



# CITY OF CRESTVIEW

## OFFICE OF THE CITY CLERK

P.O. DRAWER 1209, CRESTVIEW, FLORIDA 32536

Phone # (850) 682-1560 Fax # (850) 682-8077

**June 25, 2018**

**5:30 PM**

**Council Chambers**

### **Special Meeting**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Open Policy making and legislative session**
4. **Approve agenda**
5. **Public Hearings**
  - a. Ordinance 1662 – Traffic impact Fee and Waiver Repeal
6. **Public Opportunity on Council proposition**
7. **Other items for Discussion**
  - a. Charter documentation and hand-outs
  - b. Purchase of Vehicle for the Building and Inspections
  - c. Special Meeting to be scheduled for July 23<sup>rd</sup> before Workshop.
8. **Comments from the Audience**
9. **Adjournment**

Those not listed on the regular agenda who wish to address the council should fill out a yellow card. The Card must be submitted to the City Clerk. Speaking time should be three minutes or less, large groups may designate a spokesperson. All remarks should be addressed to the Council as a whole and not to individual members. All meeting procedures are outlined in the Meeting Rules and Procedures brochure available outside the Chambers. If any person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City Council of the City of Crestview, Florida does not discriminate upon the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American With Disabilities Act to insure access to and participation in the meeting should contact the Office of the City Clerk at (850)682-1560 prior to the meeting to make appropriate arrangements.



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**5. Public Hearings**

- a. Ordinance 1662 – Traffic Impact Fee and Waiver Repeal



# AGENDA ITEM

CITY COUNCIL SPECIAL MEETING DATE: June 25, 2018

TYPE OF AGENDA ITEM: Public Hearing

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TO: Mayor and City Council  
CC: City Clerk, Staff and Attorney  
FROM: Growth Management Department  
DATE: June 23, 2018  
SUBJECT: Second Reading of Ordinance 1662 – Traffic Impact Fee and Waiver Repeal

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**BACKGROUND:** The repeal of the Traffic Impact Fee will allow for the mediation of traffic improvements based on need in the vicinity of the development as well of the impact on the surrounding area.

**STAFF RECOMMENDATION:** The Staff recommends adopting Ordinance 1662 on second reading and send to the Mayor, Council President and City Clerk for signatures.

**RECOMMENDED MOTION:** *I move to adopt Ordinance 1662 on second reading and send to the Mayor, Council President and City Clerk for signatures.*

**ORDINANCE NO. 1662**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR AMENDING THE CITY OF CRESTVIEW CODE OF ORDINANCES, PART II, SUBPART A, CHAPTER 86 - TRAFFIC AND VEHICLES, BY REPEALING ARTICLE V – TRAFFIC IMPACT FEE AND ARTICLE VI – TRAFFIC IMPACT FEE WAIVER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**Section 1. AUTHORITY.** The authority for enactment of this Ordinance is Section 166.021, Florida Statutes and Section 2 of the City Code.

**Section 2. AMENDMENT.** Article V – Traffic Impact Fee and Article VI – Traffic Impact Fee Waiver, of Chapter 86, Traffic and Vehicles, of the Code of Ordinances, City of Crestview, Florida, is hereby repealed in their entirety. The existing verbiage of Articles V and VI is attached as Exhibit “A”.

**Section 3. SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**Section 4. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 5. EFFECTIVE DATE.** This ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON THE 25<sup>th</sup> DAY OF JUNE 2018.**

**ATTEST:**

\_\_\_\_\_  
**J. B. WHITTEN**  
**Council President**

\_\_\_\_\_  
**ELIZABETH M. ROY**  
**City Clerk**

APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

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**DAVID CADLE**  
Mayor

**ORDINANCE 1662**

# EXHIBIT "A"

## **Chapter 86 - TRAFFIC AND VEHICLES**

Article V -- Traffic Impact Fee

Article VI -- Traffic Impact Fee Waiver

# Chapter 86 - TRAFFIC AND VEHICLES

## ARTICLE V. - TRAFFIC IMPACT FEE

### Sec. 86-90. - Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

*Building* shall mean any structure, having a roof and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind for a period of time in excess of four weeks in any one calendar year. This term shall include tents, trailers, mobile homes, or any vehicles serving in any way the function of a building. This term shall also include outdoor-patio seating provided as part of a restaurant or bar, whether such seating is covered by a roof or not.

*Building permit* shall mean an official document or certificate, issued by the authority having jurisdiction, authorizing the construction of any building. The term shall also include tie-down permits for those structures or buildings that do not require a building permit, such as a mobile home, in order to be occupied.

*Capital improvement* shall mean any long-term investment of public funds for the acquisition, construction, or improvement of public lands or facilities that by reason of its size and cost, is nonrecurring in the local budget.

*Capital improvement plan* or (*CIP*) shall mean a multi-year schedule of capital improvement projects, including priorities and cost estimates, budgeted to fit the financial resources of the community. This plan is updated annually and is incorporated into part of the city's comprehensive plan as part of the capital improvements element.

*Dwelling unit* means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Square feet or square footage* (also referred to as "sq ft") in both this section and the fee schedule shall mean the area under roof used for occupancy or storage that is used to calculate the square footage of the development, including the gross area measured in square feet from the exterior faces or exterior walls or other exterior boundaries of the building, excluding areas within the interior of the building which are utilized for parking. With respect to dwelling units, the square footage shall be calculated as the living area under heat/air conditioning.

(Ord. No. 1419, § 2, 1-16-09)

### Sec. 86-91. - Fee imposed.

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

- (1) Expansion of existing residential structures not creating another dwelling unit;
- (2) Remodeling, repair, rebuilding, or restoration of any structure, so long as no substantial additional impact to the services addressed in this article, as determined jointly by the administrative services department director or designee and subject to approval to the city council by an aggrieved applicant, is caused thereby; and



- (3) Any construction that is in progress prior to the effective date of this article with a valid building permit.

(Ord. No. 1419, § 2, 1-16-09)

**Sec. 86-92. - Amount of fee.**

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

Land Use Type	ITE Code	Unit	Transportation Cost Per Unit	Credit for Fuel Taxes	Transportation Impact Fee Per Unit
<b>Industrial</b>					
General Light Industrial	110	1,000 Sq Ft	\$ 2,630	\$ 1,286	\$ 1,344
Manufacturing	140	1,000 Sq Ft	\$ 1,441	\$ 705	\$ 737
Warehousing	150	1,000 Sq Ft	\$ 1,872	\$ 915	\$ 957
Mini-warehousing/Self-storage	151	1,000 Sq Ft	\$ 943	\$ 461	\$ 482
Concrete Plant	n/a	acres	\$ 5,887	\$ 2,878	\$ 3,008
Sand Mining	n/a	acres	\$ 755	\$ 369	\$ 386
<b>Residential</b>					
Single Family Detached	210	DU	\$ 3,448	\$ 1,686	\$ 1,762
Attached Housing Unit (Condo/Townhouse)	230	DU	\$ 2,112	\$ 1,032	\$ 1,079
Apartments	220	DU	\$ 2,421	\$ 1,184	\$ 1,237
Mobile Home Part	240	DU	\$ 1,798	\$ 879	\$ 919
Retirement/Senior Adult Housing-Detached	251	DU	\$ 1,337	\$ 654	\$ 683
Assisted Living/Nursing Home	254	Beds	\$ 879	\$ 430	\$ 449
Hotel/Motel	320	Rooms	\$ 1,178	\$ 576	\$ 602

Land Use Type	ITE Code	Unit	Transportation Cost Per Unit	Credit for Fuel Taxes	Transportation Impact Fee Per Unit
<b>Recreational/Civic</b>					
Golf Course	430	hole	\$ 10,460	\$ 5,114	\$ 5,346
Golf Driving Range	432	Tees/Positions	\$ 3,595	\$ 1,758	\$ 1,837
Bowling Alley	437	1,000 Sq Ft	\$ 7,804	\$ 3,816	\$ 3,988
Health/Fitness Club	492	1,000 Sq Ft	\$ 7,228	\$ 3,534	\$ 3,694
Recreational Community Center	495	1,000 Sq Ft	\$ 6,027	\$ 2,947	\$ 3,080
Church	560	1,000 Sq Ft	\$ 2,002	\$ 979	\$ 1,023
Daycare Center	565	1,000 Sq Ft	\$ 14,961	\$ 7,315	\$ 7,646
School (Elementary)	520	1,000 Sq Ft	\$ 2,997	\$ 1,466	\$ 1,532
School (Middle/Jr High)	522	1,000 Sq Ft	\$ 2,851	\$ 1,394	\$ 1,457
School (High)	530	1,000 Sq Ft	\$ 3,000	\$ 1,467	\$ 1,533
Hospital	610	1,000 Sq Ft	\$ 4,619	\$ 2,259	\$ 2,361
Clinic/Outpatient Care	630	1,000 Sq Ft	\$ 9,879	\$ 4,831	\$ 5,049
Land Use Type	ITE Code	Unit	Transportation Cost Per Unit	Credit for Fuel Taxes	Transportation Impact Fee Per Unit
<b>Office</b>					
General Office	710	1,000 Sq Ft	\$ 3,496	\$ 1,709	\$ 1,787
Medical/Dental Office	720	1,000 Sq Ft	\$ 10,980	\$ 5,368	\$ 5,611
Land Use Type	ITE Code	Unit	Transportation Cost Per Unit	Credit for Fuel Taxes	Transportation Impact Fee Per Unit
<b>Retail</b>					
Building Material/Lumber	812	1,000 Sq Ft	\$ 7,264	\$ 3,551	\$ 3,712
Hardware/Paint Store	816	1,000 Sq Ft	\$ 8,250	\$ 4,034	\$ 4,216

Land Use Type	ITE Code	Unit	Transportation Cost Per Unit	Credit for Fuel Taxes	Transportation Impact Fee Per Unit
<b>Retail - continues</b>					
Nursery (Garden Center	817	1,000 Sq Ft	\$ 7,058	\$ 3,451	\$ 3,607
Shopping Center	820	1,000 Sq Ft	\$ 4,620	\$ 2,259	\$ 2,361
Quality Restaurant (not national chain)	931	1,000 Sq Ft	\$ 10,948	\$ 5,353	\$ 5,595
High Turnover/Sit Down Restaurant	932	1,000 Sq Ft	\$ 11,815	\$ 5,777	\$ 6,038
Fast Food Restaurant	934	1,000 Sq Ft	\$ 26,958	\$ 13,181	\$ 13,777
Auto Repair Shop	943	1,000 Sq Ft	\$ 4,294	\$ 2,099	\$ 2,194
Service Station (less than 1,000 sq ft)	944	Fuel Position	\$ 9,159	\$ 4,478	\$ 4,681
Supermarket (stand-alone store)	850	1,000 Sq Ft	\$ 10,667	\$ 5,215	\$ 5,451
Convenience Market w/Gas Pumps	853	1,000 Sq Ft	\$ 31,245	\$ 15,277	\$ 15,968
Discount Club	861	1,000 Sq Ft	\$ 5,815	\$ 2,843	\$ 2,972
Pharmacy/Drugstore w/Drive-Through	881	1,000 Sq Ft	\$ 7,329	\$ 3,584	\$ 3,746
Furniture Store	890	1,000 Sq Ft	\$ 517	\$ 253	\$ 264
Walk-in Bank	911	1,000 Sq Ft	\$ 15,305	\$ 7,483	\$ 7,822
Drive-in Bank	912	1,000 Sq Ft	\$ 21,296	\$ 10,413	\$ 10,884

NA = Not Available

DU = Dwelling Unit

Occ. Room = Occupied Room

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

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

(Ord. No. 1419, § 2, 1-16-09)

### **Sec. 86-93. - Independent traffic impact fee study.**

Any person:

- (1) Who believes that any part of the demand component, comprised of trip length, trip rate, and percent new trips, that is used to calculate the impact fee of the applicable land use is incorrect;

- (2) Who has a unique or restrictive land use that can be verified through the city's building permitting process and believes that this results in different demand characteristics than those of the land use the development is to be assessed at;
- (3) Whose land use is not listed in the fee schedule or believes the use is incorrectly assigned shall have the option to provide an independent fee study. The independent study is not intended to allow site-specific review of uses, which include; 1) conducting an independent study on the same site that the impact fee is being challenged, or 2) conducting an independent study on sites that may have differing trip characteristics than used in the fee schedule due to specific characteristics of the structure that cannot be tracked by the city's permitting process. For any independent traffic impact fee study, only the demand variables may be challenged, and all three demand variables, including trip length, trip rate, and percent new trips, must be reviewed as part of the independent study. Requests for an independent traffic impact fee study must be received no later than 30 days after the issuance of a building permit. If the independent fee study cannot be completed, reviewed, and finally determined by the city, including any appeals, by the time the certificate of occupancy is issued, the city shall retain the fee paid per the traffic impact fee schedule. If the independent traffic impact fee study is accepted by the city, a refund shall be due to the extent the scheduled fee paid was higher than the fee due pursuant to the independent traffic impact fee study.

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

*(Ord. No. 1419, § 2, 1-16-09)*

#### **Sec. 86-94. - Refunds.**

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

*(Ord. No. 1419, § 2, 1-16-09)*

#### **Sec. 86-95. - Time of payment.**

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

*(Ord. No. 1419, § 2, 1-16-09)*

#### **Sec. 86-96. - Use of proceeds.**

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

*(Ord. No. 1419, § 2, 1-16-09)*

## **Sec. 86-97. - Trust funds established.**

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

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

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

*(Ord. No. 1419, § 2, 1-16-09)*

## **Sec. 86-98. - Waivers.**

The city council may waive the traffic impact fee in the following situations:

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

*(Ord. No. 1419, § 2, 1-16-09)*

## **Sec. 86-99. - Capital improvement plan.**

The city council shall adopt a capital improvement plan for the trust fund established in this article. Such plan shall be reviewed annually during the budget review process.

*(Ord. No. 1419, § 2, 1-16-09)*

## **Sec. 86-100. - Review of fees.**

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

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

During the five-year period, construction costs referenced in this section are subject to annual change to account for general increases in the consumer price index each year. Construction costs and right-of-way costs shall be indexed by a factor of three and three-tenths percent each, annually, based upon FDOT for programming construction costs for projects based upon a three-year average annual cost increase in the respective years. The data is from the 2004 report on the FDOT price trends index prepared by the FDOT, office of planning. The city shall utilize these rates to estimate construction costs and right-of-way costs in subsequent years, unless the city adopts a change to the construction costs.

*(Ord. No. 1419, § 2, 1-16-09)*

**Secs. 86-101—86-110. - Reserved.**

**ARTICLE VI. - TRAFFIC IMPACT FEE WAIVER**

**Sec. 86-111. - Temporary cessation of assessment.**

Notwithstanding the current traffic impact fee ordinance, in relation to all applications for building permits made after adoption of this ordinance, there shall be a temporary cessation of the assessment in accordance with section 86-114.

*(Ord. No. 1432, § 2, 9-28-10)*

**Sec. 86-112. - Waiver not retroactive.**

This waiver shall in no way be applied retroactively.

*(Ord. No. 1432, § 2, 9-28-10)*

**Sec. 86-113. - Applicability.**

This waiver shall apply only to projects for which a building permit has been purchased during the waiver period and construction commenced during the waiver period. If construction is not commenced during the waiver period the traffic impact fee as defined in section 86-90 will be due before the issuance of a certificate of occupancy.

*(Ord. No. 1432, § 2, 9-28-10)*

**Sec. 86-114. - Terms and percentages of traffic impact fee due.**

There is hereby established a traffic impact fee waiver for a period of 120 days beginning on the effective date of January 1, 2016 and ending on April 29, 2016. The waiver shall not be applied retroactively to any building permit nor shall it apply to any re-issued building permit that was voluntarily cancelled within 180 days of the effective date of this section.

*(Ord. No. 1432, § 2, 9-28-10; Ord. No. 1487, § 2, 12-10-12; Ord. No. 1596, § 2, 12-14-15)*

6. **Public Opportunity on Council proposition**

7. **Other items for Discussion**

a. Charter documentation and hand-outs

Presentation of the final documentation and review of the procedures of distribution to the Public.

**Discussion item:**

b. Purchase of Vehicle for the Building and Inspections

Request to utilize escrow funds to purchase the needed truck at this time due to the local availability of the government contract vehicle.



**Discussion item:**

- c. Special Meeting to be scheduled for July 23<sup>rd</sup> before Workshop.

Requesting a special meeting to hear the Ordinances for Adoption.

Second Reading of Ordinance 1663 for annexation of 40 acres and Ordinance 1664 for the annexation of 9.99 acres.

Needed consensus of Board for a short special meeting.

## **8. Comments from the Audience**

## **9. Adjournment**

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