

**HILLSBOROUGH COUNTY
CONSOLIDATED IMPACT ASSESSMENT
PROGRAM ORDINANCE**

Hillsborough County Ordinance 96-29, as amended

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ORDINANCE #96-29

AN ORDINANCE CONSOLIDATING AND AMENDING HILLSBOROUGH COUNTY'S IMPACT ASSESSMENT ORDINANCES, SPECIFICALLY ORDINANCES 85-17, 85-23, 86-04, 86-20, 88-23, 92-12, ALL AS PREVIOUSLY AMENDED; RELATING TO THE HILLSBOROUGH COUNTY ROAD NETWORK IMPROVEMENT PROGRAM ORDINANCE, THE HILLSBOROUGH COUNTY THOROUGHFARE PLAN ORDINANCE, THE HILLSBOROUGH COUNTY PARK SITE IMPROVEMENT PROGRAM ORDINANCE, THE HILLSBOROUGH COUNTY SCHOOL SITE DEDICATION ORDINANCE, AND THE HILLSBOROUGH COUNTY FIRE SERVICE IMPACT FEE PROGRAM ORDINANCE (INCLUDING THE ASSESSMENT AND COLLECTION OF IMPACT FEES FOR ROADS, RIGHT-OF-WAY, PARKS, SCHOOLS SITES, AND FIRE SERVICE), AND THE HILLSBOROUGH COUNTY AFFORDABLE HOUSING IMPACT FEE RELIEF PROGRAM ORDINANCE; PROVIDING FOR THE CONSOLIDATION OF ALL SUCH ORDINANCES INTO ONE COMPREHENSIVE DOCUMENT; PROVIDING UNIFORMITY AND CONSISTENCY OF IMPACT ASSESSMENT REGULATIONS AND PROCEDURES; PROVIDING UNIFORMITY AND CONSISTENCY OF IMPACT ASSESSMENT REGULATIONS AND PROCEDURES; PROVIDING FOR REORGANIZATION, REVISIONS, ADDITIONS, DELETIONS, AND CLARIFICATIONS; PROVIDING PROCEDURES FOR CREATING ADDITIONAL RELIEF PROGRAMS; PROVIDING FOR "NO-FEE TRANSPORTATION ZONES" FOR CERTAIN AREAS; PROVIDING FOR A CHANGE IN PARK SERVICE STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners, on April 5, 1995, appointed a 14-member Impact Fee Task Force, representing various sectors of the community, to undertake a comprehensive review of the County's existing impact assessment ordinances; and

WHEREAS, the Impact Fee Task Force, over a three-month period, held eight meetings open to the public; and

WHEREAS, the Task Force's resulting recommendations were issued in The Impact Fee Task Force Report to the Board of County Commissioners, dated July 18, 1995; and

WHEREAS, the first recommendation of the Impact Fee Task Force, which was also supported by the County Administrator, was the consolidation of the existing impact assessment ordinances into a single ordinance with consistent provisions for all categories of assessments; and

WHEREAS, the Impact Fee Task Force Report also recommended certain changes to the existing impact assessment ordinances, specifically the addition of provisions addressing the concepts of relief of impact assessments in certain designated areas and creation of additional relief programs; and

WHEREAS, the Impact Fee Task Force Report and the County Administrator's Review of the Impact Fee Task Force Recommendations have been extensively considered at a series of public workshops by the Board of County Commissioners of Hillsborough County; and

WHEREAS, the Board of County Commissioners has determined that it is in the public interest to consolidate the existing impact assessment ordinances into one consolidated document, and for the consolidated ordinance provisions to be uniform and consistent for all categories of impact assessments, where appropriate and legal; and

WHEREAS, the Board of County Commissioners has determined that, in order to incorporate such provisions and to achieve such uniformity and consistency, it is necessary to substantially reorganize and revise the existing impact assessment ordinances, and, accordingly, to make such additions, deletions, and clarifications as are necessary and appropriate for the consolidation of the diverse ordinances and additional provisions into one document; and

WHEREAS, the Board of County Commissioners has determined that it is in the public interest to incorporate provisions addressing the concepts of relief of impact assessments in certain designated areas and creation of additional relief programs; and

WHEREAS, deficiencies identified in Appendix “A” of Ordinance 85-23, as amended, have been eliminated through capital projects in the Parks and Recreation Department budget; and

WHEREAS, the Board of County Commissioners has determined it to be more efficient and in the public interest to combine the neighborhood and district park categories into one local park category; and

WHEREAS, the Board of County Commissioners of Hillsborough County finds that it is in the public interest to incorporate provisions addressing the concepts of relief of impact assessments in certain areas, creation of additional relief programs, creation of a local parks standard, and to provide uniformity and consistency of impact assessment regulations and procedures, where practicable and legal, through the consolidation of the existing impact assessment ordinances into one ordinance, and to make such associated additions, deletions, clarifications, and other revisions as are necessary and appropriate;

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

ARTICLE 1. SHORT TITLE, AUTHORITY, AND APPLICABILITY

- A. This Ordinance shall be known and may be cited as “**The Hillsborough County Consolidated Impact Assessment Program Ordinance.**”
- B. The Board of County Commissioners of Hillsborough County is authorized and empowered by law to adopt the described Ordinance, which is an amendment, consolidation, reorganization, revision, and clarification, amending the following individual impact assessment program ordinances:

85-17 (Road Network), 85-23 (Park Site Improvement), 86-04 (Thoroughfare Plan), 86-20 (School Site Dedication), 88-23 (Fire Service), and 92-12 (Affordable Housing Relief); all as amended.

ARTICLE 2. FINDINGS

The Board of County Commissioners of Hillsborough County finds that the provision of this Ordinance are necessary for the implementation of the Future of Hillsborough Comprehensive Plan; necessary to ensure that Developments of Regional Impact are assessed for their impacts under Section 380.06, Florida Statutes; authorized by Section 163.3202(3), Florida Statutes; necessary to ensure the coordination of new development and the provision of capital facilities; and necessarily and reasonably related to the public health, safety, and welfare. Article 9, hereof, restates pertinent recitals and the statements of findings, conclusions, and purpose originally set forth in the individual ordinances which

are consolidated herein.

The Board of County Commissioners of Hillsborough County further finds that the provisions of this Ordinance are in compliance with the “Rational Nexus Test” established by the Florida Supreme Court, which is summarized in Article 8, Section B, of this Ordinance.

ARTICLE 3. CONSOLIDATION AND SUBSTANTIVE AMENDMENTS

Hillsborough County Ordinances 85-17, 85-23, 86-04, 86-20, 88-23, and 92-12, all as previously amended, are hereby consolidated and amended, as follows and as fully set forth in Articles 1 through 9 of this Ordinance:

- A. Said ordinances, as previously amended, are hereby consolidated and amended into a single composite Ordinance, and the provisions thereof reorganized, revised, and clarified accordingly, including the deletion of superfluous, incompatible, or obsolete material, for purposes of uniformity and consistency of impact assessment program regulations and procedures, as specifically set forth hereinafter; and
- B. Said ordinances, as previously amended, are hereby further amended to include new provisions which are substantive amendments to the ordinances as they existed prior to this consolidation, as referenced below:
 - Article 8, Section P.2 — Creation of Additional Relief Programs.
 - Article 8, Section P.1 — “No-Fee Transportation Zones”.
 - Article 8, Section B, K, L, and M — Change in Park Standard Categories.

ARTICLE 4. SEVERABILITY

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 5. AMENDMENT PROCEDURES

Amendments of this Ordinance shall take place in accordance with Florida statutes and Hillsborough County regulations governing amendment of ordinances.

ARTICLE 6. CORRECTION OF SCRIVENER’S ERRORS

The County Administrator, in consultation with the County Attorney, is hereby authorized to correct non-substantive scrivener’s errors which may be discovered from time to time in this Ordinance after its adoption. The County Administrator is likewise authorized to correct substantive scrivener’s errors, in consultation with the County Attorney, provided that the subject provisions are clearly in conflict with the official record of the public hearing at which the Ordinance was adopted. Correction of such substantive scrivener’s errors shall require approval by the Board of County Commissioners at a public meeting.

ARTICLE 7. EFFECTIVE DATE

This Ordinance shall take effect on October 30, 1996.

ARTICLE 8. IMPACT ASSESSMENT PROGRAM PROVISIONS

Section A. APPLICABILITY – This Ordinance shall apply as set forth below:

1. TRANSPORTATION AND FIRE SERVICE IMPACT ASSESSMENTS: Provisions hereof relating to transportation impact assessments (road improvements and right-of-way) and fire service impact assessments shall apply uniformly to the development of property located within the boundaries of the **unincorporated** area of Hillsborough County.

2. PARK IMPACT ASSESSMENTS: Provisions hereof relating to park impact assessments, shall apply uniformly to the **residential** development of property located within the boundaries of the **unincorporated** area of Hillsborough County. The non-residential development of property shall not be subject to the terms of this Ordinance pertaining to park impact assessments.

3. SCHOOL IMPACT ASSESSMENTS: Provisions hereof relating to school impact assessments shall apply uniformly to the **residential** development of property located within the boundaries of Hillsborough County, including **all incorporated as well as unincorporated areas**, including the municipalities of the cities of Tampa, Temple Terrace, and Plant City. Nonresidential development of property shall not be subject to the terms of this Ordinance pertaining to school impact assessments.

Section B. OPERATIONAL DEFINITIONS

1. **ADMINISTRATOR** — The Hillsborough County Administrator or his designee.
2. **APPLICANT** — Person or entity making application for a development permit or other approval which results in assessment pursuant to this Ordinance.
3. **BEDROOM** — A private room with a closet and window, designed in manner appropriate for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.
4. **BOARD** — The Board of County Commissioners of Hillsborough County, Florida.
5. **BUILDING** — Any structure, having a roof, designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.
6. **CAPACITY PER LANE** — The number of vehicles which a road can safely and efficiently carry over a given time period at level of service “D” average daily condition. In this Ordinance, the capacity per lane is assumed to be 7,500 vehicles per day.
7. **C.O.** — A certificate of occupancy issued by Hillsborough County.
8. **CONTRIBUTION** — Money, real property, or personal property donated to and accepted by the County (or other applicable governmental entity), pursuant to this Ordinance or other governmental regulation.
9. **COST PER LANE** — The cost of constructing one 12-foot roadway lane for a length of one mile. Included in this cost are grading and drainage, base and surface, and other incidental expenses.
10. **DEDICATE/DEDICATION** — The designation and conveyance of property for governmental use, through donation of the property by the owner and acceptance by the County (or other applicable governmental entity), pursuant to this Ordinance or other governmental regulation.
11. **DRI** — A Development of Regional Impact, pursuant to Chapter 380.06, Florida Statutes.
12. **ENCUMBER** — To reserve or earmark funds for a specific expenditure or an identified project. In order to qualify as “earmarking”, the County shall fully intend to proceed in good faith and in a timely manner to expend funds. Any of the following actions shall constitute encumbering for purposes of this Ordinance:
 - a. Execution of a contract for acquisition of land or capital equipment; or toward the design or construction of an improvement; or
 - b. Adoption of a resolution by the Board authorizing the commencement of eminent domain; or
 - c. Execution of an agreement for the rendering of services to the County, which are incidental and necessary to the acquisition of land, capital equipment, or the design and construction of an improvement.
13. **FIRE APPARATUS** — Fire-fighting and/or fire-station equipment meeting applicable industry standards in connection with outfitting a fire station as described in Article 9, Section E; Fire Service Appendix F.

14. IMPACT — The negative effect on the fire service network, parks network, school facilities, or road or thoroughfare network in a given area, which is produced by the additional population generated by land development activity.

15. IMPACT ASSESSMENT — (Defined by Impact Category)

- a. Fire.** The amount of property, construction costs of a fire station or acquisition of capital equipment required, or the cost related to the impact of development as calculated pursuant to the formula contained in Article 9, Section E; or
- b. Parks and Schools.** The definition in this subsection regarding “Schools” shall be effective until November 1, 2006, at which time the definition for schools in subsection “d” shall apply. The amount of property required, or the cost related to the impact of residential dwelling units as calculated pursuant to the formula contained in Article 9, Sections C and D, respectively; or
- c. Roads and Right-of-Way.** The additional cost associated with a land development activity that attracts or generates additional vehicular traffic in excess of the traffic generation or attraction associated with the existing land use.
- d. Schools.** Effective November 1, 2006, Schools shall be defined as the amount of property, construction costs of a school facility or acquisition of capital equipment required for the new school facility, or the cost related to the impact of development as calculated pursuant to the formula contained in Article 9, Section D.

16. INDIVIDUAL ORDINANCES – Hillsborough County’s six impact fee program ordinances (#85-17, #85-23, #86-04, #86-20, #88-23, #92-12, all as amended) as they existed at the time of the Board’s adoption of this consolidated Ordinance.

17. LEVEL OF SERVICE — A service level which is identified in the Comprehensive Plan, or other applicable official document identifying the standard for a facility.

18. LOCAL PARK — A park serving an area defined by an approximate two to five-mile radius with larger parks having the larger service area. Local Parks are accessible by walking, bicycle, or motor vehicle. These parks have basic recreational facilities for serving people on a community basis. They will usually contain a passive seating area and areas for spontaneous or organized games, such as basketball, softball, football, and soccer. Playground apparatus areas for pre-school age and older children should be provided. Larger parks will have facilities for competitive organized athletic events such as Little League Baseball, youth and adult softball, soccer, and football.

19. LOCAL ROADS AND STREETS — A route providing service which is of relatively low average traffic volume, short average trip length or minimal through traffic movements and high land access for abutting property.

20. MOBILE HOME DWELLING UNIT OR MOBILE HOME – A manufactured structure, transportable in one or more sections, which is built on an integral chassis and is designed to be used as a single family dwelling unit, with or without a foundation, when connected to the required utilities.

21. NON-RESIDENTIAL DEVELOPMENT — Commercial or industrial development not providing for any residential dwelling units within a planned project.

22. MULTI-FAMILY DWELLING UNIT — A structure that contains more than two residential housing units. May be a single building or part of a multi-family complex. May be rental or owner-occupied.

23. POPULATION PER DWELLING UNIT — That number of persons based on census data and population studies, likely to be inhabiting certain types of dwelling units.

24. PROGRAM MANAGER — The Hillsborough County official designated by the County Administrator to supervise the administration of the regulations in this Ordinance.

25. RATIONAL NEXUS TEST — The legal test established by the Florida Supreme Court, upon which all impact fee ordinances in Florida are based. This complex test of constitutionality, which has been explained in greater detail by various court opinions, requires, in summary, that in order to be constitutional, an impact fee assessment ordinance must provide that:

- a. The amount of impact fees charged bears a reasonable relationship to the cost of providing public facilities necessitated by new development; and
- b. The impact fees collected are earmarked and spent to construct public facilities reasonably benefiting the development paying the fee.

26. RESIDENTIAL DEVELOPMENT — Any building designed to be used as one or more dwelling units. May be one single-family dwelling unit or many dwelling units in a planned unit development or subdivision.

27. ROAD NETWORK — The highway network established by the County’s Metropolitan Planning Organization’s Long Range Transportation Plan, Needs Assessment, and by Board of County Commissioner adopted transportation corridor plans.

28. SCHOOL BOARD — This Hillsborough County School Board; the body which operates, controls, and supervises all free public schools within Hillsborough County, as authorized by Section 4(b) of Article IX of the Constitution of the State of Florida.

29. SINGLE-FAMILY ATTACHED DWELLING UNIT – A housing unit which shares a common wall with an adjoining unit. The common wall must extend from the foundation through the attic.

30. SINGLE-FAMILY DETACHED DWELLING UNIT – Conventional home where one family normally occupies on unit in one structure, may be found in subdivisions or on single lots.

31. TRANSPORTATION IMPACTS — A general term encompassing both road improvement impacts and right-of-way impacts pursuant to this Ordinance.

32. TRIP CAPTURE — The term “trip capture” is used to describe three separate trip-making characteristics, as defined below:

- a. **Pass-By Trips** are trips made as intermediate stops on the way from an origin to a primary trip destination. Pass-By Trips are attracted from traffic passing the site on an adjacent street that contains direct access to the generator. These trips do not require a diversion from another roadway;

- b. **Internal Trips** are trips made within a subject site, and/or those made without accessing the public roadway network;
 - c. **Diverted Trips** are those non-primary trips where the route to the primary destination is altered so that the pass-by destination can be reached.
33. **TRIP LENGTH** — The average length in miles of any vehicle trip either produced by a dwelling unit in a specific zone, or attracted to a specific type of land use in any zone.
34. **TRIP RATE** — The average number of vehicle trip ends (one-way trips) which can be attributed to a specific type of land use activity on a daily basis.
35. **VEHICLE MILES OF TRAVEL** — Unit of measure defined by trip length times trip rate.

Section C. RULES OF CONSTRUCTION

For the purpose of administration and enforcement of this Ordinance, the following rules of construction shall apply to the text of this Ordinance unless otherwise stated herein:

1. The word “shall” is always mandatory and not discretionary; and the word “may” is permissive.
2. Words used in the present tense shall include the future, one gender shall include all genders, and the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
3. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or other similar entity.
4. “And” indicates that all connected terms, conditions, provisions, or events shall apply.
5. “Or” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
6. “Either...or” indicates that the connected items, conditions, provisions, or events shall apply singularly, but not in combination.
7. Any headings contained in this Ordinance are for ease of reference only and shall not be construed as limiting, defining, or otherwise affecting the meaning of any term or condition herein.

Section D. ADMINISTRATION

1. **PROGRAM MANAGER.** The Administrator is empowered to designate an impact assessment program manager or other designee to administer the impact assessment program set forth in this Ordinance, as well as such other employees as the Administrator determines to be necessary to carry out the provisions of this Ordinance efficiently and effectively.

2. **INTERPRETATION.** The Administrator shall have the authority to make all interpretations of the text and application of this Ordinance. Interpretations by the Administrator shall comply with the procedures, form, official record, and appeal requirements of this Ordinance. Administrative interpretations are appealable to the Board. A party wishing to appeal an interpretation of the Administrator must file an appeal, in writing, with the Administrator within thirty (30) days of the Administrator's issuance of the written interpretation.

3. **FALSE INFORMATION.** Knowingly furnishing false information to the Administrator or other County or municipal official who is charged with the administration of this Ordinance on any matter relating to the administration of this Ordinance shall constitute a violation hereof, subject to the penalties set forth herein.

4. **MAINTENANCE OF OFFICIAL AMENDED CONSOLIDATED ORDINANCE.** The Administrator, in consultation with the County Attorney, is hereby authorized and directed to maintain an updated official master copy of the Consolidated Impact Assessment Program Ordinance which incorporates Ordinance #96-29 and all amendments thereto, with the date of each such amendment noted therein as appropriate. Each amendment to Ordinance #96-29 shall be incorporated into the official master copy of the Consolidated Ordinance and a copy of the revised Consolidated Ordinance shall be filed with the Clerk no later than fifteen (15) working days after approval of the amendment by the Board of County Commissioners.

Section E. DEMONSTRATION OF NEED

The Board has determined that the County's available funding sources are inadequate, based upon present projections, to provide for the construction of those public facilities improvements required to accommodate growth. Impact assessments shall not be used to collect more than is necessary to fund such capital facilities. The impact assessments in this Ordinance are based upon the data and methodologies set forth herein, which establish a fair and equitable allocation of costs and recognize past and future payments from new development, as well as offsets for in-kind contributions.

Revenues collected from impact assessments shall not be used to replace existing capital facilities or to fund existing deficiencies, but only to provide for new capital facilities which are necessitated by new development. Accordingly, the County has established uniform service levels, identified existing deficiencies, identified funding sources for correction of those existing deficiencies, and established an overall improvement program for all public facilities for which this Ordinance assesses impacts, as set forth in detail in Article 9, hereof. The Administrator shall no less frequently than once every 5 years review the available sources of revenue and the needs and shall file a report with the Board evidencing the results of said analysis. The report shall include the identification of non-impact fee funding sources which have become available for funding improvements required by growth.

Section F. EXEMPTIONS AND EXISTING USES

1. **EXEMPTIONS.** The following shall be exempted from payment of impact assessment under this Ordinance:

- a. **Certain Alterations to Dwellings.** Alteration or expansion of an existing dwelling unit where said alteration or expansion will not increase the impacts assessed by this Ordinance for the existing dwelling unit;
- b. **Certain Accessory Buildings.** The construction of accessory buildings or structures which will not increase the impacts assessed by this Ordinance for the principal building or structure;
- c. **Certain Alterations to Other Structures.** Alteration or expansion of a structure other than a dwelling unit where such alteration or expansion does not increase the impacts assessed by this Ordinance for the existing structure;
- d. **Replacement of Certain Destroyed Structures.** The replacement of a destroyed or damaged building or structure with a new building or structure which does not increase the impacts assessed by this Ordinance over that attributable to the destroyed or damaged structure;
- e. **Certain Public Buildings.** The construction of publicly owned buildings or structures, which are used solely for governmental purposes;
- f. **Replacement of Existing Uses.** In those instances when new construction is replacing an existing legally permitted use on site, the County shall, when computing the impact assessment for the proposed use, subtract the amount representing the impact attributable to the existing use. Such existing use exemptions shall be applicable only once, at the time of initial replacement of the existing use, and shall not be “tracked” or carried forward, or otherwise treated in the same manner as off-sets for contributions pursuant to Article 8, Section K. The County Administrator shall prescribe the documentation required as evidence of impacts attributable to the existing use.
- g. **Communities for Older Persons.** A dwelling that is located in any development designated and operated as a Community for Older Persons, in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995, 42 U.S.C. §§3601-3619, and that prohibit any person under the age of 18 years from residing within any dwelling on the property as a permanent resident, as evidenced by a recorded declaration of covenants and restrictions not subject to revocation or amendment for a period of at least 30 years from the date of recording. Said covenants and restrictions shall run with the land. In the event the covenants and restrictions are breached, or are amended or otherwise modified, so that any person under the age of 18 is allowed to reside as a permanent resident in any dwelling receiving a Housing for Older Persons exemption, the County may give notice of the breach, amendment or modification, to the owners of the dwellings located in that Community for Older Persons, and give them the opportunity to cure the breach or restore the age restriction requirement to the covenants and restrictions, as applicable, within 60 days of the notice being mailed (the “cure”). The County may stay any action to collect fees in the event of ongoing court proceedings. If the cure is not implemented within the said 60-day period and no stay exists, then the impact fee shall be due for all dwellings within that Community for Older Persons. In that event, the owners of all dwellings within the Community for Older Persons shall be provided notice of the amount of impact fee due, and shall be given six months to pay the impact fee in the amount as is in effect at the time of the notice being given of the amount due and a notice of the amount due shall be filed in the public records of the County. Such notice shall be in writing with documentation of the breach and failure to cure together with the name and address of any person to whom the notice

shall be sent. Notices under this section shall be sent by certified mail, return receipt requested, to the last known address of the owner of each affected dwelling by reference to the latest ad valorem tax records. Failure to pay impact fee when due shall result in the same penalties imposed by this Ordinance in Article 8, Section Q.

2. APPLICATION FOR EXEMPTION OR EXISTING USE OFFSET. A person seeking an exemption as described above, shall file an application with the Administrator no later than sixty (60) days after the date of issuance of the building permit. The Administrator may extend this time frame based upon a finding of excusable delay. Said request shall be in a form prescribed by the County.

If the Administrator denies the request, within thirty (30) days thereafter, the Applicant may, as a matter of right, appeal such denial to the Board. Within sixty (60) days of the Administrator's denial, the Board shall, after providing reasonable notice to the Applicant, review said denial in a public meeting at which the Applicant is given full opportunity to be heard and to present all relevant evidence necessary to justly resolve the appeal. The Board's review shall be based upon the provisions in Subsection 1, above, and their final decision shall be made at the public meeting.

Section G. IMPACT ASSESSMENT PROCEDURES

1. DEVELOPMENT SUBJECT TO ASSESSMENT. Any land development activity creating an impact on any public facility covered by this Ordinance shall be required to pay an impact assessment in the amount and manner set forth in this Ordinance, to help regulate the effect of the land development's activities on those public facilities.

2. TIME OF PAYMENT OF ASSESSMENT.

- a. **General.** The impact assessment is due and payable at the time of issuance of the certificate of occupancy for land development activity generating impacts assessed by this Ordinance. No certificate of occupancy for any land development activity requiring the payment of an impact assessment pursuant to this Ordinance shall be issued until the impact assessment has been satisfied in full, either through payment of the assessed impact fee or through donation and acceptance of an in-kind contribution pursuant to this Ordinance, or a combination thereof.
- b. **Earlier Payment Required.** In the following circumstances, the impact assessment shall be due and payable as set forth below:
 - (1) **Development Not Requiring a C.O.** In those cases of land development activity which do not require a certificate of occupancy, the impact assessment shall be paid prior to the time of receipt of a building permit; and
 - (2) **Release of Electrical Power before C.O.** In those cases where the Applicant seeks a release of permanent electrical power prior to the issuance of the certificate of occupancy, the impact assessment shall be paid in full prior to the time of such release of permanent power. In cases where the Administrator finds that there is a reasonable possibility that the release of temporary electrical power could be used as permanent power without further authorization by the County, the impact assessment shall be paid prior to release of temporary power.

3. DEPOSIT INTO TRUST FUNDS. All funds collected shall be properly identified by geographic component and shall be deposited in the appropriate trust fund to be held in separate accounts as determined pursuant to the terms of Article 8, Section L, and used solely for the purposes set forth in Article 8, Section M.

4. MUNICIPAL COLLECTION OF SCHOOL SITE IMPACT ASSESSMENT. Municipalities collecting school impact fees pursuant to this Ordinance are acting only as collecting agents for the County. Such municipalities shall be responsible to the County for the proper collection and remittance of impact fees, but shall not be liable for the inadvertent miscalculation of impact fee amounts. The Administrator shall furnish such information and advice to the municipalities as is necessary to ensure proper collection, remittance, accounting, controls, auditability, and overall compliance with this Ordinance.

5. STATEMENT OF IMPACT ASSESSMENT AMOUNT. At the time of issuance of a building permit, the Applicant shall be given a statement indicating the amount of the impact assessment which will be due and payable at (a) time of issuance of the certificate of occupancy or (b) such other time as payment may be required by this Ordinance.

At the request of the Applicant, the County will provide preliminary assessment information earlier in the development process. However, this information is not binding, as it could change as a result of changes in development plans, in the Ordinance, in the fee structure, or in other circumstances

which may occur prior to issuance of the building permit.

6. MOBILE HOME PARKS SPECIAL PAYMENT PROVISIONS. In the case of a mobile home park, the owner of the park shall be responsible for the payment of the impact assessment for each lot or space in the mobile home park. The assessment is payable at the time any lot or space is occupied for the first time. For the purpose of this provision, the term “mobile home park” is defined as an undivided parcel of land on which there are two (2) or more lots or spaces available for rent or lease for the placement of mobile homes.

7. IMPACT ASSESSMENT RELIEF PROGRAMS. The Administrator shall allow relief from payment of the impact assessment for affordable housing pursuant to the provisions of the Affordable Housing Impact Fee Relief Program, as set forth in Article 8, Section O, and pursuant to specific relief programs or “No Fee Zones” approved by the Board as set forth in Article 8, Section P.

8. EFFECT OF PAYMENT. Payment of the impact assessment pursuant to this Ordinance shall address only those obligations imposed by this Ordinance, and shall not relieve the Applicant from the obligation to comply with the Land Development Code, the Adequate Public Facilities Ordinance, or any other applicable statute, Ordinance, or regulation.

Section H. COMPUTATION OF ASSESSMENT

1. **GENERAL.** The Applicant shall have the option of having the amount of the impact assessments hereunder determined by:

- a. Fee schedules established by the Administrator pursuant to the methodology set forth in Article 9, hereof, or the criteria for in-kind contributions set forth in this Ordinance, whichever are applicable; or
- b. An independent calculation pursuant to Article 8, Section I.

2. **LAND USES NOT SPECIFIED IN FEE SCHEDULES.** In the calculation of an impact assessment for a land use that is not addressed in the Ordinance, where an independent calculation study is not feasible or appropriate, the fee shall be determined by the Administrator using comparables or other technically sound transportation methodologies which are professionally appropriate and reasonable.

3. **DE MINIMIS RESIDENTIAL IMPACTS.**

- a. **General.** Relevant data and analysis demonstrate that certain single-family land development activities produce, on the average, such minimal impacts as to be insufficient from a cost/benefit perspective to justify the administrative time and expense of assessing them hereunder on an individual basis. The costs associated with such individual assessment have been shown to largely offset any resulting revenues, so that there is little or no net financial benefit to the impact assessment program. Legally, however, even minimal impacts must be recognized and assessed hereunder in a fair and reasonable manner.
- b. **Creation of “De Minimis” Category.** In an effort to simplify the process and to increase the cost-effectiveness of assessing such minor residential impacts, the category of “de minimis residential impacts” is hereby created to designate those types of impacts which will be charged a minimal, fixed impact assessment, in an amount calculated to be more reasonably beneficial to all parties than the previous individual assessment procedures.
- c. **List of Development Having “De Minimis” Impacts.** The following residential development activities are deemed “de minimis” for purposes of impact assessment pursuant to this Ordinance, and shall be assessed a fixed “de minimis” impact fee of ONE HUNDRED DOLLARS (\$100.00):
 - (1) Replacement of a mobile home with a reasonably comparable single-family detached dwelling unit on the same lot.
 - (2) Addition of one or more bedrooms to a single-family detached dwelling unit.
 - (3) Addition of an accessory dwelling unit to a single-family detached dwelling unit.
 - (4) Such other single-family residential development activity as may be determined by the Administrator to qualify for “de minimis” treatment hereunder, based upon relevant data and analysis.
- d. **Payment and Use of “De Minimis” Fees.** De minimis fees assessed pursuant to this Subsection shall be due and payable in accordance with Article 8, Section G, and upon collection such funds shall be deposited on a pro rata basis to the appropriate trust funds hereunder.
- e. **Annual Report on School Board Revenues.** On an annual basis, the Administrator shall conduct a review of the implementation of this “de minimis” provision as it relates to impact fee revenues received by the School Board and shall report the results to the Board of County Commissioners. Such review shall include the issue of any increase or decrease in the County’s administrative costs associated with the implementation of the “de minimis” provision.

Section I. INDEPENDENT FEE CALCULATION STUDIES

1. **BASIS TO REQUEST ADJUSTMENT.** Any Applicant who believes that the land development activity which is being proposed will exhibit impact generation characteristics below the norm utilized by the County shall have the right to petition the Administrator for an adjustment to the formula. The specific criteria required to accompany such a petition are set forth for each type of impact assessment in Subsection 3, below.

2. **PROCEDURES.**

- a. **Application.** Persons desiring to file a petition for an adjustment as described above shall do so no later than sixty (60) days after the date of the issuance of the building permit. This time period may be extended by the Administrator upon a finding of excusable delay. The petition shall be in a form prescribed by the County.
- b. **Approval.** If the Administrator verifies the validity of the submitted information, pursuant to the criteria set forth in Subsection 3, below, then such adjusted data shall be utilized in the computation of the impact assessment for the proposed land use.
- c. **Denial and Appeal.** A person seeking an adjustment as described above, shall file an application with the Administrator no later than sixty (60) days after the date of issuance of the building permit. The Administrator may extend this time frame based upon a finding of excusable delay. Said request shall be in a form prescribed by the County. If the Administrator denies the request, within thirty (30) days thereafter, the Applicant may, as a matter of right, appeal such denial to the Board. Within sixty (60) days of the Administrator's denial, the Board shall, after providing reasonable notice to the Applicant, review said denial in a public meeting at which the Applicant is given full opportunity to be heard and to present all relevant evidence necessary to justly resolve the appeal. The Board's review shall be based upon the application of the criteria set forth in Subsection 3, below, and their final decision shall be made at the public meeting.

3. **CRITERIA FOR ADJUSTMENT BASED ON INDEPENDENT STUDY.**

- a. **Road Improvement and Right-of-Way Impact Assessment.** An Applicant may apply for an adjustment to road and/or right-of-way impact assessment based on external trip-generation characteristics, or on trip-length characteristics, or both. Applications for adjustments based upon other factors may be submitted with supporting documentation; however the Administrator has the option to refuse to accept any such application which he determines to be unsupported by sound legal reasoning and/or technical data.

(1) **Trip-generation adjustment.**

- (a) **General.** A petition for an adjustment based upon external trip-generation characteristics shall be accompanied by a traffic generation statement prepared by a qualified professional engineer licensed to practice in the State of Florida. Such trip-generation characteristics may include pass-by and internal trip-capture factors. The Administrator may request additional information from the Applicant if necessary. If the Administrator determines that a concurrent trip-length study is needed to accurately reflect the overall trip-making characteristics of the site, then he reserves the right to require the Applicant to submit a trip-length study. If the Administrator verifies the validity of the petition through the utilization of standard engineering practices, then these adjustments shall be utilized in the computation of the transportation impact assessment for said land use.

(b) Mass Transit Modal Split Adjustment. A petition for an adjustment in the total trip generation figure based upon rural or urban modal split characteristics different from the norms utilized by the County, shall be in a form prescribed by the County and shall be accompanied by a modal split calculation statement and supporting materials outlining the unique features of the proposed land use activity that account for the increased modal splits. The petition shall be prepared by a qualified professional engineer licensed to practice in the State of Florida. If the Administrator verifies the validity of the petition for modal split adjustment through the utilization of standard engineering practices, then said adjusted total trip generation shall be utilized in the computation of the transportation impact assessment for said land use.

(2) Trip-length adjustment. A petition for an adjustment based upon trip-length characteristics shall be accompanied by a trip-length statement prepared by a qualified professional engineer licensed to practice in the State of Florida. Such trip-length characteristics may include a provision for diverted trip characteristics. The Administrator may request additional information from the Applicant if necessary. If the Administrator determines that a concurrent trip-generation study is needed to accurately assess the overall trip-making characteristics of the site, then the Administrator reserves the right to require the Applicant to submit a trip-generation study. If the Administrator verifies the validity of the trip-length statement through the utilization of standard engineering practices, then said adjusted trip lengths shall be utilized in the computation of the transportation impact assessment for said land use.

b. Park Impact Assessment Adjustment. An Applicant may apply for an adjustment of park impact assessment based upon the population-per-unit characteristics of the proposed residential use. The petition shall be accompanied by a population-per-unit generation statement. The Administrator may request additional information from the Applicant if necessary. If the Administrator finds that the population-per-unit characteristics are below the norm through the utilization of standard park planning practices and population projection concepts, then said population-per-unit ratio shall be utilized in the computation of the park impact assessment for said residential land use.

c. Fire Service Assessment Adjustment. An Applicant may apply for an adjustment of fire service assessment for non-residential land use activity based upon an average normal daily trip rate below the norm. A petition for an adjustment based upon trip-rate characteristics shall be accompanied by a traffic generation statement prepared by a qualified engineer licensed to practice in the State of Florida. The Administrator verifies the validity of the petition through the trip-generation statement through the utilization of standard engineering practices, then said adjusted average daily trip rate shall be utilized in the computation of the fire service impact assessment for the land use.

4. COVENANT TO SUPPORT IMPACT ASSESSMENT ADJUSTMENT. The Administrator may, in consultation with the County Attorney, require that a covenant running with the land be executed and recorded on the property for which any impact assessment adjustment is sought, in cases where:

- a. The impact assessment adjustment is based upon a use of land having a lesser impact than that upon which the assessment criteria set forth in this Ordinance are based; or
- b. The development could be changed to a use having a greater impact than the use upon which the impact assessment adjustment is based, without being required to secure any additional County permit or approval for the change; or
- c. For such other reasons that make a covenant necessary to ensure compliance with this Ordinance and applicable law.

Section J. IN-KIND CONTRIBUTIONS

1. GENERAL.

- a. **Required Dedications.** In many instances, in-kind contributions of property or improvements are the primary and preferable means of addressing development impacts. Accordingly, the County may, during the development review and approval process, require such in-kind dedications to mitigate a project's impacts. The determination of whether such improvements or property may be applied as offsets against impact assessments imposed by this Ordinance will be made by the County pursuant to Article 8, Section K.

In no event shall the payment of an impact assessment pursuant to this Ordinance be construed as relieving the Applicant of any requirement to make in-kind contributions pursuant to development order conditions or other regulations.

- b. **Elective Dedications.** In instances (1) where the County has not imposed such requirements for dedications during the development review and approval process or (2) when such required dedications are insufficient to offset the impact assessment pursuant to this Ordinance, the Applicant may elect to dedicate in-kind contributions in lieu of payment of part or all of the impact assessment. All such dedications are subject to the review and acceptance criteria and procedures set forth in this Ordinance.
- c. **Unacceptable or Insufficient Contribution.** In the event that (1) an in-kind contribution is not made and accepted by the County or (2) the in-kind contribution does not qualify hereunder for offsets sufficient to cover the entire impact assessment, the Applicant shall be required to pay the assessed impact fee in the amount and at the time set forth elsewhere herein.
- d. **Rational Nexus Restriction.** Dedications of improvements and right-of-way shall be located in the same impact assessment zone as the development which is being assessed, unless the Applicant proposes and the County consents to a technically, fiscally, and legally justifiable crossing of a zone boundary line pursuant to the terms of this Ordinance.

2. PROCEDURES FOR ELECTIVE IN-KIND CONTRIBUTIONS.

- a. **General.** An Applicant who wishes to make contributions (certain land, improvements, or equipment) in lieu of paying impact fees shall submit a request to the Administrator pursuant to the procedures set forth below. The determination of (1) whether or not to accept the proffered improvements or property, (2) the value thereof for offset purposes, and (3) the timing of such contribution shall be made by the County as set forth in this Ordinance.

- (1) **Application and Review.** An Applicant who wishes to make a contribution hereunder shall submit a request to the County Administrator in a form prescribed by the County. The County Administrator shall determine whether the contribution will constitute an appropriate substitute for payment of the impact assessment or a portion thereof.

All requests shall be reviewed and a response issued by the Board within ninety (90) days from the date said request was submitted. If certificates of occupancy are to be requested prior to the completion of the approved contribution, then a performance bond (or other security instrument acceptable to the County) shall be provided to the Board to cover the balance of all work required following issuance of the first certificate(s) of occupancy.

- (2) **Rational Nexus Restriction.** All land dedicated to the County pursuant to the terms of this Ordinance shall be utilized for purposes identified in this Ordinance intended to accommodate the impact of new growth.

- (3) **Criteria for Review.** In considering whether or not the proposed contribution would be an appropriate substitute, the Administrator shall utilize the standards set forth in this Ordinance and review the following factors:
- i. The nature and location of the proposed contribution; and
 - ii. The projected completion date of the contribution; and
 - iii. The effect on other programmed improvements in the area; and
 - iv. The benefit of the contribution in meeting the cost and timing of the County's Capital Program and Needs Program.

Criteria for specific improvements are included in the appropriate subsection of Article 9, where standards are addressed.

- (4) **Time of In-Kind Contribution.** For contributions where construction of a roadway, park, or fire facility or apparatus is requested, the Board shall set forth a time for completion upon approval of a request for an elective in-kind contribution. For contributions where land for parks, schools, fire stations or right-of-way are concerned, the dedication shall be made within ninety (90) days of the Board's approval for an elective in-kind contribution. For contributions where land for parks, schools, fire stations or right-of-way are concerned, the dedication shall be made within ninety (90) days of the Board's approval for an elective in-kind contribution.

Section K. OFFSETS BASED UPON IN-KIND CONTRIBUTIONS

1. **GENERAL.** The Board, in certain situations, receives contributions from developers for purposes of mitigating development impacts. Such in-kind contributions may be required by the County during the development review and approval process, or a developer may elect to propose an in-kind contribution in payment of the impact assessment pursuant to Article 8, Section J. The purpose of this provision is to recognize such contributions and make equitable adjustment through the mechanism of impact fee offsets.

Where the application for a certificate of occupancy relates to a parcel of land within the boundaries of a development for which the developer has or is committed to dedicate property or remit sums of money to the County, (or to the Department of Transportation or to the School Board, where applicable) for impacts which are likewise assessed pursuant to this Ordinance, the Applicant may request an adjustment of the applicable impact assessment based upon the prior contributions or committed improvements.

2. **PURPOSE.** Such adjustments, as approved hereunder, shall be treated by the County as offsets against impact assessments otherwise due pursuant to this Ordinance. The calculation and approval of such impact fee offsets shall in no way create an independent obligation of the County to the contributor, but shall only be used as a tracking procedure by the County to prevent over-assessing an Applicant for his development's impacts.

3. PROCEDURES TO REQUEST OFFSETS.

- a. **Application.** Documentation of all prior contributions (including payments of money, construction of improvements and/or dedications of property) for which the Applicant seeks an impact fee offset shall be submitted to the Administrator and shall contain the information set forth in Subsection 8, below, for each category of impact assessment and such other information which the Administrator may request.
- b. **Review by Administrator.** Upon review of the application by the Administrator based upon the criteria set forth in Subsection 8, below, the total amount, as calculated below, of any such contribution approved pursuant to the applicable criteria set forth below shall be reflected in County records as an offset which will be applied against applicable impact fees and listed in the name of the person or other entity which made the subject contribution.
- c. **Denial by Administrator.** Should the Administrator deny all or any portion of an application for impact fee offsets, the reasons for said denial shall be clearly stated, in writing, to the Applicant. The reasons for denial shall correspond with the review criteria established in Subsection 8, below, that are utilized by the Administrator in evaluating applications for impact fee offsets.
- d. **Appeals.** Applicants seeking to appeal total or partial denials of impact offsets to the Board must file an appeal, in writing, with the Administrator within thirty (30) days of the date of Administrator's denial letter. In that appeal, the Applicant must clearly state the grounds on which they are appealing the Administrator's denial, and those grounds must correspond with the review criteria established in Subsection 8, below, that were utilized by the Administrator in evaluating the denied application for impact fee offsets.

4. **APPLICATION TIME EXPIRED FOR PRE-ORDINANCE CONTRIBUTIONS.** The deadline has passed to apply for offsets based upon contributions made before the original enactment of the County's five impact assessment ordinances. Provisions in the previous individual ordinances established 5:00 p.m., August 1, 1991, as the deadline for filing such applications. Failure to meet the

established deadline resulted in the waiver of any and all future claims for such impact fee credits or adjustments, including any refunds of previously paid fees. This deadline and waiver provision was published by the County in a newspaper of general circulation three times between October 1, 1990 and August 1, 1991. Accordingly, applications for such waived claims will not be accepted for consideration by the County.

5. USE OF OFFSETS. At the time of application for a building permit, it shall be the responsibility of the Applicant to advise the Building Department of the existence of any approved impact fee offsets which are applicable to the requested permit.

Each time a certificate of occupancy is issued for a building permit in a development for which offsets have been approved, the full amount of the impact assessment, as determined in this Ordinance, shall be deducted from the amount of available offsets recorded in the name of the Applicant until such time as all the offsets are depleted. Thereafter, full cash payment of the impact assessment will be required when each certificate of occupancy is issued.

- a. **Offsets Less Than Assessment.** If the value of the offsets calculated hereunder is less than the applicable impact assessment for the project as calculated pursuant the provisions of this Ordinance, then that offset shall be applied against the applicable impact assessment, and any balance due shall be payable as provided in Article 8, Section G, Subsection 2.
- b. **Offsets Equal To Assessment.** If the value of the offsets calculated hereunder is equal to the applicable impact assessment, as calculated in this Ordinance, then the offset shall fully satisfy that impact assessment.
- c. **Offsets Exceeding Assessment.** If the value of the offsets calculated hereunder exceeds the applicable impact assessment as calculated in this Ordinance, then the offset shall fully satisfy that impact assessment and any excess offsets shall be subject to the provisions of Subsection 6, below.

6. UNUSED OR EXCESS OFFSETS. There shall be no refund or return of unused or excess offsets; that is, offsets which exceed the impact assessment for the approved development on the subject site, and thus, have not and will not be used for that site. Transfers of offsets shall be effectuated, as set forth below.

a. **Transfer of Offsets within the Project.**

- (1) **To Successor-in-Interest.** All or any portion of impact fee offsets approved pursuant to this Ordinance may be assigned or transferred by the recorded holder of the offsets to a successor-in-interest for use within the original project to which the offsets apply.
 - (a) **Form of Transfer.** Such transfer shall be in the form of a written and notarized letter or other document of assignment, directed to the Administrator. The transfer document shall include, at a minimum, the specific amount of offsets being transferred, the legal name of the intended recipient of the transfer, and the original signature of the recorded holder of the offset, or its legally authorized representative. Further information may be required by the Administrator to verify the authenticity and accuracy of the transfer.
 - (b) **Recording of Transfer.** Upon receipt and verification of the transfer, the County will record the transferred amount in the name of the indicated recipient and will reduce by such amount the transferring party's recorded offsets.
- (2) **Transfers between Road Offsets and Right-of-Way Offsets.** Excess road improvement offsets and excess right-of-way offsets are transferable with one another, as follows:

- (a) **Excess Road Improvement Offsets.** If the value of the contribution or improvement is in excess of the road network impact assessment calculated pursuant to this Section, then the excess may be applied against the right-of-way impact assessment as determined pursuant to this Ordinance.
- (b) **Excess Right-of-Way Offsets.** If the value of the right-of-way dedication is in excess of the right-of-way impact assessment as calculated pursuant to this Ordinance, then the excess value may be applied against the road improvement assessment as determined pursuant to this Ordinance.

- b. **Transfers of Offsets for Use Off-Site.** Impact fee offsets may be transferred between private parties for use in connection with a site that is not part of the original parcel, but only when both parcels are in the same impact assessment zone with the exception of off-sets that recognized dedications of acreage, for school sites, on or after January 1, 1993 which can be transferred to other developments within unincorporated Hillsborough County. However, no offset may be transferred from a site within the urban service area to a site outside of the urban service area or vice versa. Such off-site transfers shall follow the same transfer procedures set forth in Subsection 6.a, above.

However, notwithstanding any of the provisions of this subsection to the contrary, the Board may allow the transfer of impact fee offsets for use in an impact assessment zone other than the zone in which they were generated, provided that the Board establishes a reasonable connection or rational nexus between the use of the offsets and the benefits accruing from the improvement that generated those offsets.

In some places, the boundary line between two impact assessment zones lies along the center line of a road segment. In those instances, any impact fee offsets generated by an improvement made to such a road segment may be used in either or both of the abutting zones.

7. BUY-BACK OF OFFSETS. The County may buy back offsets with funds collected as impact fees. Any buy-back of offsets will be considered on a case-by-case basis. Nothing in this ordinance creates a right for any holder of any offset to have the County buy-back the offset; the County has total discretion in its decision whether or not to buy-back any offset.

The decision to buy-back an impact fee offset shall be made by the Administrator. Funds collected as impact fees shall be the only funds used to buy-back impact fee offsets. Furthermore, funds used to buy-back offsets must have been collected as impact fees in the zone in which the offsets to be bought back would be required to be used.

The County can consider buying back an offset only if the following conditions are met:

- (1) **Funds Available.** Impact fee funds must be available and unencumbered to finance the offset buy-back in the impact assessment zone in which the offsets to be bought-back are required to be used; and
- (2) **No Outstanding Needs.** There must be no outstanding and unfunded needs requiring impact fee funding within the impact assessment zone in which the offsets are to be used.

8. CALCULATION OF OFFSETS FOR CATEGORIES OF IMPACT. Offsets for prior contributions or committed improvements shall be calculated for each type of impact assessment as set forth below. In applications for an offset involving a project which had portions already built before the original applicable impact fee ordinance(s) were in effect, the value of the developer's contribution, as

calculated hereunder, shall be prorated to equitably reflect capacity consumed by such pre-ordinance development.

- a. **Road Network Contributions.** Where the application for a certificate of occupancy relates to a parcel of land within a development for which the developer has or is committed to remit to the County or to the Florida Department of Transportation (FDOT) sums of money for construction of improvements and/or has or is committed to construct improvements to the road network designed to offset the transportation impact of the development, including Proportionate Fair-Share contributions made to satisfy transportation concurrency requirements, the Applicant may apply for an adjustment of the applicable impact assessment hereunder.
 - (1) **Documentation.** Documentation of all prior financial contributions or constructed roadway improvements shall be submitted by the Applicant for offset.
 - (2) **Calculation.** The amount of the offset to be allocated to the specific construction shall be determined by the County based on the actual, documented construction cost. Adjustment for prior financial contributions or constructed improvements, or committed improvements to the road network designed to offset the transportation impact of a development shall be calculated as follows:
 - (a) **Site-Access Improvements Excluded.** For purposes of this calculation, the term “improvements” shall **not** include project access improvements such as acceleration-deceleration lanes, median cuts or other improvements in the public right-of-way designed to facilitate access, nor roadways constructed solely to provide access to the project, provided that offsets shall be allowed for site access improvements to the extent that they create usable capacity which will benefit the public. Such improvement would require prior approval by the Administrator, and the burden of establishing the eligibility for such offset will be upon the Applicant.
 - (b) **Interstate Improvements Excluded.** Adjustment of the applicable assessment hereunder will not be given for committed improvements or improvements made on the interstate system in the County, because the portion of the trip length on the interstate system in the County is not included in the impact formula.
 - (c) **Costs Included.** The construction cost may include directly related costs, such as design and engineering costs and the costs of securing necessary permits, if any. Projects which have not received prior approval from the County shall have credit for design costs limited to a maximum of 10% of the construction cost for a roadway project, or 20% of the construction costs of an isolated intersection. Indirect costs, including, but not limited to, financing costs, catastrophic losses due to acts of God or nature, and losses resulting from the negligence by the engineer, contractor, etc. shall not be eligible for offset purposes.
- b. **Right-of-Way Contributions.** Where the application for a certificate of occupancy relates to a parcel of land within a development, for which the developer has or is committed to dedicate to the County or to the Florida Department of Transportation (FDOT) right-of-way for construction of improvements designed to offset the transportation impact of the development, including Proportionate Fair-Share contributions made to satisfy transportation concurrency requirements, the Applicant may apply for an adjustment of the applicable impact assessment based upon such prior contributions or committed donations. For purposes of this provision, the term “improvements” shall include only right-of-way donated or dedicated for the Road Network.
 - (1) **Documentation.** Documentation of all right-of-way contributions shall be submitted by the Applicant for offsets. The documentation shall include the amount of right-of-way dedicated,

the site plan for the project showing the deeded right-of-way, the projection of project traffic, and copies of the County's request for additional right-of-way, if any. Right-of-way needed for access or to allow for development of a particular site, such as interior subdivision streets or entrance roads, shall not be eligible for use as offsets.

- (2) **Calculation.** Impact fee offsets for right-of-way contributions, whether less than, equal to, or in excess of right-of-way needed to accommodate project traffic, shall be calculated as follows:
- (a) **Site-Related Costs Formula.** The formula for determining the cost of right-of-way attributable to a particular project is set forth in Article 9, Section B.
- (b) **Calculation of Right-of-Way Value.** The value of the right-of-way offset shall be based on (a) the value of the date of dedication as determined by the County's Real Estate Department using procedures approved by the Board or (b) a previously agreed-upon value.
- c. **Park Contributions.** Where the application for a certificate of occupancy relates to a parcel of land within a development for which the developer has or is committed to dedicate to the County park property, and/or to remit sums of money for construction of park improvements, and/or to construct improvements to the local park network designed to offset the impact of the development, the Applicant for the C.O. may request an adjustment of the applicable impact assessment based upon the such contributions. For the purposes of this provision, the term "improvements" shall be defined to mean those improvements described in Article 9, Section C.
- (1) **Documentation.** The documentation shall be complete enough to establish the Applicant's interest in the contribution and reasonable value of the contributions. The County shall specify the form and documentation standards.
- (2) **Calculation of Offset.** To encourage the contribution of parkland and park improvements in lieu of payment of park impact fees, the 60% recovery rate used in calculating park impact assessments will not be applied in calculating the value of the impact offsets for such contributions.
- Impact fee offsets will be recognized only for land or improvements which meet the standards for parkland and improvements identified in this Ordinance.
- The amount of offsets for dedication of local parkland will be determined by using the applicable zone value for land as identified in Article 9, Section C.
- The amount of offsets for park improvements will be based on the County's current cost to construct local park improvements.
- (3) **Coordination between Park Categories.** The value established hereunder for park site contributions may be applied interchangeably to offset park site impact fee assessments for either local park land or improvements.
- d. **School Contributions.** Where the application for a certificate of occupancy relates to a parcel of land within a development for which the developer has or is committed to dedicate property and/or remit sums of money to the School Board for purposes of school facility acquisition and development, the Applicant for the CO. may apply for an adjustment of the applicable school impact assessment based upon the prior contributions.
- (1) **Documentation.** The application shall include all documentation of all prior financial contributions or dedicated land for which the Applicant is seeking an offset.

- (2) **Calculation of Offsets.** The value of the dedicated school sites and facilities for offset purposes shall be based on the value as of the date of dedication as determined by the Hillsborough County School Board using (a) procedures approved by the Board, or (b) the previously agreed-upon value and the actual documented construction costs of the school facility.
- e. **Fire Service Contributions.** Where the application for a certificate of occupancy relates to a parcel of land within a development for which the developer has or is committed to dedicate to the County fire service property and/or remit sums of money for construction of a fire station and/or has or is committed to purchase capital fire equipment designed to offset the impact of the development, the Applicant for the C.O. may apply for an adjustment of the fire service site impact assessment based upon the prior contributions.

(1) **Documentation of Fire Service Contributions.**

- (a) **Fire Service Property.** Documentation of the property donation or dedication shall be submitted by the Applicant for credit. Documentation shall include the amount of property donated, evidence of acceptance by the County, and such other information as the County may deem necessary to make the determinations required by this Ordinance.
- (b) **Construction of a Fire Station.** Documentation shall include such information as may be requested by the County in order to make the calculations set forth in Subsection (2)(b), below.
- (c) **Fire Apparatus.** Documentation shall include such information as may be requested by the County in order to make the calculations set forth in Subsection (2)(c), below.

(2) **Calculation of Fire Service Offsets.**

- (a) **Fire Service Property.** The value of the dedicated property shall be based on the value as of the date of dedication as determined by the County's Real Estate Department using procedures approved by the Board of County Commissioners or at a previously agreed upon value.
- (b) **Construction of a Fire Station.** Impact fee offsets for prior construction or construction of a fire station designed to mitigate the impact of new development shall be as follows:
- i. The maximum amount of credit to be allocated shall be based on the standard cost for the construction of a two-bay fire station as defined in Article 9, Section E.
- ii. The value of a constructed fire station (up to the limit set by the cost of a standard fire station) shall be determined by the County based on actual documented construction cost as certified by the supervising engineer or architect of record. Indirect costs, including but not limited to, financing costs, catastrophic losses due to acts of God or nature, and losses resulting from negligence by the engineer, contractor, etc. shall not be eligible for credit.
- (c) **Fire Apparatus.** Impact fee offsets for the purchase of fire apparatus designed to mitigate the impact of new development shall be calculated as follows:
- i. The maximum amount of credit to be allocated shall be based on the total standard cost of the individual items of fire apparatus purchased and accepted by the County as defined in Article 9, Section E.
- ii. The value of the purchased apparatus (up to the limits set in Article 9, Section E.)

shall be determined by the County based on actual purchased cost as documented by invoices from the manufacturer and indirect costs, including but not limited to, financing costs, sales or other taxes, shipping and preparation and catastrophic losses due to acts of God or nature shall be eligible for credit.

9. INDEXING OF OFFSETS. In the event of a change in the impact fee assessment rate for any impact fee provided for in this ordinance, all offset accounts for that impact fee, as they exist as of the effective date of the change of the rate, shall be adjusted to the same extent as the average change in the impact fee for all levels of impact. Such adjustment shall occur simultaneously with the effective change in the impact fee assessment rate. However, there shall be no adjustment to any impact fee offsets that are used to satisfy an impact fee assessment which was calculated prior to the effective date of the change in the impact fee assessment rate and is paid at the rate established prior to the change. Indexing of school impact fee offsets for the school impact fee increase effective November 1, 2006 shall reflect the increase in the portion of the school impact fee that reflects an increase in the school site assessment and not the addition of the school facility element to the school impact fee. Such indexing shall be based on the ultimate school impact fee increase which shall become effective on May 1, 2008 and shall be staged in accordance with the staged fee increase provided in Appendix E of Article 9, Section D.

For example: if the park impact fee assessment were to decrease by an average of ten percent (10%) for all levels of impact, all park impact fee offset accounts, as they exist as of the effective date of the change, would be adjusted downward by ten percent (10%). Likewise, if the park impact fee assessment were to increase, the offsets would be adjusted upward by the appropriate percentage.

10. CO-LOCATION OF PARKS AND SCHOOLS. In certain instances, and upon approval by both the Hillsborough County School Board and the Hillsborough County Parks Department, projects that are required to dedicate to the County both a school site and a park site may have the total acreage of required dedication reduced by thirty percent (30%) when the park and school sites are co-located.

In such instances, impact fee offsets shall only be granted for land actually dedicated to the County which is otherwise eligible for impact fee offset. For purposes of apportioning the acreage dedicated for the school site and for the park site in order to determine the appropriate offset rates when the total required dedication is reduced by the thirty percent (30%), the acreage for the park site and the school site shall be deemed to be reduced by thirty percent (30%).

Nothing in this ordinance creates any right to a reduction in the amount of acreage that any development is required to dedicate. The purpose of this subsection is to provide for an appropriate recognition of dedications that co-locate parks and schools.

Section L. BENEFIT ZONES AND TRUST FUNDS

1. **BENEFIT ZONES.** For each type of public facility addressed by this Ordinance, one or more zones are designated hereunder for the purpose of (a) impact assessment, (b) benefit analysis, and (c) assessment expenditure, collectively.

a. **Rational Nexus Restriction.** The construction of capital improvements within the delineated zones, from which the fees for such improvements are assessed, ensures a reasonable connection, or rational nexus, between the expenditure of the funds collected and the benefits accruing to the new growth and development within the zone.

b. **Review of Zone Boundaries.** Changes in development patterns may affect the location of the boundaries of the described zones. Therefore, in conjunction with each update of the County's comprehensive plan or once every five years, whichever occurs more frequently, the Administrator shall review the geographic boundaries of these zones and shall make recommendations to the Board relating to such boundary changes are necessary to achieve equity in the application of the impact assessments hereunder. If the Board finds that amendments are necessary, they shall proceed expeditiously to amend the Ordinance accordingly.

c. **Delineation of Zones.**

(1) **Transportation Zones.** For purposes of roadway improvement and right-of-way impacts, ten (10) zones are delineated, as depicted on the Map in Article 9, Section A.18, and legally described in Section A.17.

(a) **Basis of Zones.** The geographic delineation of these zones is based upon the analysis of smaller urban area traffic analysis zones and factors associated with average trip length and geographic boundaries.

(b) **Transition Zone.** For the purpose of normalizing construction costs across zonal boundaries delineated by roads, a construction costs transition zone is hereby created. This transition zone shall extend 1,000 feet in either direction from the boundary between the two or more zones. Within the transition zone, the construction cost factor to be utilized in computation of the transportation impact assessment shall be the average of construction cost established for the two or more identified zones.

In those instances where the boundary of the trip directly transition zone divides a parcel and that parcel accesses a boundary road between the two or more specific zones, then the adjusted construction cost shall be used for all trips generated by development of the parcel. Also, in those instances where the boundary of construction cost transition zones divides a building lot in such a manner as to divide the proposed structure that could be constructed on the building lot, then the adjusted construction cost shall be used for all trips generated by the development of the proposed structure.

(2) **Park Zones.** Article 9, Subsection C.13 depicts the planning areas that were the basis for population-per-unit determinations. The described planning areas shall also be utilized as generalized budgeting zones by the Board for the purpose of implementing the provisions of this Ordinance relating to expenditure of park impact assessments. Within each zone, the Board shall establish, pursuant to Article 8, Section M, Subsection 2.c, specific expenditure controls designed to ensure that monies are expended in such a way as to reasonably benefit the developments creating the impact on the park network. The zones shall function as an initial expenditure control, which shall be supplemented by the specific controls contained in Article 8, Section M, Subsection 2.c.

- (3) **School Zones.** Before January 1, 1993, there were four (4) geographic school impact assessment zones in the County. Beginning January 1, 1993, the County ceased the use of separate geographic zones for school impact assessment purposes. Thereafter, the entire incorporated and unincorporated County, including the municipalities of Tampa, Temple Terrace, and Plant City, collectively constitute one zone, ensuring that there is a reasonable connection or rational nexus between the expenditure of the funds collected and the benefits accruing to new development.
- (4) **Fire Service Zones.** There are four (4) fire service impact assessment and benefit analysis zones. The geographic locations of these zones are depicted on the map at Article 9, Section E.8, which is incorporated into and made a part of this Ordinance. The geographic delineation of these zones is based on the analysis of fire stations which provide primary or secondary response to fire calls.

2. ESTABLISHMENT AND ADMINISTRATION OF TRUST FUNDS.

- a. **Purpose.** In keeping with rational nexus requirements, separate impact fee trust funds are established for each impact fee benefit zone for each type of impact assessed by this Ordinance, in order to earmark all impact fees so that all expenditures of impact fees sufficiently benefit new development in the benefit zone from which the impact fees were collected.

b. **Types of Trust Funds.**

(1) **Transportation Trust Funds.**

- (a) **General.** There are three (3) sets of transportation trust funds. The geographic boundaries of the trust fund areas are graphically depicted on the map at Article 9, Section A.18, and coincide with the boundaries of the impact assessment zones described in Subsection 1.c.(1), above:

- ten (10) road network improvement trust funds that existed before May 1, 1992; and
- ten (10) right-of-way trust funds that existed before May 1, 1992; and
- ten (10) combined road network improvement and right-of-way trust funds that commenced on May 1, 1992.

- (b) **Reason for Separating Trust Funds by Date.** These separate sets of trust funds are needed to ensure that funds collected before May 1, 1992, are spent in accordance with the terms of the Ordinance at the time they were collected. As a result of certain amendments to the Ordinance that became effective May 1, 1992, a third trust fund was established for assessments collected on and after that date. Once all the funds in the pre-May 1, 1992 trust funds are expended, those funds will cease to exist.

(c) **Date-Related Restrictions on Trust Funds.**

- I. **Pre-May 1, 1992.** All road network improvement impact fees collected before May 1, 1992 shall remain in the ten (10) road network improvement trust funds existing prior to that date. All such road network funds may be withdrawn from their respective trust funds solely as set forth in Article 8, Section M, Subsection 2.a. All right-of-way impact fees collected before May 1, 1992 shall remain in the ten (10) right-of-way trust funds existing prior to that date. All such right-of-way funds may be withdrawn from their respective trust funds solely as set forth in Article 8, Section M, Subsection 2.b.

II. May 1, 1992 and thereafter. Road network improvement and right-of-way impact fees collected on or after May 1, 1992 shall be deposited by zone into the appropriate transportation trust fund. Such funds may be withdrawn from these funds solely in accordance with provisions of Article 8, Sections M.2.a and M.2.b, respectively, provided that the disbursement of such funds shall require the approval of the Board.

(2) Park Trust Funds.

There are four (4) park site improvement trust funds. The boundaries coincide with the zone boundaries depicted on the map at Article 9, Section C.13. As funds are collected, the sum allocable to the zone for acquisition of local parkland and improvements shall be deposited in the appropriate trust fund. Within each trust fund, the monies deposited pursuant to this Section shall be expended to acquire and develop land for local park purposes. The funds may be withdrawn from these accounts for use solely in accordance with the provisions of Article 8, Section M, Subsection 2.c.

(3) School Site Trust Funds.

(a) General. There are three (3) sets of school site trust funds:

- four (4) County school site trust funds that existed before January 1, 1993; and
- one (1) county-wide school site trust fund that commenced on or after January 1, 1993 and before November 1, 2006, including impact fees collected in the three municipalities of Tampa, Plant City, and Temple Terrace.
- one (1) county-wide school facilities trust fund that commenced on or after November 1, 2006, including impact fees collected in the three municipalities of Tampa, Plant City, and Temple Terrace.

The geographic boundaries of the four County pre-1993 trust fund areas are graphically depicted on the map at Article 9, Section D.13, and coincide with the boundaries of the impact assessment zones described in Subsection 1.c(3), above.

(b) Reason for Separating Trust Funds by Date. These separate sets of trust funds are needed to ensure that funds collected before December 31, 1992, are spent in accordance with the terms of the Ordinance at the time they were collected. As a result of certain amendments to the Ordinance that became effective January 1, 1993, a second set of trust funds was established for assessments collected on and after that date and before November 1, 2006. Once all the funds in the pre-1993 and pre-November 1, 2006 trust funds are expended, those funds will cease to exist. As a result of certain amendments to the Ordinance that became effective November 1, 2006, a third set of trust funds was established for assessments collected on and after that date.

(c) Date-Related Restrictions.

I. Pre-1993 Collections.

County. For all impact fees paid and school site dedications made on or before December 31, 1992, there are four (4) geographic expenditure areas, Article 9, Section D.13, depicts the geographic expenditure areas relating to the acquisition and expansion of school sites. Each one of the delineated expenditure zones is the basis for a separate trust fund to be maintained by the County.

As funds are collected pursuant to Article 8, Section G, the appropriate portion of the

total receipts shall be deposited into the appropriate trust fund for the area in which the impact will be generated. Funds collected on or before December 31, 1992 shall be expended within each area in such a manner as to ensure that there is a reasonable connection or rational nexus between the expenditure of the funds collected and the benefits accruing to the development generating the impact.

Inter-zone Coordination of Pre-1993 Collections. The location and acquisition of appropriate school sites is a complex task that requires a thorough analysis of demographics and state and federal regulations. For expenditure of impact fees collected on or before December 31, 1992, if it is necessary to locate a school site in one geographic zone to serve residents of another geographic zone, the Board may allow the allocation of sufficient funds to acquire said site in the other zone provided that the Board establishes a reasonable connection or rational nexus between the expenditure of the funds and the benefits accruing to the developments within the zone generating the impact.

II. Collections Beginning January 1, 1993 and prior to November 1, 2006.

County. As monies are collected pursuant to the provisions of Article 8, Section G, on or after January 1, 1993 and prior to November 1, 2006, the funds shall be deposited into a separate trust fund for expenditures Countywide, including the cities of Tampa, Temple Terrace, and Plant City.

Municipalities. The cities shall be entitled to retain two (2) percent of the total funds collected to offset the administrative costs associated with the collection of said impact fees.

III. Collections Beginning November 1, 2006.

County. As monies are collected pursuant to the provisions of Article 8, Section G on or after November 1, 2006, the funds shall be deposited into a separate trust fund for expenditures Countywide, including the cities of Tampa, Temple Terrace, and Plant City. The County shall be entitled to retain up to two (2) percent of the total funds collected in the unincorporated area to offset the actual administrative costs associated with the collection of said impact fees.

Municipalities. The cities shall be entitled to retain up to two (2) percent of the total funds collected within their municipality to offset the actual administrative costs associated with the collection of said impact fees.

(d) Expenditure of Funds. Except for the exception noted in Subsection (e), below, the funds may be withdrawn from these trust accounts for use solely in accordance with the provisions of Article 8, Section M, Subsection 2.d, provided that the disbursement of such funds shall require the approval of the Board. The Board shall enter into appropriate agreements with the School Board to ensure that the expenditures of monies by the School Board occur in accordance with the terms of this Ordinance and for the purposes described herein.

(e) Interest on school impact fees. Interest earned on school impact fees collected after November 1, 2006 may be used by the Board of County Commissioners to reimburse in part or in whole the amount of school impact fees paid for a development that incorporates at least 20% affordable housing. Nothing in this Ordinance shall be interpreted to require any particular reimbursement, but the Board of County Commissioners may establish a policy to use such interest in this manner. Interest from

school impact fees may only be used to reimburse actual school impact fees paid and shall not be used for other purposes.

- (4) **Fire Service Trust Funds.** There are four (4) fire service trust funds. The boundaries of the trust funds coincide with the boundaries of the fire services impact assessment zones created pursuant to the terms of Subsection 1.c(4), above. Within each trust fund, the monies deposited pursuant to this Ordinance shall be expended to acquire and develop land for fire station sites, to construct fire stations, and to acquire fire apparatus.
- c. **Administration of Trust Funds.** All income derived from the respective trust funds shall be deposited into the trust account from which it was generated. The Administrator shall be entitled to retain a maximum of two percent (2%) of the value of total impact assessments collected to offset the administrative costs associated with collection and administration of said funds, and shall ensure that the amount retained shall not exceed the reasonable cost of administration.

Establishing the “reasonable cost of administration” shall include providing documentation to the Board as a part of the County’s annual budget process.

Section M. EXPENDITURES FROM TRUST FUNDS

1. General. Impact fees collected shall be used exclusively for new capital facilities within the impact fee benefit zone from which the fees were collected, except (a) in those specific circumstances set forth in this Ordinance where the Board may allow the allocation of sufficient funds for use in another zone, provided that the Board establishes a reasonable connection or rational nexus between the expenditure of the funds and the benefits accruing to the developments within the zone generating the impact, or (b) for administrative purposes as set forth in Article 8, Section L, Subsection 2.c.

However, nothing contained herein shall be construed to prohibit the Board from expending funds received from sources other than the assessments pursuant to this Ordinance to construct transportation capital improvements to or acquire right-of-way on those roads which are the responsibility of the County pursuant to the functional reclassification system, even though said roads may be within the boundaries of an incorporated municipality.

2. Use of Specific Funds.

a. Use of Road Network Impact Funds. All funds collected through the transportation impact assessment shall be used to make improvements to the road network.

(1) Eligible Improvements. Such road network improvements shall include:

- (a) Preparation of design and construction plans, as appropriate;
- (b) Construction of new through lanes;
- (c) Construction of new turn lanes;
- (d) Construction of new bridges;
- (e) Construction of new drainage facilities incident to roadway construction;
- (f) Purchase and installation of traffic signalization and control devices;
- (g) Construction of new curbs, medians, and shoulders;
- (h) Relocation of utilities to accommodate roadway construction;
- (i) Construction of the above-described improvements in new alignments.

(2) Expenditure by Zone. All funds shall be used exclusively within the specific impact assessment zone in which the development is located. The goal of the Board is to insure that over time the expenditures of trust funds shall occur in approximately a ratio proportionate to the lane mileage of State and County road improvements in the specific zone. However, nothing contained herein shall be construed to prevent the Board from expending lesser or greater amounts than the described ratio on given road systems in any given budget period after a review of the following factors:

- (a) Proportion of lane mileage of State and County road responsibilities in the zone;
- (b) Ability to coordinate the State and County improvement programs to ensure that scheduled improvements on State roads compliment scheduled improvements on County roads;
- (c) Actual service level on roads within the zone;
- (d) Ability of the State to provide additional monies which, in conjunction with County funds, will provide sufficient monies to complete improvements on the State-responsible roads.

In those instances where the boundary line between two zones lies along the center line of a road segment, the Board is empowered to program expenditures from the trust funds of either or both of the zones to make improvements to the road segment.

(3) Coordination with State Road Construction Program.

- (a) State Use of Impact Assessments.** Certain road segments contained on the network fall within the jurisdiction of the State of Florida, Department of Transportation (FDOT). These segments have been included in the calculation of the transportation impact assessment and a pro-rata portion of monies collected within each zone will be made available for construction of improvements on the identified road network that is the responsibility of the State in accordance with the terms of this Ordinance. Section 339.12, Florida Statutes, specifically authorizes the County to aid in the construction of State roads by contribution of cash or other things of value.
- (b) Agreement Required.** The specific statute also contains provisions indicating that prior to expenditure, the State and the County shall enter into agreements which insure that the monies are directed to only those roads designated by both entities. Therefore, prior to the expenditure of any impact fee monies on State roads, the Board shall enter into agreements with the State directing the expenditure of the monies on specific road segments and establishing a program for the expenditure of funds, in conformance with the restrictions and limitation imposed on the County under this Ordinance. Such agreements shall ensure that impact fee monies are spent on State roads to accommodate new growth only when the State has remedied existing deficiencies or has approved funding to remedy existing deficiencies. Said funding must be included in the State's capital improvement program for the fiscal year in which the County monies are to be spent.
- (c) Budget Programming.** The County shall adopt, as part of its annual budget, a program for spending impact fee monies on State roads consistent with this Article and shall execute an agreement with the State establishing the procedures to implement this Article.

(4) Coordination with Hillsborough Area Regional Transit.

- (a) Mass Transit Effort.** The Hillsborough Area Regional Transit Authority (HART) is actively engaged in a concerted effort to improve the mass transit system functioning in the unincorporated area of the County. Improvement of the mass transit system reduces traffic on the road network thus increasing capacity, which results in increased efficiency of operation of the road network.
- (b) Modal Splits.** The reduction of trips associated with the provision of mass transit facilities and services is based upon rural and urban modal splits:

 - Rural.** In those areas of unincorporated County found to be rural by the Board, a modal split of one percent (1%) is applicable.
 - Urban.** In those areas of unincorporated County found to be urban by the Board, a three percent (3%) modal split is applicable.

For the given areas, these modal splits shall represent the maximum amount of funds which may be approved by the Board pursuant to this Article for use as a distribution to HART from the total transportation impact assessment receipts for the given area.

- (c) Interlocal Agreement Required.** Prior to the transmittal of any trust funds to HART, the Board and HART shall enter into appropriate interlocal agreements ensuring that funds are to be utilized for capital improvements to offset the impact of growth and not utilized to remedy existing deficiencies on the road network.

- (d) **Public Hearing Required.** Prior to distributing any impact fee monies to HART, HART shall be required, in an annual public hearing before the Board, to present evidence demonstrating that the monies will be spent to benefit the zone from which they were generated, and that the proposed improvements are to benefit growth in that zone rather than to correct existing deficiencies.
 - (e) **Permitted Expenditures.** Any such interlocal agreements shall limit expenditures by HART to capital improvements; such capital improvements shall include buses, shelters, pull-out bays, construction of service facilities, Park and Ride land acquisition and construction, signalization improvements, intersection geometric improvements, and design and engineering necessary to complete the capital improvements. No impact fee monies may be spent for marketing, or other administrative expenses, studies, including but not limited to feasibility studies, or maintenance.
 - (f) **Rational Nexus Restrictions.** For the purpose of this Section, the phrase “benefit growth” shall mean that HART must establish by clear and convincing evidence to the satisfaction of the Board that any monies allocated to HART pursuant to this Section for the improvement of the mass transit system as otherwise set forth herein shall increase the capacity and efficiency of the road network within the zone in which the monies are spent. In any event, any collection or expenditure of impact fees under this Ordinance shall be in accordance with existing and applicable law governing collection or expenditure of impact fees.
 - (g) **Construction of Improvements.** The Board also reserves the option to coordinate as a County project, the construction to the described improvements. The construction of specific improvements to the mass transit system designed to offset the impact of growth which are implemented in accordance with the terms of this Article shall be considered an additional form of permissible improvement pursuant to the terms of Article 8, Section J, Subsection 2.
 - (h) **Annual Update.** The urban and rural modal splits shall be reviewed annually by the Administrator and HART, and the result of such review and an appropriate recommendation shall be forwarded to the Board.
- b. **Use of Right-of-Way Impact Funds.**
- (1) **Types of Expenditures.**
 - (a) **Funds Collected on May 1, 1992 and Thereafter.** All funds collected on or after May 1, 1992, through the right-of-way impact assessment shall be used to acquire right-of-way for and/or make improvements to the road network, and to pay all expenses which are incidental to, and necessary for, right-of-way acquisition and for improvements authorized pursuant to this Section.
 - (b) **Funds Collected Before May 1, 1992.** All funds collected before May 1, 1992 through right-of-way impact assessment shall be used to acquire right-of-way for the road network and pay expenses which are incidental to and necessary for such right-of-way acquisition.
- Expenses eligible for the use of funds pursuant to paragraphs (1)(a) and (b), above, shall not include any studies or analyses of existing deficiencies or studies or analyses which impact upon zones other than the ones in which the funds were collected.
- (2) **Expenditure by Zone.** All funds shall be used exclusively within the specific impact

expenditure zone in which the development is located. The goal of the Board is to insure that over time the expenditures of trust funds shall occur in approximately a ration proportionate to the center line miles of State and County roads in the specific zone. However, nothing contained herein shall be construed to prevent the Board from expending lesser or greater amounts than the described ratio on given road systems in any given budget period after a review of the following factors:

- (a) Proportion of center-line miles of State and County road responsibilities in the zone;
- (b) Ability to coordinate the State and County improvement programs to ensure that scheduled improvements on State roads compliment scheduled improvements on County roads;
- (c) Actual service level on roads within the zone;
- (d) Ability of the State to provide additional monies which, in conjunction with County funds, will provide sufficient monies to complete improvements on the State-responsible roads.

In those instances where the boundary line between two zones lies along the center line of a road segment, the Board is empowered to program expenditures from the trust funds of either or both of the zones to make improvements to the road segment.

- (3) **Use of Right-of-Way Funds by State.** Prior to the transfer of any right-of-way impact assessments to the State or the expenditure of any such assessments on State roads, the Board shall enter into agreements with the State directing the expenditure of the monies on specific right-of-way segments and establishing a program for the expenditure of said funds in conformance with the restrictions and limitations imposed on the County under this Section. Such agreements shall ensure that County impact assessment funds are spent on State roads to accommodate new growth only when the State has remedied existing deficiencies on the affected roadway or portion thereof.

If the State has only approved funding to remedy existing deficiencies, said funding must be included in the State's capital improvement program for the fiscal year in which the County monies are to be spent. The County shall adopt as part of its annual budget a program for spending impact assessment revenues on State road right-of-way consistent with this Section, and shall execute an agreement with the State establishing the procedures to implement this Subsection.

For purposes of this Ordinance, these segments do not include the interstate system in the County, because the portion of the trip length on the interstate system in the County is not included in the impact assessment formula.

- (4) **Coordination of Right-of-Way and Road Improvement Programs.** The Board shall take all reasonable steps to insure that the acquisition of right-of-way and the construction of capital improvements occur in a systematic fashion and within the time frames established within the capital improvements budget program.

c. Use of Park Impact Funds.

- (1) **General.** All park impact assessment funds collected pursuant to the terms of this Ordinance shall be used to improve the park network so as to accommodate growth-related impacts. The parks funds collected pursuant to this Ordinance may be spent by the County, within the zone of collection, for local park land or improvements.

- (2) **Coordination between Zones.** Funds may be spent in zones adjacent to the zone of collection on a proportionate basis as determined by the percentage of service area within the applicable zone of collection.

d. Use of School Impact Funds.

- (1) **Funds Collected Before 1993.** All school impact assessment revenues collected on or before December 31, 1992, pursuant to the terms of this Ordinance shall be used to acquire or expand school sites so as to accommodate growth-related impacts, and to that end may be spent by the County, within the zone of collection, interchangeably for either elementary, junior high, or high school. Likewise, the value established hereunder for school site contributions may be applied interchangeably to offset school site impact fee assessments for either elementary, junior high or high schools.
- (2) **Funds Collected in 1993 and prior to November 1, 2006.** All school impact assessment revenues collected on or after January 1, 1993 and prior to November 1, 2006 shall be used to acquire or expand school sites so as to accommodate growth-related impacts and may be spent countywide interchangeably for either elementary, junior high, or high schools. Likewise, the value established hereunder for school site contributions may be applied interchangeably to offset school site impact fee assessments for either elementary, junior high, or high schools.
- (3) **Funds Collected after November 1, 2006.** All school impact assessment revenues collected after November 1, 2006 shall be used to develop school facilities so as to accommodate growth-related impacts and may be spent countywide interchangeably for either elementary, junior high, or high schools. Likewise, the value established hereunder for school site contributions may be applied interchangeably to offset school impact fee assessments for all grade level configurations of schools. Funds shall be used in the order in which they are collected. Funds shall not be used for operational costs or expenses.

e. Use of Fire Service Impact Funds.

- (1) **General.** All funds collected in payment of fire service impact assessment pursuant to this Ordinance shall be used as follows:
- (a) To purchase land for additional fire stations needed to accommodate new growth;
- (b) To construct additional fire stations or expand existing fire stations needed to accommodate new growth. Expansion of existing fire stations may include adding equipment bays, renovating crew quarters of a volunteer station for increased coverage by volunteers or career personnel or adding to new quarters for an additional crew;
- (c) To purchase fire apparatus for stations volunteer or career, affected by new growth.

Section N. TIME LIMITS AND REFUNDS

1. **GENERAL.** In order to maintain the rational nexus between the expenditure of the impact assessment funds collected pursuant to this Ordinance and the benefits accruing to the developments generating the impact, the Board has an affirmative duty to spend or encumber the funds collected within a reasonable period of time after the date of collection. Such reasonable time periods are set forth below, in Subsection 3, according to the category of public facility for which the assessment is collected.

2. **PROCEDURES.** If it is determined by the Board that specific funds assessed and collected pursuant to this Ordinance have not been spent or encumbered for expenditure within the time frames established and any permitted extensions thereof, then such funds, plus interest, shall be refunded as set forth below:

- a. **Interest Rate.** The rate of interest shall be based on the average of rates of interest earned on County funds from the month and year the fee was collected to the month and year the fees are refunded. The rate of interest for all fees collected since the enactment of the Ordinance shall be reviewed annually during the annual review process provided for in this Ordinance.
- b. **Refund Trust Account.** The monies eligible for refunds shall be deposited into a refund trust account for the one (1) year period of eligibility described below. While in this account, said funds shall not be utilized for the purposes described in Article 8, Section M, Subsection 2.
- c. **Accounting.** To assist the Board in making the determination required in this Section in a timely manner, the Administrator shall provide the Board with an annual aging of accounts or comparable annual report for each zone identifying the length of time payments received but not spent or encumbered have been held, and when such monies are eligible for refund.

To expedite the refund process and reduce the associated administrative costs, the monies eligible for refund shall be aggregated into thirty (30) day blocks.

For the purpose of eligibility for refund under this Subsection, money shall be deemed spent, or encumbered for expenditure, in the order in which it was deposited into the appropriate trust fund; that is, the first money "in" shall be the first money "out".

The Administrator shall apply the reasonable period of time for (1) expenditure and encumbrance of fees, (2) the aging of accounts, and (3) the refund process, to the aggregate of impact fees collected for each category of public facilities pursuant to this Ordinance; however, in no event shall this alter the refund process set forth herein.

- d. **Notice to Property Owner.** A notice will be sent by certified mail to the apparent owner of each affected property as disclosed by the most current property tax roll. The Administrator shall publish in a newspaper of general circulation, a notice indicating that the persons owning property within identified zones are entitled to a refund of the impact assessment paid on or between the (day) of (month), (year), and the (day) of (month), (year), which period shall not exceed thirty (30) days.
- e. **Petition for Refund.** Said persons shall have one year from the date of publication of the described notice to petition the Board for the appropriate refund. The petition shall be in a form prescribed by the County and shall contain:
 - (1) The name and address of the petitioner; and
 - (2) The date the impact assessment was paid; and

- (3) The amount of the impact assessment; and
- (4) A copy of the petitioner's deed.

- f. **Approval and Refund.** The petition shall be filed with and reviewed by the Administrator, and if the information is verified and otherwise in order, a refund shall be made within sixty (60) days from the date the petition was submitted.
- g. **Unclaimed Refunds.** If no claim is made within the time period described above, for the money eligible for refund, then said money shall be returned to the trust fund from which it was removed.

3. **SPECIFIC TIME LIMITS ON USE OF FUNDS.**

- a. **Road and Right-of-Way Impact Assessment Funds.** The reasonable time period established for purposes of spending or encumbering for expenditure the funds collected hereunder for road and right-of-way impact assessments in six (6) years.

If it is determined by the Board that specific funds assessed and collected for road and right-of-way impacts pursuant to this Ordinance have not been spent or encumbered for expenditure prior to the sixth anniversary of the date of their payment, then such funds, plus interest, shall be made available for refund in accordance with the terms of this Ordinance.

- b. **Park Impact Assessment Funds.** The reasonable time period established for purposes of spending or encumbering for expenditure the funds collected hereunder for park site impact assessments is six (6) years, subject to the following:

- (1) **One-Year Extension.** Before the end of the six-year period, if the funds have not been utilized or encumbered for the purposes stated in Article 8, Section M, Subsection 2.c, then the Administrator may review any exceptional circumstances regarding the use of the funds, taking into consideration such factors as existing dedicated properties, existing trust funds, population projections, and recent land development projects.

After such review, if the Administrator determines that an additional year is needed, he shall present clear and convincing evidence to the Board supporting such an extension, and request that the Board extend the time for expenditure or encumbrance for an additional period not to exceed one (1) year. The determination of the one-year extension shall be made by the Board at a duly advertised public hearing.

If it is determined by the Board that specific funds collected under the park impact assessment have not been spent or encumbered for expenditure prior to the sixth anniversary of the date of their payment, and the Board has not made the determination to extend the time period pursuant to this Subsection, then said funds plus interest shall be made available for refund in accordance with the terms of this Ordinance.

- c. **School Impact Assessment Funds.** The reasonable period of time established for expenditure or encumbrance for expenditure of funds collected from the School Impact Assessment is an initial five (5) year period.

- (1) **Five-Year Extension.** At the end of the initial five-year period, if the funds have not been utilized or encumbered for the purposes stated in Article 8, Section M, Subsection 2.d, then the School Board shall review their overall need for the funds, taking into consideration such factors as the latest School Plant Survey, existing dedicated properties, existing trust funds, population projections, and recent land development projects.

If, after such review, the School Board feels that additional time is needed, the School Board

shall request the Board to extend the time for expenditure or encumbrance for an additional period not to exceed five (5) years. The determination of the time period extension shall be made by the Board at a duly advertised public hearing.

If it is determined by the Board that specific funds collected under the school impact assessment have not been spent or encumbered for expenditure prior to the tenth (10th) anniversary of the date of their payment, then said funds shall be made available for refund in accordance with the terms of this Ordinance.

- d. **Fire Service Impact Assessment Funds.** The reasonable time period established for purposes of spending or encumbering for expenditure the funds collected hereunder for fire service site impact assessments is six (6) years, subject to the following:

- (1) **One-Year Extension.** Before the end of the six-year period, if the funds have not been utilized or encumbered for the purposes stated in Article 8, Section M, Subsection 2.e, then the Administrator may review any exceptional circumstances regarding the use of the funds, taking into consideration such factors as existing dedicated properties, existing trust funds, population projections, and recent land development projects.

After such review, if the Administrator determines that an additional year is needed, he shall present clear and convincing evidence to the Board supporting such extension, and request the Board to extend the time for expenditure or encumbrance for an additional period not to exceed one (1) year. The determination of the one-year extension shall be made by the Board at a duly advertised public hearing.

If it is determined by the Board that specific funds collected under the fire service impact assessment have not been spent or encumbered for expenditure prior to the sixth anniversary of the date of their payment, and the Board has not made the determination to extend the time period pursuant to this Subsection, then said funds plus interest shall be made available for refund in accordance with the terms of this Ordinance.

Section O. AFFORDABLE HOUSING RELIEF PROGRAM

1. **APPLICATION FOR RELIEF.** Applicants seeking relief pursuant to the terms of this program, as set forth below, shall apply to the Administrator on forms prescribed by the County.

2. **FEES SUBJECT TO RELIEF.** Applications approved pursuant to this Section O shall be entitled to relief from impact fee assessments imposed by this Ordinance relating to impacts on park sites, road improvements, right-of-way, and fire service. The Board of County Commissioners is authorized to create by policy a reimbursement policy for school impact fees, consistent with Article 8, Section L and may authorize by policy relief under this section for school impact fees.

3. **APPLICANTS ELIGIBLE FOR RELIEF.** The types of Applicants eligible for impact relief pursuant to this Ordinance are set forth below:

- a. **Income Maximum.** In order to be eligible for impact fee relief, an Applicant's maximum family income shall not exceed 80% of the median income pursuant to the guidelines established by the United States Department of Housing and Urban Development (HUD) for the Section 8 Assisted Housing Program, adjusted by family size and adjusted annually.
- b. **Income Verification.** Income verification to determine whether Applicants are eligible pursuant to this Subsection shall be performed by the Administrator.

4. **HOUSING ELIGIBLE FOR RELIEF.**

- a. **Types of Housing.** The types of housing units eligible for impact fee relief pursuant to this Ordinance include:
 - (1) Single-family detached and attached (separate lots), site-built or manufactured buildings (as defined by Chapter 553, Florida Statutes, as amended) used for residential purposes, including mobile homes (as defined by Chapter 320, Florida Statutes, as amended), being purchased by applicants who qualify as eligible for impact fee relief pursuant to Subsection 3, above; and
 - (2) Rental projects participating in other appropriate local, state, and/or federal low-income housing programs as determined by the number of unit(s) set aside for occupancy for eligible families.
- b. **Locational Criteria.** The housing shall meet the locational criteria established within the Comprehensive Plan under the Affordable Housing Bonuses Section and as further qualified in Section 6.11.07 of the Land Development Code.
 - (1) Affordable Housing must be either within the Urban Services Area, or fully or partially developed and contain in-place infrastructure and public utilities which will meet the public facilities and service needs of existing and proposed residential development.
 - (2) Farm-Worker Housing and affordable housing constructed within designated CDBG Target Neighborhoods shall be exempt from meeting the locational criteria.
- c. **Maximum Price of Rental Units.** The maximum eligible monthly rental price of a rental unit which otherwise qualifies for impact fee relief pursuant to this Subsection shall not exceed a flat 30% of monthly family income, using HUD Section 8 guidelines.

5. FUNDING PROGRAM AND LIMITATIONS.

- a. **Applicability and Limitations.** Notwithstanding other eligibility standards set forth in this Section, all impact fee relief shall be subject to the funding program and limitations set forth herein.
- b. **Funding Program for Multi-Family Projects.** The impact fee revenues which the County does not collect as a result of the relief provided by this Ordinance shall be replaced as follows: 25% shall be funded from MSTU reserves in the first year a project receives relief; 25% shall be funded from the MSTU fund in following year, and the remaining 50% shall be funded from the MSTU in the third year.
- c. **Funding Limitations for Multi-Family Projects.** The maximum amount of relief available annually pursuant to this Ordinance for all multifamily projects otherwise eligible hereunder, collectively, shall not exceed \$800,000.00. However, in the event that, without such a limit, a project would otherwise qualify for relief pursuant to this Section, the Applicant may petition the Board, which, upon a vote of a majority of its members may grant such a project relief in excess of the annual \$800,000.00 maximum, after making the following findings:
 - (1) Sufficient additional funds are available in the MSTU to cover the additional requested relief; and
 - (2) The granting of the additional relief for the particular project will serve a public purpose.
- d. **Priority among Multi-Family Projects.** Priority among multi-family projects otherwise eligible for relief pursuant to this Section shall be established on a “first come, first served” basis determined by the date upon which the developer provides the County with a valid letter of commitment from a qualified financial institution for first mortgage financing for the project, in compliance with such procedures as may be established pursuant to Subsection 7.b, below.
- e. **Multi-Family Amenity Considerations.** Multi-family rental projects which otherwise qualify pursuant to this Section shall be afforded relief at 90% of the total relief available. Additional relief shall be allocated to projects providing qualifying amenities, in the following designated percentage increments; however, in no case shall the relief granted hereunder exceed 100%:
 - (1) On-site licensed daycare, 4%, OR on-site licensed aftercare, 2.5%; and
 - (2) Home ownership classes taught by qualified instructors, with curriculum including instruction in credit and debt management, home purchasing, and home maintenance, 2%; and
 - (3) Owner-contributed down-payment assistance escrow program, 4%.
- f. **Funding Relief for Single-Family Affordable Housing.** Relief from impact fees for single-family houses which otherwise qualify pursuant to this Section shall be funded from MSTU funds and shall not be phased, but shall be paid in full when due pursuant the provisions of this Ordinance.

6. RESTRICTIVE COVENANT. Impact fee relief pursuant to this Section shall be granted only to property which is subject to a legally binding restrictive covenant which is recorded in the public records of Hillsborough County, satisfactory to the County, which provides that, for a period of seven (7) years from the date the impact fee relief application is approved in writing by the Administrator, any subsequent conveyance of the property which fails to qualify for impact fee relief pursuant to the provisions of this Ordinance shall nullify the relief and subject the property to all general government impact fees applicable at the time of such conveyance. The restrictive covenant shall also provide that if such fees are not paid within 30 days of such non-qualifying conveyance of the property, the County is authorized to lien the property for the amount of applicable impact fees.

7. DURATION, QUARTERLY REIVEW, AND AMINISTRATION.

- a. Quarterly Review.** On a quarterly basis, the Administrator shall conduct a review of the implementation of this program and report the results to the Board, which review and report shall include at a minimum:
- (1) The number of housing units sold in the County which qualified as affordable housing pursuant to Subsection 4, above; and
 - (2) The effects on County revenue of granting the impact fee relief approvals, including the costs of administering this relief program, and
 - (3) An estimate of the number of additional affordable housing units generated by this relief program.
- b. Administration.** This relief program shall be administered by the Administrator, who shall promulgate necessary forms, rules, regulations, procedures, and technical manuals to implement and administer the Affordable Housing Impact Fee Relief Program.

Section P. MISCELLANEOUS IMPACT FEE RELIEF PROGRAMS

1. “NO-FEE TRANSPORTATION ZONES” FOR DISTRESSED AREAS.

- a. **General.** There may be certain areas within the unincorporated County which, due to economic decline or other unexpected circumstances, have substantial excess capacity in their existing transportation infrastructure which is, accordingly, available for use by new growth. The Board may elect to define and designate such areas as “No-Fee Transportation Zones” (for both right-of-way and roadway improvements) in order to encourage development in the area.
- b. **Definition.** A No-Fee Transportation Zone is a specified geographic area which has been designated by the Board, based upon the criteria set forth below, as a zone in which no transportation impact assessments are collected and no transportation impact funds are spent.
- c. **Criteria.** Designation of a No-Fee Transportation Zone shall be approved in the form of an ordinance adopted by the Board at a public hearing, which approval shall comply with all the following criteria:
 - (1) **Public Interest.** The Board shall make specific findings of fact demonstrating (a) that the proposed No-Fee Transportation Zone is an area which suffers from substantial negative social and/or economic conditions, and (b) that it is in the public interest — legally, fiscally, and from a public policy perspective — to grant the designation.
 - (2) **Substantial Excess Capacity.** The zone shall contain existing excess transportation infrastructure capacity sufficient to accommodate substantial new growth, in an amount which would justify excluding the zone from both the collection and expenditure of transportation impact assessments for a year or more.
 - (3) **Size and Location of Zone.** The zone shall generally be not less than 100 acres and not more than 7000 acres in size and shall be reasonably compact, as that term is defined in Section 171.031(12), Florida Statutes, as amended. The boundaries of the zone shall be clearly described in the adopting ordinance: (a) by legal description, and (b) by names of bordering streets or such other boundaries as are commonly understood by the general public, and (c) by graphic depiction on a map.
 - (4) **Supporting Data and Analysis.** The designation of any area as a No-Fee Transportation Zone hereunder shall be based upon technically sound supporting data and analysis, prepared by qualified transportation professionals, which data and analysis is subject to the review and approval of the Administrator, in consultation with the County Attorney on legal issues.
 - (5) **Duration, Review, and Administration.** The designation shall be of limited duration, with a one-year minimum and a stated expiration date, although it may be subject to extension by the Board. The Administrator shall provide annual or more frequent periodic reports to the Board concerning the development activity within the zone and any associated fiscal impact associated with the zone designation. The designation program shall be administered by the Administrator, who shall promulgate necessary, forms, rules, regulations, procedures, technical manuals, and other material as are necessary for implementation and administration of the No-Fee Transportation Zone program.
- d. **Effect of Designation.** Upon designation of a No-Fee Transportation Zone, and for the duration thereof, the County shall cease collecting transportation impact assessments for land development activities within the designated zone. Likewise, the County shall cease spending transportation impact assessment funds within the designated zone. Accordingly, a designated No-Fee Transportation Zone pursuant to this Section shall be excluded from the applicable

transportation benefit/assessment zone pursuant to this Ordinance for the duration of the designation.

2. CREATION OF ADDITIONAL RELIEF PROGRAMS.

- a. **General.** The Board may determine from time to time that it is in the public interest to adopt incentive programs which provide relief from the payment of impact assessments hereunder for certain types of development which are beneficial to the citizens of Hillsborough County.
- b. **Criteria.** The Board may adopt such programs which relieve certain land development activity from payment of impact assessments pursuant to this Ordinance only upon compliance with all the following criteria:
 - (1) **Public Interest.** The Board shall make a finding that the program furthers a legitimate governmental interest and that it is in the public interest of citizens of Hillsborough County.
 - (2) **Supporting Data and Analysis.** The program shall be based upon technically sound supporting data and analysis, prepared by qualified professionals in the appropriate field, which data and analysis is subject to the review and approval of the Administrator.
 - (3) **Duration, Review, and Administration.** The program shall be of limited duration, with a stated expiration date, although it may be subject to extension by the Board. The Administrator shall make annual or more frequent periodic reports to the Board concerning program status, activity, and fiscal impact. The program shall be administered by the Administrator, who shall promulgate such forms, rules, regulations, procedures, and technical manuals as are necessary for program implementation and administration.
 - (4) **Legal Compliance.** The program shall be reviewed by the County Attorney to ensure compliance with all applicable local, state, and federal law, including but not limited to: the rational nexus test, equal protection principles, and other constitutional requirements. Program approval shall be subject to the issuance of a written legal opinion by the County Attorney confirming legal compliance.
 - (5) **Public Hearing.** The relief program shall be adopted in the form of an amendment to this Ordinance by the Board at a public hearing.

3. NOTICE TO APPLICANTS. Information summarizing applicable impact assessment relief programs adopted pursuant to this Section shall be made available to Applicants at the time of application for a building permit.

Section Q. ENFORCEMENT AND PENALTIES

The following enforcement and penalty provisions are a codification of existing procedures. The provisions of this Section may be used singularly or in any combination the County deems appropriate in the course of enforcement of this Ordinance.

1. ACTION FOR INVALID CHECK. In the event payment for impact fee assessments hereunder were paid by a check, draft, or other negotiable instrument which does not clear, the County or responsible municipality shall suspend any permits or development orders authorizing any development or related activity on the project for which impact fees were paid by the invalid instrument. The County or municipality which issued the permit or development order, shall send notice by certified mail, to the Applicant using a form provided by the County. If the impact assessment, together with any charges for the check or other instrument not clearing, are not paid within ten (10) working days following mailing of the notice, such permit or development order shall be of no further force and effect, and a stop work order or other order having a similar effect, as may be appropriate under the circumstances, may be issued and not lifted until such time as the unpaid assessment is paid.

Additionally, the matter shall be referred to the State Attorney's Office for prosecution under Chapter 832, Florida Statutes, as amended.

2. LIEN. If through error, omission, or intent, impact assessment are not paid in full when due, the amount unpaid, together with statutory interest accruing from thirty (30) calendar days following the date upon which written notice by certified mail, return receipt requested, is sent to the developer, permittee, or the ten-present property owner, shall be a lien against the land containing the development for which the impact assessment is due.

Notice of the lien shall be recorded in the official records of the Clerk of the Circuit Court for Hillsborough County. The lien shall have priority over all liens, mortgages and encumbrances, except taxes. No lien shall be recorded later than three (3) years following the date on which the certificate of occupancy is issued for the development against which an impact assessment is due, although the debt shall remain.

If the lien remains unpaid for more than thirty (30) calendar days following the recording of the notice, it may be foreclosed as provided by state law for the foreclosure of mortgages on real property.

3. WITHHOLDING DEVELOPMENT ORDERS. In the event that any impact assessment or portion thereof is unpaid, no further development order shall be issued for the land for which such impact assessment remains unpaid, and no development order shall be issued until any previously owed impact assessment, together with interest owing, along with current impact assessments, are paid.

4. NOTIFICATION OF BUILDING BOARD OF ADJUSTMENT. In the event that any building permittee who is a licensed contractor certified by the Hillsborough County Building Board of Adjustment, Appeals, and Examiners fails to pay an impact assessment for which the permittee is responsible, the Administrator shall file a verified complaint with that Building Board of Adjustment and Appeals, recommending disciplinary action as is provided by the laws of Florida, Chapter 489, as amended. The verified complaint shall contain a summary of the assessments owed and the efforts made by the County to collect.

5. CRIMINAL AND CIVIL ENFORCEMENT.

- a. Misdemeanor.** A violation of this Ordinance shall be a misdemeanor punishable according to Section 125.69(1), Florida Statutes, as amended, and any person convicted of violating the provisions of this Ordinance shall be subject, upon conviction, to a fine not exceeding the sum of Five Hundred Dollars (\$500), imprisonment not exceeding sixty (60) days, or both. Each day of violation of the provisions of this Ordinance shall constitute a separate offense.
- b. Civil Action.** In addition to the penalties provided by Section 125.69(1), any violation of this Ordinance shall be subject to appropriate civil action in a court of appropriate jurisdiction.

Part II

ARTICLE 9. REFERENCE DATA AND APPENDICES

Introduction.

This Article 9 is a compilation, for ease of reference, of certain support and technical information originally in the six individual impact fee program ordinances which are now consolidated into this Ordinance.

Additionally, Section C., Park Site Data and Appendices, has been amended to reflect the amendments to park standards provisions set forth in Article 8 of this Ordinance. Unless otherwise specifically indicated herein, this material has not been amended in substance; however, some of it has been reformatted to increase accessibility and legibility, and, where appropriate, some provisions have been renumbered, or relettered, or have a reference set forth in parentheses to correspond with applicable provisions of this Consolidated Ordinance.

Some of the material compiled in this Article 9 contains references to “the effective date of this Ordinance”. It should be noted that such references do not refer to the effective date of this Consolidated Ordinance, but to the effective dates of the respective previous individual ordinances where the material originally appeared.

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SECTION A. ROAD IMPROVEMENT NETWORK DATA AND APPENDICES

(From Ord. No. 85-17, as amended prior to Ord. No. 96-___)

1. RECITALS:

WHEREAS, the Board of County Commissioners of Hillsborough County has the authority pursuant to Article VIII, Florida Constitution of 1968, Chapter 125, Florida Statutes; and Chapter 75-390, Laws of Florida (1975), as amended, to adopt a transportation impact assessment program; and,

WHEREAS, the Board of County Commissioners of Hillsborough County is empowered pursuant to Article VIII of the Florida Constitution of 1968, Chapter 125, Florida Statutes; and Chapter 75-390, Laws of Florida, (1975), as amended, to adopt ordinances relating to budgeting and expenditure of County funds; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has conducted public hearings relating to the passage of the Ordinance establishing the transportation impact assessment program and adopted the same as Hillsborough County Ordinance No. 85-17; and,

WHEREAS, Chapter 163.3177, Florida Statutes, requires the comprehensive plan to contain a capital improvements element which shall, among other things, provide for standards to ensure the availability and adequacy of public facilities and projected revenues to fund the facilities; and,

WHEREAS, the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County, Florida, in the Capital Improvements Element, contains goals, objectives and policies, providing that future development shall pay for some portion of the cost of capital improvements necessitated by its impact, pursuant to the County's impact fee ordinances; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has found it to be in the public interest to amend Hillsborough County Ordinance No. 85-17 and has subsequent to its enactment, amended it...

2. FINDINGS AND CONCLUSIONS

Based upon the evidence received during the public hearings conducted on this Ordinance, the Board of County Commissioners of Hillsborough County propounds the following findings and conclusions:

- A. Projections indicate that the population of the unincorporated Hillsborough County will increase by over one hundred percent (100%) during the next twenty-five (25) years; and,
- B. The increase in population and the incident increase in traffic volume will directly and adversely impact the existing identified road network located within Hillsborough County; and,
- C. In order to accommodate this impact, the existing identified road network will have to be expanded; and,

Hillsborough County Consolidated Impact Fee Program

- D. The sources of revenue presently available to Hillsborough County will be inadequate to totally fund the capital improvements required to accommodate the transportation impact and resolve existing road network deficiencies; and,
- E. The Hillsborough County Comprehensive Plan is intended to establish a policy framework within which the Board of County Commissioners may adopt appropriate regulations designed to manage growth in a manner consistent with the population projections described above and to ensure that capital improvement programming and delivery of services in Hillsborough County is responsive to the demands of projected growth.
- F. In order to implement the Comprehensive Plan, it is essential that Hillsborough County develop capital improvement programs consistent with the terms of the Comprehensive Plan and sensitive to the described population projections; and,
- G. To implement a long range solution to the transportation problems of Hillsborough County, it is essential that the Board of County Commissioners establish a plan to remedy existing deficiencies on the identified road network, which plan shall include an element identifying all available funding sources and a budgeting process designed to provide for the orderly expenditure of funds; and,
- H. If Hillsborough County is unable to fund and construct required capital improvements, the road network will be inadequate to accommodate the increased levels of traffic at an acceptable service level; and,
- I. It is essential that Hillsborough County adopt an equitable mechanism for assessing a portion of the costs of the expansion of the identified road network to the changes in land use which impact the identified road network; and,
- J. The impact assessment formula contained herein represents a composite of factors that fairly and equitably approximate the impact of land uses on the identified road network; and,
- K. The configuration of the impact assessment zones contained herein ensures that the improvements to the road network will benefit the development located within the zone; and,
- L. The coordination of the road improvement programs relating to both correction of existing deficiencies and construction of growth required improvements is essential in order to ensure that adequate transportation facilities are in place to accommodate development as envisioned by the Comprehensive Plan.

3. PURPOSE

The Board of County Commissioners of Hillsborough County has determined that the provision of adequate transportation facilities is an essential public service. In order to ensure that existing and future residents of Hillsborough County have adequate transportation facilities to service the needs of the growing community, the Board of County Commissioners of Hillsborough County must create a program that deals with existing road network deficiencies as well as providing for construction of roads to meet future needs. Resolving the problem of existing deficiencies requires the thorough analysis of all available funding sources and the creation of a capital improvement budget which will, over time, allocate adequate monies to resolve existing problems.

Hillsborough County Consolidated Impact Fee Program

The Comprehensive Plan adopted by the Board of County Commissioners of Hillsborough County recognizes the need for regulation which implements the growth management concepts contained therein. A key concept is the coordination of capital improvements designed to serve new growth. In order to accommodate improvements designed to serve new growth, it is imperative that existing deficiencies be resolved. A coordinated effort to achieve that goal establishes a foundation upon which a program of improvements to accommodate the impact of new growth may be structured.

The Board of County Commissioners recognizes that changes in land use may result in increased demands upon the road network. Increasing the capacity of roads in order to make them more efficient is a recognized responsibility of government and is in the best interest of public health, safety and welfare. An objective of this Ordinance is to create a mechanism whereby development may be assessed a pro-rata share of its economic impact on the road network. The formula described in this Ordinance is sensitive to both the location and type of land use involved. It is not the purpose of this Ordinance to collect any money from new development in excess of that amount which bears a rational nexus to the impact of the development on the road network.

The revenues collected through the transportation impact assessment shall be utilized to meet capital costs inherent in expansion of the road network to meet the needs created by growth. The revenues shall not be utilized for purposes of road maintenance and/or improvement of existing operating deficiencies. The revenue shall be allocated to meet the capital cost of new construction within the geographical area of the demonstrable transportation impact and concomitant benefit.

In order to ensure that the formula described in this Ordinance remains sensitive to the changing demography of Hillsborough County, the Board of County Commissioners recognizes the responsibility to annually evaluate said formula and effect such changes as are required to accommodate changes in growth patterns.

It is the purpose of this Ordinance to continue to allow growth in Hillsborough County but to do so in a manner which requires development causing road impacts to share a portion of the financial burden resulting from those impacts. The end result of such an equitable balance of costs is a road network which operates efficiently and accommodates the demands generated by the growth.

This Ordinance which contains elements designed to answer existing transportation problems and growth oriented needs represents an effort by the Board of County Commissioners to resolve in a comprehensive fashion, the road network needs of Hillsborough County. This effort is one which involves the participation of new growth through the payment of transportation impact assessments and the recognition by the Board of County Commissioners of its responsibility to program over a defined period, adequate monies to resolve existing problems. Such a regulation is both consistent with the goals, policies and objectives of the adopted Comprehensive Plan and consistent with sound planning practices related to growth management. Furthermore, it is the intent of the Board of County Commissioners that this Ordinance be a component of the overall County effort to implement a managed growth program, as contemplated in the Comprehensive Plan and as such this Ordinance and Program further the protection and promotion of the public health, safety and welfare of Hillsborough County.

4. **UNIFORM SERVICE LEVELS**

An element of the road network improvement program is the service level which is established as a standard for operation of the roads identified on the network. To make this determination, the Board must consider fiscal realities and establish a standard which can be reasonably achieved. The Board hereby finds that the achievement of service level D average daily condition on the roads identified on the network represents a reasonable standard which is consistent with the mandate of the Tampa Urban Area Transportation Study and finds support within the transportation element of the Comprehensive Plan. Achievement of this goal constitutes a valid public purpose which furthers the public health, safety and welfare. The implementation of the Hillsborough County Road Network Improvement Program and the realization of the described standard constitute actions which will significantly further the desire of the County to reach the ultimate goal of service level C average daily condition on the roads identified on the network.

5. **IDENTIFICATION OF EXISTING DEFICIENCIES ON THE ROAD NETWORK**

Identification of existing deficiencies on the established road network is the first step in the implementation of a program for correction. The roads shown on Roadway Appendix A, which exhibit is attached hereto and incorporated herein by reference, are, on the effective date of this Ordinance, operating at a service level in excess of service level D identified herein. This list may be amended in accordance with those procedures established for amendment of Ordinances.

6. **IDENTIFICATION OF FUNDING SOURCES FOR CORRECTION OF EXISTING DEFICIENCIES**

Attached hereto as Roadway Appendix B, and incorporated herein by reference, is a list of identified funding sources for correction of the existing deficiencies. This list is current as of the effective date of this Ordinance. The sources have been included in this Ordinance for the purposes of public notice. Sources can be added or deleted from this list without the need for amendment of the Ordinance. However, once a source has been identified and the monies programmed pursuant to provisions contained in (Article 9., Subsection A.7., below), and as shown on Roadway Appendix C, the monies and the programmed improvement cannot be deleted unless said deletion is accomplished in accordance with the provisions of this Ordinance.

7. IMPROVEMENT PROGRAM

- A. Chapter 75-390, Laws of Florida (1975), as amended, (the Hillsborough County Local Government Comprehensive Planning Act), recognizes the need for capital improvement budgeting as a facet of the overall growth management process. The Comprehensive Plan adopted by the Board pursuant to the referenced authority, also includes provisions which direct the Board to implement growth management through a number of means, including capital improvements budgeting. A key ingredient of capital improvements budgeting is an analysis of needs and projected revenues that can be utilized to meet those needs. In (Article 9., Subsection A.5., and A.6., above), the needs and revenues have been described. These elements must be coordinated to produce a road network improvement program targeted at resolving the existing deficiencies. The Board hereby adopts as part of the Road Network Improvement Program that information shown in Roadway Appendix C, which appendix is attached hereto and incorporated herein by reference. This appendix establishes a program for correction of existing deficiencies on County responsible roads. The program is keyed to the uniform service level established herein and is funded through the utilization of all available funding sources as identified herein. Roadway Appendix C also includes the Transportation Improvement Program for State responsible roads, as approved by the Metropolitan Planning Organization. It is the intent of the Board to exercise its best efforts to assist the Florida Department of Transportation in resolving the existing deficiencies on state roads, including but not limited to entering into agreements relating to construction, pursuant to (Article 8., Section J.). The provisions contained in Roadway Appendix C relating to the State responsible roads are for information purposes only and are not subject to the amendment restrictions contained herein.
- B. The program shall, at all times, project improvements for a minimum of 5 years. The County Administrator shall on an annual basis, review the 5-year program and make recommendations to the Board concerning updating and other appropriate amendments. All amendments shall be accomplished in accordance with the terms contained herein. Improvement projects shall not be undertaken unless they are listed in the appropriate annual element of the 5-year program.
- C. It is the intent of the Board to resolve the existing deficiencies on the County responsible road network shown in Roadway Appendix A within (10) years from the effective date of this Ordinance.

8. STANDARDS FOR AMENDMENT OF THE ROAD IMPROVEMENT PROGRAM

- A. Alterations in time frames for improvements, deletion or addition of programmed improvements, and alteration of funding sources shall be accomplished in accordance with those procedures required for adoption of amendments to County Ordinances.
- B. The Board of County Commissioners may amend said Program in those instances where it finds that:
1. Amendments are necessary in order to coordinate the correction of existing deficiencies with the construction of growth required improvements; or
 2. The public health, safety and welfare mandate that road improvements scheduled at later dates be moved forward; or
 3. Changes or amendments to the Comprehensive Plan or other land development regulations alter development trends in an area so as to necessitate a change in the program for correction of existing deficiencies; or
 4. Changes in actual population necessitate a change in the program for correction of existing deficiencies; or
 5. Available funding sources are altered in such a way as to affect the ability to project funds in adequate amounts to construct the necessary improvements; or
 6. Updating is required to reflect the completion of programmed improvements.
- C. The Board of County Commissioners shall consider the following criteria where appropriate during the review of proposed amendments:
1. Changes in permitted land uses within the area of the budgeted improvement;
 2. Changes in applicable land development regulations in the area of the budgeted improvement;
 3. Changes in levels of traffic on the road segment scheduled for improvement that necessitate revisions to the nature of the planned improvement;
 4. Reductions or increases in the amount of funds available for construction of improvements;
 5. Changes to the capital improvement program relating to construction of growth-required improvements funded by impact assessments.

9. DESCRIPTION OF MODELING PROCESS AND FACTORS UTILIZED IN THE FORMULA

- A. The transportation impact assessment formula described herein contains a series of components. Certain components have established values that are uniformly applied based upon generally accepted standards. The development of the trip length component is based upon generally accepted standards. The development of the trip length component is based on information developed from the Tampa Urban Area Transportation Study and the Long Range Transportation Plan adopted by the Metropolitan Planning Organization and where local data are unavailable nationally recognized data are utilized. Trip lengths for residential and non-residential land uses are represented as county-wide averages.
- B. Trip generation rates shall be based on the Trip Ends Generation Report published by the Institute of Transportation Engineers, as amended.
- C. The cost to construct one lane mile of roadway is determined for each zone based upon the percentage of urban and rural construction projected for the zone after an analysis of the Tampa Urban Area Transportation and the growth patterns projected by the adopted Comprehensive Plan.
- D. Attached hereto as Roadway Appendix D and E and incorporated herein by reference is a table showing the standard factors utilized in the formula including the percentage of urban and rural roads projected for each zone. In those instances, where the trip generation rate for a specific land development activity is not described in the Trip Ends Generation Report or the trip length factor is not described in Roadway Appendix E, then the County Administrator shall, after a complete analysis of the nature or the activity including similarities to uses contained in the above-stated material, calculate a trip rate and trip length for the activity. The County Administrator shall, in making this determination, utilize standard engineering practices and may refer to nationally accepted sources for trip generation and trip length data. The trip rate and trip length determination described herein shall be subject to review and appeal upon duly filed petition, pursuant to the provisions of (Article 8, Section H).
- E. On an annual basis, the County Administrator shall evaluate the accuracy of the analysis process and make recommendations to the Board relating to such changes as are necessary to ensure the accurate operation of the formula described herein. Should the results of said analysis indicate the need for amendment of provisions of this Ordinance, said amendment shall be accomplished in accordance with those procedures established for amendment of Ordinances.

10. TRANSPORTATION IMPACT ASSESSMENT FORMULA

- A. All land development activity generating traffic on the transportation network shall remit to the County an impact assessment. The impact assessment shall be determined by utilizing the formula described below:

The formula incorporates the travel characteristics of the land use, reflected by the daily trip generation and trip length relative to the capacity of a lane mile of roadway at level of service D average daily condition and the cost to construct same. Adjustments are made for roadways not on the Long Range Transportation Plan and interstate roads. One half of the total travel is charged to each end of the trip. For purposes of this Ordinance, the costs of construction does not include a factor representing the estimated cost to construct project access improvements such as acceleration/deceleration lanes, median cuts or other improvements in the public right-of-way designed to facilitate access to projects adjacent to the road right-of-way. The cost to construct identified in the specific zones does include an averaging of the nature of projected improvements, i.e. rural and urban. It is necessary to develop such an average in light of the cost disparity between rural and urban construction.

IMPACT FEE FORMULA

$$\{[(\# \times TGR \times TL \times (1-\%IT))/CL / 2 \times CC \times (1-\%ILR) \text{ minus } \{[\# \times TGR \times TL \times (1-\%IT)/2 / 17.16 \times \$0.089 \times 365 \times 13.8]\} \times PC$$

Description of Elements:

= a. number of dwelling units for residential uses

b. For all land uses, the appropriate measure of size expressed in the Trip Ends Generation Report shall be determined by the County and used in the impact fee formula.

GR = trip generation rate

TL = trip length

%IT = percentage of trip length on the interstate system in Hillsborough County, 22.9%

CL = capacity per lane mile (LOS D = 7,500)

CC = cost to construct one lane mile (% urban + % rural)

%ILR = interstate and local roads (15%) (This term represents the percentage of total travel which is on local roads plus the percentage of interstate travel which represents "thru" trips not attributable to any development in Hillsborough County.)

PC = percentage of impact fee charged (84.3061%)

17.16 = Average number of miles per gallon of fuel consumed per day per vehicle in fleet in Hillsborough County (From the City of Tampa Technical Consideration for a Transportation Impact Fee – February 1987)

Hillsborough County Consolidated Impact Fee Program

\$0.089 = paid per gallon of gasoline for which new growth receives credit towards construction of new capacity due to growth.

365 = average number of days in a year

13.8 = the net present value factor at 8% interest over 50 years

EXAMPLE:

A single-family residence in northwest Hillsborough County (Zone #1) at LOS "D"

$$\begin{aligned} & \{[(1 \times 10.062 \times 9.4 \times (1-.229)/7500/ \\ & 2 \times ((.089 \times \$664,064) + \\ & (.11 \times \$404,105)) \times (1-.15)] \\ & \text{minus } [1 \times 10.062 \times 9.4 \times \\ & (1 - .229) / 2 / 17.16 \times \$0.089 \times 365 \\ & \times 13.8]\} \times .843061 \\ & \{[\$2,625.95] - [\$952.54]\} \times .843061 \\ & \$1,410.79 \end{aligned}$$

11. IMPROVEMENT PROGRAM

A. It is the intent of the Board to establish a budgeting process which ensures that the level of service D standard which was used to determine existing deficiencies and to establish improvement levels will also apply to the scheduling of road network improvements designed to mitigate the impact of development. The budgeting process and associated improvement program is intended to operate in conjunction with the improvement program designed to resolve existing deficiencies. The goal of the Board of the County Commissioners is to implement an improvement program which:

1. Triggers pre-construction activities such as planning, preliminary engineering, employment analysis, design, permitting, and related administrative cost which the existing level of service enters C average daily condition; and
2. Triggers construction of the road segment when the existing level of service enters D, average daily condition.

To this end, the Board of County Commissioners, shall, no later than one year from the effective date of this Ordinance, establish a five-year road improvement program for each transportation impact zone, which program shall at the time of adoption be incorporated into and made a part of this Ordinance. The plan shall include a list of proposed projects and identify funds for the completion of said projects. It is not the intent of this Ordinance to prohibit the Board from expending funds collected during the first year for improvements in each zone, but rather to establish a period during which the Board can collect adequate data on transportation assessment receipts so as to make reasonable projections for subsequent five-year road improvement programs. Decisions by the Board concerning prioritization of construction projects within each zone shall be based upon the following factors:

- a. Service level of impacted roads;
- b. Ability to coordinate construction of programmed improvements with remedying of existing deficiencies;
- c. Adequacy of collected monies to complete the proposed project: and
- d. Nature of proposed improvements.

B. The program shall at all times project improvements for a minimum of five (5) years. The County Administrator shall, on an annual basis, review the five (5) year program and make recommendations to the Board of County Commissioners concerning updating and other appropriate amendments. The primary factor to be considered in updating the program shall be the service level on the roads within the zone. Amendments to the program shall be considered amendments to this Section.

C. Improvement projects shall not be undertaken unless they are listed in the appropriate annual element of the annual five (5) year program.

SECTION B. RIGHT-OF-WAY DATA AND APPENDICES

(From Ord. No. 86-04, as amended prior to Ord. No. 96-____.)

1. RECITALS:

WHEREAS, the Board of County Commissioners of Hillsborough County has the authority pursuant to Article VIII, Florida Constitution of 1968, Chapter 125, Florida Statutes; and Chapter 75-390, Laws of Florida (1975), as amended, to adopt a right-of-way impact assessment program; and,

WHEREAS, the Board of County Commissioners of Hillsborough County is empowered pursuant to Article VIII of the Florida Constitution of 1968, Chapter 125, Florida Statutes; and Chapter 75-390, Laws of Florida, (1975), as amended, to adopt ordinances relating to budgeting and expenditure of County funds; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has conducted public hearings relating to the passage of the Ordinance establishing the right-of-way impact assessment program and adopted the same as Hillsborough County Ordinance No. 86-04; and,

WHEREAS, Chapter 163.3177, Florida Statutes, requires the comprehensive plan to contain a capital improvements element which shall, among other things, provide for standards to ensure the availability and adequacy of public facilities and projected revenues to fund the facilities; and,

WHEREAS, the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County, Florida, in the Capital Improvements Element, contains goals, objective and policies, providing that future development shall pay for some portion of the cost of capital improvements necessitated by its impact, pursuant to the County's impact fee ordinances; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has found it to be in the public interest to amend Hillsborough County Ordinance No. 86-04 and has subsequent to its enactment, amended it; and,

2. FINDINGS OF FACT

Based upon the evidence presented at the Public Hearings on this Ordinance, the Board of County Commissioners of Hillsborough County propounds the following findings of fact:

A. Projections indicate that the population of unincorporated Hillsborough County will increase dramatically during the next twenty (20) years; and,

B. The increase in population and the incident traffic volume increase will directly and adversely impact the existing transportation network within Hillsborough County; and,

C. In order to accommodate this impact, the transportation network will have to be expanded; and,

D. The sources of revenue presently available to Hillsborough County will be inadequate to totally fund the acquisition of required right-of-way and the construction of capital improvements to accommodate the transportation impact; and,

E. The Hillsborough County Comprehensive Plan is intended to establish a policy framework within which the Board of County Commissioners may adopt appropriate regulations to manage growth in a manner consistent with the population projections described above and to insure that capital improvement programming and delivery of services in Hillsborough County is responsive to the demands of projected growth; and,

F. If Hillsborough County is unable to acquire the necessary right-of-way and fund and construct required capital improvements, the road network will be inadequate to accommodate the increased levels of traffic at an acceptable service level; and,

G. The Comprehensive Plan referenced herein has a transportation element, which has been implemented in part by the passage of the Tampa Urban Area Transportation Study, as amended; and,

H. The referenced study establishes certain rights-of-way within Hillsborough County; and,

I. It is essential that the Board of County Commissioners acquire said rights-of-way through the mechanism of assessing a fee for right-of-way acquisition; and

3. PURPOSE

The Board of County Commissioners of Hillsborough County has determined that the provision of adequate transportation facilities is an essential public service. The Comprehensive Plan adopted by the Board recognizes the need for regulations which implement the growth management concepts contained therein. A key concept is a coordination of capital improvements with growth. In order to adequately accommodate those transportation improvements designed to serve new growth, it is imperative that the Board acquire the necessary rights-of-way.

This Ordinance when considered in conjunction with the Hillsborough County Road Network Improvement Program Ordinance represents an effort by the Board of County Commissioners to resolve in a comprehensive fashion the road network needs of Hillsborough County. Such regulations are both consistent with the goals, policies and objectives of the adopted Comprehensive Plan and consistent with sound planning practices related to growth management. Furthermore, it is the intent of the Board of County Commissioners that this Ordinance be a component of the overall County effort to implement a managed growth program, as contemplated in the Comprehensive Plan and as such this Ordinance and program furthers the protection and promotion of the public health, safety and welfare in Hillsborough County.

4. UNIFORM SERVICE LEVEL

An element in the determination concerning adequate right-of-way is the service level which is established as the standard for operation of the roads identified on the Plan. To make this determination, the Board must consider fiscal realities and establish a standard which can be reasonably achieved. The Board hereby finds that the achievement of Service Level "D", average daily condition on the roads identified on the Plan represents a reasonable standard which is consistent with the mandate of the Tampa Urban Area Transportation Study and finds support within the transportation element of the Comprehensive Plan. Having established the standard, it is possible to determine the required capacity that satisfies the standard and thus the number of lanes required to provide the necessary capacity. The determination of the number of lanes sets the extent of the right-of-way requirements. Achievement of the goal of requiring right-of-way constitutes a valid public purpose which furthers the public health, safety and welfare.

5. EXISTING DEFICIENCIES ON THE THOROUGHFARE NETWORK

Identification of existing deficiencies on the established thoroughfare network is the first step in the implementation of a program for correction. The roads shown on Right-of-Way Appendix A, which exhibit is attached hereto and incorporated herein by reference, are, on the effective date of this Ordinance, operating at a service level in excess of Service Level D identified herein. This list may be amended in accordance with those procedures established for amendment of ordinances.

6. FUNDING SOURCES FOR CORRECTION OF EXISTING DEFICIENCIES

Attached hereto as Right-of-Way Appendix B, and incorporated herein by reference, is a list of identified funding sources for correction of the existing deficiencies. This list is current as of the effective date of this Ordinance. The sources have been included in this Ordinance for purposes of public notice. Sources can be added or deleted from this list without the need for amendment of the Ordinance. However, once a source has been identified and the monies programmed pursuant to provisions contained in (Article 9., Subsection B.7., below) and as shown on Right-of-Way Appendix C, the monies and the programmed improvement cannot be deleted unless said deletion is accomplished in accordance with the provisions of this Ordinance.

7. IMPROVEMENT PROGRAM

A. Chapter 75-390, Laws of Florida (1975), as amended, (the Hillsborough County Local Government Comprehensive Planning Act), recognizes the need for capital improvement budgeting as a facet of the overall growth management process. The Comprehensive Plan adopted by the Board pursuant to the reference authority, also includes provisions which direct the Board to implement growth management through a number of means, including capital improvements budgeting. A key ingredient of capital improvements budgeting is an analysis of needs and projected revenues that can be utilized to meet those needs. In (Article 9., Subsections B.5., and B.6.), the needs and revenues have been described. These elements must be coordinated to produce a thoroughfare network improvement program targeted at resolving the existing deficiencies. The Board hereby adopts as part of the Thoroughfare Plan that information shown in Right-of-Way Appendix C, which exhibit is attached hereto and incorporated herein by reference. This exhibit establishes a program for correction of existing deficiencies on County responsible roads. The program is keyed to the uniform service level established herein and is funded through the utilization of all available funding sources as identified herein. Right-of-Way Appendix C also includes the Thoroughfare Plan for State responsible roads, as approved by the Metropolitan Planning Organization. It is the intent of the Board to exercise its best efforts to assist the Florida Department of Transportation in resolving the existing deficiencies on state roads, including but not limited to entering into agreements relating to acquisition of right-of-way, pursuant to (Article 9., Section B.) herein. The provisions contained in Right-of-Way Appendix C relating to the State responsible roads are for information purposes only and are not subject to the amendment restrictions contained herein.

B. The program shall, at all times, project improvements for a minimum of 5 years. The County Administrator shall on an annual basis, review the 5-year program and make recommendations to the Board concerning updating and other appropriate amendments. All amendments shall be accomplished in accordance with the terms contained herein. Acquisition projects shall not be undertaken unless they are listed in the appropriate annual element of the 5-year program.

C. It is the intent of the Board to resolve the existing deficiencies on the County responsible road network shown in Right-of-Way Appendix A within ten (10) years from the effective date of this Ordinance.

8. AMENDMENT STANDARDS FOR ROAD NETWORK IMPROVEMENT PROGRAM

A. Alterations in time frames for acquisitions, deletion or addition of programmed acquisitions, and alteration of funding sources shall be subject to the procedures required for adoption of amendments of County ordinances.

B. The Board may amend said Program in those instances where:

1. Amendments are necessary in order to coordinate the correction of existing deficiencies with the acquisition of right-of-way for growth required improvements;
2. The public health, safety and welfare mandate that road improvements scheduled at later dates be moved forward; or
3. Changes or amendments to the Comprehensive Plan or other land development regulations alter development trends in an area so as to necessitate a change in the program for correction of existing deficiencies; or
4. Changes in actual population necessitate a change in the program for correction of existing deficiencies; or
5. Available funding sources are altered in such a way as to affect the ability to project funds in adequate amounts to acquire right-of-way and construct the necessary improvements.

C. The Board shall consider the following criteria where appropriate during the review of proposed amendments:

1. Changes in permitted land uses within the area of the budgeted improvements;
2. Changes in applicable land development regulations in the area of the budgeted improvement;
3. Changes in levels of traffic on the road segment scheduled for improvement that necessitate revisions to the nature of the planned improvement;
4. Reductions or increases in the amount of funds available for right-of-way acquisition and construction of improvements;
5. Changes to the capital improvement program relating to right-of-way acquisition and construction of growth-required improvements funded by impact assessments.

9. DESCRIPTION OF MODELING PROCESS AND FACTORS IN FORMULA

- A. The right-of-way impact assessment formula contains a series of components. Certain components have established values that are uniformly applied based upon generally accepted standards. The development of the trip length component is based on information developed from the Tampa Urban Area Transportation Study and the Long Range Transportation Plan adopted by the Metropolitan Planning Organization and where local data is unavailable nationally recognized data is utilized. Trip lengths for residential and non-residential land uses are represented as county-wide averages.
- B. Trip generation rates shall be based on the Trip Ends Generation Report published by the Institute of Transportation Engineers, as amended.
- C. The cost to acquire right-of-way for one additional travel lane is estimated for each zone, and a ratio of the estimated right-of-way costs to the estimated construction cost in that zone, as documented in the 5-year impact fee work program for that zone, is expressed as a percentage.
- D. Attached hereto as Right-of-Way Appendices D and E and incorporated herein by reference is a table showing the standard factors utilized in the formula. In those instances where the trip generation rate for a specific land development activity is not described in the Trip Ends Generation Report or the trip length factor is not described in Right-of-Way Appendix E, then the County Administrator shall, after a complete analysis of the nature of the activity including similarities to uses contained in the above-stated material, calculate a trip rate and trip length for the activity. The Administrator shall, in making this determination, utilize standard engineering practices and may refer to nationally accepted sources for trip generation and trip length data. The trip rate and trip length determination described herein shall be subject to review and appeal upon duly filed petition, pursuant to the provisions of (Article 9, Subsection B.10., below).
- E. Annually, the Administrator shall evaluate the analysis process and recommend to the Board such changes as are necessary to ensure the accurate operation of the formula described herein. Should the results of said analysis indicate the need for amendment of provisions of this Ordinance, said amendment shall be accomplished in accordance with those procedures established for amendment of ordinances.

10. RIGHT-OF-WAY IMPACT ASSESSMENT FORMULA

A. All land development activity generating traffic on the transportation network shall remit to the County an impact assessment. The impact assessment shall be determined by utilizing the formula described below:

The formula utilizes the Transportation Impact Assessment as provided in the "Hillsborough County Road Network Improvement Program Section," multiplied by a percentage, which is the ratio of estimated right-of-way costs to estimated construction costs in a particular zone as documented in the 5-year Road Network Improvement work program for that zone.

IMPACT ASSESSMENT FORMULA

$$\{[(\# \times \text{TGR} \times \text{TL} \times (1-\%IT))/\text{CL}/2 \times \text{CC} \times (1-\%ILR)] \text{ minus } [((\# \times \text{TGR} \times \text{TL} \times (1-\%IT)) \times 2.17.16 \times \$0.089 \times 365 \times 13.8)] \times \text{PC} \times \% \text{ROW} \times .91664$$

Description of Elements:

- # = a. number of dwelling units for residential uses
- b. for all land uses, the appropriate measure of size expressed in the Trip Ends Generation Report shall be determined by the County and used in the impact fee formula.

TGR = trip generation rate **TL** = trip length

%IT = percentage of trip length on the interstate system in Hillsborough County, 22.9%

CL = capacity per lane (LOS D – 7500)

CC = cost to construct one lane mile (% urban + % rural)

%ILR = interstate and local roads (15%)

PC = percentage charged to impact fee (84.3061%)

% ROW = the ratio of estimated right-of-way costs to estimated construction costs in a particular zone as contained in the 5-year Road Network Improvement Program for that zone, plus an appropriate factor to fund the required engineering studies and administration of the section.

.91664 = right-of-way cost recovery factor

(The percentages for each of the ten zones is reflected on Right-of-Way Appendix D attached hereto and made a part hereof.)

11. IMPROVEMENT PROGRAM

A. It is the intent of the Board to establish a budgeting process which ensures that the level of service D standard which was used to determine existing deficiencies and to establish improvement levels will also apply to the scheduling of road network improvements designed to mitigate the impact of development. The budgeting process and associated improvement program is intended to operate in conjunction with the improvement program designed to resolve existing deficiencies. The goal of the Board of County Commissioners is to implement an improvement program which:

1. Triggers pre-construction activities such as planning, preliminary engineering, employment analysis, design, permitting, and related administrative costs when the existing level of service enters C average daily condition; and
2. Triggers right-of-way acquisition and construction of the road segment when the existing level of service enters D average daily condition.

To this end, the Board of County Commissioners, shall, no later than one year from the effective date of this Ordinance, establish a five-year road right-of-way acquisition program for each right-of-way impact zone, which program shall at the time of adoption be incorporated into and made a part of this Ordinance. The plan shall include a list of proposed projects and identify funds for the completion of said projects. It is not the intent of this Ordinance to prohibit the Board from expending funds collected during the first year for improvements in each zone, but rather to establish a period during which the Board can collect adequate data on right-of-way assessment receipts so as to make reasonable projections by the Board concerning prioritization of construction projects within each zone shall be upon the following factors:

- a. Service level of impacted roads;
- b. Ability to coordinate construction of programmed improvements with remedying of existing deficiencies;
- c. Adequacy of collected monies to complete the proposed project; and
- d. Nature of proposed improvements.

B. The program shall at all times project Right-of-Way acquisition for minimum of five (5) years. The County Administrator shall, on an annual basis, review the five (5) year program and make recommendations to the Board of County Commissioners concerning updating and other appropriate amendments. The primary factor to be considered in updating the program shall be the service level on the roads within the zone. Amendments to the program shall be considered amendments to this Ordinance.

12. CALCULATION OF OFFSET FOR RIGHT-OF-WAY CONTRIBUTION

Right-of-way contribution, whether less than, equal to, or in excess of right-of-way needed to accommodate project traffic, shall be credited as follows:

A. Documentation of all right-of-way contributions shall be submitted by the Applicant for credit. The documentation shall include the amount of right-of-way dedicated, the site plan for the project showing the deeded right-of-way, the projection of project traffic, and copies of the County's request for additional right-of-way, if any. Right-of-way needed for access or to allow for development of a particular site, such as interior subdivision streets, shall not be eligible for credit.

B. The formula for determining the cost of right-of-way attributable to a particular project is shown below:

$$\left[\left(\frac{\# \times \text{TGR} \times \text{TL} \times (1 - \% \text{IT})}{\text{CL}} \right) / 2 \times \text{CC} \times (1 - \% \text{ILR}) \right] \text{ minus } \left[\left(\frac{\# \times \text{TGR} \times \text{TL} \times (1 - \% \text{IT})}{2} \right) / 17.16 \times \$0.089 \times 365 \times 13.8 \right] \times \text{PC} \times \% \text{ROW} \times .91664$$

Description of Elements:

= a. number of dwelling units for residential uses

b. for all land uses, the appropriate measure of size expressed in the Trip Ends Generation Report shall be determined by the County and used in the impact fee formula.

TGR = trip generation rate **TL** = trip length

%IT = percentage of trip length on the interstate system in Hillsborough County, 22.9%

CL = capacity per lane (LOS D – 7500) **CC** = cost to construct one lane mile. (% urban + % rural)

%ILR = interstate and local roads (15%) **PC** = percentage charged to impact fee (84.3061%)

17.16 = average number of gallons consumed per day per vehicle in fleet in Hillsborough County (from City of Tampa Technical Consideration for a Transportation Impact Fee – February 1987)

\$0.089 = pd./gal. of gas for which new growth receives credit towards construction of new capacity due to growth.

365 = average number of days in a year

13.8 = the net present value factor at 8% interest over 50 years

%ROW = the ratio of estimated right-of-way costs to estimated construction costs in a particular zone as contained in the 5-year Road Network Improvement Program for that zone, plus an appropriate factor to fund the required engineering studies and administration of the section.

.91664 = right-of-way cost recovery factor

SECTION C. PARK SITE DATA AND APPENDICES

(From Ord. No. 85-23, as amended prior to Ord. No., 96-___)

1. RECITALS

WHEREAS, the Board of County Commissioners of Hillsborough County has the authority pursuant to Article VIII, Florida Constitution of 1968, Chapter 125, Florida Statutes; and Chapter 75-390, Laws of Florida Constitution of 1968, Chapter 125, Florida Statutes; and Chapter 75-390, Laws of Florida (1975), as amended, to adopt a park site impact assessment program; and,

WHEREAS, the Board of County Commissioners of Hillsborough County is empowered pursuant to Article VIII, Florida Constitution of 1968, Chapter 125, Florida Statutes; and Chapter 75-390, Laws of Florida, (1975), as amended to adopt ordinances relating to budgeting and expenditure of County funds; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has conducted public hearings relating to the passage of the Ordinance establishing the park site impact assessment program and adopted the same as Hillsborough County Ordinance NO. 85-23; and,

WHEREAS, Chapter 163.3177, Florida Statutes, requires the comprehensive plan to contain a capital improvements element which shall, among other things, provide for standards to ensure the availability and adequacy of public facilities and projected revenues to fund the facilities; and,

WHEREAS, the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County, Florida, in the Capital Improvements Element, contains goals, objectives and policies, providing that future development shall pay for some portion of the cost of capital improvements necessitated by its impact, pursuant to the County's impact fee ordinances; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has found it to be in the public interest to amend Hillsborough County Ordinance No. 85-23 and has subsequent to its enactment, amended it; and,

2. FINDINGS AND CONCLUSIONS

Based upon the evidence received during the public hearings conducted on this Division, the Board of County Commissioners of Hillsborough County propounds the following findings and conclusions:

A. Projections indicate that the population of the unincorporated area of Hillsborough County will increase by over one hundred percent (100%) during the next twenty-five (25) years; and,

B. The increase in population will directly and adversely impact the existing park network within Hillsborough County; and,

C. Three types of parks comprise the existing park network, to wit, regional parks serving an area defined by approximately a 30-mile radius or a one-hour drive, local parks serving an area defined by approximately two (2) to five (5) mile radius, and special parks which have no specific service area and may be defined as parcels of land which have single purpose facilities or functions located as needed or where appropriate throughout the County. Examples would include boat launch areas, environmentally sensitive areas, landscaped areas or preservation type facilities.

D. The existing regional park network is currently adequate to serve both the needs of the existing population and the impact of the projected population through the year 2010. The existing local park network is currently inadequate to handle the needs of the existing population and will further deteriorate as the impact from the projected growth is realized; and,

E. In order to accommodate the needs of the existing population and the impact of the projected population, the local park network will have to be expanded; and,

F. The sources of revenue presently available to Hillsborough County will be inadequate to fund both the acquisition costs of additional park properties and the construction of park improvements required to accommodate the needs of the existing population and the impact of the projected population; and,

G. The Hillsborough County Comprehensive Plan is intended to establish a policy framework within which the Board of County Commissioners may adopt appropriate regulations designed to manage growth in a manner consistent with the population projections described above and to ensure that capital improvement programming and delivery of services in Hillsborough County is responsive to the demands of projected growth; and,

H. In order to implement the Comprehensive Plan, it is essential that Hillsborough County develop capital improvement programs consistent with the terms of the Comprehensive Plan and sensitive to the described population projections; and,

L. Deficiencies identified in Appendix "A" to Ordinance 85-23, as amended, have been eliminated through funding other than impact fees; and,

J. If Hillsborough County is unable to fund the acquisition of additional park properties and to construct the required capital improvements, the park network will be inadequate to accommodate the needs of the increase population; and,

K. It is essential that Hillsborough County adopt an equitable mechanism for acquiring the dedication of park property or payment of a park impact assessment; and,

L. It is essential that Hillsborough County adopt a mechanism to equitably assess a portion of the costs of the capital improvements to expand the local park network; and,

M. The impact assessment formula contained herein represents a composite of factors that fairly and equitably approximate the impact of residential development on the park network; and,

N. The number and configuration of park site impact zones and associated budgetary controls contained herein ensure that the expenditure of funds to provide park property will be controlled so as to provide a benefit to the development generating the impact; and,

O. The coordination of the park improvement programs for the acquisition of park property and construction of improvements to serve growth is essential to ensure adequate park facilities to accommodate development as envisioned by the Comprehensive Plan.

3. PURPOSE

Florida has, for many years, been a place where residents enjoy a favorable climate and abundance of open space. It is essential that the public have adequate areas in which to congregate and enjoy the climate and natural environment. The Board of County Commissioners of Hillsborough County has determined that the provision of adequate park facilities is an essential public service. In order to ensure that existing and future residents of Hillsborough County have adequate park facilities to serve the needs of the growing community, the Board of County Commissioners of Hillsborough County must create a program that deals with providing for the location and construction of park improvements to meet future needs.

Currently, Hillsborough County plans for two types of park facilities, to wit, the local park and the regional park. The County does not plan for the acquisition and development of special parks. The types of parks are distinguished by size, population served, and the nature of facilities provided. The number and location of regional park facilities is deemed adequate to serve the existing population and the growth projected through the year 2010. However, the County is currently operating just at the standard requirements for the provision of adequate local parks.

The Comprehensive Plan adopted by the Board of County Commissioners of Hillsborough County recognizes the need for regulations which implement the growth management concepts contained herein. A key concept is the coordination of capital improvements with growth.

The Board of County Commissioners recognizes that the development of residential land uses results in increased demands on the local park network. Increasing the number of local parks in order to serve the needs of the growing population is a recognized responsibility of government and is in the best interest of the public health, safety and welfare. An objective of this Ordinance is to create a mechanism whereby residential development may be assessed a pro rata share of its economic impact on the local park network. The impact assessment formula contained in this Section is sensitive to the location and type of residential land use involved.

As an alternative to payment of an assessment, this Ordinance provides the option to dedicate park property and to construct park improvements. The decision as to whether or not such dedication and construction will be accepted shall be based upon the application of a series of standards that are intended to apply uniformly.

The revenues collected through the impact assessment shall be utilized to meet the capital costs inherent in purchase of additional park property and construction of required facilities. It is not the purpose of this Ordinance to collect any money from new development in excess of that amount which bears a rational nexus to the impact of the development on the park network. The revenues shall be allocated to meet the capital costs incident to the park needs resulting from new residential construction which allocation shall occur within the geographic area of the demonstrable impact and concomitant benefit.

In order to ensure that the impact assessment formula contained in this Ordinance remains sensitive to the changing demography of Hillsborough County, the Board of County Commissioners recognizes its responsibility to annually evaluate said formula and to affect such changes as are required to accommodate changes in growth patterns.

It is the purpose of this Ordinance to continue to allow residential growth in Hillsborough County. But to do so in a manner which requires development causing impact on the local park system to share a portion of the financial burden resulting from those impacts. The end result of such an equitable balance of costs is a local park network which operates efficiently and accommodates the demands generated by the growth.

This Ordinance contains elements designed to maintain park standards and growth-oriented needs. Furthermore, it is the intent of the Board of County Commissioners that this Ordinance be a component of the overall County effort to implement a managed growth program, as contemplated in the Comprehensive Plan and as such this Ordinance and program furthers the protection and promotion of public health, safety and welfare in Hillsborough County.

4. UNIFORM SERVICE LEVEL

The foundation of the park improvement program is the park service standard which is established by the Board of County Commissioners as the minimum standard for operational parks within Hillsborough County. To make this determination, the Board must consider fiscal realities and establish standards which can be reasonably achieved. The Board hereby establishes the following area service standards for local parks:

A. Local Park

A local park shall have a service area defined by a radius of approximately two (2) miles. It shall have a minimum land size of five (5) acres. The property required per 1,000 people for a local park is 3.4 acres. Minimum required local park facilities are as follows:

1. Tot lot apparatus for pre-school age children to include a variety of equipment to swing, climb, push and slide.
2. Play apparatus area for school age children to include a variety of equipment to swing, climb, push and slide.
3. Multi purpose Court for basketball, volleyball and playground games.
4. Ball diamond for softball, kickball, baseball.
5. Open play field for football, soccer and other playground games.
6. Restroom/shelter or recreation building of 1,500 to 5,000 square feet.
7. Off-street parking.
8. Internal walkways.
9. Passive area with shaded seating.
10. Landscaping
11. Utilities
12. Support items such as benches, litter receptacles, and water fountains.
13. Architect, engineering and site preparation.
14. In certain situations where there are expressed or identified neighborhood needs, facilities other than those listed as minimum required may be provided when there is equal value. The County must approve any and all proposed alternative facilities.

B. Finding

The Board hereby finds that achievement of the above-stated minimum service standards for local parks furthers a valid public purpose based in the public health, safety and welfare.

5. IMPROVEMENT PROGRAM

Chapter 75-390, Laws of Florida (1975), as amended, (The Hillsborough County Local Government Comprehensive Planning Act), recognizes the need for capital improvement budgeting as a facet of the overall growth management process. The Comprehensive Plan adopted by the Board pursuant to the referenced authority, also includes provisions which direct the Board to implement growth management through a number of means, including capital improvements budgeting. The key ingredient of capital improvements budgeting is an analysis of needs and projected revenues that can be utilized to meet those needs. In (Article 9., Subsections C.5 and C.6.), the needs and existing revenue sources have been described. These elements must be coordinated to produce local park network improvements for a minimum of 5 years. The County Administrator shall on an annual basis review the 5 year program and make recommendations to the Board concerning updating and other appropriate amendments. All amendments shall be reviewed in accordance with the terms contained herein. Improvement projects shall not be undertaken unless they are listed in the appropriate annual element of the 5-year program.

- 8. STANDARDS FOR AMENDMENT OF THE PARK NETWORK IMPROVEMENT PROGRAM**
- A. Alterations in time frames for improvements, deletion or addition of programmed improvements, and alteration of programmed funding sources shall be accomplished in accordance with those procedures required for adoption of amendments to County sections.
- B. The Board may amend said Program in those instances where it finds that:
1. Amendments are necessary in order to coordinate with the acquisition of property or construction or growth required improvements; or
 2. Consideration of the public health, safety and welfare mandates that park improvements scheduled at later dates be moved forward; or
 3. Changes or amendments to the Comprehensive Plan or other land development regulations that alter development trends in an area that necessitates a change in the program; or
 4. Changes in the demographic characteristics of an area that necessitate a change in the program; or
 5. Available funding sources are altered in such a way as to affect the ability to project funds in adequate amounts to acquire property or construct the necessary improvements; or
 6. Updating is required to reflect the completion of programmed improvements.
- C. The Board of County Commissioners shall consider the following criteria where appropriate during the review of the proposed amendments:
1. Changes in permitted land uses within the area of the budgeted improvement;
 2. Changes in applicable land development regulations in the area of the budgeted improvements;
 3. Changes in levels of population that necessitate revisions to the nature of the planned improvement;
 4. Reductions or increases in the amount of funds available for construction of improvements;
 5. Changes to the capital improvement program relating to the acquisition of property or construction of growth-required improvements.

9. DESCRIPTION OF MODELING PROCESS

- A. The Park Impact Assessment formula described herein contains a series of components. Certain components have established values that are uniformly applied based upon generally accepted standards. The development of the population/per unit component involves a thorough analysis of the demographic characteristics exhibited in areas of Hillsborough County. The source of the population data on which the analysis is based in the U.S. Bureau of the Census; 1980 Census of Population and Housing, Summary Tape File 3Z, Tables 102 and 014; File 3A, Tables 102 and 014; and U.S. Department of Housing and Urban Development Annual Housing Survey. The persons per household data by dwelling unit type and number of bedrooms was obtained from the Annual Housing Survey and then adjusted to replicate the 1980 Census data for Hillsborough County. The 1980 person per household multipliers were then declined to the estimated 1988 levels according to the methodology stated in the report titled "Persons/Household 1920-2000" Hillsborough Co. City-County Planning Commission, Research & Budgeting Section, Sept. 1983.
- B. The population per unit components utilized in application of the park impact assessment formula is sensitive to the geographic location of the use. The specific areas and the associated population per unit factors are shown on Park Site Appendix A, which exhibit is incorporated into and made a part of this Ordinance by reference.
- C. On an annual basis, the County Administrator shall evaluate the accuracy of the analysis process and make recommendations to the Board relating to such changes as are necessary to ensure the accurate operation of the formula described herein. Should the results of said analysis indicate the need for amendment of provisions of this Ordinance, an amendment shall be processed accordingly. Changes in either the population per unit factors or boundaries of the planning areas described in Park Site Appendix A shall be considered amendments to this Ordinance and shall be processed accordingly.

10. CREATION OF PARK IMPACT ASSESSMENT FORMULA

- A. **1. Components of the Impact Assessment Formula.** A basic ingredient of an impact assessment section is the impact assessment formula. The formula provides a mechanism whereby the impact of a specific development proposal may be translated into an impact assessment. The park impact assessment formula has two (2) general elements. The first is the park property assessment and the second is the park improvement assessment. In toto, the impact assessment derived through the application of the formula is intended to reflect the impact of a proposed development on both the need for park property and improvements.

The Board of County Commissioners has determined it shall recover from each new unit of growth paying fees in cash 60% of the per unit park property impact fee assessment as calculated in (Article 9, Subsection C.10.B.2., below,) and the park improvement assessment as calculated in (Article 9, Subsection C.10.B.2.b., below.) This percentage shall be reviewed annually.

The cost of recovery level designated in the above paragraph does not affect the levels of service for park property described in (Article 9., Subsection C.10.B.2.a., below,) or the calculation of park improvement assessment described in (Article 9, Subsection C.10.B.2.b., below,) when applied to election to dedicate property or make local park improvements.

2. Cost Factor for Property Acquisition. To assess a fee for park property impacts, it is necessary that the County develop a cost factor relating to the cost of acquisition of park property. The Board hereby establishes after the review of pertinent data that an average per acre cost by individual benefit and expenditure zone as described in Park Site Appendix "A" (page 2 of 3) constitutes a fair and accurate assessment of the cost of park property. The Board also establishes the average per acre cost by individual benefit and expenditure zone as: Northwest \$48,404; Northeast \$44,350; Central \$44,737; and South \$22,297. On an annual basis, the County Administrator shall review the continuing accuracy of the per acre value and shall report the findings to the Board.

3. Adjustments. Any person who feels that the cost per acre factor utilized in the impact formula is not a reasonable assessment of the cost to acquire one acre of local park property which satisfies the citing criteria contained herein, and is located within the respective park services areas (two to five mile radius) shall have the right to petition the Board for an adjustment in per-acre cost. The petition shall be in a form prescribed by the County and real estate appraiser. The County Administrator shall review said petition and issue a recommendation to the Board. The Board shall consider the recommendation of the County Administrator and issue a decision within sixty (60) days from the date of filing of the petition. A Notice shall be sent by certified mail to the petitioner establishing the hearing date. The Board decision shall be based upon the application of standard appraisal techniques to the situation at issue.

If the Board finds in favor of the petitioner, the Board shall direct that the revised cost per acre factor be utilized in calculation of the petitioner's impact assessment.

B. 1. Computation of the Park Impact Assessment

The park impact assessment formula described in this Section shall be the basis for the computation of the park impact assessment. In light of the fact that the park property assessment may take the form of either the payment of an assessment of the optional dedication of property, it is necessary to divide the calculation process in two parts. (Article 9., Subsection C.10.B.2.a.) below, is intended to provide a mechanism for calculating the total amount of required park property. (Article 9., Subsection C.10.B.2.b) below, is intended to permit the calculation of a per unit impact assessment to be paid at the point of issuance of the certificate of occupancy.

2. Park Property Assessment Formula

a. Calculate Park Property Required for Entire Development.

The formula described herein is intended to be utilized by the applicant in those instances where the election to dedicate property has been made. The population per unit by dwelling unit type blended numbers shown in Park Site Appendix B shall be utilized in the absence of more specific bedroom information for each unit type.

[Number of dwelling units in the proposed development] x [Population per dwelling unit] x [Acres of property needed per 1,000 persons for local parks (expressed as 3.4/1,000)] = Acres of park property required.

b. Calculate Per Unit Impact Assessment.

The formula described herein is intended to be utilized by the applicant in those instances where the applicant elects to pay the park property impact assessment at the time of issuance of the Certificate of Occupancy for the residential use. The population per unit number shall be determined based upon unit type and bedroom number, as shown in Park Site Appendix B.

[Number of dwelling units] x [Population per unit] x [Acres of property needed per 1,000 persons for local parks (expressed as 3.4/1,000)] x [Cost per acre] = Per unit impact assessment for local park property.

3. Calculation of Park Improvement Assessment.

The additional element of the total park assessment is the local park improvement assessment. This represents an assessment intended to mitigate the impact of the residential use on the need for local park improvements. The cost to improve the local park is based upon the cost to provide those improvements described in (Article 9., Subsection C.4.) The application of the formula described below permits calculation of a local park improvement assessment.

a. Calculate Local Park Improvement Assessment.

[Number of dwelling units] x [Population per unit] x [Cost to improve the park / by the total population served by the park] = Assessment per unit for cost to improve park.

b. Cost of Improvements. The cost to improve a local park to the service standard described in (Article 9., Subsection C.4., above) is one hundred twenty thousand seven hundred eight dollars (\$120,708). An itemized breakdown of the cost stated herein is contained in Park Site Appendix C, which exhibit is attached hereto and incorporated herein by reference.

c. Alternative Facilities. In certain situations, where there are expressed or identified local needs, facilities other than those listed as minimum required may be provided when there is equal value. The County must approve any and all proposed alternative facilities.

11. CRITERIA FOR ACCEPTANCE OF PARK SITE DEDICATION

A. The Board shall review all offers of dedication to determine whether or not the property is of suitable size, dimension, topography and general characteristics to serve as a local park. The amount of property required to be dedicated shall be determined based upon the park property dedication formula contained in (Article 9., Section C.10.) In making a determination as to whether or not to accept the dedication, the Board shall consider the following factors:

1. The Condition of the Land.

- a. Topography should be level
- b. Configuration should not be an irregular shape
- c. Elevation should be above the flood plain
- d. Sites containing wetlands or other environmentally sensitive areas should be avoided unless it is found that a resource oriented park would be appropriate.

2. Development Size.

The proposed development shall be of sufficient size to generate the need for an entire park site or be so situated that dedication of a lesser amount will permit coordination with adjacent park properties to provide an entire park site.

3. Nature of Surrounding Land Uses.

- a. There must be the ability to buffer the park area from major roadways.
- b. There must be sufficient land are to reasonably buffer the park from adjacent land uses if required based upon the nature of the surrounding uses.
- c. The park area should not be located adjacent to industrial or intense commercial uses.

4. Access.

- a. There must be adequate area to provide a pedestrian circulation system which protects individuals from forced interaction with automobiles at intersections.
- b. Sufficient area and frontage should be available to allow vehicular access from the adjacent road network without significantly impeding the flow of traffic on the adjacent road network.

5. Location of Other Recreational Facilities.

The acquisition of park sites should be coordinated with programs to expand existing park facilities or to construct new park facilities for purposes of accommodating growth related impacts.

B. Satisfaction of the park improvement assessment shall be accomplished in accordance with the following alternatives:

1. In those instances where the Board has accepted the dedication of park property, then the applicant shall have the option of deferring payment of the park improvement assessment until the time of issuance of Certificates of Occupancy in accordance with the terms of this Ordinance or constructing those improvements required for park land dedicated. If this alternative is selected, the applicant shall, in conjunction with the County Administrator, develop an improvement plan for the proposed park site which plan shall detail the improvements that are required to be constructed, in accordance with the service standards contained herein and shall include a construction time frame. The Board shall review and approve the improvement plan and shall establish the construction time frame based upon a review of the nature of the required park improvements and comparable County construction time frames. The applicant shall post with the County a surety bond, letter of credit, escrow agreement, or other instrument of assurance for purposes of guaranteeing the completion of required construction within the determined time frames. In no event shall the required time frame be less than one year (1) or more than three years, unless the Board finds that a longer period is appropriate based upon a project's phasing schedule or anticipated occupancy time table.
2. If the applicant chooses not to construct the required improvements, then the applicant shall be required to pay a specific amount for each unit constructed. The amount of the park improvement assessment for each unit shall be determined by the application of the formula described in (Article 9., Subsection C.10.) The time of payment of the park improvement assessment shall be as set forth in that subsection.

C. Consideration of total development impact at the point in time that required dedication and construction would occur is based upon the proposed population of the project. The population projections are a function of the density and type of residential units proposed and the population per household factors contained in Park Site Appendix B. Therefore, applicants shall describe the number and type of units proposed. The categorization of unit types is described in Park Site Appendix B. In those instances where bedroom information types are not available, the blended population per household factor for specific unit types shall be utilized.

After building permits are issued for the total development covered by the original application previously approved, if the development as reflected in the building permits issued is less intensive than the proposed development that was used to compute the required dedication, then at the applicant's request and upon appropriate proof, the County shall pay a rebate; the amount of which shall be that portion of the fair market value of the land at the time it was dedicated which is proportional to the reduction in density. The term "value" as utilized in this action shall be construed to mean the "fair market value" of the property at time of dedication and shall include the value of these park improvements constructed by the applicant or its successor pursuant to the terms of this Section. In no case shall a rebate be paid by the County after a period of five (5) years has elapsed from the date of issuance of the final building permit.

D. In the event an applicant proposes to increase the residential density of the project with the concomitant result of increasing the impact on the park network, then said increase in density shall be the basis for additional park impact assessment review concurrent with the review of the request for increased density.

12. IMPROVEMENT PROGRAM

A. It is the intent of the Board to establish a budgeting process which ensures that the scheduling and prioritization of park improvements is designed to mitigate the impact of development and to maintain the park standards described in (Article 9., Subsection C.4.) This budgeting process and associated improvements program is intended to operate in conjunction with the improvement program designed to resolve existing deficiencies. The goal of the Board of County Commissioners is to implement a park improvement program which:

1. Triggers pre-acquisition/construction such as planning, site investigation, design, permitting, and other park planning functions when the amount of approved but yet un-constructed residential development in an area indicates a need for expansion of the park network; and
2. Triggers acquisition of park property and construction of park improvements within a reasonable period of time after issuance of that number of building permits which would, based upon population per household calculations, require the additional park facilities.

To this end, the Board of County Commissioners has established a five-year park improvement program for each budget zone, which zones are shown on the map attached as Park Site Appendix A, which program shall at the time of adoption be incorporated into and made a part of this Ordinance. The plan shall include a list of proposed projects and identify funds for the completion of said projects. It is not the intent of this Ordinance to prohibit the Board from expending impact assessment funds collected during the first year for the acquisition of park property and improvements in each zone, but rather to establish a period during which the Board can collect adequate data on park assessment receipts and other funding sources as to make reasonable projections for subsequent five-year park improvement programs. The expenditure of impact assessment funds shall conform to the budget zone requirements described above.

Decisions by the Board concerning prioritization of acquisition and construction projects within each budget area shall be based upon (Article 9., Subsections C.12.A. and B.), and the following factors:

- a. Adequacy of park facilities within the budget area;
- b. Projected growth within the budget area;
- c. Actual growth within the budget area based upon the analysis of building permit and certificate of occupancy records;
- d. Ability to coordinate park acquisition and construction of programmed improvements with the remedying of existing park deficiencies;
- e. Adequacy of collected monies to complete the proposed project; and
- f. Nature of the proposed improvements.

B. The program shall at all times project improvements for a minimum of five (5) years. The County Administrator shall on an annual basis, review the five (5) year program and make recommendations to the Board of County Commissioners concerning updating and other appropriate amendments. The primary factor to be considered in updating the program shall be the service standard of parks within the budget area. Amendments to the program shall be considered amendments to this Section.

Improvement projects shall not be undertaken unless they are listed in the appropriate annual element of the five (5) year program.

SECTION D. SCHOOL SITE DATA AND APPENDICES
(From Ord. No. 86-20, as amended prior to Ord. No. 96-)

1. RECITALS

WHEREAS, the Board of County Commissioners of Hillsborough County has the authority pursuant to Article VIII, Florida Constitution of 1968, Chapter 125, Florida Statutes; and Chapter 75-390, Laws of Florida (1975), as amended, to adopt a school site impact assessment program; and,

WHEREAS, the Board of County Commissioners of Hillsborough County is empowered pursuant to Article VIII of the Florida Constitution of 1968, Chapter 125, Florida Statutes; and Chapter 75-390, Laws of Florida, (1975), as amended, to adopt ordinances relating to budgeting and expenditure of County funds; and,

WHEREAS, Section 235.193, Florida Statutes, (1985), provides that local governing bodies must coordinate planning to ensure that plans for construction of school facilities are coordinated in time and place with plans for residential development; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has conducted public hearings relating to the passage of the Ordinance establishing the school site impact assessment program and adopted the same as Hillsborough County Ordinance No. 86-20; and,

WHEREAS, Chapter 163.3177, Florida Statutes, requires the comprehensive plan to contain an intergovernmental coordination element which shall, among other things, provide for consideration of the particular effects of the local plan; and,

WHEREAS, the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County, Florida, contains goals, objectives and policies, providing that future development shall pay for some portion of the cost of capital improvements necessitated by its impact, pursuant to the County's impact fee ordinances; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has found it to be in the public interest to amend Hillsborough County Ordinance No. 86-20 and has subsequent to its enactment, amended it; and,

2. FINDINGS AND CONCLUSIONS

Based upon the evidence received by the Board of County Commissioners during the public hearing conducted on this section, the Board of County Commissioners of Hillsborough County propounds the following findings of fact and conclusions:

A. Projections indicate that the population of Hillsborough County will increase by over forty-two percent (42%) and the population of unincorporated Hillsborough County will increase by one hundred percent (100%) during the next twenty (20) years; and

B. The increase in population and the incidental increase in student volume will directly and adversely impact the existing school system of Hillsborough County; and,

C. In order to accommodate this impact, the existing school system will have to be expanded; and,

D. In order to expand the existing school system, it is necessary that the School Board of Hillsborough County acquire appropriately located school sites within the County; and,

E. The sources of revenue presently available to the School Board of Hillsborough County will not be adequate to totally fund both the acquisition of school sites and the construction of school facilities; and,

F. The Hillsborough County Comprehensive Plan establishes a policy framework within which the Board of County Commissioners may adopt appropriate regulations to manage growth consistently with the population projections described above and to ensure that capital improvement programming and delivery of services in the County is responsive to the demands of projected growth.

G. Chapter 75-390, Laws of Florida (1975), as amended, directs local governing bodies to cooperate in the provision of adequate public services as well as to cooperate in the planning of services designed to mitigate the impact of projected growth; and,

H. The School Board of Hillsborough County and the Board of County Commissioners of Hillsborough County have determined that the establishment and location of school sites to serve the immediate and future needs of residents generated by each new dwelling unit in a subdivision, planned unit development or multi-family structure, is as essential to proper land development as are the construction of streets, water and sewers, sidewalks and other required improvements; and,

I. Unless the School Board of Hillsborough County is able to acquire appropriately located school sites, the school system will be inadequate to accommodate the increased student population at acceptable standards; and,

J. It is essential that Hillsborough County adopt an equitable mechanism for assessing a portion of the impact and costs of expansion of the school system to the changes in residential land use which impact the school system; and,

K. The impact assessment formula contained herein represents a composite of factors that fairly and equitably approximate the impact of residential land uses on the school system; and,

L. Demographic studies relating to the student population generation rate of residential development have been conducted to determine that student population to be generated there-from and to ensure that the impact assessment contained herein exhibits a rational relationship to the specific impact of the residential use; and,

M. The utilization of a mechanism allowing for the payment of an impact assessment in lieu of dedication of land is an equitable alternative to said dedication requirement; and,

N. The mandatory dedication of school sites or the payment of impact assessments in lieu thereof will permit the location of schools that benefit the residents of the residential units creating the impact; and,

O. The coordination of a fair and equitable assessment with the impact on the school system generated by residential development is essential in order to ensure that adequate school facilities are in place to accommodate development as envisioned by the Comprehensive Plan bears a necessary and reasonable relationship to the public health, safety and welfare; and,

P. The school site assessment formula contained herein and the restrictions imposed upon utilization of funds by the School Board of Hillsborough County constitute Ordinance provisions designed to ensure that the terms of this section bear a rational nexus to the impact of residential development from the location and construction of an adequate school system.

3. PURPOSE

The Board of County Commissioners of Hillsborough County and the School Board of Hillsborough County has determined that the provisions of adequate school facilities are an essential public service. In order to ensure that future residents of Hillsborough County have adequate school facilities to serve the needs of the growing community, the Board of County Commissioners of Hillsborough County must create a program that assists the School Board of Hillsborough County in locating and obtaining school sites.

The Board of County Commissioners recognizes that changes in residential land use may result in increased student populations and concomitant demands on the school system. Increasing the capacity of the school system in order to make it a more effective learning environment is a recognized responsibility of government and is in the best interest of the public health, safety and welfare. An objective of this Ordinance is to create a mechanism whereby development may be assessed a pro rata share of its economic impact on the cost of acquisition or expansion of school sites. The formula described in this Ordinance is sensitive to both the location and type of residential land use involved. It is not the purpose of this Ordinance to collect any money from new development in excess of that amount which bears a rational nexus to the impact of the specific development on the school system.

The revenue collected through the School Site Impact Assessment shall be utilized to meet the capital cost inherent in the acquisition or expansion of school sites. The Board of County Commissioners of Hillsborough County and the School Board of Hillsborough County shall enter into appropriate interlocal agreements to ensure that funds are utilized in accordance with the terms of this section. The revenues shall not be utilized for purposes of correcting existing deficiencies. The revenue shall be allocated to meet the capital cost of site acquisition and expansion within the geographical area of the demonstrable impact as determined by application of appropriate school citing criteria.

In order to ensure that the formula described in this section remains sensitive to the changing demography of Hillsborough County, the Board of County Commissioners recognizes its responsibility to annually evaluate said formula and effect such changes as are required to accommodate changes in growth patterns. It is the purpose of this section to continue to allow growth in Hillsborough County but to do so in a manner which requires development causing impacts on the school system to share a proportion of the financial burden resulting from those impacts. The end result of such an equitable balance of costs is a school system which operates efficiently and accommodates the demands generated by growth. Such a regulation is both consistent with the goals, policies and objectives of the adopted Comprehensive Plan and consistent with sound planning practices related to growth management. Furthermore, it is the intent of the Board of County Commissioners that this Ordinance be a component of the overall County effort to implement a managed growth program as contemplated in the Comprehensive Plan and as such this section and program furthers the protection and promotion of the public health, safety, and welfare in Hillsborough County.

4. UNIFORM STANDARDS FOR SCHOOL SITE LOCATION AND ACCESSIBILITY

Land to be utilized as school sites in connection with proposed development shall be a sufficient size and dimension, shall be in a suitable location, and shall in no way be construed to obviate the rules and regulations of the Florida Department of Education which rules and regulations exist on the effective date of this Ordinance and as amended.

A. Location and Accessibility.

1. In planned communities, school sites shall be located as close as possible to the areas of greatest student concentration in order to locate the site within walking distance of those areas. When a planned development does not generate enough students to create the full enrollment, the site should be located in such a way that students from adjacent residential areas can have easy access to the facilities.
2. School sites should be located in areas that are free from health or safety hazards and protected against noise, air pollution or odors.
3. The site shall meet the following access requirements:
 - a. Elementary Schools – should access local or collector streets.
 - b. Junior High Schools – should access collector streets.
 - c. High Schools – should access collector or minor arterial streets.
 - d. School sites shall be connected to residential development by sidewalks, walkways and bike paths in order to facilitate safe pedestrian movement.
 - e. School sites should be located in areas where water and sewer service are available.

B. Acreage and Dimension.

1. An elementary school site should be at least 15 acres of usable land. The site shall be able to accommodate a school building approximately 450 feet of frontage and 450 feet in depth; play field area of 7.0 acres and parking in front and on both sides of the school. The recommended site is rectangular in shape with 600 feet of frontage and 1,089 feet in depth.
2. A junior high school site should be at least 25 acres of usable land. The site shall be able to accommodate a school building of approximately 400 feet of frontage and 450 feet of depth; parking in the front and on the side of the school building; and a play field area of 15 acres. The recommended site is rectangular in shape with 1,000 feet of frontage and 1,089 feet in depth.
3. A high school site should be at least 50 acres of usable land. The site should be able to accommodate a school building of approximately 600 feet of frontage and 550 feet depth; parking for 1,400 cars and appropriate service roads and play field of approximately 30 acres. The recommended site is rectangular in shape with 1,500 feet of frontage and 1,452 feet in depth.

4. Acres per Student Standards

<u>Grades</u>	<u>Acres</u>	<u>Students</u>	<u>Acres/Student</u>
K-6	15	847	.018
7-9	25	1343	.019
10-12	50	2415	.02

5. DESCRIPTION OF MODELING PROCESS

The school site impact assessment formula described herein contains a series of components. Certain components have established values that are uniformly applied based upon generally accepted standards. The development of the pupil population per unit component involves a thorough analysis of both population characteristics in Hillsborough County and appropriate national standards. This analysis is based on information developed by the Hillsborough County City-County Planning Commission. On an annual basis, the County Administrator shall evaluate the accuracy of the analysis process and make recommendations to the Board relating to such changes as are necessary to ensure the accurate operation of the formula described herein. Should the results of said analysis indicate the need for amendment of provisions of this Ordinance, said amendments shall be accomplished in accordance with those procedures established for amendment of the Ordinances.

6. SCHOOL SITE IMPACT ASSESSMENT FORMULA

All residential development generating an impact on the school system shall remit to the County an impact assessment. The impact assessment shall be in the form of dedication of land, payment of impact fees or a combination of both as described in (Article 9, Subsection D.7., below.) However, dedication of land is the primary and preferable method of satisfying school site impacts and the County may require such dedication, in addition to or rather than, payment of school site impact fees. The impact assessment shall be determined by utilizing the formula described below.

A. Dedication Formula.

1. For each size of dwelling unit as determined by the number of bedrooms, the number of dwelling units is multiplied by the student generation rate for each category of school to give the number of students for each category.
2. The number of students for each category of school is multiplied by the acres per student standard for each category of school, as described in (Article 9, Subsection D.4., above), to give the acres of land necessary for dedication in each school category.
3. Total number of required acres for the development is established by adding the number of acres required for each school category.

B. Impact Fee Formula.

1. For each type and size of dwelling unit as determined by the number of bedrooms, the number of dwelling units is multiplied by the student generation rate for each category of school to give the number of students for each category.
2. The number of students for each category of school is multiplied by the acres per student standard for each category of school as described in (Article 9, Subsection D.4.), to give the acres of land necessary for dedication in each school category.
3. Total number of required acres for the development is established by adding the number of acres required for each school category.
4. The number of acres for each school category multiplied by the cost per acre for school property, as established in School Site Appendix A, equals the total impact assessment for a subdivision.
5. The bedroom number described in (Article 9., Subsection D.6.A.1.) shall be utilized to permit the calculations of total student population for purposes of calculating total dedication requirements.

For purposes of this section, the student generation ratio applicable to particular dwelling types is hereby found to be as depicted in School Site Appendix B.

7. **SCHOOL SITE IMPACT ASSESSMENT MEANS OF COMPLIANCE.** In considering whether or not dedication would be an appropriate substitute, the Board shall utilize the following:

1. **Size.** The required acreage for each school category is described in (Article 9, Subsection D.4.B.4.)
2. **Suitability for buildings.** Soil test boring results shall be furnished.
3. **Utilities.** The Board shall review the location of the proposed site in order to ensure that electricity, water, and sewer disposal are available or that provisions for installation of on-site utilities can be made.
4. **Protection.** The Board shall review the location of the proposed site in order to ensure that adequate fire and police protection will be available.
5. **Roads and Streets.** The Board shall evaluate the service level of those roads and streets providing access to the site in order to ensure that increased levels of traffic generated by the site can be adequately handled without creating risk to the students or those individuals traveling to the site. The Board shall also evaluate the location and design of access points in order to ensure that adequate access can be maintained to the site.
6. **Sidewalks.** The Board shall review the location of the proposed site in order to ensure that sidewalks can be constructed to serve the site in a location that does not pose a potential threat to students utilizing the sidewalks.
7. **Drainage.** The Board shall evaluate existing drainage conditions on site to ensure that improvement of the property can be accomplished without creating the need for extensive and costly drainage improvements.
8. **Traffic Controls and Safety Devices.** The Board shall ensure that the site is appropriately located with reference to existing and proposed traffic control and safety devices. The Board shall also ensure that necessary traffic control and safety devices will be installed on site.
9. **Flood Plain Areas.** Proposed site shall not be located in the one hundred (100) year flood plain or high hazard coastal zones without fulfilling the requirements of the appropriate federal standards. Sites shall not be located in these areas if other appropriate sites are available.
10. **Design Criteria.** Site shall be of sufficient size and appropriate configuration in order to ensure that bus drives, service drives, other vehicular drives, as well as bus turn-ins can be located on site in a manner consistent with the requirements of state codes and regulations.
11. **Jurisdictional Areas.** Site shall not be located entirely within Environmental Protection Commission or Department of Environmental Regulation jurisdictional areas, or in designated conservation or preservation areas.
12. **Wildlife Habitats.** A person desiring to dedicate part or all of a school site shall provide evidence of having the proposed school site surveyed by appropriate agencies to determine the presence or lack of essential or significant wildlife habitat, as defined by applicable law, existing on the proposed site. A proposed school site containing essential or significant wildlife habitat under the jurisdiction of regulatory agencies is not acceptable for dedication.

8. CRITERIA FOR DATE OF SCHOOL SITE DEDICATION

1. If it is determined by the School Board that the school site will be utilized within five years of dedication, the School Board shall set a date for acceptance of the deed, and, the procedures set out in Subsection 9., below, shall be followed.
2. If it is determined by the School Board that the school site will be utilized within ten years of dedication, the developer shall deposit a deed with the Board to be held in escrow until such time as the School Board shall request the deed.
3. All deeds held in escrow by the County shall be returned to the developer if no request is made by the School Board within the ten-year time period.
4. Return of a deed shall not entitle a developer to violate any land use or other regulation in force in the County.

9. PROCEDURE FOR DEEDING SCHOOL SITES TO THE SCHOOL BOARD

1. The delivery to the School Board of a complete and current abstract of title together with a title insurance commitment, including the commitment to ensure as to matters of survey, including boundary survey and a legal description, to ensure said property in a sum agreed to by the County, the School Board and the developer prior to the delivery to the School Board of a deed with sufficient funds for recording same.
2. The delivery to the School Board of a warranty deed conveying all right, title and interest in the described property.
3. The escrow of taxes for the current year pursuant to appropriate Florida statutes.
4. The issuance of a title insurance policy subsequent to recording of the warranty deed and escrow of taxes.
5. The delivery to the School Board of a current letter of Environmental Protection Commission Jurisdictional Review.
6. All documents shall be in a form approved by the County and the School Board of Hillsborough County.

SECTION E. FIRE SERVICE DATA AND APPENDICES

(From Ord. No. 88-23, as amended prior to Ord. No. 96-)

1. RECITALS

WHEREAS, the Board of County Commissioners of Hillsborough County has the authority pursuant to Article VIII, Florida Constitution of 1968, Chapter 125, Florida Statutes; and Chapter 75-390, Laws of Florida (1975), as amended, to adopt a fire service impact assessment program; and,

WHEREAS, the Board of County Commissioners of Hillsborough County is empowered pursuant to Article VIII of the Florida Constitution of 1968, Chapter 125, Florida Statutes; and Chapter 75-390, Laws of Florida, (1975), as amended, to adopt ordinances relating to budgeting and expenditure of County funds; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has conducted public hearings relating to the passage of the Ordinance establishing the fire service impact assessment program and adopted the same as Hillsborough County Ordinance No. 88-23; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has found it to be in the public interest to amend Hillsborough County Ordinance No. 88-23 and has subsequent to its enactment, amended it; and,

WHEREAS, the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County, Florida, contains goals, objectives and policies, providing that future development shall pay for some portion of the cost of capital improvements necessitated by its impact, pursuant to the County's impact fee ordinances; and,

2. FINDINGS AND CONCLUSIONS

Based upon the evidence received during the public hearing conducted on this Ordinance, the Board of County Commissioners of Hillsborough County propounds the following findings and conclusions:

A. Projections indicate that the population of the unincorporated area of Hillsborough County will increase by over one hundred percent (100%) during the next twenty-five (25) years; and,

B. The increase in population will directly and adversely impact the existing fire service network located within Hillsborough County; and,

C. In order to accommodate the needs of the existing population and the impact of the projected population, the fire service network will have to be expanded; and,

D. The sources of revenue presently available to Hillsborough County will be inadequate to totally fund the costs of acquisition of additional fire service property, the construction of fire stations and acquisition of capital equipment required to accommodate the needs of the existing population and the impact of the projected population; and,

E. The Hillsborough County Comprehensive Plan is intended to establish a policy framework within which the Board of County Commissioners may adopt appropriate regulations designed to manage growth in a manner consistent with the population projections described above and to ensure that capital improvement programming and delivery of services in Hillsborough County is responsive to the demands of projected growth; and,

F. In order to implement the Comprehensive Plan, it is essential that Hillsborough County develop capital improvement programs consistent with the terms of the Comprehensive Plan and sensitive to the described population projections; and,

G. If Hillsborough County is unable to fund the acquisition of additional fire service properties, to construct the required capital improvements and to acquire capital equipment, the fire service network will be inadequate to accommodate the needs of the increased population; and,

H. It is essential that Hillsborough County adopt an equitable mechanism for acquiring the dedication of fire service property, construction of stations and acquisition of capital equipment or payment of a fire service impact assessment; and,

I. It is essential that Hillsborough County adopt an equitable mechanism for assessing a portion of the costs of the capital improvements and equipment required to expand the fire service network; and,

J. The impact assessment formula contained herein represents a composite of factors that fairly and equitably approximate the impact of development on the fire service network; and,

K. The number and configuration of fire service impact zones and associated budgetary controls contained herein ensure that the expenditure of funds to provide fire service property, capital improvements and capital equipment will be controlled so as to provide a benefit to the development generating the impact.

3. PURPOSE

The Board of County Commissioners of Hillsborough County has determined that the provision of adequate fire service facilities is an essential public service. In order to ensure that existing and future residents of Hillsborough County have adequate fire service facilities to service the needs of the growing community, the Board of County Commissioners of Hillsborough County must create a program providing for construction and equipping of additional fire stations to meet future needs.

The Comprehensive Plan adopted by the Board of County Commissioners of Hillsborough County recognizes the need for regulations which implement the growth management concepts contained herein. A key concept is the coordination of capital improvements with growth.

A coordinated effort to achieve that goal establishes a foundation upon which a program of improvements to accommodate the impact of new growth may be structured. The Board of County Commissioners recognizes that the development of land uses results in increased demands on the fire service network. Increasing the number of fire stations in order to serve the needs of the growing population is a recognized responsibility of government and is in the best interest of the public health, safety and welfare. An objective of this Ordinance is to create a mechanism whereby development may be assessed a pro rata share of its economic impact on the fire service network. The impact assessment formula contained in this Ordinance is sensitive to the type of land use involved.

As an alternative to payment of an assessment, this Ordinance provides the options of dedicating fire service property, constructing fire stations and equipping fire stations. The decision as to whether or not such dedication, construction or equipping will be accepted shall be based upon the application of a series of standards that are intended to apply uniformly.

The revenues collected through the impact assessment shall be utilized to meet the capital costs inherent in purchase of additional fire service property, construction and equipping of required fire stations. It is not the purpose of this Ordinance to collect any money from new development in excess of that amount which bears a rational nexus to the impact of the development on the fire service network. The revenues shall be allocated to meet the capital costs incident to the fire service needs resulting from new construction which allocation shall occur within the geographic area of the demonstrable impact and concomitant benefit.

In order to ensure that the impact assessment formula contained in this Ordinance remains sensitive to the changing demographics of Hillsborough County, the Board of County Commissioners recognizes its responsibility to annually evaluate said formula and to affect such changes as are required to accommodate changes in growth patterns.

It is the purpose of this Ordinance to continue to allow growth in Hillsborough County but to do so in a manner which requires development causing impact on the fire service network to share a portion of the financial burden resulting from those impacts. The end result of such an equitable balance of costs is a fire service network which operates efficiently and accommodates the demands generated by the growth.

This effort is one which involves the participation of new development through the payment of the fire service site impact assessment and/or dedication and construction. Such a regulation is both consistent with the goals, policies and objectives of the adopted Comprehensive Plan and consistent with sound planning practices related to growth management. Furthermore, it is the intent of the Board of County Commissioners that this Ordinance be a component of the overall County effort to implement a managed growth program, as contemplated in the Comprehensive Plan and as such this Ordinance and program furthers the protection and promotion of public health, safety and welfare in Hillsborough County.

4. UNIFORM SERVICE LEVEL

The fire service standards utilized herein are expressed as the costs of establishing existing capital facilities for fire service per capita. It is assumed that the population of new growth will have the same level of fire service currently provided to the existing population of unincorporated Hillsborough County. Based on the analysis of existing peak population of unincorporated Hillsborough County as provided by the Bureau of Economic and Business Research University of Florida, 1987, and "Population Projections", Hillsborough County City-County Planning Commission, December 1986, the peak population of unincorporated Hillsborough County in 1986 was 559,225. The value of the fire service facilities which served the peak 1986 population of unincorporated Hillsborough County was \$18,831,000. These figures are based on current construction and acquisition costs. The cost per capita is determined by dividing the value of the fire service facilities by the peak unincorporated population. This per capita cost is \$33.67.

Based on the Capital Improvement Element of the Comprehensive Plan, the present service level in terms of fire service capital facilities is one 2-bay fire station per 4,100 equivalent dwelling units.

The factors making up this uniform service level shall be reviewed and updated annually by the County Administrator.

The Board hereby recognizes that the above stated service standards for fire service furthers a valid public purpose based in the public health, safety and welfare.

5. DESCRIPTION OF THE MODEL FOR DETERMINING THE IMPACT OF DEVELOPMENT ON THE FIRE SERVICE NETWORK

- A. A basic ingredient of an impact assessment Ordinance is the impact assessment formula. The formula provides a mechanism whereby the impact of a specific development proposal may be translated into the need for fire service capital facilities.

The Fire Service Impact Assessment formula described herein contains a series of components. Certain components have established values that are uniformly applied based upon generally accepted standards. This formula is based on the assumption that the more people present at a land use site, the greater the demand for fire protection.

- B. The model for determining the impact fees for the various land use type uses the following formula:

1. For residential land use type, the average daily population per dwelling unit is presumed to be 2,727 persons.
2. For non-residential land use types, the fee per unit shall be based on the formula iterated below. Daily trip generation rate data will be used in this section to establish the daily population at non-residential developments per 1,000 square feet of structure. Trip Generation Rates are to be based on the Trip Ends Generation Report published by the Institute of Transportation Engineers, as amended. A table specifying the effective population parameters and specific land use types for the purpose of this section is incorporated as Fire Service Appendix A.
3. The formula for determining the daily population per 1,000 square feet for each non-residential land use type are as follows:

$$\text{Average Trips to and from Land Use}/2 = \text{Number of Demand Units}$$

$$\text{Number of Demand Units} \times \text{Occupancy per Vehicle} = \text{Daily Population}$$

4. The formula also further refines the population data by land use type to eliminate over-counting of population and to adjust for time spent at a particular land use type.
 - a. For residential population, it is assumed that occupants of an individual residence will, on the average, spend 50% of their time at their residences per week.
 - b. For non-residential population, the population per day divided between employees and visitors and adjusted for specific time allocations. (Also in Fire Service Appendix C.)
 - c. The formulas for determining the daily time allocation per 1,000 square feet for each non-residential land use type are as follows:

$$\text{Number of Employees} \times \text{Hours Per Employee} \times \text{Number of Days Open Per Week} = \text{Total Employee Hours Per Week}$$

Number of Visitors x Hours Per Visitor x Number of Days Open Per Week =
Total Visitor Hours Per Week

Total Number of Employees Hours Per Week + Number of Visitors Hours per
Week = Total Number of Person Hours Per Week

Number of Employees Per Day + Number of Visitors Per Day x Number of
Hours Open Per Day x Number of Days Open Per Week = Number of Person
Hours in Need of Service

Total Number of Persons Hours Per Week/Number of Person Hours in Need of
Service = Time Allocation

- d. The formula then adjusts this information for proportionality that is adjusting expected provision of services against the actual provision of services to bring the attribution of capital costs into accord with the actual distribution of the individual services. The table specifying the fire service capital costs by land use type is included in Fire Service Appendix E.

The formula for determining proportionality for each land use type is as follows:

Number of Demand Units x Time Allocation x Percentage of Actual Fire Service
= Proportionality

- e. The formula then projects the cost of existing fire service capital facilities and equipment to new development by land use type. For residential land uses, the cost is on a per unit basis. For nonresidential land uses, is allocated on a per 1,000 square feet of structure basis. The table specifying the fire service capital costs by land use type is included in Fire Service Appendix E. The fire service capital costs and the per capita cost are defined in Sec. 4, above, Uniform Service Level of this section.

The costs for new residential development are allocated on a per unit basis. The costs for new nonresidential development are allocated per 1,000 square feet of structure per land use type. The formula for attributing the fire service capital costs to new development is as follows:

Proportionality x Per Capita Costs x Time Allocation x Persons Per Day = Fire
Service Cost Attributable to New Development

- f. In recognition of past and future ad valorem tax contributions, the model finally adjusts the fire service cost attributable to new development.

Fire Service Cost Attributable to New Development x 85% = Fire Impact Fee
assessment.

6. CRITERIA FOR LAND DEDICATION

In making a determination as to whether or not to accept the dedication, the Board shall consider the following factors:

The Size and Condition of the Land.

- a. The site shall be a minimum of two acres in size. The site shall accommodate a two bay fire station. The site shall consist of approximately 250 feet of frontage and 250 feet in depth.
- b. Suitability for building: Soil test boring results shall be furnished at the applicant's cost. Soil shall be suitable for construction of fire station and driveways for large fire vehicles with minimal site preparation.
- c. Utilities: Electrical, water and wastewater services shall be available at minimal cost to the County and shall meet all appropriate State and local regulations. Commitments to such service shall be made by the utilities before acceptance of the property by the County.
- d. Design criteria: The site shall be of appropriate configuration in order to ensure that large fire service vehicles have sufficient turning radius.
- e. Configuration shall be a regular shape.
- f. No part of the site shall be located within the jurisdictional areas of the Environmental Protection Commission or Department of Environmental Protection or in designated conservation or preservation area.
- g. New service facilities shall not be located in the 100-year flood area, except in cases of overriding public interest, in which cases said facilities should be elevated or flood-proofed to the 100-year flood elevation, if at all possible.
- h. The site shall have frontage on an arterial or major collector street. Sides and back may be on local streets. Under no circumstances shall the site front on a local street.
- i. The site shall also be located within the same fire service impact zone as the development which generated the assessment.
- j. The site shall be located within an eighth (1/8) mile of the intersection of two arterial streets or an arterial and a major collector or two major collectors.

If after the application of the above stated review criteria, the Board determines that it is appropriate to accept the offer of dedication of fire service property, then the Applicant shall, thereafter, dedicate the amount of property for fire service purposes in accordance with the provisions of (Article 8, Section J.). The location of the fire service property within the perimeter of a development shall be determined by the Board of County Commissioners based upon the review and recommendation of the County Administrator. In making his recommendation, the County Administrator shall employ the factors described above, criteria contained in local land development regulations, as well as other standard fire planning principles.

- C.** The fire service impact assessment may also be accomplished by developing a plan to construct a fire station either on property dedicated by the applicant or on County-owned property within the same fire service impact zone of the development which generated the assessment. The fire station must be constructed in accordance with the service standards contained herein as Fire Service Appendix F. The Board shall review and approve the construction plan and shall establish the construction time frame based upon the County Administrator's recommendations. The applicant shall post with the County a surety bond, letter of credit, escrow agreement, or other instrument of assurance for purposes of guaranteeing the completion of required construction within the determined time frames. In no event shall the required time frame for construction be less than one year (1) or more than three years, unless the Board finds that a longer period is appropriate based upon the development's anticipated build-out of occupancy schedule.

If this alternative is selected, the applicant shall, in conjunction with the County Administrator, develop an improvement plan for the proposed fire service site which shall detail the improvements that are required to be constructed, in accordance with the service standards contained herein and shall include a construction time frame. The Board shall review and approve the improvement plan and shall establish the construction time frame based upon a review of the nature of the required fire service improvements and comparable County construction time frames.

- D.** The fire service impact assessment may also be accomplished by the donation of fire apparatus for an existing or proposed fire station of type and quality in accordance with the standards contained herein as Fire Service Appendix G. If this alternative is selected, the applicant shall, in conjunction with the County Administrator, develop an acquisition plan which shall detail the items to be purchased in accordance with the service standards contained herein and a time frame for purchase and delivery. The Board shall review and approve the improvement plan and shall establish the construction time frame based upon a review of the nature of the required fire service improvements and comparable County construction time frames.
- E.** If the Board of County Commissioners does not accept the offer of dedication of property, construction of a fire station or donation of fire apparatus then the applicant shall be required to pay a specific impact fee amount for each residential unit constructed or per 1,000 square feet of non-residential construction. The amount of fire service impact assessment for units will be determined using the fee schedule incorporated as Fire Service Appendix H. The time of payment of the fire service impact assessment shall be as set forth in Article 8, Section J.
- F.** Consideration of total development impact at the point in time that required dedication, construction or purchase occurs is based upon the proposed population of the project. The population projections are a function of total peak population by land use type. Therefore, applicants shall describe the number and type of units proposed using the categories and population parameters in Fire Service Appendix A.

Section F. AFFORDABLE HOUSING RELIEF DATA

(From Ord. No. 92-12, as amended prior to Ord. No. 96-___.)

1. RECITALS:

WHEREAS, the Florida Legislature has identified affordable housing as a legitimate governmental interest and has endorsed, as a matter of public purpose, special programs which stimulate private industry to produce housing as referenced in Section 420.601 et seq, The Florida Affordable Housing Act; and,

WHEREAS, the State Comprehensive Plan, Section 187.201(5)(b)3, Florida Statutes, specifically identifies “providing incentives to the private sector” as a legitimate means of increasing the supply of safe, affordable and sanitary housing for low income persons; and,

WHEREAS, Chapter 125, Florida Statutes, and the Home Rule Charter of Hillsborough County, Section 4.01, authorize the Board to exercise the responsibilities and powers of local self-government not inconsistent with general or special law or with the Charter; and,

WHEREAS, Chapter 163.3177(6)(f)(4), Florida Statutes, requires local governments to adopt comprehensive plans which include, among other things, a housing element which makes provision for adequate sites for future housing, including housing for low income and moderate income families.

WHEREAS, Rule 9J-5.010(3)(b), Florida Administrative Code, requires local comprehensive plans to include in their Housing Element objectives which provide for, among other things:

1. Adequate and affordable housing for the existing population, anticipated population growth, and households with special housing needs; and,
2. Adequate sites for housing low and moderate income families.

WHEREAS, the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County, Florida, in the Land Use Element, Housing Element and Economically Disadvantaged Groups Element contains goals, objectives and policies designed to promote, encourage, and provide incentives for affordable housing; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has conducted public hearings relating to the passage of the Hillsborough County Impact Fee Relief Program; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has received public testimony, staff recommendations, documentary materials and other evidence relating to:

1. The contribution of impact fees to housing affordability problems for certain low income persons in Hillsborough County;
2. Studies of the local housing market showing the need for safe, decent, and sanitary housing which is affordable to low income persons.

WHEREAS, the Board of County Commissioners of Hillsborough County has deemed that the relief from impact fees for housing of low income persons is a legitimate interest and will promote the public health and safety;

WHEREAS, the Board of County Commissioners of Hillsborough County has determined that a funding source for such impact relief should be more specifically identified; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has determined that it should have specific controls over its maximum exposure to funding impact fee relief;

WHEREAS, the Board of County Commissioners of Hillsborough County has found it to be in the public interest to amend Hillsborough County Ordinance NO. 92-12, and has subsequent to its enactment amended it;

2. FINDINGS AND CONCLUSIONS

Based upon the evidence received during the public meetings and hearings conducted on the topics covered in this ordinance, the Board of County Commissioners of Hillsborough County propounds the following findings and conclusions:

- A.** An impact fee waiver program which lowers the cost of housing units to low-income persons furthers Hillsborough County's legitimate interest in increasing the affordability of housing for such persons.
- B.** Studies of local housing market reveal a need for safe, decent, and sanitary housing which is affordable to low-income persons.
- C.** Impact fees have contributed to housing affordability problems for certain low-income persons in Hillsborough County.
- D.** Waiver of general governmental impact fees for certain types of housing units for low-income persons qualified by income verification can be expected to promote the availability and affordability of housing to the target group of low-income persons.

**ROADWAYS IN UNINCORPORATED HILLSBOROUGH COUNTY
OPERATING AT BELOW LEVEL OF SERVICES "D":***

Page 1 of 2

FACILITY STATE RESPONSIBILITY	FROM	TO	VOLUME	CAPACITY	VC RATIO
Dale Mabry Highway	Hillsborough Avenue	Northdale Boulevard	59,920	36,000	1.66
SR 580	Pinellas County	Memorial Highway	25,630	15,700	1.63
US 41	US 41 Apex	Pasco County	23,800	15,700	1.52
Eisenhower Boulevard	Tampa City Limits	Memorial Highway	94,440	69,600	1.36
Hillsborough Avenue	Eisenhower Boulevard	Tampa City Limits	48,650	36,000	1.35
US 301	I-4	Harney Road	20,000	15,700	1.27
Nebraska Avenue	Fletcher Avenue	US 41 Apex	19,630	15,700	1.25
SR 60	US 301	Kings Avenue	43,690	36,000	1.21
Busch Boulevard	Dale Mabry Highway	Armenia Avenue	32,150	27,200	1.18
56 th Street	Sligh Avenue	Temple Terrace	39,270	36,000	1.09
Dr. Martin Luther King Jr. Blvd.	I-4	US 301	16,020	15,700	1.02
Fowler Avenue	56 th Street	I-75	15,760	15,700	1.00
US 301	SR 60	Broadway Avenue	35,620	36,000	0.99
22 nd Street Causeway	Tampa City Limits	US 41	15,460	15,700	0.98
US 301	Big Bend Road	Bloomington Avenue	15,420	15,700	0.98
Hillsborough Avenue	56 th Street	I-4	33,740	36,000	0.94
Dr. Martin Luther King Jr. Blvd.	US 301	CR 574	14,530	15,700	0.93
US 41	Riverview Road	N. of Madison Avenue	32,980	36,000	0.92
56 th Street	Hillsborough Avenue	Sligh Avenue	32,630	36,000	0.91

*Level of Services is based on an average daily condition.

**ROADWAY
Appendix "A"
Page 1 of 2**

**ROADWAYS IN UNINCORPORATED HILLSBOROUGH COUNTY
OPERATING AT BELOW LEVEL OF SERVICES 'D'***

FACILITY COUNTY RESPONSIBILITY	FROM	TO	VOLUME	CAPACITY	VC RATIO
	Hanley Road	Dale Mabry Highway	26,900	15,700	1.71
	Casey Road	Dale Mabry Highway	21,000	15,700	1.34
	Bruce B. Downs Blvd.	Fowler Avenue	19,450	15,700	1.24
	Fletcher Avenue	Nebraska Avenue	19,100	15,700	1.22
	Gunn Highway	Casey Road	18,020	15,700	1.15
	Broadway Avenue	Tampa City Limits	17,500	15,700	1.11
	Kings Avenue	Lumsden Road	16,990	15,700	1.08
	Hanley Road	Hillsborough Avenue	16,600	15,700	1.06
	Fletcher Avenue	50 th Street	16,060	15,700	1.02
	Bearss/Smither Road	Dale Mabry Highway	16,000	15,700	1.02
	Parsons Avenue	Oakfield Drive	15,900	15,700	1.01
	Himes Avenue	Hillsborough Avenue	15,770	15,700	1.00
	Anderson Road	Hillsborough Avenue	15,700	15,700	1.00
	Sheldon Road	Hillsborough Avenue	15,630	15,700	1.00
	56 th Street	Fowler Avenue	15,500	15,700	0.99
	Parsons Avenue	Windhorst Road	15,470	15,700	0.99
	Lithia/Pinecrest Road	Lumsden Road	15,160	15,700	0.97
	Waters Avenue	Sheldon Road	14,760	15,700	0.94
	Himes Avenue	Lambright Avenue	14,520	15,700	0.92

*Level of Services is based on an average daily condition

APPENDIX B

**ROADWAY GASOLINE TAX REVENUE FOR UNINCORPORATED
HILLSBOROUGH COUNTY**

FUNDING SOURCE	83-84	84-85	85-86	86-87	87-88	88-89	89-90	90-91	91-92	92-93	93-94	94-95	TOTAL
5 th & 6 th CENT Expwy Bond	6630074	6630074	6630074	6630074	6630074	6630074	6630074	6630074	6630074	6630074	6630074	6630074	
1960 Road debt	5671839	5104655	4537471	3970287	3403103	2835920	2268736	1701552	1134638	567184	0	0	
Maintenance	958235	958415	967125	969260	974820	983595	990488	995475	0	0	0	0	
Municipal Rds	0	0	0	0	0	0	0	850000	850000	850000	850000	850000	
Design/ROW	0	283502	562739	845263	1126075	1405280	1685429	1541524	2322853	2606445	2890037	2890037	
Capital Improve	0	283502	562739	845263	1126075	1405280	1685429	1541524	2322853	2606445	2890037	2890037	181591
7 th CENT Bond debt	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	
Salary & opp. exp.	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	
Capital Improve	88183	88183	88183	88183	88183	88183	88183	88183	88183	88183	88183	88183	
9 th CENT Rd	0	0	0	0	0	0	0	0	0	0	0	0	
Resurfacing	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	
Capital Improve	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	
4 CENT LOCAL OPT	2201992	2210786	2219614	2284780	2237378	2246313	2255284	2263587	2271760	2280044	2288328	2296612	
Resurfacing	2201992	2210786	2219614	2284788	2237378	2246313	2255284	2263587	2271760	2280044	2288328	2296612	
Capital Improve	0	0	0	0	0	0	0	0	0	0	0	0	
4 CENT LOCAL OPT Resurfacing	8401686	8916995	9338469	9860496	1040050	1094051	1148052	1202052	1256053	1310054	1364055	1418856	
Intersection imp	2000000	0	0	0	4	2	0	8	6	4	2	0	
Rd reconstruct	785000	1123000	1123000	1123000	1123000	650000	650000	850000	850000	850000	850000	850000	
Drainage	0	270000	270000	270000	270000	250000	250000	450000	450000	450000	450000	450000	
edge placement	700000	180000	100000	100000	100000	400000	400000	600000	600000	600000	600000	600000	
Sidewalks	500000	350000	350000	350000	350000	400000	400000	600000	600000	600000	600000	600000	
Rd widen	0	0	0	0	0	200000	200000	200000	300000	300000	300000	300000	1800
Capital Improve	4426686	7073995	7495469	8017496	8557504	5040512	5580520	5120528	4668536	5200544	5740552	6288560	7318
FEDERAL REV SHARE	2805000	2805000	2805000	2805000	2805000	2500000							
Resurfacing	1350000	1350000	1350000	1350000	1350000	1350000							
Rd reconstruct	130000	130000	130000	130000	130000	130000							
Major Drainage	500000	500000	500000	500000	500000	500000							
Minor Drainage	225000	225000	225000	225000	225000	225000							
Participation pool	500000	500000	500000	500000	500000	500000							
Sidewalks	100000	100000	100000	100000	100000	100000							
Capital Improve	0	0	0	0	0	0							

TOTAL DESIGNS/ROW = 361
TOTAL CAPITAL = 731

**APPENDIX C
PROGRAMMED ROADWAY IMPROVEMENTS TO RESOLVE
EXISTING DEFICIENCIES**

PAGE 1 OF 2

FACILITY	FROM	TO	RESP GOV	REQUIRED IMPROVE.	COST (\$1000)	CONST.	REMAIN. COSTS
Dale Mabry Highway	Hillsborough Avenue	Northdale Boulevard	State	6L PAC	51,130		51,130
SR 580	Pinellas County	Memorial Highway	State	4LD	11,639		11,639
US 41	US 41 Apex	Pasco County	State	4LD	7,071		7,071
Eisenhower Boulevard	Tampa City Limits	Memorial Highway	State	6L PAC	1,800		1,800
Hillsborough Avenue	Eisenhower Boulevard	Tampa City Limits	State	6L PAC	1,159		1,159
US 301	I-4	Harney Road	State	4LD	5,293		5,293
Nebraska Avenue	Fletcher Avenue	US 41 Apex	State	4LD	6,346		6,346
SR 60	US 301	Kings Avenue	State	6LD	6,030	86-87 D	
Busch Boulevard	Dale Mabry Highway	Armenia Avenue	State	6LD	549		549
56 th Street	Sligh Avenue	Temple Terrace	State	6LD	1,760		1,760
Dr. Martin Luther King Jr. Blvd	I-4	US 301	State	4LD	3,173	88-89 M	
Fowler Avenue	56 th Street	I-75	State	4LD	3,726	87-88 M	
US 301	SR 60	Broadway Avenue	State	4LD	2,579		2,579
22 nd Street Causeway	Tampa City Limits	US 41	State	4LD	1,146	84-85 M	
US 301	Big Bend Road	Bloomington Avenue	State	4LD	12,991		12,991
Hillsborough Avenue	56 th Street	I-4	State	6LD	2,693		2,693
Dr. Martin Luther King Jr. Blvd	US 301	CR 574	State	4LD	7,096		7,096
US 41	Riverview Road	N. of Madison Avenue	State	6LD	5,270		5,270
56 th Street	Hillsborough Avenue	Sligh Avenue	State	6LD	1,546		1,546
SUBTOTAL					\$132,997		\$118,922

FACILITY	FROM	TO	RESP GOV	REQUIRED IMPROVE.	COST (\$1000)	CONST.	REMAIN. COSTS
Waters Avenue	Hanley Road	Dale Mabry Highway	County	4LD	7,635	87-88 4c	
Ehrlich Road	Casey Road	Dale Mabry Highway	County	4LD	1,576	85-86 5 & 6	
Bruce B. Downs Blvd.	Fowler Avenue	Skipper Road	County	4LD	3,930	85-86 B	
Fletcher Avenue	Nebraska Avenue	46 th Street	County	4LD	5,547	85-86 4c	
Gunn Highway	Casey Road	Dale Mabry Highway	County	4LD	2,385	85-86 B	
Broadway Avenue	Tampa City Limits	US 301	County	4LD	983	92-93 5 & 6	
Kings Avenue	Lumsden Road	SR 60	County	4LD	2,231	86-87 4c	
Hanley Road	Hillsborough Avenue	Channel G	County	4LD	2,371	86-87 4c	
Fletcher Avenue	50 th Street	56 th Street	County	4LD	1,085	85-86 4c	
Bearss/Smither Road	Dale Mabry Highway	Florida Avenue	County	4LD	6,917	86-87 4c	
Parsons Avenue	Oakfield Drive	Windhorst Road	County	4LD	3,787	86-87 4c	
Himes Avenue	Hillsborough Avenue	Lambright Avenue	County	4LD	1,597	87-88 5 & 6	
Anderson Road	Hillsborough Avenue	Waters Avenue	County	4LD	5,038	89-90 4c	
Sheldon Road	Memorial Highway	Waters Avenue	County	4LD	4,669	89-90 4c	
56 th Street	Fowler Avenue	Fletcher Avenue	County	4LD	1,719	85-86 B	
Parsons Avenue	Windhorst Road	SR 574	County	4LD	3,316	90-91 4c	
Lithia/Pinecrest Road	Lumsden Road	SR 60	County	4LD	2,784	91-92 4c	
Waters Avenue	Sheldon Road	Hanley Road	County	4LD	2,866	87-88 4c	
Himes Avenue	Lambright Avenue	Waters Avenue	County	4LD	2,702	87-88 5 & 6	
SUBTOTAL					\$60,436		
TOTAL					\$191,887		

NOTE:

- Roadways programmed for construction in either the 5 yr. Transportation Improvement Program or the 6 yr. County Capital Improvement Program and source of funding.
- The estimated cost to construct the roadway not currently programmed.
- The Florida Department of Transportation, in the current Transportation Improvement Program has programmed over \$86 million for capital improvements. Therefore, with the Metropolitan Planning Organization's support in prioritizing these deficiencies, FDOT can make the necessary improvements over the ten year time period.

APPENDIX D

IMPACT FEE FORMULA VARIABLES

TRIP GENERATION: The standard is the Trip Ends Generation Report by the Institute of Transportation Engineers as amended and other nationally recognized sources.

CAPACITY PER LANE MILE: An average daily lane capacity of 2, 4, and 6 lane collector and arterial roadways operating at level of service "D" as established by the Florida Department of Transportation (7,500 trips per day).

CONSTRUCTION COSTS:

- a. Based on the County's construction cost experience for urban (curb and gutter) and rural (swale or ditch) roadways. Rural roadways are determined to be the proportion of the road improvements identified on the Hillsborough County adopted Long Range Transportation Plan that falls in the suburban residential, rural residential and agricultural land use categories on the Comprehensive Plan for Hillsborough County. The percentages for rural/urban roadway by zone are as follows:

ZONE	% URBAN	% RURAL
1	89	11
2	62	38
3	0	100
4	85	15
5	18	82
6	0	100
7	100	0
8	100	0
9	82	18
10	100	0

- b. The construction cost for a lane mile of urban roadway is \$664,062. The construction cost for a lane mile of rural roadway is \$404,015. These costs will be reviewed and updated annually. (As amended in 89-03)

INTERSTATE THROUGH TRAFFIC AND LOCAL ROAD EXCLUSION: 5% and 10% (combined 15) of the total traffic is estimated to be for interstate through traffic (travel on the interstate in Hillsborough County which does not have a trip end in Hillsborough County) and local roadway as presented in the System Considerations for Urban Arterial Streets: An Information Report, ITE, Washington, D.C., October 1969.

TRANSPORTATION IMPACT GAS TAX CREDIT CALCULATION (Entire section as amended in 89-03):

PURPOSE:

To determine what portion of the gasoline taxes paid by new growth is used to provide new roadway capacity and thus should be credited against the transportation impact fees charged to new developments. These factors will be reviewed annually.

METHODOLOGY:

1. Determine the total gasoline tax paid to each jurisdiction (i.e., Federal/State and County) which may be available for construction of new capacity.
2. Determine what portions of gasoline taxes paid to each jurisdiction are used to provide new roadway capacity as opposed to maintenance functions, then further subdivide between funding for construction of roads listed in Exhibit C of Ordinance 86-5 as existing deficiencies and construction of roads for growth related to capacity.
3. Determine the gasoline tax credit based on estimated annual consumption for new development generated traffic.
4. Assume of gasoline taxers over 50 years (useful life of roadways) and discount (to consider impact of inflation over 50 years) to determine present value of gasoline taxes.

Step 1: Total Gasoline Taxes Collected:

A.	Federal/State: 9 cents and 5.7 cents	Total	14.7 cents
B.	County:		
	5 th and 6 th cent	=	2.0 cents
	Local Option (60% of 6 cents)	=	<u>3.6 cents</u>
		Total	5.6 cents

NOTE: All of the 7th and 9th cents collected by the County are used exclusively for maintenance and resurfacing activities.

Step 2: Determine Portion Use of Use of New Capacity Construction:

The following calculations are based on the review of each jurisdiction's Transportation Improvement Programs and a determination of which projects provide new (additional) capacity and which projects are maintenance or safety related and do not provide additional capacity. The "additional" capacity projects were then further subdivided into projects which corrected "existing deficiencies" (as identified in the Transportation and Right-of-Way Impact Fee Ordinances) and those which provide new capacity for growth. The ratio of the "additional" capacity projects to the Total Program is the percentage of total funding which should be credited against the transportation impact fees paid by new growth.

A. Federal/State

1. According to Steve Moon – FDOT Division of Planning and Programming, 7.7% of gas tax is used for administration/collection costs and are not available for either maintenance or new construction.

Therefore, $100\% - 7.7\% = 92.3\%$ available.

2. Based on FDOT 6 years work program dated February 1988, and MPO TIP dated May 1988:

* Non-interstate Projects	(1,000s)
New Capacity	\$ 71,390
Existing Deficiencies	<u>\$160,000</u>
Total	\$231,390

* Interstate System Projects	
New Capacity	\$ 94,224
Maintenance	<u>\$ 37,780</u>
Total	\$132,004

3. Summary:

Total	(\$231,390 + \$132,004)	\$363,394
New Capacity	(\$71,390 + \$94,224)	\$165,614

New Capacity Ratio = $\$165,614 / 363,394 = 45.6\%$

Therefore, to determine the cents per gallon credit for Federal/State gas taxes paid for additional capacity, the credit is equal to $45.6\% \times 92.3\% \times 14.7 \text{ cents} = 6.2 \text{ cents per gallon}$.

B. County

1. Based on Hillsborough County 5 Year County Capital Improvement Program dated July 15, 1988:

(100s)

New Capacity	\$28,179
Existing Deficiencies*	<u>\$30,805</u>
Total Available Funding for Road construction	\$58,984

$$\text{New Capacity Ratio} = \$28,179 / \$58,984 = 47.7\%$$

* Existing deficiencies are identified in Exhibit C of Ordinance 86-5.

2. Therefore, the County's portion of the gasoline tax credit for new capacity is equal to $47.7\% \times 5.6 \text{ cents} = 2.7 \text{ cents per gallon}$.

C. Total Credit = 6.2 cents + 2.7 cents = 8.9 cents per gallon.

Step 3: Determine Credit Based on Gallons per Year:

A. Average fleet gasoline consumption is 17.16 miles per gallon. (From City of Tampa Technical Consideration for a Transportation Impact Fee – February 1987)

B. Gasoline Tax Credit for a particular project (for 1 year) would be equal to:

$$[(\# \times \text{TGR} \times \text{TL}) \times (1 - \% \text{IT}) / (2 \times 17.16)] \times \$0.089 \times 365 \text{ days}$$

Where:

= number of units of development (i.e., dwelling units, square feet, rooms, etc.)

TGR = Trip Generation Rate

TL = Trip Length (from Sec. 14A)

%IT = As defined in Sec. 14B

Step 4: Determine Credit Over 50 years:

Credit is given for gasoline taxes paid by new development generated traffic over the next 50 years. However, because of inflation, gasoline taxes paid in the future would not have as much value as gasoline taxes today. Therefore, it is necessary to determine the "present value" of future gasoline tax revenues.

13.8 is the next present value factor at 8% over 50 years.

Therefore, the total credit for gasoline tax paid over 50 years is the annual credit (from Step 3 above) multiplied by 13.8 or:

$$\text{TOTAL CREDIT} = (\# \times \text{TGR} \times \text{TL} \times (1 - \% \text{IT}) / (2 \times 17.16) \times \$0.089 \times 365 \times 13.8$$

6. RIGHT-OF-WAY PERCENTAGES:

<u>ZONE</u>	<u>RATION OF R/W COST TO CONSTRUCTION COST</u>
1	37% *
2	37% **
3	37% **
4	40% *
5	37% *
6	37% *
7	27%
8	37% *
9	18% *
10	39% *

NOTES:

* Based on FY 88-89 through 93-94 5-Year Capital Improvement Work Program.

** Specific projects and costs have not been developed in these zones. Therefore, the R/W percentage is not the average of all other zones for which specific projects and estimated costs have been developed.

[Entire section as amended in 89-03]

APPENDIX E

TRIP LENGTH FOR TYPICAL LAND USES

The following trip lengths are based on data from the Tampa Urban Area Transportation Studies Long Range Transportation Plan and national sources. "General Category: The general categories shown below are intended to categorize trip lengths based on broad distinctions between use types. In the event that particular use is identified in the specific trip length table, below, the trip length accompanying the specific use shall apply. In those instances where a use, due to its unique nature, is not identified in the specific categories and cannot be categorized under any of the general classifications described below, the County Administrator shall make an independent determination pursuant to the terms of Section _____."

General Category	Trip Length (miles)
Residential (all)	9.4
Shopping	
Convenience (0 – 9,999 Sq. Ft. GLA)	0.45
Neighborhood (10,000 – 99,999 Sq. Ft. GLA)	0.9
Community (100,000 – 299,999 Sq. Ft. GLA)	3.0
Regional (300,000 - + Sq. Ft. GLA)	6.0
Office	
General	8.7
Park	8.7
Industrial	
General	8.7
Manufacturing	8.7
Warehousing	8.7
Mini Warehousing	3.0
Lodging	
Hotel/Motel	8.7

SPECIFIC CATEGORIES

<u>SIC</u>	<u>DESCRIPTION</u>	<u>TRIP LENGTH</u>
211-3999	Manufacturing	8.7
411	Railroad transportation (ex.4113)	8.7
4113	Railroad terminals (passenger)	8.7
421	Bus transportation (exc. 4212)	8.7
4212	Bus transportation terminals (local)	8.7
422	Motor freight transportation	8.7
429	Other motor vehicle transportation	8.7
431-439	Airports & flying fields	8.7
441-449	Marine terminals	8.7
471	Telephone communication	8.7
472	Telegraph communication	8.7
473	Radio communication	8.7
475	Radio & television communication (combined systems)	8.7
4812	Electronic generation plants	8.7
482	Gas utility	8.7
483	Water utilities & irrigation	8.7
4912	Petroleum pressure control stations	8.7
492	Transportation services and arrangements (ex. 4923)	8.7
4923	Travel arranging services	3.0
499	Other transportation, communications & utilities	8.7
511	Motor vehicles & automotive equipment wholesale	7.0
512	Drugs, chemicals, & allied products wholesale	7.0
513	Dry goods & apparel wholesale	7.0
514	Groceries & related products wholesale	7.0
515	Farm products (raw materials) wholesale	8.7
516	Electrical goods – wholesale	8.7
517	Hardware, plumbing, heating equipment, & supplies – wholesale	7.0
518	Machinery, equipment & supplies wholesale	8.7
519	Other wholesale trade	7.0
52	Retail trade – building materials, hardware & farm equipment	3.0
532	Mail order houses – retail	8.7
534	Merchandise vending machine operator – retail	8.7
54	Retail trade – food	0.9
--	Convenience store	0.45
551	Motor vehicles – retail	6.0
552	Tire, batteries & accessories – retail	6.0
559	Other retail trade – automotive, marine, craft, aircraft & accessories	6.0
567	Custom tailoring	6.0

568	Furriers & fur apparel	6.0
571	Furnishings, home furnishings & equipment – retail	6.0
572	Household appliance – retail	6.0
5931	Antiques – retail	6.0
5932	Secondhand merchandise – retail	3.0
5951	Sporting good – retail	3.0
5952	Bicycles – retail	6.0
5961	Hay, grains & feed – retail	6.0
5969	Other farm & garden supplies	3.0
598	Fuel & ice – retail	3.0
599	Other retail trade	3.0
612	Credit services	3.0
613	Security & commodity brokers, dealers, exchanges & services	6.0
6153	Title abstracting services	6.0
6154	Real Estate subdividing & development services	6.0
616	Holding & investment services	6.0
622	Photographic services	3.0
624	Funeral & crematory services	6.0
625	Apparel repair, alteration & cleaning, pick-up services, shoe repair services	3.0
63	Business services (except 6395)	6.0
639	Photo finishing services	3.0
641	Automobile repair & services	3.0
649	Other repair services	3.0
651	Medical & other health services	3.0
652	Legal services	6.0
659	Other professional services	6.0
661	General contract construction services	6.0
662	Special construction trade services	8.7
671	Executive, legislative & judicial functions	8.7
681	Nursery, primary & secondary education	3.0
683	Special training & schooling	6.0
691	Religious activities	3.0
7212	Motion picture theater	3.0
7213	Drive-in movies	3.0
7219	Other entertainment assembly	7.4
722	Sports assembly	7.4
729	Other public assembly	7.4
731	Fairgrounds & amusement parks	7.4
739	Other amusements	3.0
7411	Golf courses (without country clubs)	6.0
7412	Golf course (with country club)	7.4
7413	Tennis courts	3.0

7414	Ice skating	7.4
7415	Roller skating	3.0
7416	Riding stables	6.0
7423	Playfields or athletic fields	3.0
7424	Recreation centers (general)	3.0
7425	Gymnasiums & athletic clubs	6.0
7431	Swimming beaches	7.4
7432	Swimming pools (public)	3.0
744	Marinas	7.4
7491	Camping & picnic areas	7.4
751	Resorts	7.4
76	Parks – general recreation	3.0
81	Agriculture (trip producer)	8.7
821	Agricultural processing	8.7
822	Animal husbandry services	8.7
829	Other agricultural related activities	8.7
831	Commercial forestry production	8.7
832	Forestry services	8.7
841	Fisheries & marine products	8.7
842	Fishery services	8.7
851	Metal ore mining	8.7
853	Crude petroleum & natural gas	8.7
854	Mining & quarrying of non-metallic minerals	7.8
890	Other resource production & extraction	8.7
921	Forest reserves	7.4
855	Mining services	8.7

APPENDIX "F"

ZONAL BOUNDARY DESCRIPTION

- ZONE 1** Begin at Pinellas County Line at Railroad Track (located in T28, R17, S19) then easterly along the center of railroad track to Tampa City Limits; then northerly and easterly along Tampa City Limits to the north boundary line of T27, R19, S21; then due west to the west right-of-way line of I-275; then northerly along the west right-of-way line of I-275 to Pasco County Line; then west along Pasco County Line to Pinellas County Line; then south along Pinellas County Line to P.O.B.
- ZONE 2** Begin on Pasco County Line at I-275; then southerly along the east right-of-way line of I-275 to the north boundary line of T27, R19, S21; then east along said border to Tampa City Limits (annexation); then easterly along Tampa City Limits (annexation) to Morris Bridge Road; then generally westerly along Tampa City Limits (annexation) to Bruce B. Downs Boulevard; then southerly along Tampa City Limits (annexation) to Fletcher Avenue; then west along Tampa City Limits to 50th Street; then south and east along Tampa City Limits to the Temple Terrace City Limits; then easterly along said Tampa/Temple Terrace City Limits to Hillsborough River, then southerly along the Hillsborough River to Temple Terrace Highway; then east along the center line of Temple Terrace Highway to Harney Road; then northeasterly along the center line of Harney Road to a point at the due west extension of the center line of Joe Ebert Road; then easterly along said extension and the center line of Joe Ebert Road; to CR 579; then north along the center line of CR 579 to Skewlee Road; then east along the center line of Skewlee Road to Taylor Road; then north along the center line of Taylor Road to Thonotosassa-Plant City Road; then east along the center line of Thonotosassa-Plant City Road to MacIntosh Road; then north along the center line of MacIntosh Road to US 301; then northeasterly along the center line of US 301 to Pasco County Line; then westerly along Pasco County Line to P.O.B.
- ZONE 3** Begin on Pasco County Line at US 301; then southwestly along the center line of US 301 to MacIntosh Road; then south along the center line of MacIntosh to Thonotosassa-Plant city Road; then easterly along the center line of Thonotosassa-Plant City Road to Gallagher Road and a line due south of I-4; then easterly along north right-of-way line of I-4 (except that portion within Plant City) to Polk County Line; then north along Polk County Line to Pasco County; then west along Pasco County Line to P.O.B.

- ZONE 4** Begin on Hillsborough River at the Temple Terrace City Limits and Temple Terrace Highway; then southerly along Hillsborough River to a point north of the center line of 43rd Street; then run southerly along Tampa City Limits to SR 60; then easterly along the center line of SR 60 to Dove Road; then northerly along the center line of Dover Road to Sydney Road; then west along the center line of Sydney Road to Gallagher Road; then northerly along the center line of Gallagher Road to Thonotosassa-Plant City Road; then west along the center line of Thonotosassa-Plant city Road to Taylor Road; then south to Skewlee, then west to Cr 579; then south of Joe Ebert; then westerly along the center line of Joe Ebert Road and then due west along the extension of said road to Harney Road; then southwesterly along the center line of Harney Road to Temple Terrace Highway; then westerly along the center line of Temple Terrace Highway to P.O.B.
- ZONE 5** Begin at I-4 at Polk County Line; then westerly along the south right-of-way line of I-4 (excluding Plant City) to Gallagher Road; then south along the center line of Gallagher Road to Sydney Road; then east along the center line of Sydney Road to Dover Road; then south along the center line of Dover Road to SR 60; then east along the center line of SR 60 to Turkey Creek Road; then south along the center line of Turkey Creek Road and a line due south to the Alafia River; then east-southeasterly along the Alafia River to CR 39; then northeasterly along the center of Keysville Road to Nicholas Road, then easterly along the center line of Nicholas Road to the Polk County Line; then northerly along the Polk County Line to P.O.B.
- ZONE 6** Begin on Nicholas Road at the Polk County Line; then westerly along the center line of Nicholas Road to Keysville Road; then westerly along the center line of Keysville Road to CR 39; then southerly along the center line of CR 39 to the Alafia River; then westerly along the Alafia River to Bell Shoals Road; then south along the center line of Bell Shoals Road to Boyette Road; then southerly along the center line of Boyette Road; then southerly along the center line of Boyette Road to Boyette-Balm Road (CR 672); then southerly along the center line of Boyette-Balm Road to Balm Road (CR 672); then west to railroad track (located in T31, R20, S25); then southwesterly along said railroad track to Manatee County Line; then east along Manatee County Line to Polk County Line; then north along the Polk County Line to P.O.B.
- ZONE 7** Begin on SR 60 at US 301; then easterly along the center line of SR 60 to Turkey Creek Road; then south along the center line of Turkey Creek Road and a line due south to Alafia River (T30, R21, S14); then westerly along the Alafia River to Bell Shoals Road; then south along the center line of Bell Shoals Road to Boyette Road; then southeasterly along the center line of Boyette Road to Boyette-Balm Road; then southerly and westerly along the center line of Boyette-Balm Road to CR 672; then westerly along the center line of CR 672 to US 301; then northerly along the center line of US 301 to P.O.B.

- ZONE 8** Begin on Palm River Road and SR 60 at Tampa City Limits; then easterly along SR 60 to US 301; then southerly along the center line of US 301 to Big Bend Road; then west along the center line of Big Bend Road to the shores of Hillsborough Bay; then northerly along the shores of Hillsborough Bay to the Tampa City Limits Line; then run northeasterly along the City Limits to the P.O.B.
- ZONE 9** Begin on Big Bend Road at the shores of Hillsborough Bay; then east along the center line of Big Bend Road to US 301; then south along the center line of US 301 to Balm Road (CR 672); then easterly along the center line of Balm Road to railroad track (T30, R20, S25); then southwesterly along said track to Manatee County Line; then west along Manatee County Line to the shores of Tampa Bay; then run northeasterly along the shores of Tampa Bay to P.O.B.
- ZONE 10** Begin on Pinellas County Line at railroad track (T28, R17, S19); then easterly along said track to Tampa City Limits; then southerly along Tampa City Limits to Old Tampa Bay; then north along Pinellas County Line to P.O.B.

**ROADWAYS IN UNINCORPORATED HILLSBOROUGH COUNTY
OPERATING AT BELOW LEVEL OF SERVICES "D"***

Page 1 of 2

FACILITY STATE RESPONSIBILITY	FROM	TO	VOLUME	CAPACITY	VC RATIO
Dale Mabry Highway	Hillsborough Avenue	Northdale Boulevard	59,920	36,000	1.66
SR 580	Pinellas County	Memorial Highway	25,630	15,700	1.63
US 41	US 41 Apex	Pasco County	23,800	15,700	1.52
Eisenhower Boulevard	Tampa City Limits	Memorial Highway	94,440	69,600	1.36
Hillsborough Avenue	Eisenhower Boulevard	Tampa City Limits	48,650	36,000	1.35
US 301	I-4	Harney Road	20,000	15,700	1.27
Nebraska Avenue	Fletcher Avenue	US 41 Apex	19,630	15,700	1.25
SR 60	US 301	Kings Avenue	43,690	36,000	1.21
Busch Boulevard	Dale Mabry Highway	Armenia Avenue	32,150	27,200	1.18
56 th Street	Sligh Avenue	Temple Terrace	39,270	36,000	1.09
Dr. Martin L. King, Jr. Blvd	I-4	US 301	16,020	15,700	1.02
Fowler Avenue	56 th Street	I-75	15,760	15,700	1.00
US 301	SR 60	Broadway Avenue	35,620	36,000	0.99
22 nd Street Causeway	Tampa City Limits	US 41	15,460	15,700	0.98
US 301	Big Bend Road	Bloomington Avenue	15,420	15,700	0.98
Hillsborough Avenue	56 th Street	I-4	33,740	36,000	0.94
Dr. Martin L. King, Jr. Blvd.	US 301	CR 574	14,530	15,700	0.93
US 41	Riverview Road	N. of Madison Avenue	32,980	36,000	0.92
56 th Street	Hillsborough Avenue	Sligh Avenue	32,630	36,000	0.91

*Level of Service is based on an average daily condition

**ROADWAYS IN UNINCORPORATED HILLSBOROUGH COUNTY
OPERATING AT BELOW LEVEL OF SERVICES "D"***

FACILITY	STATE RESPONSIBILITY	FROM	TO	VOLUME	CAPACITY	VC RATIO
Waters Avenue		Hanley Road	Dale Mabry Highway	26,900	15,700	1.71
Ehrlich Road		Casey Road	Dale Mabry Highway	21,000	15,700	1.34
Bruce B. Downs Blvd.		Fowler Avenue	Skipper Road	19,450	15,700	1.24
Fletcher Avenue		Nebraska Avenue	46 th Street	19,100	15,700	1.22
Gunn Highway		Casey Road	Dale Mabry Highway	18,020	15,700	1.15
Broadway Avenue		Tampa City Limits	US 301	17,500	15,700	1.11
Kings Avenue		Lumsden Road	SR 60	16,990	15,700	1.08
Hanley Road		Hillsborough Avenue	Channel G	16,600	15,700	1.06
Fletcher Avenue		50 th Street	56 th Street	16,060	15,700	1.02
Bearss/Smitter Road		Dale Mabry Highway	Florida Avenue	16,000	15,700	1.02
Parsons Avenue		Oakfield Drive	Windhorst Road	15,900	15,700	1.01
Himes Avenue		Hillsborough Avenue	Lambright Avenue	15,770	15,700	1.00
Anderson Road		Hillsborough Avenue	Waters Avenue	15,700	15,700	1.00
Sheldon Road		Hillsborough Avenue	Waters Avenue	15,630	15,700	1.00
56 th Street		Fowler Avenue	Fletcher Avenue	15,500	15,700	0.99
Parsons Avenue		Windhorst Road	SR 574	15,470	15,700	0.99
Lithia/Pinecrest Road		Lumsden Road	SR 60	15,160	15,700	0.97
Waters Avenue		Sheldon Road	Hanley Road	14,760	15,700	0.94
Himes Avenue		Lambright Avenue	Waters Avenue	14,520	15,700	0.92

*Level of Service is based on an average daily condition.

APPENDIX B

**ROADWAY GASOLINE TAX REVENUE FOR UNINCORPORATED
HILLSBOROUGH COUNTY**

FUNDING SOURCE	83-84	84-85	85-86	86-87	87-88	88-89	89-90	90-91	91-92	92-93	93-94	94-95	TOTAL
5 th & 6 th CENT Expway	6630074	6630074	6630074	6630074	6630074	6630074	6630074	6630074	6630074	6630074	6630074	6630074	
Bond	5671839	5104655	4537471	3970287	3403103	2835920	2268736	1701552	1134638	567184	0	0	
1960 Road debt	958235	958415	967125	969260	974820	983595	990488	995475	0	0	0	0	
Maintenance	0	0	0	0	0	0	0	850000	850000	850000	850000	850000	
Municipal Rds	0	283502	562739	845263	1126075	1405280	1685429	1541524	2322853	2606445	2890037	2890037	
Design/ROW	0	283502	562739	845263	1126075	1405280	1685429	1541524	2322853	2606445	2890037	2890037	181591
Capital Improve	0	0	0	0	0	0	0	0	0	0	0	0	
7 th CENT Bond debt	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	3072350	
ser	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	2984167	
Salary & opp. exp.	88183	88183	88183	88183	88183	88183	88183	88183	88183	88183	88183	88183	
Capital Improve	0	0	0	0	0	0	0	0	0	0	0	0	
9 th CENT Rd	2201992	2210786	2219614	2284780	2237378	2246313	2255284	2263587	2271760	2280044	2288328	2296612	
Resurfacing	2201992	2210786	2219614	2284788	2237378	2246313	2255284	2263587	2271760	2280044	2288328	2296612	
Capital Improve	0	0	0	0	0	0	0	0	0	0	0	0	
4 CENT LOCAL OPT	8401686	8916995	9338469	9860496	1040050	1094051	1148052	1202052	1256053	1310054	1364055	1418856	
Resurfacing	2000000	0	0	0	4	2	0	8	6	4	2	0	
Intersection					0	2000000	2000000	2000000	2000000	2000000	2000000	2000000	
imp Rd	785000	1123000	1123000	1123000	1123000	650000	650000	850000	850000	850000	850000	850000	
reconstruct	0	270000	270000	270000	270000	250000	250000	450000	450000	450000	450000	450000	
Drainage	700000	180000	100000	100000	100000	400000	400000	600000	600000	600000	600000	600000	
idge													
placement	500000	350000	350000	350000	350000	400000	400000	600000	600000	600000	600000	600000	
Sidewalks	0	0	0	0	0	200000	200000	400000	400000	400000	400000	400000	
Rd widen	0	0	0	0	0	2000000	2000000	2000000	3000000	3000000	3000000	3000000	1800
Capital Improve	4426686	7073995	7495469	8017496	8557504	5040512	5580520	5120528	4668536	5200544	5740552	6288560	7318
FEDERAL REV SHARE	2805000	2805000	2805000	2805000	2805000	2500000							
Resurfacing	1350000	1350000	1350000	1350000	1350000	1350000							
Rd reconstruct	130000	130000	130000	130000	130000	130000							
Major Drainage	500000	500000	500000	500000	500000	500000							
Minor Drainage	225000	225000	225000	225000	225000	225000							
Participation pool	500000	500000	500000	500000	500000	500000							
Sidewalks	100000	100000	100000	100000	100000	100000							
Capital Improve	0	0	0	0	0	0							

TOTAL DESIGNS/ROW = 361
TOTAL CAPITAL = 731

**APPENDIX C
PROGRAMMED ROADWAY IMPROVEMENTS TO RESOLVE
EXISTING DEFICIENCIES**

FACILITY	FROM	TO	RESP GOV	REQUIRED IMPROVE.	COST (\$1000)	CONST.	REMAIN. COSTS
Dale Mabry Highway	Hillsborough Avenue	Northdale Boulevard	State	6L PAC	51,130		51,130
SR 580	Pinellas County	Memorial Highway	State	4LD	11,639		11,639
US 41	US 41 Apex	Pasco County	State	4LD	7,071		7,071
Eisenhower Boulevard	Tampa City Limits	Memorial Highway	State	6L PAC	1,800		1,800
Hillsborough Avenue	Eisenhower Boulevard	Tampa City Limits	State	6L PAC	1,159		1,159
US 301	I-4	Harney Road	State	4LD	5,293		5,293
Nebraska Avenue	Fletcher Avenue	US 41 Apex	State	4LD	6,346		6,346
SR 60	US 301	Kings Avenue	State	6LD	6,030	86-87 D	
Busch Boulevard	Dale Mabry Highway	Armenia Avenue	State	6LD	549		549
56 th Street	Sligh Avenue	Temple Terrace	State	6LD	1,760		1,760
Dr. Martin Luther King Jr. Blvd	I-4	US 301	State	4LD	3,173	88-89 M	
Fowler Avenue	56 th Street	I-75	State	4LD	3,726	87-88 M	
US 301	SR 60	Broadway Avenue	State	4LD	2,579		2,579
22 nd Street Causeway	Tampa City Limits	US 41	State	4LD	1,146	84-85 M	
US 301	Big Bend Road	Bloomingdale Avenue	State	4LD	12,991		12,991
Hillsborough Avenue	56 th Street	I-4	State	6LD	2,693		2,693
Dr. Martin Luther King Jr. Blvd	US 301	CR 574	State	4LD	7,096		7,096
US 41	Riverview Road	N. of Madison Avenue	State	6LD	5,270		5,270
56 th Street	Hillsborough Avenue	Sligh Avenue	State	6LD	1,546		1,546
				SUBTOTAL	\$132,997		\$118,922

FACILITY	FROM	TO	RESP GOV	REQUIRED IMPROVE.	COST (\$1000)	CONST.	REMAIN. COSTS
Waters Avenue	Hanley Road	Dale Mabry Highway	County	4LD	7,635	87-88 4c	
Ehrlich Road	Casey Road	Dale Mabry Highway	County	4LD	1,576	85-86 5 & 6	
Bruce B. Downs Blvd.	Fowler Avenue	Skipper Road	County	4LD	3,930	85-86 B	
Fletcher Avenue	Nebraska Avenue	46 th Street	County	4LD	5,547	85-86 4c	
Gunn Highway	Casey Road	Dale Mabry Highway	County	4LD	2,385	85-86 B	
Broadway Avenue	Tampa City Limits	US 301	County	4LD	983	92-93 5 & 6	
Kings Avenue	Lumsden Road	SR 60	County	4LD	2,231	86-87 4c	
Hanley Road	Hillsborough Avenue	Channel G	County	4LD	2,371	86-87 4c	
Fletcher Avenue	50 th Street	56 th Street	County	4LD	1,085	85-86 4c	
Bearss/Smitter Road	Dale Mabry Highway	Florida Avenue	County	4LD	6,917	86-87 4c	
Parsons Avenue	Oakfield Drive	Windhorst Road	County	4LD	3,787	86-87 4c	
Himes Avenue	Hillsborough Avenue	Lambright Avenue	County	4LD	1,597	87-88 5 & 6	
Anderson Road	Hillsborough Avenue	Waters Avenue	County	4LD	5,038	89-90 4c	
Sheldon Road	Memorial Highway	Waters Avenue	County	4LD	4,669	89-90 4c	
56 th Street	Fowler Avenue	Fletcher Avenue	County	4LD	1,719	85-86 B	
Parsons Avenue	Windhorst Road	SR 574	County	4LD	3,316	90-91 4c	
Lithia/Pinecrest Road	Lumsden Road	SR 60	County	4LD	2,784	91-92 4c	
Waters Avenue	Sheldon Road	Hanley Road	County	4LD	2,866	87-88 4c	
Himes Avenue	Lambright Avenue	Waters Avenue	County	4LD	2,702	87-88 5 & 6	
SUBTOTAL					\$60,436		
TOTAL					\$191,887		

NOTE:

4. Roadways programmed for construction in either the 5 yr. Transportation Improvement Program or the 6 yr. County Capital Improvement Program and source of funding.
5. The estimated cost to construct the roadway not currently programmed.
6. The Florida Department of Transportation, in the current Transportation Improvement Program has programmed over \$86 million for capital improvements. Therefore, with the Metropolitan Planning Organization's support in prioritizing these deficiencies, FDOT can make the necessary improvements over the ten year time period.

APPENDIX D

IMPACT FEE FORMULA VARIABLES

TRIP GENERATION: The standard is the Trip Ends Generation Report by the Institute of Transportation Engineers as amended and other nationally recognized sources.

CAPACITY PER LANE MILE: An average daily lane capacity of 2, 4, and 6 lane collector and arterial roadways operating at level of service "D" as established by the Florida Department of Transportation (7,500 trips per day).

CONSTRUCTION COSTS:

- a. Based on the County's construction cost experience for urban (curb and gutter) and rural (swale or ditch) roadways. Rural roadways are determined to be the proportion of the road improvements identified on the Hillsborough County adopted Long Range Transportation Plan that falls in the suburban residential, rural residential and agricultural land use categories on the Comprehensive Plan for Hillsborough County. The percentages for rural/urban roadway by zone are as follows:

ZONE	% URBAN	% RURAL
1	89	11
2	62	38
3	0	100
4	85	15
5	18	82
6	0	100
7	100	0
8	100	0
9	82	18
10	100	0

- b. The construction cost for a lane mile of urban roadway is \$664,062. The construction cost for a lane mile of rural roadway is \$404,015. The construction cost for a lane mile of rural roadway is \$404,015. These costs will be reviewed and updated annually. [As amended in 89-03]

INTERSTATE THROUGH TRAFFIC AND LOCAL ROAD EXCLUSION: 5% and 10% (combined 15) of the total traffic is estimated to be for interstate through traffic (travel on the interstate in Hillsborough County which does not have a trip end in Hillsborough County) and local roadway as presented in the System Considerations for Urban Arterial Streets: An Information Report, ITE, Washington, D.C., October 1969.

TRANSPORTATION IMPACT GAS TAX CREDIT CALCULATION [Entire section as amended in 89-03]:

PURPOSE:

To determine what portion of the gasoline taxes paid by new growth is used to provide new roadway capacity and thus should be credited against the transportation impact fees charged to new developments. These factors will be reviewed annually.

METHODOLOGY:

1. Determine the total gasoline tax paid to each jurisdiction (i.e., Federal/State and County) which may be available for construction of new capacity.
2. Determine what portions of gasoline taxes paid to each jurisdiction are used to provide new roadway capacity as opposed to maintenance functions, then further subdivide between funding for construction of roads listed in Exhibit C of Ordinance 86-5 as existing deficiencies and construction of roads for growth related to capacity.
3. Determine the gasoline tax credit based on estimated annual consumption for new development generated traffic.
4. Assume of gasoline taxers over 50 years (useful life of roadways) and discount (to consider impact of inflation over 50 years) to determine present value of gasoline taxes.

Step 1:	Total Gasoline Taxes Collected:	=	Total
A.	Federal/State: 9 cents and 5.7 cents	=	14.7 cents
B.	County: 5 th and 6 th cent	=	2.0 cents
	Local Option (60% of 6 cents)	=	<u>3.6 cents</u>
		Total	5.6 cents

NOTE: All of the 7th and 9th cents collected by the County are used exclusively for maintenance and resurfacing activities.

Step 2: Determine Portion Use of Use of New Capacity Construction:

The following calculations are based on the review of each jurisdiction's Transportation Improvement Programs and a determination of which projects provide new (additional) capacity and which projects are maintenance or safety related and do not provide additional capacity. The "additional" capacity projects were then further subdivided into projects which corrected "existing deficiencies" (as identified in the Transportation and Right-of-Way Impact Fee Ordinances) and those which provide new capacity for growth. The ratio of the "additional" capacity projects to the Total Program is the percentage of total funding which should be credited against the transportation impact fees paid by new growth.

A. Federal/State

1. According to Steve Moon – FDOT Division of Planning and Programming, 7.7% of gas tax is used for administration/collection costs and are not available for either maintenance or new construction.

Therefore, $100\% - 7.7\% = 92.3\%$ available

2. Based on FDOT 6 years work program dated February 1988, and MPO TIP dated May 1988:

* Non-interstate Projects	(1,000s)
New Capacity	\$ 71,390
Existing Deficiencies	<u>\$160,000</u>
Total	\$231,390
* Interstate System Projects	
New Capacity	\$ 94,224
Maintenance	<u>\$ 37,780</u>
Total	\$132,004

3. Summary:

Total	(\$231,390 + \$132,004)	\$363,394
New Capacity	(\$71,390 + \$94,224)	\$165,614

New Capacity Ratio = $\$165,614 / 363,394 = 45.6\%$

Therefore, to determine the cents per gallon credit for Federal/State gas taxes paid for additional capacity, the credit is equal to $45.6\% \times 92.3\% \times 14.7 \text{ cents} = 6.2 \text{ cents per gallon}$.

B. County

1. Based on Hillsborough County 5 Year County Capital Improvement Program dated July 15, 1988:

(100s)

New Capacity	\$28,179
Existing Deficiencies*	<u>\$30,805</u>
Total Available Funding for Road Construction	\$58,984

$$\text{New Capacity Ratio} = \$28,179 / \$58,984 = 47.7\%$$

* Existing deficiencies are identified in Exhibit C of Ordinance 86-5.

2. Therefore, the County's portion of the gasoline tax credit for new capacity is equal to $47.7\% \times 5.6 \text{ cents} = 2.7 \text{ cents per gallon}$.

C. Total Credit = 6.2 cents + 2.7 cents = 8.9 cents per gallon.

Step 3: Determine Credit Based on Gallons per Year:

A. Average fleet gasoline consumption is 17.16 miles per gallon. (From City of Tampa Technical Consideration for a Transportation Impact Fee - February, 1987)

B. Gasoline Tax Credit for a particular project (for 1 year) would be equal to:

$$[(\# \times \text{TGR} \times \text{TL}) \times (1 - \% \text{IT}) / (2 \times 17.16)] \times \$0.089 \times 365 \text{ days}$$

Where:

= number of units of development (i.e., dwelling units, square feet, rooms, etc.)

TGR = Trip Generation Rate

TL = Trip Length (from Sec. 14A)

%IT = As defined in Sec. 14B

Step 4: Determine Credit over 50 years:

Credit is given for gasoline taxes paid by new development generated traffic over the next 50 years. However, because of inflation, gasoline taxes paid in the future would not have as much value as gasoline taxes today. Therefore, it is necessary to determine the "present value" of future gasoline tax revenues.

13.8 is the next present value factor at 8% over 50 years.

Therefore, the total credit for gasoline tax paid over 50 years is the annual credit (from Step 3 above) multiplied by 13.8 or:

$$\text{TOTAL CREDIT} = (\# \times \text{TGR} \times \text{TL} \times (1 - \% \text{IT}) / (2 \times 17.6) \times \$0.089 \times 365 \times 13.8$$

6. RIGHT-OF-WAY PERCENTAGES:

<u>ZONE</u>	<u>RATION OF R/W COST TO CONSTRUCTION COST</u>
1	37% *
2	37% **
3	37% **
4	40% *
5	37% *
6	37% *
7	27%
8	37% *
9	18% *
10	39% *

NOTE:

* Based on FY 88-89 through 93-94 5-Year Capital Improvement Work Program.

** Specific projects and costs have not been developed in these zones. Therefore, the R/W percentage is not the average of all other zones for which specific projects and estimated costs have been developed.

[Entire section as amended in 89-03]

APPENDIX E

TRIP LENGTH FOR TYPICAL LAND USES

The following trip lengths are based on data from the Tampa Urban Area Transportation Studies Long Range Transportation Plan and national sources. "General Category: The general categories shown below are intended to categorize trip lengths based on broad distinctions between use types. In the event that particular use is identified in the specific trip length table, below, the trip length accompanying the specific use shall apply. In those instances where a use, due to its unique nature, is not identified in the specific categories and cannot be categorized under any of the general classifications described below, the County Administrator shall make an independent determination pursuant to the terms of Section _____."

General Category	Trip Length (miles)
Residential (all)	9.4
Shopping	
Convenience (0 – 9,999 Sq. Ft. GLA)	0.45
Neighborhood (10,000 – 99,999 Sq. Ft. GLA)	0.9
Community (100,000 – 299,999 Sq. Ft. GLA)	3.0
Regional (300,000 - + Sq. Ft. GLA)	6.0
Office	
General	8.7
Park	8.7
Industrial	
General	8.7
Manufacturing	8.7
Warehousing	8.7
Mini Warehousing	3.0
Lodging	
Hotel/Motel	8.7

SPECIFIC CATEGORIES

<u>SIC</u>	<u>DESCRIPTION</u>	<u>TRIP LENGTH</u>
211-3999	Manufacturing	8.7
411	Railroad transportation (ex.4113)	8.7
4113	Railroad terminals (passenger)	8.7
421	Bus transportation (exc. 4212)	8.7
4212	Bus transportation terminals (local)	8.7
422	Motor freight transportation	8.7
429	Other motor vehicle transportation	8.7
431-439	Airports & flying fields	8.7
441-449	Marine terminals	8.7
471	Telephone communication	8.7
472	Telegraph communication	8.7
473	Radio communication	8.7
475	Radio & television communication (combined systems)	8.7
4812	Electronic generation plants	8.7
482	Gas utility	8.7
483	Water utilities & irrigation	8.7
4912	Petroleum pressure control stations	8.7
492	Transportation services and arrangements (ex. 4923)	8.7
4923	Travel arranging services	3.0
499	Other transportation, communications & utilities	8.7
511	Motor vehicles & automotive equipment wholesale	7.0
512	Drugs, chemicals, & allied products wholesale	7.0
513	Dry goods & apparel wholesale	7.0
514	Groceries & related products wholesale	7.0
515	Farm products (raw materials) wholesale	8.7
516	Electrical goods – wholesale	8.7
517	Hardware, plumbing, heating equipment, & supplies – wholesale	7.0
518	Machinery, equipment & supplies wholesale	8.7
519	Other wholesale trade	7.0
52	Retail trade – building materials, hardware & farm equipment	3.0
532	Mail order houses – retail	8.7
534	Merchandise vending machine operator – retail	8.7
54	Retail trade – food	0.9
--	Convenience store	0.45
551	Motor vehicles – retail	6.0
552	Tire, batteries & accessories – retail	6.0
559	Other retail trade – automotive, marine, craft, aircraft & accessories	6.0
567	Custom tailoring	6.0

568	Furriers & fur apparel	6.0
571	Furnishings, home furnishings & equipment – retail	6.0
572	Household appliance – retail	6.0
5931	Antiques – retail	6.0
5932	Secondhand merchandise – retail	3.0
5951	Sporting good – retail	3.0
5952	Bicycles – retail	6.0
5961	Hay, grains & feed – retail	6.0
5969	Other farm & garden supplies	3.0
598	Fuel & ice – retail	3.0
599	Other retail trade	3.0
612	Credit services	3.0
613	Security & commodity brokers, dealers, exchanges & services	6.0
6153	Title abstracting services	6.0
6154	Real Estate subdividing & development services	6.0
616	Holding & investment services	6.0
622	Photographic services	3.0
624	Funeral & crematory services	6.0
625	Apparel repair, alteration & cleaning, pick-up services, shoe repair services	3.0
63	Business services (except 6395)	6.0
639	Photo finishing services	3.0
641	Automobile repair & services	3.0
649	Other repair services	3.0
651	Medical & other health services	3.0
652	Legal services	6.0
659	Other professional services	6.0
661	General contract construction services	6.0
662	Special construction trade services	8.7
671	Executive, legislative & judicial functions	8.7
681	Nursery, primary & secondary education	3.0
683	Special training & schooling	6.0
691	Religious activities	3.0
7212	Motion picture theater	3.0
7213	Drive-in movies	3.0
7219	Other entertainment assembly	7.4
722	Sports assembly	7.4
729	Other public assembly	7.4
731	Fairgrounds & amusement parks	7.4
739	Other amusements	3.0
7411	Golf courses (without country clubs)	6.0
7412	Golf course (with country club)	7.4
7413	Tennis courts	3.0

7414	Ice skating	7.4
7415	Roller skating	3.0
7416	Riding stables	6.0
7423	Playfields or athletic fields	3.0
7424	Recreation centers (general)	3.0
7425	Gymnasiums & athletic clubs	6.0
7431	Swimming beaches	7.4
7432	Swimming pools (public)	3.0
744	Marinas	7.4
7491	Camping & picnic areas	7.4
751	Resorts	7.4
76	Parks – general recreation	3.0
81	Agriculture (crop producer)	8.7
821	Agricultural processing	8.7
822	Animal husbandry services	8.7
829	Other agricultural related activities	8.7
831	Commercial forestry production	8.7
832	Forestry services	8.7
841	Fisheries & marine products	8.7
842	Fishery services	8.7
851	Metal ore mining	8.7
853	Crude petroleum & natural gas	8.7
854	Mining & quarrying of non-metallic minerals	7.8
890	Other resource production & extraction	8.7
921	Forest reserves	7.4
855	Mining services	8.7

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A.P.A. PL. 11411
1010 11411



WALTER B. BRIDGES, AICP
Executive Director

HILLSBOROUGH COUNTY CITY-COUNTY PLANNING COMMISSION

- IRVING SILVER, Chairman
- JACK ROBINSON, Vice Chairman
- D.E. HULLO, P.E., Director of Planning
- J.L. MICHAEL, Unincorporated Party Chairman
- JOY CHILLURA, Jr., Supervisor of Council
- ROBERT W. COUNCIL, Supervisor of Council
- ER. R. RICHOLPH BOYDLE, Supervisor of Council
- LETON C. WINTON, Supervisor of Council
- WARREN J. WEAVER, Supervisor of Council
- WILBERT WILLIAMS, Supervisor of Council

MEMORANDUM
May 22, 1985

TO: Mr. Ed Radice, Director
Hillsborough County Parks Department

FROM: Dwayne P. Guthrie, AICP *DPA*
Strategic Planning Section Chief

RE: PARK PLANNING/SERVICE AREAS

Following is a narrative description of the the four areas which were used in the inventory and analysis of existing park deficiencies and by which we provided the Person Per Household (PPH) multipliers for the Park Site Improvement Program Ordinance. On the second page you will find a map showing the general boundaries of the four areas. The third page contains a table of the PPH multipliers used in the impact formulas of the Ordinance.

The Northwest area includes only the unincorporated portions of the following 1980 Census Tracts: 26, 113, 114.01, 114.02, 115, 116.01, 116.02, 116.03, 116.04, 116.05, 117.01, 117.02, 118.01, 118.02, 119.01, 119.02, and 119.03.

The Northeast area includes only the unincorporated portions of the following 1980 Census Tracts: 10, 18, 36, 101.01, 101.02, 102.01, 102.02, 103.01, 103.02, 104, 105, 106.01, 106.02, 106.03, 106.04, 109, 110.01, 110.02, 111, 112.01, 112.02, 120.01, 120.02, 121.01, 121.02, 124, 125, 127, 128, 129, 130, and 131.

The Central area includes only the unincorporated portions of the following 1980 Census Tracts: 122.01, 122.02, 123.01, 123.02, 132, 133.01, 133.02, 133.03, 134, 135.01, 135.02, 136, 137, and 138.

The South area includes only the unincorporated portions of the following 1980 Census Tracts: 139.01, 139.02, 139.03, 140, 141.01, and 141.02.

A CITY-DEVELOPMENT AGENCY SERVING THE CITIES OF TAMPA, PLANT CITY, TEMPLE TERRACE AND THE COUNTY OF HILLSBOROUGH
AN AFFIRMATIVE ACTION-EQUAL OPPORTUNITY EMPLOYER

PARKS Appendix "A"

TABLE 1
1988 ADJUSTMENT OF PERSONS PER HOUSEHOLD MULTIPLIERS

**PERSONS PER HOUSEHOLD MULTIPLIERS
ADJUSTED TO HILLSBOROUGH COUNTY, 1988**

Housing Type	Northwest	Northeast	Central	South	Average
Single Family Detached					
2 bedroom	2.248	1.994	2.346	1.916	2.126
3 bedroom	2.987	2.650	3.118	2.547	2.826
4 bedroom	3.666	3.252	3.826	3.125	3.467
5 bedroom	4.204	3.730	4.388	3.584	3.977
Blended	3.029	2.687	3.161	2.582	2.863
Mobile Homes					
1 bedroom	1.982	1.758	2.069	1.690	1.875
2 bedroom	2.329	2.066	2.431	1.986	2.203
3 bedroom	3.272	2.903	3.415	2.790	3.095
Blended	2.708	2.402	2.827	2.309	2.562
Single Family Attached					
1 bedroom	1.382	1.226	1.442	1.178	1.307
2 bedroom	2.005	1.778	2.092	1.709	1.896
3 bedroom	2.741	2.432	2.861	2.337	2.593
Blended	2.192	1.945	2.288	1.869	2.074
Multi-family					
1 bedroom	1.260	1.118	1.315	1.074	1.192
2 bedroom	1.944	1.724	2.029	1.657	1.838
3 bedroom	3.145	2.790	3.283	2.681	2.975
Blended	1.879	1.667	1.961	1.602	1.777

Prepared by: The Planning Commission
201 E. Kennedy Blvd., Suite 600
P.O. Box 1110
Tampa, FL 33601-0001

APPENDIX "C"

LOCAL PARK DEVELOPMENT COSTS

The costs shown below constitute an itemization of those costs inherent in the development of a local park in accordance with the improvement service standard contained in this Ordinance.

<u>ITEM</u>	<u>COST</u>
Tot lot	\$2,000
Play apparatus	20,000
Open field	14,400
Ball diamond	16,200
Multi-purpose court	15,000
Off-street parking	30,000
Passive area	4,000
Restroom	32,000
Walkways	12,320
Landscaping	30,000
Utilities	12,000
Support items	4,000
A&E and Site Prep @ 15%	<u>28,788</u>
TOTAL:	\$220,708

SCHOOL SITE DEDICATION ORDINANCE – DOLLARS PER ACRE (1987 UPDATE)
SCHOOL PROPERTY ACQUISITIONS (UNINCORPORATED AREA)
HILLSBOROUGH COUNTY SCHOOL BOARD (1978-1997)*

SITE	DATE	ORIGINAL COST	GNP INFLATOR	1987 DOLLARS	ACRES
Leto Sr.	6/78	\$216,484	1.62	\$349,913	10.00
Pinecrest	7/78	12,280	1.62	19,849	10.00
Cork	3/79	3,339	1.48	4,958	3.01
Citrus Park	4/80	79,982	1.36	108,791	10.00
Jr. High AA	6/80	361,784	1.36	492,774	38.46
Apollo Beach	7/80	35,351	1.36	48,138	7.51
Claywell Elem.	9/80	313,550	1.36	426,969	15.04
Hill Jr.	12/80	550,040	1.36	749,004	25.00
King Sr.	8/81	315,000	1.24	391,069	11.90
Armwood Sr.	11/81	597,387	1.24	741,650	53.90
Gaither Sr.	2/82	1,109,264	1.17	1,294,511	40.00
S. Brandon Sr.	8/82	760,250	1.17	887,212	80.00
Dickenson	2/83	10,000	1.12	11,243	1.03
Gaither Sr.	5/83	48,000	1.12	11,243	1.03
Gaither Sr.	8/83	25,493	1.12	28,661	0.23
Essrig Elem.	10/84	325,000	1.08	350,856	12.67
NW Elem.	12/84	260,000	1.08	280,685	16.87
NW Sr.	1/85	1,800,000	1.05	1,883,946	81.21
NW Jr.	3/85	852,500	1.05	892,258	61.39
Bus Site	5/85	300,000	1.05	313,991	20.00
Bus Site	11/85	417,000	1.05	436,448	24.29
Bus Site	7/86	81,740	1.02	63,092	5.00
Debuel Road	3/87	285,000	1.00	285,000	16.80
Tampa Palms	4/87	2,084,806	1.00	2,084,806	73.49
TOTAL					620.62
Dollars/Acre Multiplier		\$19,699			

SCHOOL SITE DEDICATION

APPENDIX B

TABLE 2

**SCHOOL SITE DEDICATION ORDINANCE
STUDENT PER HOUSEHOLD MULTIPLIERS (87 UPDATE)**

STUDENTS PER HOUSING UNIT
(School Age Children in Public School)

ADJUSTED TO
HILLSBOROUGH COUNTY

Housing Type	Grades K-6	Grades 7-9	Grades 10-12	Total (all grades)
Single Family Detached				
2 bedroom	0.107	0.036	0.029	0.172
3 bedroom	0.335	0.113	0.084	0.532
4 bedroom	0.524	0.219	0.195	0.938
5 bedroom	0.628	0.344	0.330	1.302
Blended	0.340	0.127	0.103	0.569
Mobile Homes				
1 bedroom	0.101	0.034	0.019	0.154
2 bedroom	0.112	0.033	0.022	0.167
3 bedroom	0.490	0.180	0.109	0.778
Blended	0.255	0.092	0.058	0.404
Single Family Attached				
1 bedroom	0.051	0.028	0.026	0.105
2 bedroom	0.105	0.032	0.026	0.162
3 bedroom	0.283	0.111	0.086	0.480
Blended	0.177	0.068	0.054	0.298
Multi-family				
1 bedroom	0.013	0.007	0.004	0.023
2 bedroom	0.050	0.018	0.019	0.088
3 bedroom	0.371	0.150	0.118	0.639
Blended	0.060	0.025	0.020	0.105

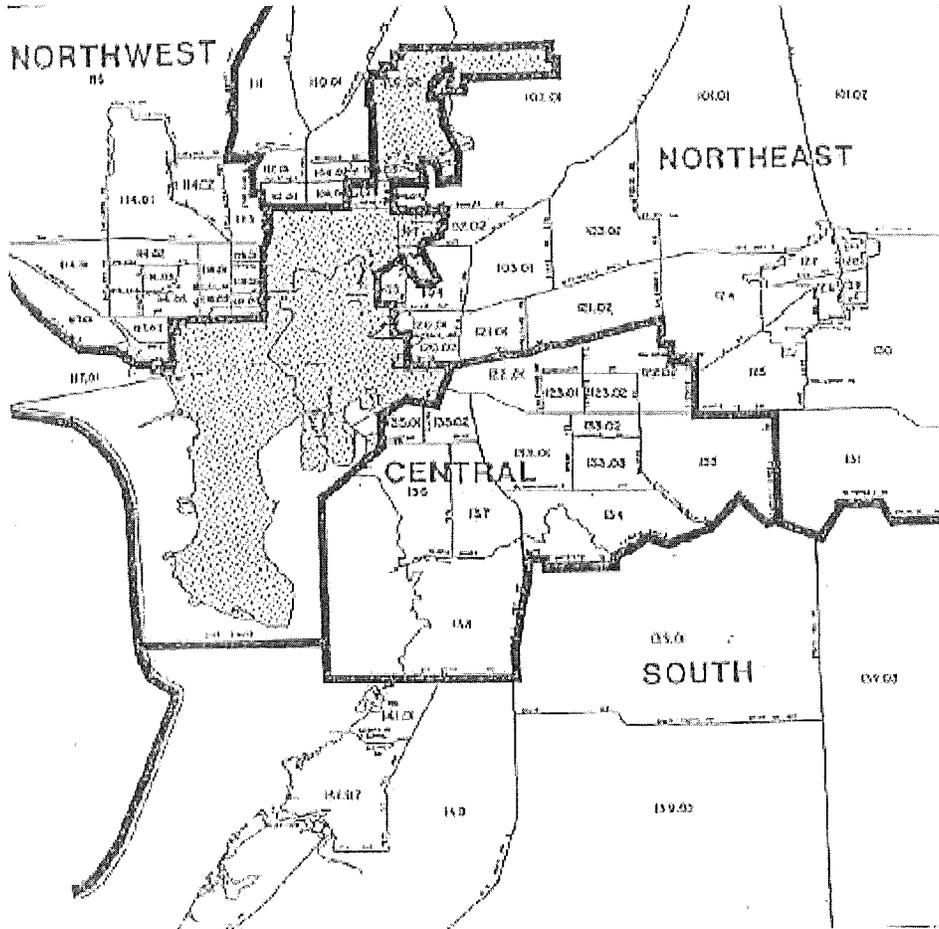
APPENDIX C

**HILLSBOROUGH COUNTY SCHOOL SITE DEDICATION ORDINANCE
SAMPLE FEES (87 UPDATE)
SCHOOL SITE IMPACT FEES FOR UNINCORPORATED COUNTY**

Land (\$/acre) \$19,699

	Grades K-6	Grades 7-9	Grades 10-12	Total (all grades)
Acres/student	0.018	0.019	0.021	
Single Family Detached				
2 bedroom	\$37.98	\$13.37	\$12.15	\$63.50
3 bedroom	118.69	42.44	34.81	195.95
4 bedroom	185.65	81.94	80.84	348.43
5 bedroom	222.69	128.76	136.63	488.08
Mobile Homes				
1 bedroom	\$35.84	\$12.91	\$7.81	\$56.56
2 bedroom	39.68	12.29	9.03	61.00
3 bedroom	173.75	67.30	44.94	285.98
Single Family Attached				
1 bedroom	\$18.10	\$10.51	\$10.80	\$39.41
2 bedroom	37.12	12.02	10.62	59.76
3 bedroom	100.41	41.65	35.46	177.52
Multi-family				
1 bedroom	\$4.82	\$2.46	\$1.47	\$8.54
2 bedroom	17.87	6.67	8.06	32.60
3 bedroom	131.51	56.28	48.83	236.62

**HILLSBOROUGH COUNTY SCHOOL IMPACT FEES
EXPENDITURE CONTROL AREAS**



**1980 CENSUS TRACTS
HILLSBOROUGH COUNTY**

Appendix "D"

CENSUS TRACT LINE

140 CENSUS TRACT NUMBER

APPENDIX #1

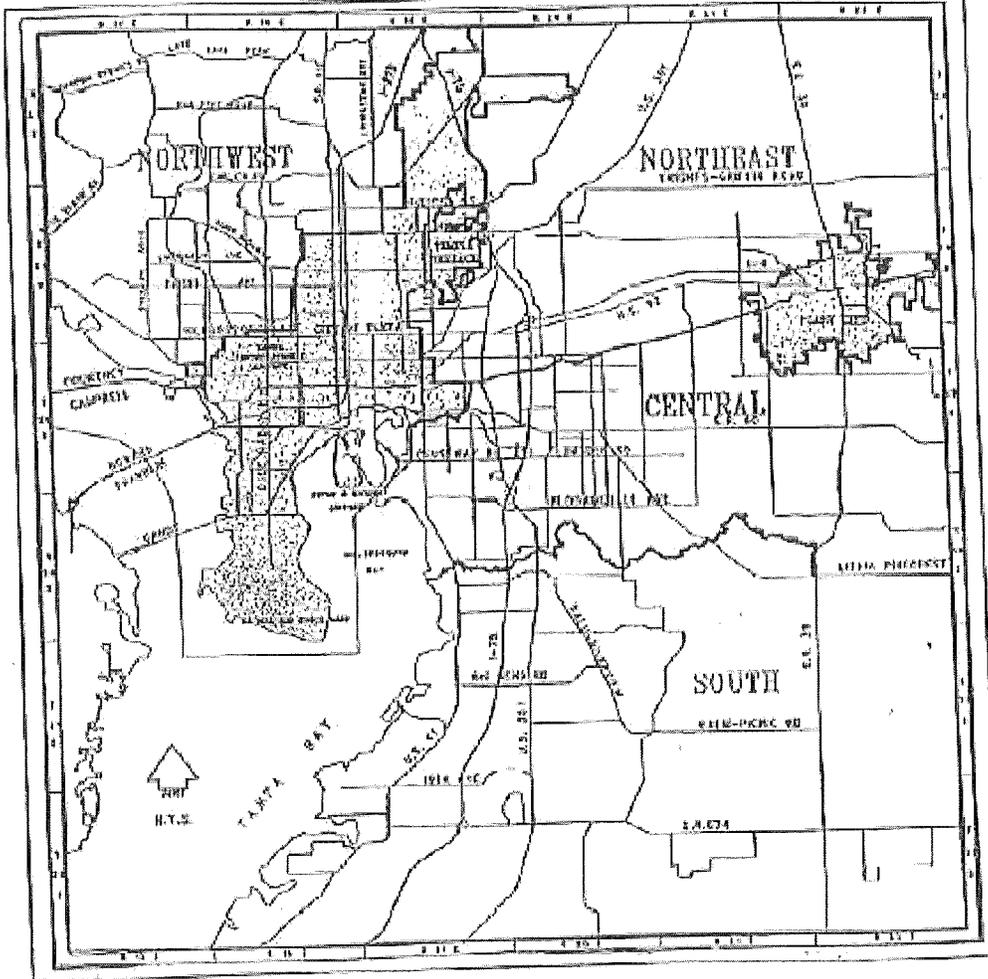
**EFFECTIVE POPULATION PARAMETERS
HILLSBOROUGH COUNTY, FLORIDA**

	PERSONS PER UNIT	DEMAND UNITS	OCCUPANCY PER VEHICLE	PERSONS PER DAY
RESIDENTIAL ALL-DWELLING UNIT	2.72 7	2.73	NA	2.73
SHOPPING:	ADT			
CONVENIENCE 0-9, 999 SQ FT	117.90	58.95	1.60	94.50
NEIGHBORHOOD 10,000 – 99,999 SQ FT	82.00	41.00	1.60	65.72
COMMUNITY 100,000 – 299,999 SQ FT	58.65	29.33	1.60	47.01
REGIONAL 300,000 SQ FT AND OVER	40.00	20.00	1.60	32.06
OFFICE AND FINANCIAL:				
GENERAL OFFICE PER 1,000 SQ FT	16.00	8.00	1.39	11.11
OFFICE PARK PER 1,000 SQ FT	20.65	10.33	1.39	14.34
INDUSTRIAL AND STORAGE BUILDINGS:				
GENERAL PER 1,000 SQ FT	5.46	2.73	1.23	3.36
MANUFACTURING PER 1,000 SQ FT	3.86	1.93	1.23	2.38
WAREHOUSE PER 1,000 SQ FT	4.88	2.44	1.23	3.00
MINI WAREHOUSE PER 1,000 SQ FT	2.80	1.40	1.23	1.72
HOTEL/MOTEL – ROOM	10.32	5.16	1.58	8.15

- SOURCES: (1) Hillsborough County City-County Planning.
(2) Institute of Transportation Engineering, "Trip Generation, 3rd Edition, 1982".
(3) U.S. Department of Transportation, "National Personal Transportation Study, Survey Data Tabulations", November 1985.

APPENDIX #2

FIRE SERVICE IMPACT BENEFIT AND
EXPENDITURE ZONES



**APPENDIX #3
REFINEMENT OF POPULATION PARAMETERS
WITH TIME ALLOCATION**

	NO. EMP	PER DAY VISITOR	HRS./ PERSON EMP.	HRS./ PERSON VISITOR	DAYS WEEK	TIME %
RESIDENTIAL ALL-DWELLING UNIT	NA	NA	NA	NA	7	50.00%
SHOPPING:						
CONVENIENCE 0-9, 999 SQ FT	5.00	89.50	8.00	0.08	7	2.09%
NEIGHBORHOOD 10,000-99,999 SQ FT	4.00	61.72	8.00	0.50	7	3.99%
COMMUNITY 100,000-299,999 SQ FT	3.50	43.51	8.00	0.75	7	5.37%
REGIONAL 300,000 SQ FT AND OVER	3.00	29.06	8.00	1.00	7	6.90%
OFFICE AND FINANCIAL:						
GENERAL OFFICE PER 1,000 SQ FT	4.00	7.11	8.00	1.00	5	10.47%
OFFICE PARK PER 1,000 SQ FT	3.00	11.34	8.00	1.00	5	7.33%
INDUSTRIAL AND STORAGE BUILDINGS						
GENERAL PER 1,000 SQ FT	1.67	1.69	8.00	1.00	5	13.31%
MANUFACTURING PER 1,000 SQ FT	0.83	1.54	8.00	1.00	5	10.28%
WAREHOUSE PER 1,000 SQ FT	0.67	2.34	8.00	1.00	6	9.12%
MINI WAREHOUSE PER 1,000 SQ FT	0.33	1.39	8.00	1.00	7	9.81%
HOTEL/MOTEL – ROOM	0.51	7.64	8.00	6.00	7	25.52%

- SOURCES: (1) Urban Land Institute, "Industrial Development Handbook", 1975.
(2) Urban Land Institute, "Shopping Center Development Handbook", 1977.
(3) Florida Statistical Abstract, 1986.

NOTE: The percentages in the above table add to more than 100% because not every individual visits all of the land uses shown every day.

EMP. = EMPLOYEE

APPENDIX #4

**PROPORTIONALITY OF DEMAND BY LAND USE
HILLSBOROUGH COUNTY**

	ACTUAL	EXPECTED	DIFFERENCE
RESIDENTIAL	76.6%	61.4%	15.2%
COMMERCIAL	8.2%	26.7%	-18.5%
BUSINESS/INDUSTRIAL	8.8%	7.1%	1.7%
HOTEL/MOTEL	6.4%	4.8%	1.6%

APPENDIX #5

**FIRE SERVICE NEEDS & UNIT COSTS BY LAND USE
HILLSBOROUGH COUNTY, FLORIDA**

	PERSONS PER DAY	TIME ALLOCATION	PROPOR- TIONALITY	COST
RESIDENTIAL ALL-DWELLING UNIT	2.73	50.00%	124.7%	\$57.24
SHOPPING:				
CONVENIENCE 0-9, 999 SQ FT	94.50	2.09%	30.8%	\$20.49
NEIGHBORHOOD 10,000-99,999 SQ FT	65.72	3.99%	30.8%	\$27.14
COMMUNITY 100,000-299,999 SQ FT	47.01	5.37%	30.8%	\$26.18
REGIONAL 300,000 SQ FT AND OVER	32.06	6.90%	30.8%	\$22.91
OFFICE AND FINANCIAL:				
GENERAL OFFICE PER 1,000 SQ FT	11.11	10.47%	123.5%	\$48.42
OFFICE PARK PER 1,000 SQ FT	14.34	7.33%	123.5%	\$43.76
INDUSTRIAL AND STORAGE BUILDINGS:				
GENERAL PER 1,000 SQ FT	3.36	13.31%	123.5%	\$18.60
MANUFACTURING PER 1,000 SQ FT	2.38	10.28%	123.5%	\$10.16
WAREHOUSE PER 1,000 SQ FT	3.00	9.12%	123.5%	\$11.40
MINI WAREHOUSE PER 1,000 SQ FT	1.72	9.81%	123.5%	\$7.03
HOTEL/MOTEL – ROOM	8.15	25.52%	134.0%	\$93.83

APPENDIX #6

HILLSBOROUGH COUNTY FIRE STATION STANDARDS

Construction of the standard two bay fire station will conform to the construction plans and specifications for the Progress Village Fire Station.

General specifications are:

1. Overall square footage under-roof is approximately 4600 square feet with 1188 square feet for crew dormitory and living quarters.
2. Foundation is reinforced concrete with depth of four inches in the crew and office area and five inches in the bay area.
3. Exterior walks are concrete block with stucco or fluted block exterior finish.
4. Roof is combination hip/gable with building-up and asphalt shingle roofing.
5. Crew dormitory and living area includes plumbing fixtures and electrical appliances for kitchen. Plumbing fixtures shall be included for three bathrooms and shower areas and fire sprinklers.
6. Interior consists of stud wall with drywall finish.
7. In crew area, floors are finished with tile.
8. Water and wastewater service connections are included.
9. Construction will also include complete landscaping and concrete aprons and asphalt driveways.

APPENDIX #7

FIRE APPARATUS

1. All apparatus shall be the current model year.
2. All tax preparation and delivery charges shall be paid by the applicant.
3. All apparatus shall include Hillsborough County approved radio equipment.
4. Apparatus:

A. Class A 1000 GPM Pumper	\$235,000
B. Ladder Truck or Aerial Platform	\$650,000
C. Air Truck	\$150,000
D. Brush Truck	\$65,000
E. Tanker Truck with 2500 water gallon capacity	\$215,000
F. Heavy duty rescue vehicle	\$350,000
G. Large Capacity Foam Proportioning and Nozzle Delivery Trailer	\$250,000
H. Thermal Imaging Device	\$16,500
I. Medium Duty Transport Ambulance	\$140,000
J. Rescue Equipment	
• Defibulator	\$16,500
• Monitor/Defibulator/Vital Signs Monitor	\$25,000
K. Extrication Equipment	
• Power Hydraulic Equipment	\$15,000

APPENDIX #8

FIRE SERVICE IMPACT FEE SCHEDULE

	FEE PER UNIT
RESIDENTIAL ALL – DWELLING UNIT	\$48.66
SHOPPING*: CONVENIENCE 0-9, 999 SQ FT	\$17.42
NEIGHBORHOOD 10,000-99,999 SQ FT	\$23.07
COMMUNITY 100,000-299,999 SQ FT	\$22.25
REGIONAL 300,000 SQ FT AND OVER	\$19.47
OFFICE AND FINANCIAL: GENERAL OFFICE PER 1,000 SQ FT	\$41.16
OFFICE PARK PER 1,000 SQ FT	\$37.19
INDUSTRIAL AND STORAGE BUILDINGS: GENERAL PER 1,000 SQ FT	\$15.81
MANUFACTURING PER 1,000 SQ FT	\$8.64
WAREHOUSE PER 1,000 SQ FT	\$9.69
MINI WAREHOUSE PER 1,000 SQ FT	\$5.98
HOTEL/MOTEL – ROOM	\$79.76

*PER 1000 SQ. FT.