

ORDINANCE NO. 25-2104

AN ORDINANCE OF THE CITY OF HAINES CITY, FLORIDA AMENDING CHAPTER 24 – TAXATION, SECTION 24-117 – ROAD IMPACT FEE OF THE CODE OF ORDINANCES AND AMENDING ORDINANCE NO. 22-2015; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND INCLUSION IN THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution and Section 166.021 of the Florida Statutes grant the City of Haines City broad home rule powers necessary to carry on municipal government;

WHEREAS, Section 163.3202(3) of the Florida Statutes encourages the use of innovative land development regulations which include the use of impact fees to implement the goals, objectives and policies of a City’s Comprehensive Plan;

WHEREAS, significant growth has been occurring and is expected to continue to occur in the areas that are provided municipal services by the City;

WHEREAS, growth within the Service Area has resulted in the need to continue to expand municipal services to accommodate the demands imposed by

such growth without decreasing the current level of municipal services at the cost of existing users;

WHEREAS, expansion of municipal services to accommodate new growth shall promote and protect the public health, safety and general welfare of the residents of Haines City;

WHEREAS, in order for future growth to pay more equitably the cost of expanding municipal services to meet the demands imposed by such growth, the City Commission finds that the amendment of City Road Impact Fees, to be levied as one-time charges upon new developments within the City or new demand on the created through expansions or renovations, is an appropriate and equitable method of capital cost recovery;

WHEREAS, the intent of the City Road Impact Fees is to recover only the pro rata share of the costs incurred to meet the demands of growth;

WHEREAS, the City Commission's intent is to expend the City Road Impact Fees collected pursuant to this article only for the purposes for which they were collected, specifically, to defray the capital cost incurred to meet the demands imposed by growth;

WHEREAS, in order to equitably distribute the proportionate fair share of new municipal services on new developments within the City of Haines City that create the need for such municipal services, it serves the health, safety, and general welfare of the residents of the City of Haines City to amend Ordinance No. 22-2015, establishing Multi-Modal Transportation Fees;

WHEREAS, give the significant increase in growth and development, combined with the need to update the multi-modal transportation impact fee schedule, the City Commission of the City of Haines City, Florida has determined that it is in the best interest of citizens of Haines City to make amendments to Chapter 24 – Taxation, Section 24.117 – Road Impact Fee of the Code of Ordinances and Ordinance No. 22-2015;

WHEREAS, the City of Haines City has commissioned and adopted the “Haines City 2024 Multi-Modal Transportation Impact Fee Study” (the “Study”), as prepared by W. E. Oliver, P.E., LLC, dated September 5, 2024. Said Study demonstrated that transportation impact fees needed to be amended to better address the cost of financing transportation facilities and improvements required to serve new development. This Study shall be made a part of this Ordinance as supportive documentation regarding the amended Multi-Modal Transportation Impact Fee Schedule; and

WHEREAS, the City has held the required Workshops regarding the increase of multi-modal transportation impact fees.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA:

Section 1. Incorporation of Recitals. The above Recitals are true and correct and are incorporated herein by reference.

Section 2. Amendment to Chapter 24 – Taxation, Sec. 24-117 – Road Impact Fee and Ordinance No. 22-2015. That Chapter 24 – Taxation, Sec. 24-177 – Road Impact Fee, of the

Code of Ordinances of the City of Haines City, Florida, and Ordinance No. 22-2015 is hereby amended to read as follows:

SEE ATTACHED EXHIBIT A

Section 3. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

Section 4. Repeal of Ordinances in Conflict. All Ordinances or parts of Ordinances which are in conflict with this Ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting Ordinances, in which case those Ordinances so affected shall be hereby repealed in their entirety.

Section 5. Codification. It is the intention of the City Commission and it is hereby provided that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Haines City; and that the sections of this Ordinance may be numbered, renumbered or re-lettered to accomplish such intention; and that the word “ordinance” may be changed to “section”, “article”, or other appropriate designation, all as may be necessary or useful to ensure proper codification.

Section 6. Effective Date. This Ordinance shall become effective on August 1, 2025 and upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Commission.

INTRODUCED AND PASSED on first reading in regular session of the City Commission of the City of Haines City, this 17th day of April, 2025.

ATTEST:

APPROVED:

Sharon Lauther, MMC, City Clerk

Omar Arroyo, Mayor-Commissioner

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney

PASSED on second and final reading by the City Commission of the City of Haines City, Florida, at regular session this 1st day of May, 2025.

ATTEST:

APPROVED:

Sharon Lauther, MMC, City Clerk

_____, Mayor-Commissioner

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney

STATE OF FLORIDA

COUNTY OF POLK

I, the undersigned duly appointed City Clerk of the City of Haines City, Florida, HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 25-2104, as shown in the records of the City on file in the office of the City Clerk.

WITNESS my hand and seal of the City of Haines City, Florida, this ____ day of _____, 2025.

SHARON LAUTHER, MMC, CITY CLERK

EXHIBIT A

Sec. 24-117. ~~Road impact fee.~~ Multi-Model Transportation Impact Fee.

(a) *Short title, authority and applicability.*

- (1) This section shall be known and may be cited as the "City of Haines City ~~Road Impact~~ Multi-Model Transportation Impact Fee Ordinance".
- (2) The city commission of the City of Haines City (the "City Commission") has the authority to adopt this section pursuant to Article VIII of the Florida Constitution and F.S. Ch. 163 and 166.
- (3) The provisions of this section shall apply within the corporate limits of the City of Haines City (the "City").

(b) *Establishment of service area.* The ~~city~~ City hereby establishes the following area as its ~~road impact~~ Multi-Model Transportation Impact fee service area (the "Service Area"):

Roads included in the City of Haines City's Comprehensive Plan Transportation Element, as it may be amended from time to time.

The scope of the service area is hereby found to be reasonable and established on the basis of sound planning or engineering principles.

(c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Access improvements means improvements designed to ensure safe and adequate ingress and egress.

Affordable housing means a dwelling unit which is offered for sale or rent to low-income persons or very-low-income persons and which monthly rent or monthly mortgage payments, including taxes and insurance, do not exceed thirty (30) percent of that amount which represents the percentage of the median adjusted gross income for low-income persons and very-low-income persons.

Applicant means the person who applies for a building permit.

Arterial road means a road that is a main traffic artery carrying relatively high traffic volumes for relatively long distances. This classification includes all roads that function above the level of a collector road.

Average daily trip-ends means the projected number of trips based upon proposed development as determined in the Institute of Transportation Engineers ("ITE") Trip Generation Manual, ~~7th~~ 11th ed., or its

successor, or a locally conducted trip generation study of a similar land use accepted by the City Manager, or designee.

Building permit means an official document or certificate issued by the authority having jurisdiction authorizing the commencement of construction of any building or parts thereof; the term also includes construction plan approval for new mobile home development.

Capacity means the maximum number of vehicles for a given time period which a typical new lane can safely and efficiently carry, usually expressed in terms of vehicles per day. For the purpose of this section, typical new capacity ~~is defined at level of service D and~~ for non-State roads shall mean seven thousand five hundred (7,500) vehicles per day per through lane.

Collector road means a road that carries traffic from local roads to arterial roads. Collector roads have more continuity, carry higher traffic volumes, and may provide less land access than local roads.

External trip means any trip which has either its origin or destination at the development site and which impacts the ~~major road network system~~ major road network.

Impact-fee eligible roadway shall mean a road, as determined by the ~~city manager~~ City Manager, for which planning, design, right-of-way acquisition, construction, and improvement costs are eligible for ~~road impact~~ Multi-Model Transportation Impact fee funding.

Local trip length means the average length in miles of external trips, as derived from the Polk County Urban Area Transportation Study 2020.

Low-income persons means one (1) or more natural persons, the total adjusted gross household income of which does not exceed eighty (80) percent of the median adjusted gross income for households within the Lakeland-Winter Haven, Florida, metropolitan statistical area as reported by the U. S. Department of Housing and Urban Development or its governmental successor in function.

Major-road network system means all existing and committed arterial and collector roads within the ~~city~~ City and under the ~~city's~~ City or County's jurisdiction.

Off-site road improvements means road improvements located outside of the boundaries of the parcel proposed for a development site which are required by the ~~city~~ City in order to serve the development's external trips, but not including access improvements, as defined in this section.

Pass-by traffic means traffic that has a primary trip purpose other than visiting the a secondary land use ~~at which the a vehicle may access~~. The trip is already on the ~~local~~ major roadway network for ~~the its~~ primary purpose, but may alter its trip pattern to access the secondary land use en-route to the primary trip land use.

Traffic-generating development means land development designed or intended to permit a use of the land which will contain more dwelling units or floor space than the then-existing use of land, or to otherwise change the use of the land in a manner that increases the generation of vehicular traffic.

Trip(s) means a one-way movement of ~~vehicular~~ travel from an origin (one ~~trip~~ trip-end) to a destination (the other ~~trip~~ trip-end). For the purposes of this section, the term "trip(s)" shall have the meaning that it has in commonly accepted traffic engineering practice and which is substantially the same as that definition in the previous sentence.

Trip generation means the attraction or production of trips caused by a given type of land development.

Very-low-income persons means one (1) or more natural persons, the total adjusted gross household income of which does not exceed fifty (50) percent of the median adjusted gross income for households within the Lakeland-Winter Haven, Florida, metropolitan statistical area as reported by the U. S. Department of Housing and Urban Development or its governmental successor in function.

(d) *Findings, intent and purpose.*

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- (1) The City Commission ~~city commission~~ has determined and recognized through adoption of the Haines City Comprehensive Plan that new growth and development which the ~~city~~ City is experiencing necessitates extensive improvements to the major-road network system. In order to finance the necessary new capital improvements, several combined methods of financing shall be employed, one (1) of which will be to impose a regulatory impact fee on new growth and development which will not exceed a pro-rata share of the reasonably anticipated costs of major road network system expansion and improvement.
 - (2) The planning for new and expanded ~~city~~ City public transportation facilities needed to serve new development and the implementation of those plans are the responsibility of the ~~city~~ City under F.S. Ch. 163 and 166, and are in the best interest of the health, safety, and welfare of the citizens of the ~~city~~ City.
 - (3) The ~~city~~ City intends for new development to pay a fair share of anticipated costs of needed ~~city~~ City public transportation facilities improvements necessary to serve new development, and not to collect fees in excess of the anticipated costs for needed public service improvements necessary to serve new development.
 - (4) The ~~city~~ City has commissioned, and adopted the "Haines City 2024 Multi-Modal Transportation Impact Fee Study", a study by Dyer, Riddle, Mills & Precourt, Inc., dated June 10, 2004- W.E. Oliver, P.E., LLC and Vanesse, Hangen, Brustlin, Inc., as sub-consultant to CivilSurv Design Group, Inc. (sometimes referred to as the "Consultant's Study"), dated September 19, 2024. This study ~~which~~ has demonstrated that ~~municipal~~ impact fees need to be changed to ~~cover~~ better address the cost of financing ~~city public~~ transportation facilities and improvements required to serve new development. This study addresses impacts to the City and County major road networks, and is attached hereto as Exhibit "A".
 - (5) Furthermore, the ~~city~~ City has adopted its Comprehensive Plan Transportation Element ~~prepared a road network system expansion list setting forth a proposed list of~~ which constitutes impact-fee eligible roadways. ~~A copy of the road network system expansion list is attached hereto as Exhibit "A" and incorporated herein in its entirety.~~
 - (6) The purpose of this section is to ensure that new development pays a fair share of the anticipated costs of needed ~~road system~~ transportation system improvements as set forth in the ~~road network system expansion list~~ Comprehensive Plan Transportation Element necessary to serve new development. In order to finance the necessary new capital improvements, several combined methods of financing shall be employed, one (1) of which will impose a regulatory impact fee on new growth and development which does not exceed a pro-rata share of the reasonably anticipated costs of ~~major road network system~~ major road network expansion and improvements.
 - (7) Implementing a regulatory scheme that requires new development to pay a ~~road impact~~ Multi-Model Transportation Impact fee that does not exceed a pro-rata share of the reasonably anticipated expansion costs of new roads needed to serve new growth and development is the responsibility of the ~~city~~ City in order to carry out the traffic circulation element of its comprehensive plan, as adopted under F.S. § 163.3161 et seq., and is in the best interest of the health, safety and welfare of the citizens of the ~~city~~ City.
 - (8) The purpose of this section is to enable the ~~city~~ City to allow growth and development to proceed in the ~~city~~ City in compliance with the adopted ~~comprehensive plan~~ Comprehensive Plan, and to regulate growth and development so as to require growth and development to share in the burdens of growth by paying its pro-rata share for the reasonably anticipated expansion costs of ~~major road network system improvements~~ the major road network.
 - (9) It is not the purpose of this section to collect fees from growth and development in excess of its pro-rata share of the cost of the reasonably anticipated improvements to the ~~major road network system~~.
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major road network needed to serve the new growth and development. The ~~city commission~~ City Commission finds that this section has approached the problem of determining the ~~road impact~~ Multi-Model Transportation Impact fee in a conservative and reasonable manner. ~~This section will only partially recoup the governmental expenditures associated with growth. The city commission has directed that the city shall impose the road impact fees at a rate of: (i) fifteen (15) percent of the full rate established in the consultant's study from November 1, 2004 through April 30, 2005; and (ii) as of May 1, 2005, twenty five (25) percent of the full rate established in the consultant's study. Under this section existing residents also shall pay a fair share of the costs of needed improvements to the major road network system.~~

- (10) It shall be the policy of the ~~city~~ City to collect the impact fees assessed by this section in lieu of any off-site road improvements.
- (e) *Limitation on issuance of building permit.* Any person who applies, through the filing of a complete permit application, for the issuance of a building permit for a new building, including single-family residential buildings, or for additions or expansions to buildings other than single-family residential buildings shall be required to pay a ~~road impact~~ Multi-Model Transportation Impact fee in the manner and amount set forth in this section. Except as provided in this section, no building permit shall be issued unless and until the required ~~road impact~~ Multi-Model Transportation Impact fee has been paid.
- (f) *~~Road impact~~ Multi-Model Transportation Impact fee schedule.*
- (1) The ~~road impact~~ Multi-Model Transportation Impact fee for the Service Area shall be determined in accordance with the schedule set forth as identified in Exhibit "B".
- (2) If an applicant for a building permit contends that the land use for which the building permit is requested is not within the categories set forth in subsection (a.1) of this section or is within a different category, the ~~city manager~~ City Manager, or her designee, shall make a determination as to the appropriate land use designation. Such determination may be appealed to the ~~city commission~~ City Commission, whose decision shall be final and binding on the applicant.
- (g) *~~Alternative road impact~~ Multi-Model Transportation Impact fee calculation.*
- (1) If an applicant believes that the cost of his/her off-site road improvements needed to serve his/her proposed development will be less than that established in subsection (6), the applicant may submit an alternative ~~road impact~~ Multi-Model Transportation Impact fee calculation, prepared by a competent professional within the traffic engineering field, to the ~~city manager~~ City Manager. The ~~city manager~~ City Manager, or Designee, may request an alternative impact fee calculation in lieu of the standard fee structure, if, in the ~~city manager's~~ City Manager's, or the Designee's opinion, a study is warranted by exceptional traffic-generating development characteristics of the proposed development.
- (2) The ~~city manager~~ City Manager, or Designee, shall review the data, information, and assumptions used by the applicant in the ~~alternative road impact~~ Alternative Multi-Model Transportation Impact fee calculation to determine whether the requirements of this section are satisfied. If the ~~city manager~~ City Manager, or Designee, finds that data, information, and assumptions used by the applicant to calculate the alternative impact fee satisfy the requirements of this section, ~~she~~ the City Manager, or Designee, shall recommend an ~~the alternative road impact~~ Alternative Multi-Model Transportation Impact fee for the applicant to the ~~city commission~~ City Commission. If the ~~city manager~~ City Manager, or Designee, ~~city manager~~ finds the requirements of this section are not satisfied, ~~she~~ the City Manager, or Designee, shall so advise the applicant. The applicant may appeal the ~~city manager's~~ City Manager's, or the Designee's, decision to the ~~city commission~~ City Commission, and the decision of the ~~city commission~~ City Commission as to an ~~alternative road impact~~ Alternative Multi-Model Transportation Impact fee or the ~~road impact~~ Multi-Model Transportation Impact fee schedule shall be final and binding on the applicant.
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- (3) The alternative road impact **Alternative Multi-Model Transportation Impact** fee shall be calculated by use of the following formula documented in the technical support document referenced in Section (d)(4) of this Ordinance.

$$\text{Alternative Impact Fee} = \frac{(\text{ADT}) \times (\text{PNT}) \times (\text{TL}) \times (\text{C})(0.25)(1+\text{IF})^n}{\text{CAP} \times 2}$$

Where:

ADT	=	Number of average daily trip ends generated
PNT	=	Percent new trips (100% less pass-by trip percentage)
TL	=	Local trip length for each proposed use
CAP	=	Typical new capacity per lane mile in vehicles per day at LOS D (7500)
C	=	Cost of right-of-way acquisition plus construction costs (\$3,494,448.00 per lane mile 2004 dollars)
IF	=	Inflation Factor projected at 2.5% per year
(0.25)	=	Impact Fee rate adjustment factor
n	=	Number of periods from the base year of 2004

- (4) The alternative road impact **Alternative Multi-Model Transportation Impact** fee calculations shall be based on data, information or assumptions contained in this Ordinance and supporting documents, or provided by independent sources, provided that:
- The independent source is an accepted standard source of transportation engineering or planning data or information;
 - The independent source is a local study carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering; or
 - If a prior approved development submitted, during the approval process, a traffic impact a travel demand study substantially consistent with the criteria required by this section was submitted during the approval process for a prior approved development, and if that study is determined by the ~~city manager~~ City Manager, or Designee, to still be valid, the traffic impacts of the approved development shall may be presumed to be as described in such prior study. In such circumstances, the road impact **Multi-Model Transportation Impact** fee payable for such development under this Ordinance shall be revised accordingly to reflect the presumed traffic impact of such development. There shall be a rebuttable presumption that a traffic impact study conducted more than one (1) year prior to the effective date of the ordinance from which this Ordinance derives is invalid. This subsection shall not apply where a development order previously granted provides that this section shall supersede such traffic impact study.

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- (5) The new building shall be presumed to generate the maximum number of average daily trips to be generated by the most intensive use permitted under the applicable land development regulations, such as the comprehensive plan or zoning regulations, or under applicable deed or plat restrictions.
- (6) The cost of development and the ~~city's~~ City's review of the ~~alternative road impact~~ Alternative Multi-Model Transportation Impact fee calculation shall be paid by the applicant. Upon submittal of the ~~alternative road impact~~ Alternative Multi-Model Transportation Impact fee calculation by the applicant, the building department shall collect a review ~~fee~~ deposit from the applicant in an amount established by resolution of the ~~city commission~~ City Commission to cover city costs in review of the application for ~~alternative road impact~~ Alternative Multi-Model Transportation Impact fee calculations.
- (7) A determination by the ~~city manager~~ City Manager, or Designee, that the alternative calculation does not satisfy the requirements of this section may be appealed to the ~~city commission~~ City Commission.
- (h) *Redevelopment of property or change of use.* The ~~city~~ City through the ~~city manager~~ City Manager or her designee shall review the applicability of ~~road impact~~ Multi-Model Transportation Impact fees due for the redevelopment of a property or the change of land use of a property based on the net traffic impacts of the proposed change. If the redeveloped property or modified land use generates additional traffic impacts (based upon the ITE Trip Generation Manual, 7th edition product of trip rate times trip length times percent new trips), or its successor edition, then a ~~road impact~~ Multi-Model Transportation Impact fee rate determination will be made for that amount of additional traffic impacts. The ~~rate~~ fee due will be based on the current ~~road impact~~ Multi-Model Transportation Impact fee schedule rate for the appropriate land use category or an ~~alternative road impact~~ Alternative Multi-Model Transportation Impact fee calculation as determined pursuant to subsection (g) of this section. Determinations by the ~~city~~ City pursuant to this section may be appealed to the ~~city commission~~ City Commission.
- (i) *Impact fee credits.* In computing the ~~road impact~~ Multi-Model Transportation Impact fee applicable to a given development activity, credit may be given for the fair market value of any dedication of land for, improvement to, or new construction of, any roadway system improvements that enhance capacity of the ~~city's~~ major roadway network. This fair market value will be measured at the time of dedication of land or upon the completion of dedicated improvements or construction. It must be mutually agreed upon between the ~~city manager~~ City Manager, or Designee, and the developer that the ~~scope and timing of~~ proposed dedication of land or improvement or construction of roadways meets the objectives of the ~~city's~~ City's capital improvements program or comprehensive plan for identified ~~roadway capacity~~ transportation system needs. The developer may appeal the ~~city manager's~~ City Manager's, or the Designee's, decision to the ~~city commission~~ City Commission and the decision of the ~~city commission~~ City Commission as to an impact fee credit shall be final and binding on the developer.
- (j) *Use of ~~road impact~~ Multi-Model Transportation Impact fee funds.*
- (1) At least once each fiscal year, the ~~city manager~~ City Manager or designee shall present to the ~~city commission~~ City Commission: (i) a proposed capital improvement program for road funds, including any accrued interest from the applicable impact fee trust fund to specific improvement projects and related capital costs, and (ii) a proposed update to the major road network ~~system~~ expansion list. Monies, including any accrued interest, not assigned in any fiscal year shall be retained in the same impact fee trust fund until the next fiscal year.
- (2) Debt service. In the event that bonds or other debt instruments are issued for advance provision of road capital requirements for which the ~~road impact~~ Multi-Model Transportation Impact fees were intended to fund the growth related demands, impact fees may be used to pay debt service on such bonds or other debt instruments to the extent that the proceeds of the bonds (and a pro-rata share of the cost of issuance) are expended upon the capital facilities.
- (3) From the collected fees, the City shall remit to Polk County their respective Transportation Impact Fee, unless an agreement is otherwise reached for the use of said funds.
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(4) Use of road impact Multi-Modal Transportation Impact fees. Funds collected for road impact Multi-Modal Transportation Impact fees pursuant hereto shall be used solely for the purpose of acquiring or expanding non-State city public transportation (road) capital facilities under the jurisdiction of addressed in the city, City's Comprehensive Plan Transportation Element. Expansion and development of the roads, streets, highways, and bridges determined to be needed to serve new development, including may include, but is not limited to:

- a. Design and construction plan preparation of ~~the road network system expansion list and of individual major road~~ network improvement projects. In the event the city City determines that making improvements to a county County road identified within the city's City's jurisdiction Comprehensive Plan Transportation Element are in the best interest of the health, safety, and welfare of the citizens of the city City, the city City may advance expend road impact Multi-Modal Transportation Impact fees with no requirement provided that prior to the advancement of the fees for the city City to will enter into an interlocal reimbursement agreement with Polk County which will provide, among other things, that the city will be reimbursed for the amount of fees that have been advanced within five (5) years of the date of advancement;
- b. Right-of-way acquisition;
- c. Construction of new through or turn lanes;
- d. Construction of sidewalks, bicycle lanes or facilities, or street lighting;
- e. Construction of capital improvements motivated by safety concerns;
- ~~d.f.~~ Construction of new bridges;
- ~~e.g.~~ Construction of new drainage facilities in conjunction with new roadway construction;
- ~~f.h.~~ Purchase and installation of traffic control devices;
- ~~g.i.~~ Construction of new curbs, medians, and shoulders;
- ~~h.j.~~ Conservation area mitigation;
- ~~i.k.~~ Compensating storage; and
- ~~j.l.~~ Intersection improvements, ~~such as,~~ including but not limited to roundabouts, traffic signal installation, but not limited to, new turn lanes or extension of existing turn lanes.

All funds collected by reason of the establishment of the road impact Multi-Modal Transportation Impact fee in accordance with this article shall be used exclusively within the benefit areas from which they were collected and in the manner consistent with the principles set forth in *Contractors & Builders Assoc. of Pinellas County v. City of Dunedin*, 329 So. 2d 314 (Fla. 1976); *Hollywood, Inc. v. Broward County*, 431 So. 2d 606 (Fla. 4th DCA 1983) cert. denied, 440 So. 2d 352 (Fla. 1983); *Home Builders and Contractors Assoc. of Palm Beach County, Inc. v. Bd. of County Comm'rs of Palm Beach County*, 446 So. 2d 140 (Fla. 4th DCA 1983), cert. denied, 451 So. 2d 848 (Fla. 1984), and otherwise consistent with all requirements of the Constitution of the United States and the state of Florida and all applicable laws. The funds shall not be used to maintain or repair any roads.

(k) *Impact fee exemptions.*

- (1) The following shall be exempted from payment of city City road impact Multi-Modal Transportation Impact fees;
 - a. The alteration or expansion of an accessory building or structure which will not create additional dwelling units or will not increase the usable square footage associated with the principal building or use of the land.
 - b. The replacement of a dwelling unit or building with a new dwelling unit or building where no additional dwelling units or square footage are created and where the existing and replacement

buildings or dwelling units are located on the same lot; provided that the replacement of a dwelling unit or building which has been destroyed or otherwise rendered uninhabitable must be replaced within five (5) years of the date it was destroyed or rendered uninhabitable in order to be exempted from the payment of ~~city City road impact~~ Multi-Modal Transportation Impact fees.

- c. The issuance of a tie-down permit for a mobile home on which impact fees have previously been paid for the lot upon which the mobile home is to be situated.
- d. Government-owned residential construction and government-owned buildings.
- e. The construction, alteration or expansion of any structure within a core improvement area that is formally recognized and designated by an interlocal agreement between the ~~city City~~ and the ~~county County~~, provided that the ~~county County~~ has waived the imposition of impact fees within such area, excluding water and sewer utility impact fees. Before this exemption shall apply, the ~~city City~~ and the ~~county County~~ shall enter into an interlocal agreement recognizing the affected area along with a legal description.
- f. Any residential construction that qualifies as affordable housing and meets the following requirements:
 - (1) Any person seeking an affordable housing exemption shall file with the ~~city manager City~~ Manager an application for exemption prior to the impact fee payment date pursuant to subsection (e) for the proposed residential construction. The application for exemption shall contain the following:
 - i. The name and address of the owner;
 - ii. The legal description of the residential construction;
 - iii. The proposed selling price or the proposed rental price, as applicable;
 - iv. Evidence that the residential construction shall be occupied by low-income persons or very low-income persons; and
 - v. Evidence that the residential construction is part of a multi-family project, which is funded by a governmental affordable housing program, if applicable.
 - (2) For residential construction to receive an affordable housing exemption, it must meet all the restrictions of affordable housing as provided herein and these restrictions must continue for a period of at least seven (7) years from the date of issuance of a certificate of occupancy. Such restrictions must either be contained within the deed for the residential construction; the terms, restrictions and conditions of a direct government grant or subsidy that will fund the residential construction; or within the terms of a development agreement between the ~~city City~~ and the owner.
 - (3) If the residential construction meets the requirements for an affordable housing exemption, the ~~city manager City Manager, or Designee~~, shall issue an exemption. The exemption shall be presented in lieu of payment of the ~~impact~~ Multi-Modal Transportation Impact fees.
 - (4) The amount of the ~~impact~~ Multi-Modal Transportation Impact fees shall not be increased to replace any revenue lost due to the affordable housing exemption.
 - (5) In the event the residential dwelling unit fails to meet the restrictions of affordable housing as provided herein with in the seven-year period following the issuance of the certificate of occupancy such that the property no longer qualifies as affordable housing and is no longer occupied by low-income or very-low-income persons, the impact fees in effect at the time of the change in circumstances shall be immediately due.

- g. The construction, alteration or expansion of a dwelling unit for the purpose of providing living quarters for one (1) or more natural or adoptive parents or grandparents ~~or of~~ the owner or the owner's spouse which satisfies the requirements of Article VII, Section 4 of the Constitution of the State of Florida, F.S. § 193.703, and Polk County Ordinance No. 06-083 and meets the following:
- (1) Any person seeking an exemption pursuant to this subsection shall file with the ~~city manager~~ City Manager an application for exemption prior to the ~~impact~~ Multi-Modal Transportation Impact fee payment date pursuant to subsection (e) for the proposed construction. The application for exemption shall contain the following:
 - i. The name and address of the owner;
 - ii. The legal description of the ~~R~~residential property;
 - iii. Evidence that the residential property is the legal homestead of the owner;
 - (l) ~~Periodic adjustment of road impact~~ Multi-Modal Transportation Impact fees. On June 1 of each year after the adoption of this article, the Schedule of Impact Fees in Exhibit "B" herein shall be automatically adjusted upward, if appropriate, by the same percentage that the Construction Price Index-20 Cities Average, as published in the magazine "Engineering News Record," has increased between May 1 of the year in which the adjustment is being made and May 1 of the prior year. At no time shall the schedule of impact fees be adjusted downward.
 - (m) ~~Review of article.~~ This article shall be reviewed by the ~~city commission~~ City Commission at least every five (5) years, pursuant to 163.31801 F.S. The review shall consider updated growth trends, adopted plans, revenue forecasts, trip generation rates, trip lengths, and actual construction and right-of-way acquisition costs of work contracted for by the ~~city~~ City and the state department of transportation within the ~~city~~ City. The purpose of this review is to ~~analyze the effects of inflation on the actual costs of roadway improvements and to ensure that the fee charged new land development activity generating traffic will not exceed its pro-rata share for the reasonably anticipated expansion costs of road improvements necessitated solely by its presence,~~ and to assess the City's ability to implement the transportation system required by its Comprehensive Plan.
- (Ord. No. 04-1125 , §§ 1—11, 8-19-04; Ord. No. 20-1675 , § 1, 2-6-20)

Exhibit "A"
HAINES CITY,

ROADWAY IMPROVEMENT PROJECT LISTING
NOT INCLUDING INTERSECTION IMPROVEMENTS (1)

ID No.	Road Name	From	To	Improvement	Distance (mi.)	Cost Estimate (\$million)
1	Hughes Rd.	US-27	10th St.	Widen 2 to 4 lanes	1.0	7.0
2	White Clay Pit Rd.	10th St.	Adams Nursery Rd.	Widen 2 to 4 lanes	3.1	21.7
3	Grace Ave.	30th St.	Bradbury Rd.	Widen 2 to 4 lanes	1.9	13.3
4	Hinson Ave.	US-17/92	Kali-Gradis Rd.	Widen 2 to 4 lanes	3.0	21.0

5A	Patterson Rd./Snell Creek Rd.	US 27	Carter Rd.	Widen 2 to 4 lanes	1.7	11.9
5B	Patterson Rd./Snell Creek Rd.	Carter Rd.	Power Line Rd.	Extension as 4 lane	1.0	7.0
6	Forest Grove Dr./Hughes Rd.	Hatchineha Rd.	Bannon Island Rd.	Extension as 4 lane	2.3	16.1
7A	Power Line Rd.	Hinson Ave.	Snell Creek Rd.	Widen 2 to 4 lanes	2.4	16.8
7B	Power Line Rd.	Bannon Island Rd.	Hinson Ave.	Extension as 4 lane	1.8	12.6
8	Detour Rd.	Hughes Rd.	CR 544	Widen 2 to 4 lanes	1.4	9.8
9A	30th St.	CR 544	Baker Dairy Rd.	Widen 2 to 4 lanes	2.3	16.1
9B	30th St.	Baker Dairy Rd.	N. of Shamrock Rd.	Extension as 4 lane	1.0	7.0
10A	Bates Rd.	US 27	Patterson Rd.	Widen 2 to 4 lanes	1.5	10.5
10B	Bates Rd.	Patterson Rd.	30th St. Extension	Extension as 4 lane	0.3	2.1
11	Jahana Sand Mine Rd. Ext.	CR 544 @ Bice Groove	Snell Creek Rd.	Extension as 4 lane	4.3	30.1
12	Peninsular Dr.	CR 544	Hinson Ave.	Widen 2 to 4 lanes	1.4	9.8
13	Polk City Rd.	Railroad Ave.	US 27	Widen 2 to 4 lanes	1.3	9.1
14	Mini Dump Rd.	Diamond Acres Rd.	US 27	Pave existing 2 lane	0.8	2.8
15	Forest Lake Dr.	US 27	Kingham Rd.	Pave existing 2 lane	1.0	3.5
17	Holly Hill Cutoff Rd.	Diamond Acres Rd.	US 27	Pave existing 2 lane	0.8	2.8
18	North Blvd.	US 27	Kingham Rd.	Pave existing 2 lane	1.0	3.5
19	Sanders Rd.	FDC Grove Rd.	US 27	Pave existing 2 lane	0.7	2.4
20	Olson Rd.	FDC Grove Rd.	10th St.	Extension as 2 lane	0.7	2.4

21	Airport Rd.	FDC Grove Rd.	US-27	Pave existing 2 lane	0.5	1.7
22	-Baker Dairy Rd.	30th St.	Kali-Gradis Rd. Ext.	Pave existing 2 lane	2.8	9.8
23	-Robinson Dr.	30th St.	Power Line Rd. Ext.	Pave existing 2 lane	1.0	3.5
24	Roe Rd.	30th St.	Bradbury Rd.	Pave existing 2 lane	1.0	3.5
25	Bannon Island Rd.	10th St.	Forest Grove Dr.	Pave existing 2 lane	2.3	8.0
26	-Bannon Loop Rd.	10th St.	Forest Grove Dr.	Pave existing 2 lane	1.4	4.9
27	Warren Brothers Rd.	10th St.	Forest Grove Dr.	Pave existing 2 lane	1.4	4.9
28	Hughes Rd.	10th St.	Forest Grove Dr.	Pave existing 2 lane	1.5	5.2
29	Bice Groove Rd.	Kokomo Rd.	CR-544	Pave existing 2 lane	1.4	4.9
30	Adams Nursery Rd. Ext.	CR-544	Hinson Ave.	Extension as 2 lane	1.8	6.3
31	Kalogridis Rd.	CR-544	Baker Dairy Rd.	Pave existing 2 lane	0.4	1.4
32	Marly Extention	CR-544	Grace	Extension as 2 lane	1.2	4.2
33	East North/South Collector	Water Tank R.	Baker Dairy	Extension as 2 lane	5.0	17.5
34	West-North/South Collector	Lake Henry	Polk City Road	Extension as 2 lane	2.7	9.4
	-Total Project Cost Estimate					324.3

Notes:

1. Improvement cost estimate is based on \$3.495 million per lane mile.
2. Identified improvements are for planning purposes only and do not represent funded projects.
3. Projects listed are within the City's service area boundary and may extend beyond the current municipal limits, however these improvements would not be initiated until these roads were annexed and accepted for maintenance.

CITY OF HAINES CITY

INTERSECTION IMPROVEMENTS	COST
1. Kentucky Street & SR 17-92	\$ 300,000
2. "F" Street & SR 17-92	\$ 300,000
3. "C" Street & SR 17-92	\$ 300,000
4. N. 10th Street & Bates road	\$ 300,000
5. Claude Holmes Sr. Blvd. & Polk City road	\$ 300,000
6. Martin Luther King Way & N. 12th Street	\$ 300,000
7. N. 10th Street & Avenue "F"	\$ 300,000
8. Baker Avenue & SR 17-92	\$ 300,000
9. Melbourne Avenue & SR 17-92	\$ 300,000
10. Railroad Avenue & SR 17-92	\$ 300,000
11. N. 20th Street & CR 580	\$ 300,000
12. Stuart Avenue & N. 12th Street	\$ 300,000
13. Stuart Avenue & SR 17-92	\$ 300,000
14. N. 22nd Street & Hinson Avenue	\$ 300,000
15. N. 22nd Street & Grace Avenue	\$ 300,000
16. Grace Avenue & SR 17	\$ 300,000
17. Park Avenue & Jones Avenue	\$ 300,000
18. Robinson Drive & SR 17	\$ 300,000
	\$ 5,400,000

Exhibit "B" - Road Impact Multi-Modal Transportation Impact Fee Schedule
ITE 7th Edition Adopted

RESIDENTIAL

LAND-USE CATEGORY	Independent Variable	Land Use Code	Daily Trip Rates	Percent New Trips	Impact Fee (15% cost) From 11/01/04 to 04/30/05	Impact Fee (25% cost) 4/30/05 to 05/06/20	Impact Fee (37.5% Cost) As of 05/06/20
Single Family	Dwelling Unit	210	9.57	100%	478.22	797.04	1,195.56
Multi-Family	Dwelling Unit	221	6.59	100%	329.31	548.85	823.28
Mobile Home	Dwelling Unit	240	4.99	100%	249.36	415.59	623.39
Hotel/Motel	Room	310	8.92	100%	445.74	742.90	1,114.35

NON-RESIDENTIAL

LAND-USE CATEGORY	Independent Variable	Land Use Code	Daily Trip Rates	Percent New Trips	Impact Fee (15% cost) From 11/01/04 to 04/30/05	Impact Fee (25% cost) 4/30/05 to 05/06/20	Impact Fee (37.5% Cost) As of 05/06/20
Racquet Club	1,000 sq. ft.	492	32.93	49%	806.32	1,343.87	2,015.51
Hospital	1,000 sq. ft.	610	17.57	100%	877.99	1,463.32	2,194.98
Day Care	1,000 sq. ft.	565	79.26	28%	1,109.00	1,848.33	2,772.50
School	1,000 sq. ft.	530	12.89	100%	644.13	1,073.55	1,610.33
Bowling Alley	1,000 sq. ft.	437	33.33	49%	816.11	1,360.19	2,040.29
Movie Theater	1,000 sq. ft.	443	78.06	100%	3,900.75	6,501.24	9,751.86

OFFICE

LAND-USE CATEGORY	Independent Variable	Land Use Code	Daily Trip Rates	Percent New Trips	Impact Fee (15% cost) From 11/01/04 to 04/30/05	Impact Fee (25% cost) 4/30/05 to 05/06/20	Impact Fee (37.5% Cost) As of 05/06/20
Less than 100,000 SF	1,000 sq. ft.	710	15.65	100%	782.05	1,303.41	1,955.12
100,000 to 200,000 SF	1,000 sq. ft.	710	12.15	100%	607.15	1,011.92	1,517.88
Greater than 200,001 SF	1,000 sq. ft.	710	11.37	100%	568.17	946.95	1,420.43
Business Park	1,000 sq. ft.	750	12.76	100%	637.63	1,062.72	1,594.08
Medical Office	1,000 sq. ft.	720	36.13	100%	1,805.46	3,009.09	4,513.64

SERVICES

LAND-USE CATEGORY	Independent Variable	Land Use Code	Daily Trip Rates	Percent New Trips	Impact Fee (15% cost) From 11/01/04 to 04/30/05	Impact Fee (25% cost) 4/30/05 to 05/06/20	Impact Fee (37.5% Cost) As of 05/06/20
Auto Care Center	service position	942	15.86	51%	404.20	673.66	1,010.49
Quick Lube Center	service position	941	40.00	51%	1,019.41	1,699.02	2,548.53
Bank/Savings	1,000 sq. ft.	912	246.49	53%	6,528.21	10,880.35	16,320.53

RETAIL

LAND-USE CATEGORY	Independent Variable	Land Use Code	Daily Trip Rates	Percent New Trips	Impact Fee (15% cost) From 11/01/04 to 04/30/05	Impact Fee (25% cost) 4/30/05 to 05/06/20	Impact Fee (37.5% Cost) As of 05/06/20
Less than 50,000 SF	1,000 sq. ft.	820	110.32	100%	2,701.28	4,502.13	6,753.20
50,000 to 100,000 SF	1,000 sq. ft.	820	75.10	100%	1,801.36	3,002.26	4,503.39
100,000 to 300,000 SF	1,000 sq. ft.	820	53.28	100%	1,624.10	2,706.84	4,060.26
300,001 to 500,000 SF	1,000 sq. ft.	820	41.80	100%	1,545.71	2,576.18	3,864.27
500,001 to 1,000,000 SF	1,000 sq. ft.	820	33.55	100%	1,357.99	2,263.32	3,394.98
Greater than 1,000,000 SF	1,000 sq. ft.	932	30.33	81%	1,227.66	2,046.09	3,069.14
Restaurant: Sit-Down	1,000 sq. ft.	934	127.15	57%	3,621.68	6,036.14	9,054.21
Restaurant: Drive-Through	1,000 sq. ft.	944	496.12	50%	12,395.84	20,659.73	30,989.60
Gas Pumps	fueling position	851	168.56	28%	2,358.48	3,930.80	5,896.20
Convenience Store	1,000 sq. ft.	851	737.99	28%	10,325.89	17,209.82	25,814.73
Supermarket	1,000 sq. ft.	850	102.24	64%	3,269.79	5,449.65	8,174.48
Drug Store	1,000 sq. ft.	880	90.06	50%	2,250.20	3,750.33	5,625.50

INDUSTRIAL/AGRICULTURAL

LAND-USE CATEGORY	Independent Variable	Land Use Code	Daily Trip Rates	Percent New Trips	Impact Fee (15% cost) From 11/01/04 to 04/30/05	Impact Fee (25% cost) 4/30/05 to 05/06/20	Impact Fee (37.5% Cost) As of 05/06/20
Manufacturing	1,000 sq. ft.	140	3.82	100%	190.89	318.15	477.23
Wholesale/Warehousing	1,000 sq. ft.	150	4.96	100%	247.86	413.09	619.64

Mini-Warehouse	1,000-sq. ft.	151	2.50	100%	124.93	208.21	312.32
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<u>ITE Land Use Code(1)</u>	<u>Land Use</u>	<u>Unit</u>	<u>Current City Fee (eff 12/7/2024)</u>	<u>Unit</u>	<u>City Fee (eff 08/01/2025)</u>
<u>110/140/156</u>	<u>Manufacturing/Light Industry/Parcel Hub</u>	<u>1,000 sf</u>	<u>\$649.03</u>	<u>1,000 sf</u>	<u>\$3,891</u>
<u>150/154/155/157</u>	<u>Passive Warehousing/Storage</u>	<u>1,000 sf</u>	<u>\$842.71</u>	<u>1,000 sf</u>	<u>\$1,102</u>
<u>151</u>	<u>Self-Storage/Mini-Warehouse</u>	<u>1,000 sf</u>	<u>\$424.75</u>	<u>1,000 sf</u>	<u>\$965</u>
<u>210</u>	<u>Single Family < 1,200 sf</u>	<u>D.U.</u>	<u>\$1,625.95</u>	<u>D.U.</u>	<u>\$3,182</u>
<u>210</u>	<u>Single Family 1,200 to 2,500 sf</u>	<u>D.U.</u>	<u>\$1,625.95</u>	<u>D.U.</u>	<u>\$5,846</u>
<u>210</u>	<u>Single-Family >2,500 sf</u>	<u>D.U.</u>	<u>\$1,625.95</u>	<u>D.U.</u>	<u>\$7,933</u>
<u>220</u>	<u>Multi-Family</u>	<u>D.U.</u>	<u>\$1,119.65</u>	<u>D.U.</u>	<u>\$4,706</u>
<u>240</u>	<u>Mobile Home</u>	<u>D.U.</u>	<u>\$847.80</u>	<u>D.U.</u>	<u>\$6,368</u>
<u>310/320</u>	<u>Hotel/Motel</u>	<u>Room</u>	<u>\$1,515.50</u>	<u>Room</u>	<u>\$2,535</u>
<u>520/522/525</u>	<u>School</u>	<u>1,000 sf</u>	<u>\$2,190.04</u>	<u>Student</u>	<u>\$1,437</u>
<u>565</u>	<u>Day Care</u>	<u>1,000 sf</u>	<u>\$3,770.59</u>	<u>1,000 sf</u>	<u>\$27,244</u>
<u>610</u>	<u>Hospital</u>	<u>1,000 sf</u>	<u>\$2,985.18</u>	<u>1,000 sf</u>	<u>\$7,822</u>
<u>710</u>	<u>Office (>10,000 sf)</u>	<u>1,000 sf</u>	<u>\$2,658.95</u>	<u>1,000 sf</u>	<u>\$7,236</u>
<u>712</u>	<u>Office (<=10,000 s.f.)</u>	<u>1,000 sf</u>	<u>\$2,658.95</u>	<u>1,000 sf</u>	<u>\$10,729</u>
<u>720</u>	<u>Medical Office</u>	<u>1,000 sf</u>	<u>\$6,138.55</u>	<u>1,000 sf</u>	<u>\$31,400</u>
<u>750</u>	<u>Office Park</u>	<u>1,000 sf</u>	<u>\$2,167.95</u>	<u>1,000 sf</u>	<u>\$7,462</u>
<u>820</u>	<u>Retail (>150 ksf gla)</u>	<u>1,000 sf</u>	<u>\$5,521.95</u>	<u>1,000 sf</u>	<u>\$19,755</u>
<u>821</u>	<u>Retail (40-150 ksf gla)</u>	<u>1,000 sf</u>	<u>\$6,124.60</u>	<u>1,000 sf</u>	<u>\$43,404</u>
<u>822</u>	<u>Retail (<40 ksf gla)</u>	<u>1,000 sf</u>	<u>\$9,184.34</u>	<u>1,000 sf</u>	<u>\$15,246</u>
<u>850</u>	<u>Supermarket</u>	<u>1,000 sf</u>	<u>\$11,117.29</u>	<u>1,000 sf</u>	<u>\$31,824</u>
<u>851</u>	<u>Convenience Store</u>	<u>1,000 sf</u>	<u>\$35,108.02</u>	<u>1,000 sf</u>	<u>\$135,754</u>
<u>881</u>	<u>Drug Store w/Drive-Through</u>	<u>1,000 sf</u>	<u>\$7,650.67</u>	<u>1,000 sf</u>	<u>\$30,027</u>
<u>912</u>	<u>Bank w/ Drive-Through Lane(s)</u>	<u>1,000 sf</u>	<u>\$22,195.91</u>	<u>1,000 sf</u>	<u>\$36,063</u>
<u>931</u>	<u>Restaurant-Fine Dining</u>	<u>1,000 sf</u>	<u>\$12,313.72</u>	<u>1,000 sf</u>	<u>\$58,413</u>
<u>930/932</u>	<u>Resaturant-Fast Casual/High Turnover</u>	<u>1,000 sf</u>	<u>\$12,313.72</u>	<u>1,000 sf</u>	<u>\$63,824</u>
<u>912/913/934</u>	<u>Restaurant-Fast-Food w/ Drive-Thru</u>	<u>1,000 sf</u>	<u>\$42,145.85</u>	<u>1,000 sf</u>	<u>\$103,509</u>
<u>941</u>	<u>Quick Lube</u>	<u>Service Position</u>	<u>\$3,466.01</u>	<u>1,000 sf</u>	<u>\$44,313</u>
<u>942</u>	<u>Auto Care Center</u>	<u>Service Position</u>	<u>\$1,374.27</u>	<u>1,000 sf</u>	<u>\$19,401</u>
<u>944</u>	<u>Gasoline Station</u>	<u>Fuel Pos.</u>	<u>\$8,018.84</u>	<u>Fuel Pos.</u>	<u>\$27,871</u>

Notes: 1. Where more than one land use code is listed, the rate is an average of the land uses.

(Ord. No. 04-1125 , §§ 1—11(Exh. A, B), 8-19-04; Ord. No. 20-1675 , § 1(Exh. B), 2-6-20)

