 364 TRANSPORTATION IMPACT FEE, IN
11 THE UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA;
12 PROVIDING FOR AMENDED LEGISLATIVE FINDINGS; PROVIDING FOR
13 ADDITIONAL DEFINITIONS, PROVIDING FOR AN AMENDED AND
14 EXPANDED LAND USE IMPACT FEE RATE SCHEDULE; PROVIDING FOR
15 AMENDMENTS TO THE COMPUTATIONS OF IMPACT FEES; PROVIDING
16 FOR ADDITIONAL EXEMPTION REQUIREMENTS; PROVIDING FOR AN
17 ANNUAL INFLATION INDEX AND REVIEW OF IMPACT FEES; PROVIDING
18 FOR UPDATED NOTICE REQUIREMENTS; PROVIDING FOR
19 SEVERABILITY; PROVIDING FOR A REPEALING CLAUSE; PROVIDING
20 FOR INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S
21 ERRORS; PROVIDING FOR LIBERAL CONSTRUCTION; AND PROVIDING
22 AN EFFECTIVE DATE.
23

24 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
25 ALACHUA COUNTY, FLORIDA:
26

27 Section 1. Chapter 364, Transportation Impact Fees, of the Alachua County Code of

28 Ordinances is hereby amended to read as follows:

29 **Sec. 364.01. Legislative findings.**

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

31
32 (1) Alachua County must expand the capacity of its transportation system in order to
33 maintain current levels of service if new development is to be accommodated without decreasing
34 current levels of service. This must be done in order to promote and protect the health, safety and
35 welfare of both existing and new residents and businesses;
36

37 (2) The Florida Legislature, through the enactment of the "Florida Impact Fee Act" Section
38 163.31801 , Florida Statutes, authorizes Alachua County to enact impact fees;
39

40 (3) The imposition of impact fees is one of the preferred methods of ensuring that
41 development bears a proportionate share of the cost of capital facilities necessary to
42 accommodate such development. This must be done in order to promote and protect the public
43 health, safety and welfare;
44

1 (4) The imposition of impact fees is consistent with the Alachua County Comprehensive
2 Plan;

3
4 (5) Each of the types of land development described in Section Seven hereof, will generate
5 traffic necessitating the acquisition of rights-of-way, road construction and transportation
6 capacity;

7
8 (6) The fees established by section 364.07 are derived from, are based upon, and do not
9 exceed a pro rata share of the costs of providing additional rights-of-way, road construction and
10 transportation capacity necessitated by the new land developments for which the fees are levied;
11 and

12
13 (7) The report entitled "A Report Presenting Development Impact Fees", dated July 11,
14 2004, sets forth a reasonable methodology and analysis for the determination of the impact of
15 new development on the need for and costs for additional rights-of-way, road construction and
16 transportation improvements in Alachua County.

17
18 (8) The report entitled "2007 Transportation Impact Fee Ordinance Update", dated May 1,
19 2007, updates the traffic data and cost for roadway construction, right-of-way, design and
20 engineering and expands the number of land use categories to reflect the traffic impact of each
21 land use. The methodology utilized to update the 2007 transportation impact fees is the same
22 methodology as identified in "A Report Presenting Development Impact Fees", utilized to
23 develop the current transportation impact fees.

24
25 (9) It is in the public interest to discount all transportation impact fees by 15% so as to
26 encourage economic development and also promote the financing of public infrastructure to
27 minimize the cost of such infrastructure to present and future taxpayers. (Economic Element,
28 Alachua County Comprehensive Plan.)

29
30 (10) The board of county commissioners, in recognition of the potential effect a significant
31 increase in impact fees could have on development, elected to phase in the increase in the
32 calculated 2007 impact fees over a three year period starting in 2008. In addition, to avoid
33 significant one-time increases in the future, the impact fees rates shall be adjusted on an annual
34 basis to account for inflation.

35
36 (11) The board of county commissioners recognizes its responsibility to assure that adequate
37 financial resources are made available to implement the transportation impact fee program and
38 maintain the financial integrity of the program.

39
40 **Section 364.02. Short title, authority and applicability.**

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

43
44 (b) The board of county commissioners of Alachua County has the authority to adopt
45 this ordinance pursuant to Article VIII of the Constitution of the State of Florida, and Chapters
46 125 and Section 163.31801, Florida Statutes.

1
2 (c) This chapter shall apply in the unincorporated area of Alachua County. If an
3 Alachua County municipality enters into an interlocal agreement with Alachua County to collect
4 the county transportation impact fee for development within its jurisdiction, the board of county
5 commissioners will conduct a public hearing to consider an amendment to this ordinance to
6 impose impact fees within that municipality.
7

8 **Section 364.03. Intent and purpose.**

9 (a) This chapter is intended to assist in the implementation of the Alachua County
10 Comprehensive Plan.
11

12 (b) The purpose of this chapter is to require the payment of a fee so as to assure that
13 new development is provided with needed expansions of transportation capacity and that new
14 development bears a proportionate share of the cost of capital expenditures necessary to provide
15 that needed expansion of transportation capacity.
16

17 **Section 364.04. Rules of construction.**

18 (a) The provisions of this chapter shall be liberally construed so as to effectively
19 carry out its purpose in the interest of the public health, safety and welfare.
20

21 (b) For the purposes of administration and enforcement of this chapter, unless
22 otherwise stated in this chapter, the following rules of construction shall apply to the text of this
23 chapter:
24

- 25 (1) In case of any difference of meaning or implication between the text of
26 this ordinance and any caption, illustration, summary table, or illustrative
27 table, the text shall control.
- 28 (2) The word "shall" is always mandatory and not discretionary; the word
29 "may" is permissive.
- 30
- 31 (3) Words used in the present tense shall include the future; and words used in
32 the singular number shall include the plural, and the plural the singular,
33 unless the context clearly indicates the contrary.
- 34
- 35 (4) Words expressed in the feminine gender shall include the masculine and
36 words expressed in the masculine gender shall include the feminine.
- 37
- 38 (5) The phrase "used for" includes "arranged for", "designed for", "maintained
39 for", or "occupied for".
- 40
- 41 (6) The word "person" includes an individual, a corporation, a partnership, an
42 incorporated association, or any other similar entity.
- 43
- 44 (7) Unless the context clearly indicates the contrary, where a regulation
45 involves two (2) or more items, conditions, provisions, or events

1 connected by the conjunction "and", "or" or "either...or", the conjunction
2 shall be interpreted as follows:

- 3
- 4 a. "And" indicates that all the connected terms, conditions, provisions
5 or events shall apply.
 - 6
 - 7 b. "Or" indicates that the connected items, conditions, provisions or
8 events may apply singly or in any combination.
 - 9
 - 10 c. "Either...or" indicates that the connected items, conditions,
11 provisions or events shall apply singly but not in combination.
 - 12

13 (8) The word "includes" shall not limit a term to the specific example but is
14 intended to extend its meaning to all other instances or circumstances of
15 like kind or character.

16

17 (9) All terms relating to types of development shall have the same meaning as
18 established in the Alachua County Land Development Code.

19

20 **Section 364.05. Definitions.**

21

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

25

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

28

29 *Auto-oriented use* shall mean any land use that includes a vehicular drive-thru, or
30 provides vehicular fueling, sales, storage, parts, maintenance, repair, cleaning, or detailing.

31

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

36

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

- 41
- 42 (1) Construction of new through lanes,
 - 43
 - 44 (2) Construction or extension of new turn lanes,
 - 45
 - 46 (3) Construction of new bridges,

- 1 4) Construction of new drainage facilities, sidewalks and bicycle paths in
2 conjunction with new roadway construction,
3
- 4 (5) Purchase and installation of traffic signalization (including new and upgraded
5 signalization),
6
- 7 (6) Construction of a roundabout,
8
- 9 (7) Construction of curbs, medians, and shoulders in conjunction with new roadway
10 construction, and
11
- 12 (8) Relocating utilities to accommodate new roadway construction.
13

14 *Collector Road* shall have the same meaning as set forth in Subsection 334.03(4) of the
15 Florida Statutes.
16

17 *Certificate of Occupancy* is the certificate issued by the Alachua County Building
18 Department to a building permit applicant, indicating that the building is in proper condition to
19 be occupied.
20

21 *Community Mixed-Retail Center* shall mean a retail center that is between 100,000 and
22 200,000 square feet in size, includes a mixture of retail, pharmacy, grocery, restaurants, discount
23 retail, personal service, financial and office uses, and is oriented towards serving the surrounding
24 community.
25

26 *Development Order* means a regulatory approval for the development of land issued by
27 Alachua County or any municipality within Alachua County.
28

29 *Expansion* of the capacity of a road applies to the addition of road and intersection
30 capacity and includes but is not limited to extensions, widening, signalization, and expansion of
31 bridges.
32

33 A *feepayer* is a person commencing a land development activity within Alachua County
34 which generates vehicular trips in Alachua County or a municipality within Alachua County.
35

36 *Floor Area - residential* is that area of the building or structure provided with heating or
37 air conditioning or designed to be provided with heating or air conditioning.
38

39 *Floor area - non-residential* shall include all areas under roof or canopy and areas
40 designed for storage, sales, seating, and occupancy that are utilized to carry out a primary
41 function of the non-residential use.
42

43 *Gas Stations* provide fuel for motor vehicles and typically include a structure for payment
44 of fuel and limited retail of less than 500 square feet.
45

1 The *impact fee administrator* means a county official, other than the county manager,
2 designated by the county manager to carry out the administration of this chapter.
3

4 *Independent fee calculation study* means the traffic engineering, transportation planning,
5 and/or economic documentation prepared by a feepayer or on behalf of a feepayer to allow the
6 determination of the impact fee other than by the use of the table in subsection 364.07(a).
7

8 *Land development activity generating vehicular trips* means any change in land use or
9 any construction of buildings or structures or any change in the use of any structure that attracts
10 or produces vehicular trips.
11

12 *Large Scale Discount Retail Stores* shall mean a single retail use that is 20,000 square
13 feet or greater in size and offers discounted prices for a variety of merchandise or discounts on a
14 particular category of merchandise such as electronics, home furnishings, sports equipment,
15 apparel, office supplies, home improvement items, etc. The stores are typically stand alone
16 buildings, but may be attached to a larger building. Grocery stores are not included in this
17 category.
18

19 *Large Scale Retail Superstore* shall mean a retail use greater than 200,000 square feet
20 that includes a discount retail store and grocery store and may include a garden center, tire and
21 lube service area, pharmacy, photo center, vision center, and a fast-food restaurant. The square
22 footage, trip generation rate and the use do not include a gas station or out parcels.
23

24 *Large Scale Wholesale Club* shall mean a single retail use greater than 85,000 square feet
25 that offers a variety of goods in bulk quantities for sale at wholesale prices. These uses are
26 typically stand alone buildings and typically charge their members annual membership fees. The
27 square footage, trip generation rate and the use do not include a gas station or out parcels.
28

29 *Level of service* shall have the same meaning as set forth in the Transportation Research
30 Board's Highway Capacity Manual, latest edition and the Alachua County Comprehensive Plan.
31

32 *Mandatory or required right-of-way dedications and/or roadway improvements* means
33 such non-compensated dedications and/or roadway improvements required by Alachua County
34 or by any municipality within Alachua County.
35

36 *Mixed-Retail* means a mixture of uses that can include retail, restaurant, pharmacy,
37 grocery, financial, office, personal service, boutique, and business service uses
38

39 *Neighborhood Mixed-Retail Center* shall mean a retail center that is less than 100,000
40 square feet in size and includes a mixture of retail, grocery, pharmacy, restaurant, personal
41 service, financial and office uses and is oriented towards serving adjacent neighborhoods.
42

43 *Residential room* means any room used for sleeping, living, dining, gathering, exercising,
44 studying, entertaining or recreation.
45

1 *Regional Mixed-Retail Center* shall mean a retail center that is greater than 200,000
2 square feet in size and includes a mixture of retail, grocery, pharmacy, discount retail, restaurant,
3 personal service, financial and office uses and is oriented towards serving a regional area.
4

5 *Road* shall have the same meaning as set forth in Subsection 334.03(23) of the Florida
6 Statutes.
7

8 *Rural Residential* means the area designated for rural / agricultural development on the
9 Comprehensive Plan Future Land Use Map, which includes residential densities of one unit per
10 five acres, and allows home-based businesses, agricultural activities and uses, such as forestry,
11 cattle grazing, cultivation of field crops, vegetable crops, dairies and commercial or other uses on
12 a limited scale serving or ancillary to agricultural activities, such as farm equipment and supplies
13 sales and agricultural products distribution.
14

15 *Shell building* means a building where the exterior structure is constructed and the
16 interior of the building is completed through application for a building permit for interior
17 completion.
18

19 *Site-related improvements* are capital improvements and right-of-way dedications for
20 direct access improvements to and/or within the development in question. Direct access
21 improvements include but are not limited to:
22

- 23 (1) Construction of new through lanes,
- 24 (2) Access roads leading to the development;
- 25 (3) Driveways and roads within the development;
- 26 (4) Connectivity with adjacent development;
- 27 (5) Acceleration and deceleration lanes, and right and left turn lanes leading to those
28 roads and driveways; and
- 29 (6) Traffic control measures for those roads and driveways.
30
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33

34 *Traditional Neighborhood Development (TND) Retail Center* shall include all buildings
35 that provide mixed-retail on the ground floor and one of more floors of residential use. Mixed-
36 retail and office uses shall also be included in this category if they are within a single unified
37 development plan designed in accordance with Traditional Neighborhood Standards of the
38 Unified Land Development Code and comply with the minimum residential requirements set
39 forth in this Ordinance.
40
41
42

43 *Traditional Neighborhood Development-Residential* shall include all residential units that
44 have mixed-retail uses on the ground floor and all residential development within a single unified
45 development plan designed in accordance with Traditional Neighborhood Standards of the
46 Unified Land Development Code, that provides at least 30,000 square feet of retail use and

1 includes a interconnected roadway network that provides vehicular, bicycle, and pedestrian
2 accommodations.

3
4 *Urban Residential* means residential development in areas within the Urban Cluster area
5 designated on the Comprehensive Plan Future Land Use Map.
6

7 **Section 364.06. Imposition of transportation impact fee.**

8 (a) Any person who, after March 28, 2005, seeks to develop land within the
9 unincorporated area of Alachua County, Florida, by applying for a building permit or the
10 extension of a building permit to make an improvement to land which will generate vehicular
11 trips is hereby required to pay a transportation impact fee in the manner and amount set forth in
12 this chapter. The transportation impact fee shall be determined at the time of building permit
13 application. Impact fees shall be paid prior to zoning approval or final development order
14 approval, whichever occur last, for developments which generate vehicular trips but do not
15 require the issuance of a building permit.
16

17 (b) No certificate of occupancy for any activity requiring payment of an impact fee
18 pursuant to section 364.07 shall be issued by Alachua County unless and until the transportation
19 impact fee hereby required has been paid.
20

21 (c) No zoning approval or final development order approval, whichever occurs last,
22 shall be issued by Alachua County for developments which generate vehicular trips but do not
23 require the issuance of a building permit unless and until the transportation impact fee hereby
24 required has been paid.
25

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

27 (a) At the option of the feepayer, the amount of the transportation impact fee may be
28 determined by the following fee schedule for building permits applied for after March 28th, 2005
29 and before March 1st, 2008:
30
31

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

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(b) At the option of the feepayer, the amount of the transportation impact fee may be determined by the following fee schedule for building permits applied for after February 29th, 2008. The impact fee rate phase-in shall be 34% in 2008 and shall increase by 33% in 2009 and 2010. In addition, the impact fees shall be adjusted on an annual basis to account for inflation consistent with Section 364.15 of this ordinance. The increases shall go into effect on January 1st of each year.

DEVELOPMENT TYPE AND UNIT	2008 Impact Fee	Phase-In Increase 2009 & 2010
URBAN RESIDENTIAL PER 1,000 FT²		
All Residential per 1,000 FT ²	\$1,399	\$337
Traditional Neighborhood Development (TND) per 1,000 FT ²	\$1,220	\$163
Residential Expansion per 1,000 FT ²	\$1,059	\$7
RURAL RESIDENTIAL PER 1,000 FT²		
All Residential per 1,000 FT ²	\$1,608	\$539
Residential Expansion per 1,000 FT ²	\$1,156	\$101
RECREATION		
Park per Acre	\$529	\$301
Golf course per Hole	\$5,100	\$4,480
Racquet / Tennis Club per Court	\$5,037	\$1,285
Health / Fitness Club per 1,000 FT ²	\$4,288	\$1,096
Recreation / Community Center per 1,000 FT ²	\$2,984	\$766
INSTITUTIONAL		
Private School (K-12) per 1,000 FT ²	\$1,988	\$162
Place of Worship per 1,000 FT ²	\$1,328	\$398
Day Care Center per 1,000 FT ²	\$2,891	\$103
Library per 1,000 FT ²	\$2,558	\$715

OFFICE PER 1,000 FT²		
Business & Professional Offices less than 50,000 FT ²	\$2,289	\$455
Business & Professional Office 50,000 FT ² or greater	\$2,655	\$810
MEDICAL BUILDINGS PER 1,000 FT²		
Medical / Dental Offices per 1,000 FT ²	\$2,800	\$950
Hospitals per 1,000 FT ²	\$2,599	\$891
Nursing Home per 1,000 FT ²	\$1,010	\$124
INDUSTRIAL PER 1,000 FT²		
Industrial / Manufacturing / Warehousing	\$1,679	\$589
Mini-Warehouse / Self Storage	\$746	\$133
COMMERCIAL PER 1,000 FT²		
Traditional Neighborhood (TND) Retail Center less than 100,000 FT ²	\$3,891	\$75
Traditional Neighborhood (TND) Retail 100,000 FT ² or greater	\$4,578	\$742
Neighborhood Mixed-Retail Center less than 100,000 FT ²	\$4,346	\$516
Community Mixed-Retail Center 100,000 to 200,000 FT ²	\$5,568	\$1,703
Regional Mixed-Use Center 200,000 FT ² or greater	\$7,495	\$3,573
Large Scale Discount Retail Store	\$9,949	\$5,954
Large Scale Retail Superstore	\$11,125	\$7,069
Large Scale Wholesale Club	\$8,056	\$4,117
Pharmacy / Drugstore	\$5,836	\$1,962
Drive-in Bank	\$5,761	\$3,824
Restaurant with drive-thru	\$8,397	\$4,448
Car Sales	\$6,032	\$2,152
Auto Parts Store	\$5,844	\$1,971
Tire & Auto Repair	\$3,405	\$166

NON-RESIDENTIAL		
Hotel/Motel per Room	\$1,906	\$596
Movie Theatre per Screen	\$5,216	\$4,738
Convenience Market with Gas per Pump	\$9,921	\$5,927
Gas Station per Pump	\$4,819	\$975
Quick Lube Vehicle Service Per Bay	\$3,899	\$83
Self-Service Car Wash per Stall	\$3,989	\$170

1 For purposes of calculating residential impact fees, the floor area per residential unit will be
2 capped at 2,600 FT². All impact fee categories based on floor area shall be calculated on a
3 per FT² basis.
4

5 (1) If a building permit is requested for mixed uses, except commercial
6 mixed-use and traditional neighborhood development centers, then the fee
7 shall be determined through using the applicable impact fee schedule by
8 apportioning the development committed to uses specified on the
9 applicable impact fee schedule.

10
11 (2) To qualify as a mixed-use retail center, provisions on an approved unified
12 development master plan shall be made for pedestrian, bicycle, and
13 vehicular interconnectivity between uses and external roadways via clearly
14 defined facilities such as sidewalks, trails, and drive aisles. A single retail
15 use shall not have a FT² greater than 50% of the total FT² of the center.
16 Out parcels shall not have direct access to any external roadway and all
17 out parcel access points shall be a minimum of 200 feet from an external
18 roadway.
19

20 (3) To qualify as a Traditional Neighborhood Development (TND) retail
21 center, provisions shall be made for pedestrian, bicycle, transit and
22 vehicular interconnectivity between all uses and external roadways via
23 clearly defined facilities such as sidewalks, trails, roadways, and
24 pedestrian friendly vehicular use areas. Vehicular parking shall be
25 provided to the side and rear of the development, with less than 10 percent
26 of the total off-street parking located in the front of buildings. A single
27 retail use shall not have a FT² greater than 50% of the total FT² of the
28 center. Auto oriented land uses shall not qualify for inclusion in a TND
29 retail center. Large scale discount retail stores, large scale retail
30 superstores and wholesale clubs shall not qualify for inclusion in a TND
31 mixed-retail center, except if residential uses are provided on at least two
32 (2) or more stories above the ground floor or at least one (1) story of office
33 and one (1) story of residential is provided above the ground floor. Out
34 parcels shall not have direct access to any external roadway and out parcel

1 access points shall be a minimum of 200 feet from an external roadway.
2 There shall be a 4:1 ratio of residential square footage to retail/office
3 square footage. The following are the residential per unit FT² equivalents:
4

- 5 a. Single-family detached = 2,000 FT²,
- 6 b. Single-family attached = 1,500 FT²
- 7 c. Multi-family = 1,200 FT²
- 8

- 9 (4) For applications for an extension of a building permit, the amount of the
10 impact fee is the difference between that impact fee then applicable or
11 paid when the permit was originally issued and the impact fee due
12 pursuant to this chapter.
13
- 14 (5) As a matter of policy, a broad range of uses have been categorized as
15 being commercial, office, or industrial. The Impact Fee Administrative
16 Manual shall specify the types of land use that shall be included under the
17 broad categories of commercial, office, and industrial land uses. The land
18 uses identified under the commercial, office, or industrial land use
19 categories shall utilize the impact fee schedule for the land use category.
20
- 21 (6) If the type of development activity that a building permit is applied for is
22 not specified on the applicable fee schedule or identified in the Impact Fee
23 Administrative Manual, the impact fee administrator shall use the fee
24 applicable to the most nearly comparable type of land use on the impact
25 fee schedule. The impact fee administrator shall be guided in the selection
26 of a comparable type by the report titled Trip Generation (latest edition)
27 prepared by Institute of Transportation Engineers.
28
- 29 (7) If the impact fee administrator determines that there is no comparable type
30 of land use on the applicable impact fee schedule then the impact fee
31 administrator shall determine the fee by:
32
 - 33 a. using traffic generation statistics provided by the Florida
34 Department of Transportation or contained in a report titled Trip
35 Generation (latest edition) prepared by Institute of Transportation
36 Engineers and;
 - 37
 - 38 b. applying the formula set forth in subsection 364.07(b) hereof; and
 - 39
 - 40 c. making any appropriate adjustments to the fee pursuant to section
41 364.14.
42
- 43 (8) In the case of the replacement or expansion of a residential use, the impact
44 fee shall be based on the net increase in residential floor area, except as
45 otherwise exempt in section 364.13.
46

1 (9) In the case of change of use, redevelopment, or expansion or modification
2 of an existing non-residential use which will result in additional vehicular
3 trips, the impact fee shall be based upon the net positive increase in the
4 impact fee for the new use as compared to the previous use.
5

6 (c) If a feepayer opts not to have the impact fee determined according to the
7 applicable schedule of this section, then the feepayer shall prepare and submit to the impact fee
8 administrator an independent fee calculation study for the land development activity for which a
9 building permit is sought. The traffic engineering and/or economic documentation submitted
10 shall show the basis upon which the independent fee calculation was made, including but not
11 limited to the following:
12

13 (1) Transportation Engineering Studies:
14

- 15 a. Documentation of trip generation rates appropriate for the
16 proposed land development activity via field data collection or
17 other professional studies that utilize field collected data. Trip
18 Generation rates from a report titled Trip Generation (latest
19 edition) prepared by Institute Transportation Engineers are not
20 accepted for alternative studies.
21
- 22 b. Documentation of trip length appropriate for the proposed land
23 development activity.
24
- 25 c. Documentation of any other transportation data appropriate for the
26 proposed land development activity.
27
- 28 d. Consistency with the Trip Generation Handbook (latest edition)
29 prepared by Institute Transportation Engineers
30

31 (2) Economic Documentation Studies:
32

- 33 a. Documentation of the cost per lane per mile for roadway
34 construction appropriate for proposed land development activity.
35
- 36 b. Documentation of credits attributable to the proposed land
37 development activity which can be expected to be available to
38 replace the portion of the service volume used by the traffic
39 generated by the proposed land development activity.
40

41 Independent fee calculation studies shall be prepared and presented by professionals qualified in
42 their respective fields and employ methods recognized within those respective fields. The impact
43 fee administrator shall consider the documentation submitted by the feepayer but is not required
44 to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable
45 and may, in the alternative, require the feepayer to submit additional or different documentation
46 for consideration. If an acceptable independent fee calculation study is not presented, the

1 feepayer shall pay transportation impact fees based upon the schedules shown the applicable
 2 schedule of this section. Determinations made by the Impact Fee Administrator pursuant to this
 3 paragraph may be appealed to the county manager by filing a written request with the county
 4 manager within ten (10) days of the impact fee administrator's determination.

5
 6 Upon acceptance of an independent fee calculation study, the following formula shall be used by
 7 the impact fee administrator to determine the impact fee per unit of development:

8
 9 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	= \$2,546,141 per Lane-Mile
Right of Way Cost	= \$687,458 per Lane-Mile
Engineering Cost	= \$509,228 per Lane-Mile
MPG	= 19 Miles per Gallon
Capital Tax Rate	= ¢18.5 per Gallon
Present Value Factor	= 16.043

10
 11 **Section 364.08. Payment of fee.**

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

14
 15 (b) For a mobile home or recreational vehicle, the feepayer shall pay the
 16 transportation impact fee required by this ordinance to Alachua County prior to the issuance of a
 17 building permit.

18
 19 (c) The feepayer shall pay the transportation impact fee required by this ordinance to
 20 Alachua County prior to zoning approval or final development order approval, whichever occurs
 21 last, for developments which generate vehicular trips but do not require the issuance of a
 22 building permit.

23

1 (d) All funds collected shall be properly identified by transportation impact fee
2 district and promptly transferred for deposit in the appropriate transportation impact fee trust
3 fund to be held in separate accounts as determined in section 364.10 of and used solely for the
4 purposes specified in this chapter.
5

6 **Section 364.09. Transportation impact fee districts.**

7 There are hereby established three (3) transportation impact fee districts as shown on the map
8 attached in the Impact Fee Administrative Manual and incorporated herein by reference. District
9 1 is that area of Alachua County north of State Road 26 and west of State Road 121. District 2 is
10 that area of Alachua County south of State Road 26 and west of State Road 121. District 3 is
11 that area of Alachua County east of State Road 121.
12

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

15 (a) There are hereby established three (3) separate transportation special revenue/
16 capital projects impact fee trust funds, one for each transportation impact fee district established
17 by section nine of this chapter.
18

19 (b) Funds withdrawn from these accounts must be used in accordance with the
20 provisions of section 364.11.
21

22 **Section 364.11. Use of funds.**

23 (a) Funds collected from transportation impact fees shall be used for the purpose of
24 capital improvements to and expansion of the transportation facilities shown in the Alachua
25 County Comprehensive Plan or appropriate to the implementation thereof. No impact fees shall
26 be expended for any capital improvements within the boundaries of a municipality that has not
27 entered into an interlocal agreement with Alachua County for the collection of impact fees.
28

29 (b) No funds shall be used for periodic or routine maintenance.
30

31 (c) No funds shall be spent for expansion of through lanes on the Interstate Highway
32 System.
33

34 (d) No funds shall be used for local roadways.
35

36 (e) Funds shall be used exclusively for capital projects or expansion to collector or
37 arterials roadways within the transportation impact fee district, including district boundary roads,
38 as identified in the Impact Fee Administrative Manual, hereof, from which the funds were
39 collected or for projects in other transportation impact districts which are of benefit to the
40 transportation impact district from which the funds were collected.
41

42 (f) Funds shall be expended in the order in which they are collected.
43

44 (g) In the event that bonds or similar debt instruments are issued for advanced
45 provision of capital facilities for which transportation impact fees may be expended, impact fees
46 may be used to pay debt service on such bonds or similar debt instruments to the extent that the

1 facilities provided are described in paragraph (a) of this section and are located within the
2 appropriate impact fee districts created by section 360.09 or as provided in paragraph (c) of this
3 section.

4
5 (h) Impact fees may be rebated to any person when that person donates any
6 improvement provided for in (a) above if the reasonable value of that donation is greater than the
7 impact fees available for credit for the donation.

8
9 (i) At least once each fiscal period the impact fee administrator shall present to the
10 board of county commissioners an annual report of impact fees collected, credits provided, the
11 total account balance for each transportation impact fee trust fund, and projects under
12 construction or completed.

13
14 (j) The annual Capital Improvements Program shall clearly identify the amount of
15 Transportation Impact Fees used for a project. Monies, including any accrued interest, not
16 assigned to a project in any fiscal period shall be retained in the same transportation impact fee
17 trust funds until the next fiscal period except as provided by the refund provisions of this chapter.

18
19 (k) Projects funded with transportation impact fees shall be consistent with the
20 Transportation Mobility and Capital Improvements Element of the Comprehensive Plan. If a
21 project is not in the Capital Improvements Element, then it shall be added during the next update
22 of the Comprehensive Plan.

23
24 (l) Funds may be used to provide refunds as described in section 364.12.

25
26 (m) Funds collected, not to exceed the cost set forth in section 364.16, shall be used
27 to fund the administrative cost to implement and operate the impact fee program including the
28 salary and benefits of the impact fee administrator.

29
30 **Section 364.12. Refund of fees paid.**

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

37
38 (b) Impact Fees for temporary residence that are permitted through the issuance of a
39 hardship variance and are required to remove the residence once it is no longer occupied shall be
40 eligible for a partial refund of impact fees. The eligibility period for the refund shall be five (5)
41 years, with a 20% reduction in the refund for each year the residence remains on the property.
42 After five (5) years, there will be no refund provided.

43
44 **Section 364.13. Exemptions from payment of impact fees.**

45 The following shall be exempted from payment of the impact fee:
46

1 (1) All development within any municipality within Alachua County that has adopted
2 a program that provides the needed municipal funding for the relevant capital improvements
3 shown in section 364.11(a) and that has entered into an intergovernmental agreement with the
4 county relieving the county of any obligation for providing the relevant capital improvements
5 shown in section 364.11(a).
6

7 (2) All development within any municipality within Alachua County that does not
8 require the expansion of transportation capacities shown in section 364.11(a) or will not benefit
9 from the expansion of transportation capacities shown in Section 364.11(a) if that municipality
10 has entered into an intergovernmental agreement with Alachua County that providing for the
11 period of exemption and also requiring re-valuation of the exemption at least every five (5)
12 years.
13

14 (3) Alterations or expansion of an existing residential building where no additional
15 residential rooms are created. The addition or expansion of a bathroom, kitchen, laundry or
16 storage room, where no additional residential rooms are created shall be exempt.
17

18 (4) Alterations or expansion of an existing non-residential building where the use is
19 not changed and where no additional vehicular trips will be produced.
20

21 (5) The area of non-residential buildings under roof or canopy utilized for drop-off,
22 loading or unloading, entranceways, pedestrian circulation and access, or for employee break
23 areas.
24

25 (6) The construction of a new building or structure which will not produce additional
26 vehicular trips.
27

28 (7) The construction of a shell building where a separate building permit is required
29 for internal completion and issuance of a Certificate of Occupancy. The impact fee shall be
30 established at the time of application of a building permit for internal completion and payable
31 prior to issuance of a certificate of occupancy for the internal completion. Any portion of a shell
32 building which is to be internally completed concurrent with the construction of the shell
33 building shall be required to pay an impact fee. Prior to signing a lease, the owner of a shell
34 building shall be required to provide each tenant whom applies for a building permit, to complete
35 the interior of the building, with a disclosure affidavit that explains the assessment of impact fees
36 for shell buildings and clearly states who is responsible for the payment of the required impact
37 fees. The disclosure affidavit shall be signed by the tenant. A copy of the disclosure affidavit
38 shall be provided to the impact fee administrator for review prior to issuance of a building permit
39 for the shell building. The tenant shall provide a copy of the signed disclosure affidavit
40 concurrent with submittal of a building permit application for interior completion of the shell
41 building.
42

43 (8) The construction of accessory buildings or structures which will not produce
44 additional vehicular trips over and above those produced by or attracted to the principal building
45 or use of the land.
46

1 (9) The replacement of a destroyed or partially destroyed building or structure with a
2 new building or structure of the same size and use provided that no additional trips will be
3 produced over and above those produced by the original use of the land. In the event that a
4 destroyed or partially destroyed building or structure is replaced with a larger building or
5 structure or additional trips will be produced above those produced by the original structure, the
6 amount of the impact fee due is the positive difference between the impact fee for the new use as
7 compared to the previous use.
8

9 (10) Any claim of exemption must be made no later than the time of application for a
10 building permit. Any claim not so made shall be deemed waived.
11

12 **Section 364.14. Credits against payment of impact fees.**

13 (a) No credit shall be given for site-related construction or site-related right-of-way
14 dedications.
15

16 (b) Construction of roadways that provide site related access and are identified on the
17 Comprehensive Plan Future Traffic Circulation Map shall be eligible for transportation impact
18 fee credit for the excess capacity provided. The roadway shall be constructed along the entire
19 property boundary consistent with the Future Traffic Circulation Map and designed according to
20 the Alachua County Corridor Design Manual in order to be eligible for the credit.
21

22 (c) All mandatory or required right-of-way dedications and/or the addition of
23 transportation capacity made by a feepayer or the predecessor in interest to the feepayer,
24 subsequent to the effective date of this ordinance, shall be credited on a pro rata basis against
25 transportation impact fees otherwise due or to become due for the development that prompted the
26 County to require such dedications or roadway project . Such credits shall be determined and
27 provided as set forth in section 364.13.
28

29 (d) All roadway projects and ROW dedications where transportation impact fee
30 credits are provided shall be consistent with the Transportation Mobility and Capital
31 Improvement Elements of the Comprehensive Plan. If a roadway project or the ROW to be
32 dedicated is not in the Transportation Mobility and Capital Improvement Elements, then it shall
33 be added during the next update of the Comprehensive Plan.
34

35 (e) Credit shall be provided for the payment of a proportionate fair-share contribution
36 made to Alachua County or the Florida Department of Transportation for facilities within
37 unincorporated Alachua County that are classified as either collector or arterial per the
38 Transportation Mobility Element of the Comprehensive Plan. For facilities not identified in the
39 Comprehensive Plan, credit may still be provided if the facility is added to the Transportation
40 Mobility Element during the next update of the Comprehensive Plan.
41

42 (f) A feepayer may obtain credit against all or a portion of transportation impact fees
43 otherwise due or to become due by offering to dedicate non-site-related right-of-way and/or
44 construct non-site related transportation capacity. This offer must specifically request or provide
45 for a transportation impact fee credit. Such construction must be in accordance with city, county
46 or state design standards, which ever is applicable. If the impact fee administrator accepts such

1 an offer, whether the acceptance is before or after the effective date of this ordinance, the credit
2 shall be determined and provided in the following manner:

- 3
- 4 (1) Credit for the dedication of non-site-related right-of-way shall be valued
5 at:
- 6
- 7 a. 120% of the most recent assessed value by the property
8 appraiser, or
- 9
- 10 b. By such other appropriate method as the board of county
11 commissioners may have accepted prior to the effective date of
12 this ordinance for particular right-of-way dedications and/or
13 roadway improvements, or
- 14
- 15 c. At the option of the feepayer, by fair market value established by
16 private appraisers acceptable to the county. Credit for the
17 dedication of right-of-way shall be provided when the property
18 has been conveyed at no charge to, and accepted by, the county
19 in a manner satisfactory to the board of county commissioners or
20 by another appropriate entity.
- 21
- 22 (2) Applicants for credit for construction of non-site-related transportation
23 capacity shall submit acceptable engineering drawings and specifications,
24 and construction cost estimates to the impact fee administrator. The
25 impact fee administrator shall determine credit for roadway construction
26 based upon either these cost estimates or upon alternative engineering
27 criteria and construction cost estimates if the impact fee administrator
28 determines that such estimates submitted by the applicant are either
29 unreliable or inaccurate. The impact fee administrator shall provide the
30 applicant with a letter or certificate setting forth the dollar amount of the
31 credit, the reason for the credit, and the legal description or other adequate
32 description of the project or development to which the credit may be
33 applied. The applicant must sign and date a duplicate copy of such letter
34 or certificate indicating his/her agreement to the terms of the letter or
35 certificate and return such signed document to the impact fee administrator
36 before credit will be given. Failure of the applicant to sign, date, and
37 return such document within 60 days shall nullify the credit.
- 38
- 39 (3) Except as provided in subparagraph (g), credit against impact fees
40 otherwise due will not be provided until:
- 41
- 42 a. The construction is completed and accepted by the county , a
43 municipality within Alachua County or the state, whichever is
44 applicable;
- 45

- 1 b. A suitable maintenance and warranty bond is received and
2 approved by Alachua County, when applicable; and
3
4 c. All design, construction, inspection, testing, bonding and
5 acceptance procedures are in strict compliance with the then
6 current city or county paving and drainage ordinance, when
7 applicable.
8

9 (4) Credit may be provided before completion of specified transportation
10 capacity if adequate assurances are given by the applicant that the
11 standards set out in subparagraph c., above will be met and if the feepayer
12 posts security as provided below for the costs of such construction.
13 Security in the form of a performance bond, irrevocable letter of credit or
14 escrow agreement shall be posted with and approved by Alachua County
15 in an amount determined by the impact fee administrator consistent with
16 the then current city or county paving and drainage ordinance. If the
17 transportation construction project will not be constructed within one (1)
18 year of the acceptance of the offer by the impact fee administrator, the
19 amount of the security shall be increased by ten percent (10%)
20 compounded, for each year of the life of the security. The security shall
21 be reviewed and approved by the board of county commissioners prior to
22 acceptance of the security. If the transportation construction project is not
23 to be completed within five years of the date of the feepayer's offer, the
24 board of county commissioners must approve the transportation
25 construction project and its scheduled completion date prior to the
26 acceptance of the offer by the impact fee administrator.
27

28 (5) No credit will be provided for any capital project within a municipality
29 without first obtaining the recommendation of that municipality.
30

31 (6) A successor in interest may claim credit for dedication if that successor
32 can show adequate documentation that such credit is appropriately due to
33 the feepayer making the application for credit against impact fees
34 otherwise due.
35

36 (g) Any claim for credit must be made no later than the time of application for a
37 building permit. Any claim not so made shall be deemed waived.
38

39 (h) Transportation impact fee credits shall not be transferable from one project or
40 development to another.
41

42 (i) Determinations made by the impact fee administrator pursuant to the credit
43 provisions of this section may be appealed to the county manager by filing a
44 written request with the county manager within ten (10) days of the impact fee
45 administrator's determination.
46

1 **Section 364.15. Review of fees.**

2 Transportation impact fees shall be adjusted annually (“Transportation Impact Fee
3 Adjustment”) based on the average of the following: (1) the most current rate of inflation
4 published by the Florida Department of Transportation (“FDOT”) as contained in an annual
5 report titled “FDOT Transportation Cost Reports, Inflation Factors;” and (2) the percentage
6 change in the annual averages for the two calendar years, immediately preceding the year of the
7 Transportation Impact Fee Adjustment, of the U.S. Bureau of Labor Statistics Producer Price
8 Index for highway and street construction. The Transportation Impact Fee Adjustment shall be
9 calculated on September 1st and shall take effect on January 1st of the following calendar year
10 (Effective Date”). Notice of the Transportation Impact Fee Adjustment shall be published in a
11 newspaper of general circulation within the County no less than 90 days before the Effective
12 Date of the Transportation Impact Fee Adjustment. The fees specified in section 364.07 (a) shall
13 be reviewed by the board of county commissioners at least once each fiscal biennium. If an
14 additional revenue source becomes available to add roadway capacity, the Board of County
15 Commissioners shall conduct a public hearing to consider revised fees that provide a credit for
16 the additional revenue source.

17
18 **Section 364.16. Cost to implement.**

19 The cost to implement and administer the transportation impact fee ordinance shall be based
20 upon the actual cost to implement and administer the ordinance in accordance with Section
21 163.31801(3)(c), Florida Statutes.

22
23 **Section 364.17. Requirement of public notice.**

24 Notice shall be provided no less than 90 days before the effective date of an ordinance
25 imposing a new or amended impact fee in accordance with Sections 125.66(2)(a) and
26 163.31801(3)(d), Florida Statutes. -

27
28 **Section 364.18. Audit requires affidavit.**

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

33
34 **Section 364.19. Penalty provision.**

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

41
42 Section 2. Severability. If any section, phrase, sentence or portion of this ordinance is
43 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such
44 portion shall be deemed a separate, distinct and independent provision, and such holding shall
45 not affect the validity of the remaining portions thereof.

1 Section 3. Repealing Clause. All ordinances or parts of ordinances in conflict herewith
2 are, to the extent of such conflict, hereby repealed.
3

4 Section 4. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of
5 County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions
6 of this ordinance shall become and be made a part of the Code of Laws and Ordinances of
7 Alachua County, Florida; that the sections of this ordinance may be renumbered or relettered to
8 accomplish such intention; and that the word "ordinance" may be changed to "section," "article,"
9 or other appropriate designation. The correction of typographical errors which do not affect the
10 intent of the ordinance may be authorized by the County Manager or designee without public
11 hearing, by filing a corrected or recodified copy of the same with the Clerk of the Circuit Court.
12

13 Section 5. Effective Date. A certified copy of this ordinance shall be filed with the
14 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
15 after enactment by the Board of County Commissioners, and this ordinance shall take effect
16 upon filing with the Department of State.
17

18 DULY ADOPTED in regular session, this 30th day of October, 2007.

19 BOARD OF COUNTY COMMISSIONERS OF
20 ALACHUA COUNTY, FLORIDA

21
22 ATTEST:

23 _____
24 J. K. Buddy Irby, Clerk

25
26
27
28
29 (SEAL)

30
31
32
33
34
35 Director

By: _____
 Paula M. DeLaney, Chair

 APPROVED AS TO FORM

 County Attorney

 APPROVED AS TO CONTENT

 Rick Drummond, Growth Management