

## **ORDINANCE 2020-06**

**AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING ORDINANCE 2007-71, AS AMENDED BY ORDINANCE 2008-51, 2012-13, 2016-23, TO TERMINATE THE EXISTING MORATORIUM ON THE COLLECTION OF IMPACT FEES FOR PARKS AND RECREATION, LAW ENFORCEMENT, AND TRANSPORTATION; ELIMINATING THE COLLECTION OF FIRE PROTECTION IMPACT FEES; PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR ADOPTION OF AN UPDATED FINAL IMPACT FEE STUDY DATED JUNE 2020 AND PREPARED BY NUE URBAN CONCEPTS, LLC; PROVIDING FOR THE IMPOSITION OF IMPACT FEES; PROVIDING FOR AN ALTERNATIVE IMPACT FEE; PROVIDING FOR USE OF MONIES; PROVIDING FOR DEVELOPER CONTRIBUTION CREDITS; PROVIDING FOR REVIEW HEARINGS; PROVIDING FOR REVIEW REQUIREMENTS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3202(3), Florida Statutes, encourages the use of innovative land development regulations, including the use of impact fees, to implement the Goals, Policies and Objectives of the City's Comprehensive Plan; and

**WHEREAS**, future growth should contribute its fair share to the cost of improvements and additions to the Capital Facilities that are required to accommodate the use of such facilities by growth; and

**WHEREAS**, the required improvements and additions to the Capital Facilities needed to accommodate existing development at the adopted level of service shall be financed by revenue sources other than impact fees; and

**WHEREAS**, implementation of this impact fee structure to require future growth to contribute its fair share of the cost of improvements and addition to Capital Facilities is an integral and vital element of the management of growth; and

**WHEREAS**, the City relied on studies prepared by Government Services Group entitled "City of Bunnell Fire Protection Impact Fee Study" dated September 2007, "City of Bunnell Parks and Recreation Facilities Impact Fee Study" dated September 2007, "City of Bunnell Law Enforcement Impact Fee Study" dated September 2007, and the "City of Bunnell Transportation Impact Fee Study" dated September 2007 ("2007 Impact Fee Study") when it adopted Ordinance

2007-71, creating impact fees for these services in the City of Bunnell; and

**WHEREAS**, the City imposed a moratorium on the collection of impact fees for fire protection, parks and recreation facilities, law enforcement, and transportation in 2008, 2012, and 2016;

**WHEREAS**, in April 2018, the City entered into an Interlocal Agreement with Flagler County to deliver fire protection services to residents in the City of Bunnell; and

**WHEREAS**, the City of Bunnell recently completed a new Impact Fee Study titled the City of Bunnell Transportation, Parks & Recreation, Law Enforcement Impact Fee Update Final Technical Report, dated June 2020 and prepared by NUE Urban Concepts, LLC (2020 Impact Fee Study); and

**WHEREAS**, it is now in the best interest of the residents of the City of Bunnell to terminate the existing moratorium on the imposition and collection of all impact fees, to eliminate the collection of impact fees for fire protection services and to adopt this Amended Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BUNNELL:**

**SECTION 1. DEFINITIONS.**

“Capital Facilities” shall mean those facilities identified in this Ordinance for which Impact Fees are imposed.

“Capital Facilities Impact Construction” shall mean land development which changes the use of land in a manner which increases the impact upon the Capital Facilities for which impact fees are imposed under this Ordinance.

**SECTION 2. FINDINGS.**

The City of Bunnell City Commission makes the following findings:

1. The above WHEREAS clauses are incorporated by reference.
2. The Capital Facilities System benefits all residents of the City and, therefore, the ~~Fire Protection~~, Parks and Recreation Facilities, Law Enforcement, and Transportation Impact Fees shall be imposed in all areas of the City. Development necessitated by the growth contemplated in the Comprehensive Plan and the ~~Fire Protection~~, Parks and Recreation , Law Enforcement, and Transportation Impact Fees Impact Fee Studies will require improvements and additions to the Capital Facilities System to accommodate the impacts generated by such growth and maintain the levels of service adopted by the City.
3. Future growth, as represented by Capital Facilities Impact Construction, should contribute its

fair share to the cost of improvements and additions to the Capital Facilities System that are required to accommodate the impacts generated by such growth. The required improvements and additions to the Capital Facilities System needed to eliminate any deficiencies shall be financed by revenue sources of the City other than Impact Fees.

4. Data in the 2020 Impact Fee Study support a finding based on recent trends that costs of improvements and additions to the Capital Facilities System will be subject to an increase due to inflation.

### **SECTION 3. IMPLEMENTATION.**

Implementation of Impact Fees to require future Capital Facilities Impact Construction within the City to contribute its fair share to the cost of required improvements and additions is an integral and vital element of the regulatory plan of growth management incorporated in the Comprehensive Plan.

The imposition of ~~Fire Protection~~, Parks and Recreation , Law Enforcement, and Transportation Impact Fees is to provide a source of revenue to fund the construction or improvement of the Capital Facilities System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan. The City has the statutory responsibility to provide and maintain capital facilities in the City. Capital Facilities Impact Construction occurring within the City impacts upon the Capital Facilities System; therefore, Capital Facilities Impact Construction should pay its fair share of the cost of providing the improvements and additions to the Capital Facilities System.

Capital Facilities planning is an evolving process and the capital improvements and additions to the Capital Facilities System identified upon the date of the adoption of this Amended Ordinance constitute projections of growth patterns and transportation improvements and additions based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns and the dynamic nature of population growth, it is the intent of the City Commission that the identified improvements and additions to the Capital Facilities System be reviewed by the City at least once every five (5) years. The initial and each subsequent review shall consider but not be limited to all components of the Impact Fee Studies accepted herein. The purpose of this review is to demonstrate that the Impact Fees do not exceed reasonably anticipated costs associated with growth necessitated capital improvements. In the event the review of the Amended Ordinance and the Impact Fee Studies required by this section alters or changes the assumptions, conclusions and findings of the Impact Fee Studies accepted herein then said studies shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and the Impact Fees shall be amended in accordance therewith.

The purpose of this Amended Ordinance is to require payment of ~~Fire Protection~~, Parks and Recreation Facilities, Law Enforcement, and Transportation Impact Fees by those who engage in Capital Facilities Impact Construction and to provide for the cost of capital improvements to the Capital Facilities System which are required to accommodate such growth. This Amended Ordinance shall not be construed to permit the collection of ~~Fire Protection~~, Parks and Recreation,

Law Enforcement, and Transportation Impact Fees in excess of the amount reasonably anticipated to offset the demand on the Capital Facilities System generated by such applicable Capital Facilities Impact Construction.

The data set forth in the ~~Fire Protection~~, Parks and Recreation, Law Enforcement, and Transportation Impact Fee Studies which was employed in the calculation of the ~~Fire Protection~~, Parks and Recreation, Law Enforcement, and Transportation Impact Fee rates imposed herein is the most recent and localized data available for the Capital Facilities System.

#### **SECTION 4. ADOPTION OF IMPACT FEE STUDIES.**

The City Commission hereby adopts and incorporates by reference, the City of Bunnell Transportation, Parks & Recreation, Law Enforcement Impact Fee Update Technical Report, dated June 2020 and prepared by NUE Urban Concepts, LLC ("2020 Impact Fee Study") as an update to and replacement of the earlier study prepared by Government Services Group entitled "City of Bunnell Fire Protection Impact Fee Study" dated September 2007, "City of Bunnell Parks and Recreation Impact Fee Study" dated September 2007, "City of Bunnell Law Enforcement Impact Fee Study" dated September 2007, and the "City of Bunnell Transportation Impact Fee Study" dated September 2007 including the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the additions to the Capital Facilities System required to accommodate growth. The 2020 Impact Fee study is attached hereto as Appendix A and a summary of impact fee rates, providing for adjustments for inflation based on the analysis in the 2020 Impact Fee study is contained in Appendix B.

#### **SECTION 5. IMPOSITION OF IMPACT FEES.**

All Capital Facilities Impact Construction occurring within the City, shall pay the total amount due of Impact Fees established in Appendix A and summarized in Appendix B of this Amended Ordinance, or as amended by subsequent Ordinance, at the time of issuance of a Building Permit for such Capital Facilities Impact Construction. ~~If the Construction undertaken does not require the issuance of a Building Permit, the appropriate Impact Fee shall be paid prior to final inspection by the City.~~ The payment of the Impact Fee shall be in addition to all other fees, charges or assessments due for the issuance of a Building permit. The City's impact fees shall be adjusted annually for inflation on October 1st for each calendar year. As a courtesy, the City shall provide notice by June 30th of each calendar year of the proposed increase in impact fees. The inclusion of the intent to annual adjust impact fees shall serve as meeting the notice requirements of Florida Statute. For park and law impact fees, the inflation factor shall be either 3% or the percentage of inflation for the preceding year in the Consumer Price Index (CPI) published by the US. Bureau of Labor Statistics, whichever is greater. For the road impact fee, the inflation factor shall be either 3% or the percentage of inflation for the preceding year Construction Cost Index published by the Florida Department of Transportation.

#### **SECTION 6. ALTERNATIVE IMPACT FEE.**

In the event an Applicant believes that the impact to the Capital Facilities System caused by Capital Facilities Impact Construction is less than the impact established under the applicable Impact Fee such

Applicant may, prior to issuance of a Building Permit, file an Alternative Impact Fee Study with the City Manager. The City Manager shall review the alternative calculations and make a determination within sixty (60) days of submittal as to whether such calculations comply with the requirements of this Section.

For purposes of any Alternative Impact Fee calculation, the Capital Facilities Impact Construction shall be presumed to have the maximum impact on the appropriate Capital Facilities Impact Fee.

The Alternative Impact Fee calculation shall be based on data, information or assumptions contained in this Amended Ordinance and the Impact Fee Study, or independent sources, provided that:

1. The independent source is a generally accepted standard source of planning information and cost impact analysis performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Impact Fee Study; or
2. The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed pursuant to a generally accepted methodology of planning and cost impact analysis which is consistent with the Impact Fee Study.

If the City Manager determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and that the calculation of the Alternative Impact Fee was by a generally accepted methodology that is consistent with the 2020 Impact Fee Study, then the Alternative Impact Fee shall be paid in lieu of the fees identified in Appendix B. ~~adopted pursuant to Appendix A hereof.~~

If the City Manager determines that the data, information and assumptions utilized by the Applicant to compute an Alternative Impact Fee do not comply with the requirements of this Section, then the City Manager shall provide to the Applicant by certified mail, return receipt requested, written notification of the rejection and the reasons therefore.

#### **SECTION 7. USE OF MONIES.**

The City Commission hereby creates the following impact fee accounts: ~~Fire Protection~~, Parks and Recreation, Law Enforcement, and Transportation which shall be maintained separate and apart from all other City accounts. The Impact Fees shall be deposited into the appropriate Impact Fee Fund immediately upon receipt. Funds on deposit in the Impact Fee Fund, as established above, shall be used solely for the purpose of providing growth-necessitated capital improvements to the City's Capital Facilities, including, but not limited to:

1. Design and construction plan preparation;
2. Any permitting or application fees necessary for the construction;
3. Site development and on-site and off-site improvements incidental to the construction thereto;
4. Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals and construction

- management;
5. Land acquisition, including any cost of acquisition or condemnation;
  6. Design and construction of new Facilities;
  7. Design and construction of new drainage facilities required by the construction of Facilities or improvements thereto;
  8. Relocating utilities required by the construction of Facilities or improvements or additions thereto;
  9. Landscaping;
  10. Construction management and inspection;
  11. Surveying, soils and material testing;
  12. Acquisition of apparatus or equipment required for the Facilities or to provide additional new service necessitated by new growth;
  13. Repayment of monies borrowed from any budgetary fund of the City which were used to fund growth-necessitated capital improvements to Facilities as provided herein;
  14. Costs relating to the administration, collection and implementation of the ~~Fire Protection~~, Parks and Recreation Facilities, Law Enforcement, or Transportation Impact Fee; and
  15. Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to fund growth- necessitated improvements and additions to the Capital Facilities subsequent to the effective date of this Ordinance.

The monies deposited in the ~~Fire Protection~~, Parks and Recreation , Law Enforcement, or Transportation Impact Fee Fund shall be used solely to provide capital improvements or additions to the as necessitated by growth as projected in the 2020 Impact Fee Study in Appendix A and shall not be used for any expenditure that would be classified as a maintenance or repair expense. A report will be prepared annually by the City reflecting the collection and expenditures of ~~Fire Protection~~, Parks and Recreation , Law Enforcement, and Transportation Impact Fees by the City during the previous year.

Any Impact Fee funds on deposit which are not immediately necessary for expenditure shall be invested by the City. All income derived from such investments shall be deposited in the appropriate Impact Fee Fund and used as provided herein. The City may retain the actual costs of administration and collection as an administrative fee to defray the costs of administering the ~~Fire Protection~~, Parks and Recreation , Law Enforcement, or Transportation Impact Fees.

The ~~Fire Protection~~, Parks and Recreation , Law Enforcement, or Transportation Impact Fees collected pursuant to this Amended Ordinance shall be returned to the then current Owner of the property on behalf of which such fee was paid, if such fees have not been expended or ~~E~~ncumbered prior to the end of the fiscal year immediately following the eighth (8th) anniversary of the date upon which such fees were paid. Payment shall be made only in accordance with the following procedure:

1. The then present Owner shall petition the City for the refund within six (6) months following the end of the calendar quarter immediately following eight (8) years from the date on which the

fee was received.

2. The petition for refund shall be submitted to the City Manager and shall contain:

- (a) A notarized sworn statement that the petitioner is the present Owner of the property on behalf of which the ~~Fire Protection~~, Parks and Recreation , Law Enforcement, or Transportation Impact Fee was paid; and
- (b) A copy of the dated receipt issued for payment of the ~~Fire Protection~~, Parks and Recreation , Law Enforcement, or Transportation Impact Fee or such other record as would evidence payment; and
- (c) A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.

Within sixty (60) days from the date of receipt of a petition for refund, the City Manager will advise the petitioner and the City Commission of the status of the ~~Fire Protection~~, Parks and Recreation , Law Enforcement, or Transportation Impact Fee requested for refund, and if such Parks and Recreation , Law Enforcement, or Transportation Impact Fee has not been expended or ~~Encumbered~~ within the applicable time period, then it shall be returned to the petitioner. For the purposes of this section, fees collected shall be deemed to be spent or ~~Encumbered~~ on the basis of the first fee in shall be the first fee out.

#### **SECTION 8. DEVELOPER CONTRIBUTION CREDITS.**

Subject to the terms and conditions of this Section a credit shall be granted against an Impact Fee imposed by this Amended Ordinance for the donation of land or equipment, or the construction of Capital Facilities required pursuant to a Development Permit or made voluntarily in connection with Capital Facilities Impact Construction. Such donations or construction shall be subject to the approval and acceptance of the City Manager. No credit shall be given for the donation of land or construction unless such property is conveyed, in fee simple to the City without remuneration. Prior to issuance of a Building Permit, the Applicant shall submit a proposed plan for donations or contributions to the Capital Facilities to the City Manager. The proposed plan shall include:

- 1. The designation of the Capital Facilities Impact Construction for which the plan is being submitted;
- 2. The legal description of any land proposed to be donated and a written appraisal prepared in conformity with this section;
- 3. The list of the contemplated Capital Facilities improvements, apparatus or equipment sought to be donated and an estimate of the proposed construction costs certified by a professional architect or engineer; and
- 4. The proposed time schedule for completion of the proposed plan.

The City Manager shall approve or deny the proposed plan in accordance with this section and, if approved, establish the amount of credit in accordance with this section. The City Manager shall issue a decision within sixty (60) days after the filing of the proposed plan.

In reviewing the proposed plan, the City Manager shall determine:

1. If such proposed plan is in conformity with contemplated improvements and additions to the Capital Facilities;
2. If the proposed donation of land and construction by the Applicant is consistent with the public interest; and
3. If the proposed time schedule is consistent with the capital improvement program for the Capital Facilities.

The amount of developer contribution credit shall be determined as follows:

1. The value of donated land shall be based upon a written appraisal of fair market value as determined by an M.A.I. Appraiser who was selected and paid for by the Applicant, and who used generally accepted appraisal techniques. If the appraisal does not conform to the requirements of this Ordinance and any applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the City Manager accepts the methodology of the appraisal but disagrees with the appraised value, he may engage another M.A.I. Appraiser at the City's expense and the value shall be an amount equal to the average of the two appraisals. If either party does not accept the average of the two appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the City and the Owner or Applicant. The third appraiser shall be selected by the first two appraisers and the third appraisal shall be binding on the parties; and
2. The actual cost of construction to the Capital Facilities shall be based upon cost estimates certified by a professional architect or engineer. However, in no event shall any credit be granted in excess of the estimated construction costs approved by the City Commission unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost or 120% of the bid amounts, whichever is less; and
3. The land donations and construction contributions shall only provide improvements or additions to the Capital Facilities which are required to accommodate growth. If a proposed plan is approved for credit by the City Manager, the Applicant or Owner and the City Commission shall enter into a credit agreement which shall provide for the parties' obligations and responsibilities, including, but not limited to:
  - a. The timing of actions to be taken by the Applicant and the obligations and responsibilities of



- the Applicant, including, but not limited to, the construction standards and requirements to be complied with;
- b. The obligations and responsibilities of the City Commission including, but not limited to, inspection of the project; and
  - c. The amount of the credit as determined in accordance with this section.

A credit for the donation of land or a credit for the construction of an improvement or addition to the Capital Facilities shall be granted at such time as the credit agreement is approved and executed by both the City Commission and the Applicant or Owner; provided, however, that in the event the Applicant or Owner fails to convey the property which is the subject of the donation to the City or such property is not ultimately accepted by the City in accordance with the terms of the credit agreement, then the credit for donation shall be revoked and all Impact Fees shall immediately become due and payable. The administration of said contribution credits shall be the responsibility of the City Manager.

Any Applicant or Owner who submits a proposed plan pursuant to this section and desires the immediate issuance of a Building Permit prior to approval of the proposed plan shall pay the Impact Fees prior to the issuance of the Building Permit. Any difference between the amount paid and the amount due, should the City Manager approve and accept the proposed plan, shall be refunded to the Applicant or Owner.

#### **SECTION 9. REVIEW HEARINGS.**

An Applicant or Owner, who is required to pay an Impact Fee pursuant to this Ordinance, shall have the right to request a review hearing before the City Commission. Such hearing shall include but not be limited to the review of the following:

1. The application of the Impact Fee.
2. Denial of an Alternative Impact Fee.
3. Denial of an exemption pursuant to Section 11.
4. Any dispute concerning an application for credits pursuant to Section 8.

Except as otherwise provided in this Ordinance, such hearing shall be requested by the Applicant or Owner within thirty (30) days of written notice of the event sought to be reviewed.

The request for hearing shall be filed with the City Manager and shall contain the following:

1. The name and address of the Applicant and Owner;
2. The legal description of the property in question;
3. If issued, the dates the Building Permit and Certificate of Occupancy were issued;
4. If paid, the date the Impact Fees were paid; and
5. A statement of the reasons why the Applicant or owner is requesting the hearing.

Upon receipt of such request, a hearing shall be scheduled before the City Commission at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the Applicant and Owner written notice of the time and place of the hearing. Such hearing

shall be held within thirty (30) days of the date the request for hearing was filed.

Such hearing shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence. A determination shall be in writing and issued within thirty (30) days of the hearing to the Applicant and Owner.

Any Applicant or Owner who requests a hearing pursuant to this section and desires the immediate issuance of a Building Permit, or if a Building Permit has been issued without the payment of the Impact Fees, shall pay prior to or at the time the request for hearing is filed the applicable Impact Fees pursuant to this Ordinance. Said payment shall be deemed paid under "Protest" and shall not be construed as a waiver of any review rights.

An Applicant or Owner may request a hearing under this section without paying the applicable Impact Fees however no Building Permit shall be issued until such Impact Fees are paid in the amount initially calculated or the amount approved upon completion of the review provided in this section.

#### **SECTION 10. REVIEW REQUIREMENT.**

This Amended Ordinance and the Impact Fee Studies adopted herein shall be reviewed by the City at least once every five (5) years. The initial and each subsequent review shall consider but not be limited to all components of the Impact Fee Studies accepted herein. The purpose of this review is to demonstrate that the Impact Fees do not exceed reasonably anticipated costs associated with growth necessitated capital improvements. In the event the review of the Ordinance and the Impact Fee Studies required by this section alters or changes the assumptions, conclusions and findings of the Impact Fee Studies accepted herein then said studies shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and the Impact Fees shall be amended in accordance therewith.

#### **SECTION 11. EXEMPTIONS.**

The following shall be the only exemptions from payment of the Impact Fees:

- A. Alterations or expansion of an existing Dwelling Unit where no additional Dwelling Units are created.
- B. The replacement or construction of Accessory Buildings or Structures which will not create an additional impact on the Capital Facilities for which Impact Fees are imposed under this Ordinance.
- C. The replacement of a Building or Dwelling Unit where no additional Square Footage or Dwelling Units are created and where the existing and replacement Building or Dwelling Units are located on the same lot. A Certificate of Occupancy must have been issued for such replacement Building or Dwelling Unit within seven (7) years of the date the previous Building or Dwelling Unit was previously occupied, otherwise no exemption shall be granted.
- D. The issuance of a tie-down permit for a Mobile Home on which applicable Impact Fee has

previously been paid for the lot upon which the Mobile Home is to be situated.

## **SECTION 12. ECONOMIC DEVELOPMENT IMPACT FEE INCENTIVE.**

Upon a majority vote, the City Commission, at its discretion, may provide for an Economic Development Impact Fee Incentive to waive up to 100 percent of the Impact Fees imposed pursuant to this Amended Ordinance for any new business or the expansion of an existing business; provided, however, that such incentives shall be granted only to business enterprises qualifying for and being awarded a Bunnell Business Incentive Grant in accordance with Resolution 2019-23 as amended. Such impact fee incentives awarded will be outlined in the approved grant agreement and shall contain the following information:

1. The name and location of the new business or the expansion of an existing business;
2. A description of the capital facilities impact construction for which an Economic Development Impact Fee Incentive is requested, including a current and complete legal description of the property;
3. Proof, to the satisfaction of the City Commission, that the business is a new business or an expansion of an existing business pursuant to this Section;
4. The total amount of Impact Fees that would be due for the capital facilities impact construction without any incentives and the amount of the approved incentive for the capital facilities impact construction;
5. The period of time for which the incentive will remain in effect, and the expiration date of such incentive, if any; and
6. Other information deemed necessary by the City Manager.

To grant an Economic Development Impact Fee Incentive, the City Commission shall make a finding that the business enterprise meets the requirements of this Section and that the economic development benefits to the City will meet or exceed the incentive amount to be granted.

The criteria found in this Section, shall be effective until and unless the City subsequently adopts a Comprehensive Economic Development Plan for the City, at such time the criteria found in the Comprehensive Economic Development Plan shall become effective and shall supersede and replace this criteria for any Economic Development Impact Fee Incentive.

In the event the business enterprise fails to provide the number of jobs within the specified time following the issuance of the certificate of occupancy, the impact fees in effect at the time of the change in circumstances shall be immediately due.

## **SECTION 13. IMPLEMENTING ADMINISTRATIVE ACTIONS.**

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Amended Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

## **SECTION 14. CODIFICATION.**

The provisions of this Amended Ordinance, including its recitals, shall become and be made a part of the *Bunnell Code of Ordinance* and the Sections of this Amended Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 2, 3, 4, 5, and 6 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

#### **SECTION 15. CONFLICTS.**

All ordinances or parts thereof in conflict with this Amended Ordinance are hereby repealed to the extent of such conflict.

#### **SECTION 16. SEVERABILITY.**

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

#### **SECTION 17. EFFECTIVE DATE.**

This Amended Ordinance shall take effect on October 1, 2020 or at least 90 days following appropriate notification requirements, whichever is later

First Reading: approved on this 22<sup>nd</sup> day of June 2020.

Second Reading on this 13<sup>th</sup> day of July 2020- continued to August 10, 2020

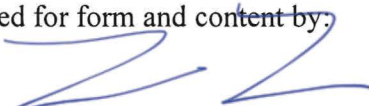
Second Reading on this 10<sup>th</sup> day of August 2020.

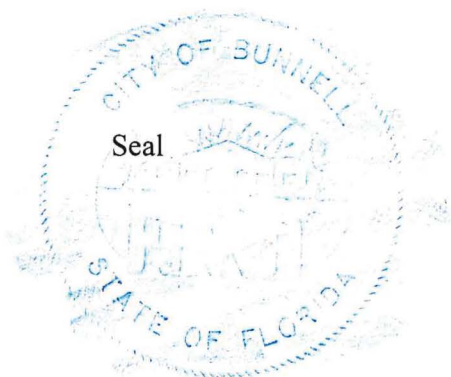
Attest:

**CITY COMMISSION, City of Bunnell, Florida.**

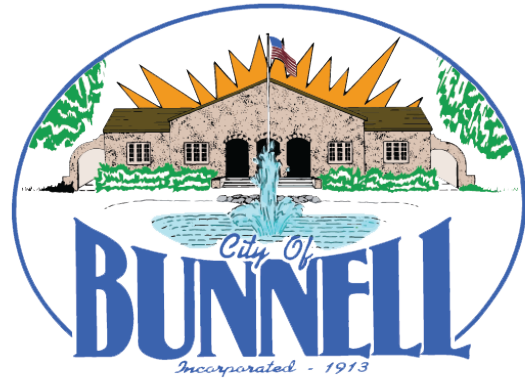
  
\_\_\_\_\_  
Kristen Bates, CMC, City Clerk

By:   
\_\_\_\_\_  
Catherine D. Robinson, Mayor

Approved for form and content by:  
  
\_\_\_\_\_  
Vose Law Firm, City Attorney



# The City of Bunnell Transportation, Park & Recreation, Law Enforcement Impact Fee Update



## Technical Report

June 2020

Prepared for:

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June 3<sup>rd</sup>, 2020

Mr. Alvin B. Jackson, Jr.  
City Manager  
City of Bunnell  
201 Moody Blvd  
Bunnell, FL 32110

**Re: City of Bunnell Transportation, Park & Recreation and Law Enforcement  
Impact Fee Update**

Dear Mr. Jackson:

Enclosed is the technical analysis used to update the Transportation, Park & Recreation and Law Enforcements Impact Fee for the City of Bunnell. The updated impact fees are based upon adopted and currently provided service standards. The updated impact fees are consistent with all legal and statutory requirements. If you have any question, please do not hesitate to contact me.

It has been a pleasure working with City Staff on this update.

Sincerely,

Jonathan B. Paul, AICP



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APPENDIX G.	AMERICAN COMMUNITY SURVEY HOUSEHOLD SIZE





## EXECUTIVE SUMMARY

The City of Bunnell Transportation, Park and Recreation and Law Enforcement Impact Fees were last updated in 2007. In 2006, the Florida Legislature adopted the Impact Fee Act, confirming the ability of local governments to adopt impact fees to fund the addition of new capacity to accommodate the demand from new development and provided guidance on the administration and implementation of impact fees. In 2009, the Florida Legislature made a significant change to the Impact Fee Act by changing the burden of proof from a deference to local governments to a requirement that local governments demonstrate that the fee has been properly developed and meets the dual rational nexus test and demonstrates that the assessed fee is roughly proportional to the impact of a specific land use. This Technical Report provides the basis for the update of the City of Bunnell Transportation, Park and Recreation and Law Enforcement Impact Fees and meets both the dual rational nexus test and the rough proportionality test.

The updates to the Transportation, Park and Recreation and Law Enforcement Impact Fees utilize a methodology that varies from the previous Impact Fees. The proposed update of the Transportation, Park and Recreation and Law Enforcement Impact Fees are based on adopted or currently provided service standards. The updated Transportation Impact Fee schedule has been streamlined to limit the number of land uses. The Park and Recreation Impact Fee has also been streamlined to provide a single fee for all residential development. The Law Enforcement Impact Fee is split between residential and non-residential.

The Transportation Impact Fee schedule has been streamlined to reduce the number of residential, industrial, office and retail land uses. The streamlined schedule will result in easier administration. The updated schedule supports mom and pop local business and restaurants through combining industrial, office and retail land uses into consolidated categories. The proposed update includes specific fees for these auto oriented features, separate from the fees due for physical buildings. The Transportation Impact Fee also recognizes a capacity benefit for sidewalks and bike lanes in recognition of the increased cost of these facilities as part of the overall transportation system and provide the City with the flexibility to construct free-standing sidewalk and bike lane projects.

The proposed update of the Transportation, Park and Recreation and Law Enforcement Impact Fees are consistent with case law, Florida Statute and meet the dual rational nexus test and the rough proportionality test. It is recommended the City maintain a citywide assessment area and benefit district. It is also recommended that the City consider including an inflation adjustment factor in the updated impact fee ordinance to ensure that future impact fees keep pace with increasing cost of providing facilities and services to the public. Adoption of an inflation adjustment factor will also limit the size of future impact fee increases when fees are updated.



## INTRODUCTION

The Florida Constitution grants local governments broad home rule authority to establish assessments and fees. Special assessments, impact fees, mobility fees, franchise fees, and user fees or service charges are examples of these home rule revenue sources. All impact fees require the adoption of a local implementing ordinance. Payment of impact fees are one of the primary means through which local governments require new development, and redevelopment or expansion of existing land uses which generates additional impact, to fund a share of the cost of infrastructure needed to accommodate the increase in demand from the development.

Impact fees are designed to meet the infrastructure needs to accommodate new growth at a local level. As a result, impact calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost of the fee's earmarked purposes. The impact fee is a one-time charge, generally due at the time of building permit approval or certificate of occupancy.

The last update of the Transportation, Park and Recreation and Law Enforcement Impact Fees occurred in 2007. The City placed a moratorium on impact fees during the great recession. The moratorium is still in effect. Impact Fees are typically updated every four to five years to ensure that they reflect existing development trends, construction cost and service standards.

Impact fees in Florida maybe either "standard" based fees or "improvement" based fees. A "standard" based fee is based on either an adopted standard, such as a road level of service standard of "C" or a park standard such as one acre of neighborhood park per 1,000 residents. An "improvement" based fee is either based on a specific list of capital improvements or an adopted master plan. The update of the Transportation, Park and Recreation and Law Enforcement Impact Fees are "standard" based fees.

The City currently has adopted level of service (LOS) standards for roads and parks in the Comprehensive Plan. The City does not have an adopted level of service for law enforcement. The Traffic Circulation Element of the Comprehensive Plan has established LOS standards of "C" and "D" for roads. Due to changes in Florida Statute related to transportation concurrency, many local governments are adopting road LOS standards of "D" and "E". To ensure that development is not charged more than its fair share of new road capacity, a road LOS standard of "D" was used to establish capacities for the Transportation Impact Fee. The park LOS standards are one acre of neighborhood parks per 1,000 residents and three acres of community parks per 1,000 residents. The law enforcement standard is based on the number of law enforcement officers for each resident and employee within the City.



## LEGAL

In 2006, the Legislature adopted the “Impact Fee Act” to provide general criteria that local governments who adopted an impact fee are required to meet. Unlike many States throughout the U.S. that have adopted enabling legislation, the Florida Legislature deferred largely to the significant case law that has been developed in both Florida and throughout the U.S. to provide guidance to local governments. By the time the “Impact Fee Act” was adopted, many local governments had already developed impact fees through their broad home rule powers.

In 2009, the Legislature made several changes to the “Impact Fee Act”, the most significant of which was placing the burden of proof on local governments, through a preponderance of the evidence, that the imposition of the Fee meets legal precedent and the requirements of Florida Statute 163.31801. Prior to the 2009 amendment, Courts generally deferred to local governments as to the validity of an imposed impact fee and placed the burden of proof, that an imposed impact fee was invalid or unconstitutional, on the plaintiff. There has yet to be a legal challenge to impact fees in Florida since the 2009 legislation, due in large part to the great recession and the fact that many local governments either reduced impact fees or placed a moratorium on impact fees between 2009 and 2015. The “Impact Fee Act” in Florida Statute 163.31801 reads:

- “(1) This section may be cited as the “Florida Impact Fee Act.”*
- (2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments’ reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.*
- (3) An impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum:*
- (a) Require that the calculation of the impact fee be based on the most recent and localized data.*
  - (b) Provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity shall account for the revenues and expenditures of such impact fee in a separate accounting fund.*
  - (c) Limit administrative charges for the collection of impact fees to actual costs.*



- (d) *Require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.*
- (4) *Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.*
- (5) *In any action challenging an impact fee, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of state legal precedent or this section. The court may not use a deferential standard."*

The first time the Courts recognized the authority of a municipality to impose "impact fees" in Florida occurred in 1975 In the case of *City of Dunedin v. Contractors and Builders Association of Pinellas County*, 312 So.2d 763 (2 D.C.A. Fla., 1975), where the court held: "that the so-called "impact fee" did not constitute "taxes" but was a charge for using the utility services under Ch. 180, F. S."

The Court set forth the following criteria to validate the establishment of an impact fee: *"...where the growth patterns are such that an existing water or sewer system will have to be expanded in the near future, a municipality may properly charge for the privilege of connecting to the system a fee which is in excess of the physical cost of connection, if this fee does not exceed a proportionate part of the amount reasonably necessary to finance the expansion and is earmarked for that purpose."* 312 So.2d 763, 766, (1975).

The case was appealed to the Florida Supreme Court and a decision rendered in the case of *Contractors and Builders Association of Pinellas County v. City of Dunedin* 329 So.2d 314 (Fla. 1976), in which the Second District Court's decision was reversed. The Court held that "impact fees" did not constitute a tax; that they were user charges analogous to fees collected by privately owned utilities for services rendered. However, the Court reversed the decision, based on the finding that the City did not create a separate fund where impact fees collected would be deposited and earmarked for the specific purpose for which they were collected, finding:

*"The failure to include necessary restrictions on the use of the fund is bound to result in confusion, at best. City personnel may come and go before the fund is exhausted, yet there is nothing in writing to guide their use of these moneys, although certain uses, even within the water and sewer systems, would undercut the legal basis for the fund's existence. There is no justification for such casual handling of public moneys, and we therefore hold that the ordinance is defective for failure to spell out necessary restrictions on the use of fees it authorizes to be collected. Nothing we*



*decide, however prevents Dunedin from adopting another sewer connection charge ordinance, incorporating appropriate restrictions on use of the revenues it produces. Dunedin is at liberty, moreover, to adopt an ordinance restricting the use of moneys already collected. We pretermitt any discussion of refunds for that reason.” 329 So.2d 314 321, 322 (Fla. 1976)*

The case tied impact fees directly to growth and recognized the authority of a local government to impose fees to provide capacity to accommodate new growth and basing the fee on a proportionate share of the cost of the needed capacity. The ruling also established the need for local government to create a separate account to deposit impact fee collections to help ensure those funds are expended on infrastructure capacity.

The Utah Supreme Court had ruled on several cases related to the imposition of impact fees by local governments before hearing *Banberry v. South Jordan*. In the case, the Court held that: “the fair contribution of the fee-paying party should not exceed the expense thereof met by others. To comply with this standard a municipal fee related to service like water and sewer must not require newly developed properties to bear more than their equitable share of the capital costs in relation to the benefits conferred”. (*Banberry Development Corporation v. South Jordan City*, 631 P. 2d 899 (Utah 1981)). To provide further guidance for the imposition of impact fees, the court articulated seven factors which must be considered (*Banberry Development Corporation v. South Jordan City*, 631 P. 2d 904 (Utah 1981)):

- (1) *“the cost of existing capital facilities;*
- (2) *the manner of financing existing capital facilities (such as user charges, special assessments, bonded indebtedness, general taxes or federal grants);*
- (3) *the relative extent to which the newly developed properties and the other properties in the municipality have already contributed to the cost of existing capital facilities (by such means as user charges, special assessments, or payment from the proceeds of general taxes);*
- (4) *the relative extent to which the newly developed properties in the municipality will contribute to the cost of existing capital facilities in the future;*
- (5) *the extent to which the newly developed properties are entitled to a credit because the municipality is requiring their developers or owners (by contractual arrangement or otherwise) to provide common facilities (inside or outside the proposed development) that have been provided by the municipality and financed through general taxation or other means (apart from user fees) in other parts of the municipality;*
- (6) *extraordinary costs, if any, in servicing the newly developed properties; and*
- (7) *the time-price differential inherent in fair comparisons of amounts paid at different times.”*



The Court rulings in Florida, Utah and elsewhere in the U.S. during the 1970's and early 1980's led to the first use of what ultimately became known as the "dual rational nexus test" in *Hollywood, Inc. v. Broward County*; which involved a Broward County ordinance that required a developer to dedicate land or pay a fee for the County park system. The Fourth District Court of Appeal found to establish a reasonable requirement for dedication of land or payment of an impact fee that: "... the local government must demonstrate a reasonable connection, or rational nexus between the need for additional capital facilities and the growth of the population generated by the subdivision. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision. In order to satisfy this latter requirement, the ordinance must specifically earmark the funds collected for the use in acquiring capital facilities to benefit new residents." (*Hollywood, Inc. v. Broward County*, 431 So. 2d 606 (Fla. 4th DCA), rev. denied, 440 So. 2d 352 (Fla. 1983).

In 1987, the 1st of two major cases were heard before the Supreme Court that have come to define what is now commonly referred to as the "dual rational nexus test". The 1st case was *Nollan v. California Coastal Commission* which involved the Commission requiring the Nollan family to dedicate a public access easement to the beach in exchange for permitting the replacement of a bungalow with a larger home which the Commission held would block the public's view of the beach. Justice Scalia delivered the decision of the Court: "The lack of nexus between the condition and the original purpose of the building restriction converts that purpose to something other than what it was...Unless the permit condition serves the same governmental purpose as the development ban, the building restriction is not a valid regulation of land use but an out-and-out plan of extortion (*Nollan v. California Coastal Commission*, 483 U. S. 825 (1987)". The Court found that there must be an essential nexus between an exaction and the government's legitimate interest being advanced by that exaction (*Nollan v. California Coastal Commission*, 483 U. S. 836, 837 (1987).

The 2<sup>nd</sup> case, *Dolan v. Tigard*, heard by the Supreme Court in 1994 solidified the elements of the "dual rational nexus test". The Petitioner Dolan, owner and operator of a Plumbing & Electrical Supply store in the City of Tigard, Oregon, applied for a permit to expand the store and pave the parking lot of her store. The City Planning Commission granted conditional approval, dependent on the property owner dedicating land to a public greenway along an adjacent creek, and developing a pedestrian and bicycle pathway to relieve traffic congestion. The decision was affirmed by the Oregon State Land Use Board of Appeal and the Oregon Supreme Court. The U.S. Supreme Court over turned the ruling of the Oregon Supreme Court and held:





*"Under the well-settled doctrine of "unconstitutional conditions," the government may not require a person to give up a constitutional right in exchange for a discretionary benefit conferred by the government where the property sought has little or no relationship to the benefit. In evaluating Dolan's claim, it must be determined whether an "essential nexus" exists between a legitimate state interest and the permit condition. Nollan v. California Coastal Commission, 483 U. S. 825, 837. If one does, then it must be decided whether the degree of the exactions demanded by the permit conditions bears the required relationship to the projected impact of the proposed development." Dolan v. City of Tigard, 512 U.S. 383, 386 (1994)*

The U.S. Supreme Court in addition to upholding the "essential nexus" requirement from Nollan also introduced the "rough proportionality" test and held that: *"In deciding the second question—whether the city's findings are constitutionally sufficient to justify the conditions imposed on Dolan's permit—the necessary connection required by the Fifth Amendment is "rough proportionality." No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the proposed development's impact. This is essentially the "reasonable relationship" test adopted by the majority of the state courts. Dolan v. City of Tigard, 512 U.S. 388, 391 (1994)"*

The U.S. Supreme Court recently affirmed, through Koontz vs. St. Johns Water Management District, that the "dual rational nexus" test equally applies to monetary exactions in the same manner as a governmental regulation requiring the dedication of land. Justice Alito described:

*"Our decisions in Nollan v. California Coastal Commission, 483 U. S. 825 (1987), and Dolan v. City of Tigard, 512 U. S. 374 (1994), provide important protection against the misuse of the power of land-use regulation. In those cases, we held that a unit of government may not condition the approval of a land-use permit on the owner's relinquishment of a portion of his property unless there is a "nexus" and "rough proportionality" between the government's demand and the effects of the proposed land use. In this case, the St. Johns River Water Management District (District) believes that it circumvented Nollan and Dolan because of the way in which it structured its handling of a permit application submitted by Coy Koontz, Sr., whose estate is represented in this Court by Coy Koontz, Jr. The District did not approve his application on the condition that he surrender an interest in his land. Instead, the District, after suggesting that he could obtain approval by signing over such an interest, denied his application because he refused to yield." Koontz v. St. Johns River Water Management District 1333 S. Ct. 2586 (2013).*

Justice Alito responded to the Districts and Florida Supreme Court findings that monetary exactions are not the same as a property dedications:

*"That carving out a different rule for monetary exactions would make no sense. Monetary exactions—particularly, fees imposed "in lieu" of real property dedications—are "commonplace" and are "functionally equivalent to other types of land use exactions." To subject monetary exactions to lesser, or no, protection would make it "very easy for land-use permitting officials to evade the limitations of Nollan and Dolan." Furthermore, such a rule would effectively render*



*Nollan and Dolan dead letters “because the government need only provide a permit applicant with one alternative that satisfies the nexus and rough proportionality standard, a permitting authority wishing to exact an easement could simply give the owner a choice of either surrendering an easement or making a payment equal to the easement’s value.” Koontz v. St. Johns River Water Management District 1333 S. Ct. 2599 (2013).*

This technical report will demonstrate that the update of the Transportation, Park and Recreation and Law Enforcement Impact fees meet the “dual rational test” which are summarized below:

***“Needs Test” That a rational nexus exists between an increase in demand from new development and the “need” for improvements, and***

***“Benefits Test” That a rational nexus exists between the payment of fees by new development and the “benefit” that new development receives from the expenditure of those fees.***

In addition to the “dual rational nexus test”, the U.S. Supreme Court in *Dolan v. Tigard* also established a “rough proportionality” test to address the relationship between the amount of a fee imposed on a new development and the impact of the new development. The “rough proportionality” test requires that there be a reasonable relationship between the impact fee and the impact of new development based upon the applicable unit of measure for residential and non-residential uses and that the variables used to calculate a fee are reasonably assignable and attributable to the impact of each new development.

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## GROWTH IN THE CITY OF BUNNELL

The “needs” test of the dual rational nexus requires that there be a demonstration made that there is a need for future improvements to accommodate the demand from new development. An evaluation of the projected population and employment for the City of Bunnell is based upon County level data from the Bureau of Economic and Business Research (BEBR) and data from the Central Florida Regional Planning (CFRPM) Model ([Table 1](#)). The population in Flagler Palm Coast is projected to increase by 64,805 between 2016 and 2040. The employment in Flagler County is projected to grow from 19,640 in 2015 to 44,349 in 2040, an increase of 24,709 employees.

**TABLE 1. PROJECTED GROWTH IN FLAGLER COUNTY**

Year	Population	Employment
<b>2015/2016</b>	<b>103,095</b>	<b>19,640</b>
<b>2040</b>	<b>167,900</b>	<b>44,349</b>
<b>Increase</b>	<b>64,805</b>	<b>24,709</b>

Source: Population data based on Bureau of Economic and Business Research (BEBR). The base year for population in 2016. The future year (2040) projection is based on the medium range projection. The existing and future employment data is based upon traffic analysis zone (TAZ) data from the 2040 Long Range Transportation Plan and Central Florida Regional Planning Model (CFRPM).

The data from Flagler County was utilized to project future “need” within the City of Bunnell. The BEBR data results in a projected 63% increase in population by 2040. While the current future year of the City of Bunnell Comprehensive Plan is 2030, many local governments in Florida are updating their Comprehensive Plan for 2040 and the latest Long Range Transportation Plan (LRTP) is 2040. The 2040 LRTP data projects an increase in employment of 126% between 2015 and 2040, or an annual increase of just over 5% for Flagler County.

The 2016 American Community Survey (ACS) projects a population of 2,795 residents that live in the City of Bunnell. By 2040, based upon the projected 63% increase in population by 2040 for Flagler County, the City’s population is projected to increase to 4,552 residents. The 2015 Census projections for 2015, utilizing the On the Map Census employment tool, identifies a total of 5,783 individuals who are currently employed within the City of Bunnell ([Appendix A](#)). Of those 5,783 employees, 3,397 work for either the Flagler County School Board or for a local government including Flagler County and the City of Bunnell. Since the Law Enforcement impact fee for non-residential uses is based on the number of private sector employees, the functional private sector employment base used in the impact fee methodology is 2,386. By 2040, based upon a 5.03% annual increase in employment within Flagler County, the projected number of private sector employees in the City by 2040 is 5,386, an increase of 3,000 ([Table 2](#)).

**TABLE 2. PROJECTED GROWTH IN THE CITY OF BUNNELL**

Year	Population	Employment
<b>2015/2016</b>	<b>2,795</b>	<b>2,386</b>
<b>2040</b>	<b>4,552</b>	<b>5,386</b>
<b>Increase</b>	<b>1,757</b>	<b>3,000</b>

Source: The 2016 population data for the City of Bunnell is based upon the American Community Survey (ACS). The 2040 population is based on applying the 63% projected growth rate based on data from the Bureau of Economic and Business Research (BERB). The 2015 employment data for the City of Bunnell is based upon the 2015 Census Employment Data from the On the Map Census employment tool ([Appendix A](#)). The 2040 employment is based on applying the 5.03% annual increase in employment based upon traffic analysis zone (TAZ) data from the 2040 Long Range Transportation Plan and Central Florida Regional Planning Model (CFRPM).

If the total number of employees that work in the City were included in future projections, there would be a significant increase in the “projected” need for Law Enforcement, which would have a significant effect on the calculated impact fee. School Boards are exempt by Florida Statute from paying impact fees. In addition, Federal and State Offices are also exempt by Florida Statute from paying impact fees. Many local governments within Florida also exempt local government offices from impact fees.

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## TRANSPORTATION IMPACT FEE METHODOLOGY

The transportation impact fee update is a standards-based fee based upon the units of Vehicle Miles of Capacity (VMC) provided from transportation capacity improvements to accommodate the per unit Vehicle Miles of Travel (VMT) demand of new development. The impact fee for an individual land use is calculated based on the per unit VMC cost and the per unit VMT demand from new development. The first component of developing the impact fee is the calculation of a per unit VMC rate. The second component is the calculation of a per unit VMT demand for each land use in the transportation impact fee schedule based upon trip generation, the percent of new trips and the average trip length for each land use. Typically, a credit would be provided for available funding of road improvements. However, Flagler County does not currently have an infrastructure sales tax, all gas tax revenues are earmarked for maintenance, there are no bonded improvements and there are no funded improvements identified in the 2040 LRTP.

### CAPACITY

The FDOT Generalized Service Volumes, for developed areas with a population less than 5,000, were utilized to establish capacities calculate the Vehicle Miles of Capacity (VMC) roads ([Appendix B](#)). Two variables are utilized in the determination of service volume capacity: (1) whether a facility is interrupted by either traffic signals or stop signs, and (2) the number of travel lanes A interrupted road is where there is a traffic signal or stop sign on the road once every three miles or less. Uninterrupted highways are those facilities with signals that are spaced more than three miles apart. The number of lanes in the City of Bunnell are either two or four lane facilities. To ensure that new development is provided with the maximum “benefit” of the capacity provided from new roads, a LOS standard of “D” was utilized to determine service volumes ([Table 3](#)).

**TABLE 3. DAILY VEHICLE CAPACITIES**

Lane Type & Number	Total Capacity	Capacity per Lane
<b>2-Lane Undivided Arterial</b>	<b>14,200</b>	<b>7,100</b>
<b>4-Lane Divided Arterial</b>	<b>30,400</b>	<b>7,600</b>
<b>Highway - 2-Lane Undivided</b>	<b>23,100</b>	<b>11,550</b>
<b>Highway - 2-Lane Undivided</b>	<b>52,400</b>	<b>13,100</b>
<b>Average Capacity</b>	<b>30,025</b>	<b>9,838</b>

Source: Florida Department of Transportation 2012 Generalized Annual Average Daily Volumes for Florida's Developed Areas under 5,000 population ([Appendix B](#)). The road LOS standard used is LOS “D”.



No reduction in capacity was applied for collector roads since the construction cost estimates are based on data from the Florida Department of Transportation for arterial roads. A reduction in the capacity of roads based on the adopted higher LOS Standard of “C” in the Traffic Circulation Element of the Comprehensive Plan or a 10% reduction in capacity based on a lower functional classification of a “collector” road would have resulted in new development paying the full cost of construction of arterial roads, but receiving a reduced capacity benefit, which would have resulted in a higher transportation impact fee. There is minimal difference in construction standards between an arterial and a collector to warrant a 10% reduction in capacity based upon guidance provided on the FDOT Generalized Service Volume Tables.

Local governments often receive request for sidewalks and bicycle lanes from residents. The two multimodal facilities make up almost 20% of projected construction cost, but historically, no capacity “benefit” has been provided for constructing sidewalks and bike lanes. While it is recognized that sidewalks and bicycle lanes do not experience that same level of utilization as do roadways, there are people that do walk and bike and the capacity is being provided as part of the constructed facility. To ensure that new development does receive the benefit of the multimodal capacity provided, a capacity has been calculated for both sidewalks and bike lanes ([Table 4](#)). The recognition of a multimodal capacity does provide the City with the flexibility to utilize a portion of the collected transportation impact fees to fund sidewalks and bike lanes, including stand-alone facilities, no more than 20% of transportation impact fee revenues should be used to fund sidewalk and bicycle lanes as complete street improvements or as stand-alone improvements.

**TABLE 4. MULTIMODAL CAPACITIES**

Lane Type & Number	Total Capacity	Capacity per Lane
Sidewalk	2,400	1,200
Bike Lane	3,600	1,800
Multimodal Capacity Provided	6,000	3,000

Source: The capacity for bicycle lane, trail, multi-use path based on capacity procedures at a" LOS A" established in Transportation Research Record 1636 Paper No. 98-0066, the 2006 Shared-Use Path Level of Service Calculator-A User's Guide developed for the Federal Highway Administration, and the 2010 Highway Capacity Manual. Daily Capacities for sidewalks and bike lanes illustrated above are for both sides of a corridor. The capacities for a trail or protected bike lane illustrated above are for only one side of a corridor.

The total per lane Vehicle Miles of Capacity (VMC) provided from roads and multimodal facilities equals 12,838 ([Table 5](#)). The total per lane VMC provided will be divided by the cost of improvements to determine a VMC rate per unit of capacity consumed by new development.

**TABLE 5. TOTAL VEHICLE MILES OF CAPACITY**

Lane Type & Number	Total Capacity	Capacity per Lane
Average Vehicle Capacity Provided	30,025	9,838
Total Multimodal Capacity Provided	6,000	3,000
Total Vehicle Miles of Capacity (VMC) Provided	36,025	12,838

Source: Average Vehicle Capacity based on Table 3. Average Multimodal Capacity based on Table 4.

## COST

The construction cost for the vehicle miles of capacity is based upon the latest Florida Department of Transportation (FDOT) Construction Cost Model. The construction cost includes the cost of mobilization, maintenance of traffic, contingency, and constructing the roadway, sidewalks and bike lanes. The FDOT Construction Cost Model does not include design (PE), right-of-way (ROW), construction, engineering and inspection (CEI), landscape (LA), utility relocation (UL), stormwater (SW) or signalization (SI). To account for these cost factors, the construction cost was increased by 35% to account for each of these factors (Table 6). In urban developed areas, these additional costs factors would be 50% to 100% of construction cost. Right-of-way is the cost factor with the greatest level of variability. Urban section roads feature closed drainage and curb and gutter. Rural section roads feature open swale drainage and stabilized at grade shoulders. By recognizing all the factors that go into construction of a road, the City is provided with the flexibility to expend transportation impact fee revenue on all the potential cost associated with road construction.

**TABLE 6. TOTAL COST**

Lane Type & Number	Construction Cost	Total Cost	Total Cost per Lane
2-Lane Urban	\$4,981,749	\$6,725,361	\$3,362,681
4-Lane Urban	\$7,448,544	\$10,055,535	\$2,513,884
2-Lane Rural	\$2,502,091	\$3,377,823	\$1,688,911
4-Lane Rural	\$4,612,786	\$6,227,261	\$1,556,815
Average Total Cost	\$4,886,293	\$6,596,495	\$2,280,573

Source: Construction Cost based on FDOT Construction Cost Model (August 2018). The construction cost for rural section roads was increased by \$300,000 to include sidewalks. The total cost was determined by increasing construction cost by 35% to account for additional cost factors broken down based upon the following: PE (5%), ROW (20%), CEI (5%), LA (.5%), UL (2%), SW (2%) and SI (.5%). Cost factors are subject to change on a corridor by corridor basis. The total cost per lane was derived by dividing the total cost by the total number of lanes.



## VEHICLE MILES OF CAPACITY (VMC) RATE

The calculation of a gross per Vehicle Mile of Capacity (VMC) rate is utilized to determine a per unit cost of providing new vehicular capacity. The total cost per lane of road improvements from [Table 6](#) is divided by the total VMC of the road improvements in [Table 5](#) to determine the gross per unit VMC rate of \$177.65 shown in [Table 7](#).

**TABLE 7. VEHICLE MILES OF CAPACITY (VMC) RATE**

<b>Total Average Per Lane Cost of Improvements</b>	<b>\$2,280,573</b>
<b>Total Vehicle Miles of Capacity (VMC) Added</b>	<b>12,838</b>
<b>Vehicle Miles of Capacity (VMC) Rate</b>	<b>\$177.65</b>

*Source:* The total average per land cost of improvements is based on the information provided in [Table 6](#). The total vehicle miles of capacity added is based on the information provided in [Table 5](#). The vehicle miles of capacity rate derived by dividing the total average per lane cost of improvements by the total vehicle miles of capacity added.

## VEHICLE MILE OF TRAVEL (VMT) PER LAND USE

There are two essential components in determining the Vehicle Miles of Travel per land use. The 1st component is new trips that will utilize the transportation system based upon trip generation and pass-by trips. Trip generation is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th, Edition and the ITE Trip Generation Handbook, 3rd Edition. The 2nd component is the length of trips. The lengths of trips are determined based upon data from the 2017 National Household Travel Study (NHTS) for the State of Florida. The formula for calculating the per unit VMT rate per land use is illustrated below:

Vehicle Miles of Travel (VMT) per Land Use		
<b>VMT per Land Use</b>	<b>=</b>	<b>(TG x % NEW x (TL * TLF)) / ODA</b>
<b>VMT<sub>lu</sub></b>	<b>=</b>	<b>Vehicle Miles of Travel per Land Use</b>
<b>TG</b>	<b>=</b>	<b>Trip Generation</b>
<b>% NEW</b>	<b>=</b>	<b>Percent of trips that are new primary trips</b>
<b>TL</b>	<b>=</b>	<b>Average trip length by trip purpose</b>
<b>TLF</b>	<b>=</b>	<b>Trip Length Adjustment Factor of .40</b>
<b>ODA</b>	<b>=</b>	<b>Origin &amp; Destination Adjustment Factor which divides gross VMT by two ( / 2) to avoid the double-counting trips</b>



## Trip Generation

Trip generation rates are based on information published in the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th edition. The detail for the trip generation rates for each land use are included in [Appendix C](#).

## % New Trips

The percentage of new trips is based on a combination of the various pass-by analyses provided in ITE's Trip Generation Handbook, 3rd edition and various traffic studies conducted throughout Florida. The percentage of new trips differs slightly from the commonly used pass-by trip term as it is the percentage difference in trips after pass-by trips are deducted. The concept is better understood based on the following example: 10 trips x 30% pass-by rate = 7 trips or 70% new trips). While the ITE's Trip Generation does not recognize pass-by rates for uses other than retail, pass-by rates were utilized for uses such as offices, day care, places of worship, entertainment and recreation uses to reflect how people move about the community. A pass-by trip is a trip that is already traveling and stops at a land uses between an origin point (commonly a dwelling) and a destination (place of employment).

## Trip Length

The vehicle trip length is based on the recently released 2017 National Household Travel Survey (NHTS) for Florida. The person trip lengths vary by trip purpose ([Appendix D](#)). The trip lengths were capped at 30 miles in length as travel greater than 30 miles is multicounty and involves interstate or toll road travel. There is a total of 6,223 trip surveys that were evaluated to determine trip lengths by trip purpose.

## Trip Length Factor

The NHTS travel data includes travel on local roads, toll roads and interstates. The transportation impact fee is intended for the construction of collector and arterial roads. In addition, the transportation impact fee is only intended to account for travel within the City of Bunnell. A trip length factor of .40 was applied to the NHTS trip length data to exclude travel on local roads, toll roads and interstates and to account for travel within the limits of the City of Bunnell.

## Origin and Destination Adjustment Factor

Trip generation rates represent trip-ends at the site of a land use. Thus, a single origin trip from home to work counts as one trip-end for the residence and from work to the residence as one trip-end, for a total of two trip ends. To avoid double counting of trips, the net person trips are multiplied by 50%. This distributed the impact of travel equally between the origin and destination of the trip and eliminates double charging for trips.



## Vehicle Miles of Travel per Land Use

The result of combining trip generation rates, percent of new trips, trip lengths and the trip length adjustment factor results in the establishment of a vehicle travel demand for each land use in the transportation impact fee schedule. The data used to calculate the vehicle miles of travel for each land use is provided for in [Appendix E](#).

## BACKLOG EVALUATION

Transportation impact fees cannot be expended on existing transportation deficiencies. Based upon a LOS analysis conducted by FDOT, there are no major roads within the City of Bunnell that are over capacity or exceed the existing LOS standard ([Appendix F](#)). Since there are no existing deficiencies, there are no required adjustments to the calculated transportation impact fee.

## TRANSPORTATION IMPACT FEE SCHEDULE

The Impact Fee for a given land uses is based on the VMC Rate established in **Table 7** multiplied by the VMT Rate per land use from **Appendix E**. The formula below is utilized to determine the Transportation Impact Fee per land use:

### Transportation Impact Fee Formula

$$\text{Impact Fee Formula} = \text{VMCr} \times \text{VMTlu}$$

#### Where:

VMCr = Vehicle Miles of Capacity Rate

VMTlu = Vehicle Miles of Travel per land use

The calculated Transportation Impact Fee for land uses is illustrated in [Table 8](#). The following are examples of impact fee calculations:

Land Use:	Residential
Unit of Measure:	per Dwelling Unit
Number of Units:	50
Impact Fee:	\$1,347 per dwelling unit
# of Dwelling Units x Impact Fee:	50 x \$1,347 = \$67,368

Land Use:	Office
Unit of Measure:	per 1,000 Square Feet
Number of Units:	5,250 square feet
Impact Fee:	\$2,094 per 1,000 square feet of office
Square Footage / 1000 x Impact Fee:	(5,250 / 1,000) = 5.25 x \$2,094 = \$10,933





Land Use:	Retail
Unit of Measure:	per 1,000 Square Feet
Number of Units:	10,250 square feet
Impact Fee:	\$2,409 per 1,000 square feet of office
Square Footage / 1000 x Impact Fee:	$(10,250 / 1,000) = 10.25 \times \$2,409 = \$24,691$
Land Use:	Industrial
Unit of Measure:	per 1,000 Square Feet
Number of Units:	30,500 square feet
Impact Fee:	\$783 per 1,000 square feet of industrial
Square Footage / 1000 x Impact Fee:	$(30,500 / 1,000) = 30.5 \times \$783 = \$23,873$
Land Use:	Bank with drive-thru
Unit of Measure 1:	per 1,000 Square Feet
Unit of Measure 2:	per Drive-thru lane(s)
Number of Units 1:	2,500 square feet
Number of Units 2:	Two drive-thru lanes & One drive-thru ATM
Impact Fee 1:	\$2,094 per 1,000 square feet of office
Impact Fee 2:	\$5,720 per drive-thru
Square Footage / 1000 x Impact Fee:	$(2,500 / 1,000) = 2.5 \times \$2,094 = \$5,235$
Drive-Thru Lanes x Impact Fee:	$3 \times \$5,720 = \$17,106$
Total Impact Fee:	$\$5,235 + \$17,106 = \$22,341$
Land Use:	Variety Store with fueling positions
Unit of Measure 1:	per 1,000 Square Feet
Unit of Measure 2:	per Drive-thru lane(s)
Number of Units 1:	10,250 square feet
Number of Units 2:	Eight fueling positions
Impact Fee 1:	\$2,409 per 1,000 square feet of retail
Impact Fee 2:	\$7,829 per fuel position
Square Footage / 1000 x Impact Fee:	$(10,250 / 1,000) = 10.25 \times \$2,409 = \$24,691$
Fuel Positions x Impact Fee:	$8 \times \$7,829 = \$62,635$
Total Impact Fee:	$\$24,691 + \$62,635 = \$87,326$
Land Use:	Fast Food with drive-thru lanes
Unit of Measure 1:	per 1,000 Square Feet
Unit of Measure 2:	per Drive-thru lane(s)
Number of Units 1:	3,000 square feet
Number of Units 2:	Two drive thru lanes
Impact Fee 1:	\$2,409 per 1,000 square feet of retail
Impact Fee 2:	\$12,921 per fuel position
Square Footage / 1000 x Impact Fee:	$(3,000 / 1,000) = 3 \times \$2,409 = \$7,227$
Fuel Positions x Impact Fee:	$2 \times \$12,921 = \$25,842$
Total Impact Fee:	$\$7,227 + \$25,842 = \$33,069$



TABLE 8. TRANSPORTATION FEE SCHEDULE

Land Use	Unit of Measure	Impact Fee
<b>Residential / Lodging Use</b>		
<b>Residential</b>	<b>per dwelling unit</b>	<b>\$1,347</b>
<b>Hotel / Motel / Lodging / Bed &amp; Breakfast</b>	<b>per room</b>	<b>\$983</b>
<b>Mobile Home / Recreational Vehicle Park</b>	<b>per space / lot</b>	<b>\$720</b>
<b>Assisted Living / Nursing</b>	<b>per bed</b>	<b>\$491</b>
<b>Institutional Use</b>		
<b>Place of Assembly / Place of Worship / Civic</b>	<b>per 1,000 sq. ft.</b>	<b>\$1,329</b>
<b>Industrial Use</b>		
<b>Manufacturing / Warehousing / Industrial</b>	<b>per 1,000 sq. ft.</b>	<b>\$783</b>
<b>Mini Warehouse / Boat / RVs &amp; Other Outdoor Storage <sup>1</sup></b>	<b>per 1,000 sq. ft.</b>	<b>\$187</b>
<b>Recreation &amp; Social Use</b>		
<b>Outdoor Commercial Recreation</b>	<b>per acre</b>	<b>\$1,787</b>
<b>Indoor Commercial Recreation / Health Club / Fitness / Yoga</b>	<b>per 1,000 sq. ft.</b>	<b>\$2,566</b>
<b>Office Use</b>		
<b>Office / Medical / Clinic / Financial Service / Higher Education</b>	<b>per 1,000 sq. ft.</b>	<b>\$2,094</b>
<b>Retail Use</b>		
<b>Retail / Entertainment / Personal Service / Restaurant / Bar</b>	<b>per square foot</b>	<b>\$2,409</b>
<b>Bank Drive-Thru Lane or Free Standing ATM <sup>2</sup></b>	<b>per lane / ATM</b>	<b>\$5,702</b>
<b>Fast Food / Fast Casual Food Drive-Thru <sup>3</sup></b>	<b>per lane / ATM</b>	<b>\$12,921</b>
<b>Motor Vehicle &amp; Boat Sales, Service, Cleaning</b>	<b>per 1,000 sq. ft.</b>	<b>\$3,853</b>
<b>Vehicle Fueling Position <sup>4</sup></b>	<b>per fueling position</b>	<b>\$7,829</b>
<sup>1</sup> Acreage for any unenclosed material and vehicle storage, sales and display shall be converted to square footage		
<sup>2</sup> Each bank building shall pay the office rate for the square footage of the building. Drive-thru lanes, free standing ATM's and drive-thru lanes with ATM's are assessed a separate fee per lane or per ATM and are added to any fee associated with a bank building. The free-standing ATM is for an ATM only and not an ATM within or part of another non-financial building, such as an ATM within a grocery store.		
<sup>3</sup> Any drive-thru associated with a fast food / fast casual restaurant will be an additive fee in addition to the fee per square foot for the restaurant based on the retail rate. The number of drive-thru lanes will be based on the number of lanes present when an individual places an order. The restaurant drive-thru rate applies for any building, whether a multi-tenant, free standing or convenience land use.		
<sup>4</sup> Rates per vehicle fueling position apply to gas station, convenience store, general store or service stations with fuel pumps. In addition, there shall be a separate fee for the square footage of any gas station, convenience store, general store or service stations based on the rate for retail land uses. The number of fueling positions is based on the maximum number of vehicles that could be fueled at one time.		



## PARK & RECREATION IMPACT FEE METHODOLOGY

The park and recreation impact fee update is a standards-based fee based upon the adopted Comprehensive Plan level of service (LOS) standards for parks. The Comprehensive Plan includes a standard for regional nature based parks. With the Haw Creek Preserve at Russell Landing Park featuring 1,005 acres of preserved land, there appears to be more than adequate regional parkland to accommodate future growth and visitors from outside the City. The park impact fee will be based upon the need for community parks and neighborhood parks. Park impact fees are only assessed on new residential development. Non-residential development does not pay a park impact fee.

The current Comprehensive Plan LOS standards for parks are as follows:

<b>Neighborhood Parks:</b>	1 acre per 1,000 residents
<b>Community Parks:</b>	3 acres per 1,000 residents

The current parks within the City of Bunnell include the following:

<b>Neighborhood Parks:</b>	
Edward Johnson Park:	3.58 acres
Louis L. Jackson Park:	0.23 acres
Memorial Park:	0.12 acres
Total:	3.94 acres

<b>Community Parks:</b>	
Joann B King Park:	9.69 acres

To ensure that new growth is not being charged for existing deficiencies, an evaluation of the current park LOS has been undertaken. Based upon the current park LOS provided within the City of Bunnell, the City is currently meeting the adopted park LOS for both neighborhood and community parks:

<b>Neighborhood Parks:</b>	
Park LOS Standard =	1 acre per 1,000 residents
Current LOS Provided =	$3.94 \text{ acres} / 2.795 = 1.41 \text{ acres per 1,000 residents}$ (2,795 residents / 1 acre per 1,000 residents = 2.795)

<b>Community Parks:</b>	
Park LOS Standard =	3 acres per 1,000 residents
Current LOS Provided =	$9.69 \text{ acres} / 2.795 = 3.47 \text{ acres per 1,000 residents}$ (2,795 residents / 1 acre per 1,000 residents = 2.795)



The need for future park acreage is based upon projected population growth within the City of Bunnell. The projected population growth per 1,000 new residents is then multiplied by the adopted park LOS service standards to project future park acres needed to accommodate new growth:

**Neighborhood Parks:**

Population Increase = 1,757 new residents per [Table 2](#)  
Park Need = 1 acre x 1.757 = 1.757 acres  
(1,757 new residents / per 1,000 residents = 1.757)

**Community Parks:**

Population Increase = 1,757 new residents per [Table 2](#)  
Park Need = 3 acres x 1.757 = 5.271 acres  
(1,757 new residents / per 1,000 residents = 1.757)

The cost per acre is based upon recently constructed parks and current property valuation within the City of Bunnell. The cost include land plus recreational amenities:

**Neighborhood Parks:** \$200,000 per acre  
**Community Parks:** \$150,000 per acre

The total cost of the net new park acreage needed to accommodate future growth within the City of Bunnell is as follows:

**Neighborhood Parks:** \$351,400 (\$200,000 x 1.757 net acres needed)  
**Community Parks:** \$790,650 (\$150,000 x 5.271 net acres needed)  
**Total cost of new parks:** **\$1,142,050**

The City of Bunnell has successfully obtained \$79,000 in grant funding for construction of new parks over the past two years. The equates to roughly \$39,500 in grant funding every year. While there is no guarantee that grant funding will be available in the future, it is reasonably anticipated that additional sources of funds may be available to help fund park acquisition in the future. The following is the calculation for the park impact fee per residential dwelling unit:

**Total Cost of new Park Acreage:** **\$1,142,050**  
**Projected Funding Available:** **\$896,000** (\$39,500 x 22 years)  
**Net Cost of new Park Acreage:** **\$273,050** (\$1,142,050 - \$896,000)  
**Population Increase:** **1,757** per [Table 2](#)  
**Cost per new Resident:** **\$155.41** (\$273,050 / 1,757)  
**Household Size:** **2.6** persons per household per [Appendix G](#)  
**Park Impact Fee:** **\$404 per residential dwelling unit**  
( $\$155.41 \times 2.6 = \$404$ )



## LAW ENFORCEMENT IMPACT FEE METHODOLOGY

The law enforcement impact fee update is a standards-based fee based upon the existing level of service provided by the City of Bunnell. The adopted Comprehensive Plan does not include a level of service (LOS) standards for law enforcement. The City may wish to consider adoption of a LOS standard for law enforcement in the future. The need for law enforcement differs from parks as both residential and non-residential development are required to pay law enforcement impact fees. Due to the significant projected increase in employment within Flagler County and accounting for the large presence of Flagler County School Board and Flagler County employees within the City of Bunnell, it was necessary to look differently at existing and future employment within the City.

The current law enforcement LOS provided by the City is based upon existing total employment and population. The current law enforcement LOS provided is calculated as follows:

<b>Total Employees:</b>	<b>5,783</b> existing employees per <a href="#">Appendix A</a>
<b>Total Population:</b>	<b>2,795</b> existing residents per <a href="#">Table 2</a>
<b>Total Equivalent Residents:</b>	<b>8,578 equivalent residents (employees + residents)</b>
<b>Total Law Enforcement:</b>	<b>13</b> officers, including Police Chief
<b>Existing Level of Service:</b>	<b>1.5 officers per 1,000 equivalent residents</b> <b>(8,578 / 1,000 = 8.578 x 1.5 = 12.87 rounded up to 13)</b>

To calculate the future need for law enforcement for purposes of calculating the law enforcement impact fee, Flagler County School Board employees and those employees working in the public sector consisting of Flagler County, the City and the State of Florida are excluded from future projections ([Appendix A](#)). Governmental bodies are either statutorily exempt from impact fee payments or are not assessed impact fees as they serve all members of the community equally and are funded through a variety of revenue sources. The projected growth in residents and private sector employees results in the following future demand for law enforcement:

<b>Growth in Employees:</b>	<b>3,000</b> per <a href="#">Table 2</a>
<b>Growth in Population:</b>	<b>1,757</b> per <a href="#">Table 2</a>
<b>Total Projected Growth:</b>	<b>4,757 equivalent residents</b>
<b>Existing LOS:</b>	<b>1.5 officers per 1,000 equivalent residents</b>
<b>Projected Need:</b>	<b>7 officers</b> ( $1.5 \times (4,757/1000) = 7.135$ )
<b>Employment Share:</b>	<b>63%</b> ( $3,000 / 4,757 = .631$ )
<b>Population Share:</b>	<b>37%</b> ( $1,757 / 4,757 = .369$ )
<b>Employee Need:</b>	<b>4.5 officers</b> ( $4 \times 63\% = 4.417$ )
<b>Population Need:</b>	<b>2.5 officers</b> ( $3 \times 37\% = 2.59$ )



The cost attributable to law enforcement include the need for office space, a car and equipment including computers, communication devices and protective gear. The following are the breakdown of cost per law enforcement officer based upon data from provided by the City and from surrounding North Florida communities:

<b>Building:</b>	<b>\$34,750</b> (\$139 per sq. ft. x 250 sq. ft. per officer)
<b>Patrol Vehicle:</b>	<b>\$40,000</b>
<b>Equipment:</b>	<b>\$5,000</b>
<b>Total Cost:</b>	<b>\$79,750 per officer</b>

The calculation of the law enforcement impact fee is based upon the cost per officer, the amount of growth in employees and population and the number of employees per 1,000 sq. ft. and household size. There are projected to be 2.5 employees per 1,000 square feet based upon data utilized to develop the Traffic Analysis Zones for the Central Florida Regional Travel Demand Model. Household size is based on data from the American Community Survey ([Appendix G](#)). The following is the law enforcement impact fee calculation for residential and non-residential development:

#### **Residential**

<b>Population Need:</b>	<b>2.5 officers</b>
<b>Total Cost:</b>	<b>\$199,375</b> ( $2.5 \times \$79,750 = \$199,375$ )
<b>Population Growth:</b>	<b>1,757</b>
<b>Rate per Resident:</b>	<b>\$113.47</b> ( $\$199,375 / 1,757 = \$113.474$ )
<b>Household Size:</b>	<b>2.6 persons per household</b> ( <a href="#">Appendix F</a> )
<b>Impact Fee:</b>	<b>\$295 per residential dwelling unit</b> ( $\$113.47 \times 2.6 = \$295.02$ )

#### **Non-Residential**

<b>Employment Need:</b>	<b>4.5 officers</b>
<b>Total Cost:</b>	<b>\$358,875</b> ( $4.5 \times \$79,750 = \$358,875$ )
<b>Employment Growth:</b>	<b>3,000</b>
<b>Rate per Resident:</b>	<b>\$119.625</b> ( $\$358,875 / 3,000 = \$119.625$ )
<b>Employees Size:</b>	<b>2.5 employees per 1,000 sq. ft.</b>
<b>Impact Fee:</b>	<b>\$299 per 1,000 sq. ft. of non-residential</b> ( $\$119,625 \times 2.5 = \$299.06$ )



The City does not currently have an adopted level of service for law enforcement personnel in the Comprehensive Plan. It is recommended that the City adopt a standard of 1.5 law enforcement personnel per 1,000 equivalent residents. The City may elect to adopt a higher law enforcement level of service standard in the future. If the City adopted a higher standard, there would be an increase in demand for the number of law enforcement personnel. The following is an example of the projected future need for law enforcement at a LOS of 2.0 officers per 1,000 equivalent residents and the projected law enforcement impact fee (**THIS IS FOR INFORMATIONAL PURPOSES ONLY**).

<b>Total Employees:</b>	<b>5,783</b> existing employees per <a href="#">Appendix A</a>
<b>Total Population:</b>	<b>2,795</b> existing residents per <a href="#">Table 2</a>
<b>Total Equivalent Residents:</b>	<b>8,578</b> equivalent residents (employees + residents)
<b>Total Law Enforcement:</b>	<b>13</b> officers, including Police Chief
<b>Projected Level of Service:</b>	<b>2 officers per 1,000 equivalent residents</b> <b>(8,578 / 1,000 = 8.578 x 2 = 17.15 rounded to 17)</b>
<b>Deficit with new LOS:</b>	<b>4 additional officers would need to be hired</b>

<b>Growth in Employees:</b>	<b>3,000</b> per <a href="#">Table 2</a>
<b>Growth in Population:</b>	<b>1,757</b> per <a href="#">Table 2</a>
<b>Total Projected Growth:</b>	<b>4,757</b> equivalent residents
<b>Potential LOS:</b>	<b>2 officers per 1,000 equivalent residents</b>
<b>Projected Need:</b>	<b>10 officers</b> ( $2 \times (4,757/1000) = 9.514$ )
<b>Employment Share:</b>	<b>63%</b> ( $3,000 / 4,757 = .631$ )
<b>Population Share:</b>	<b>37%</b> ( $1,757 / 4,757 = .369$ )
<b>Employee Need:</b>	<b>6 officers</b> ( $10 \times 63\% = 6.3$ )
<b>Population Need:</b>	<b>4 officers</b> ( $10 \times 37\% = 3.7$ )

#### **Residential**

<b>Population Need:</b>	<b>4 officers</b>
<b>Total Cost:</b>	<b>\$319,000</b> ( $4 \times \$79,750 = \$319,000$ )
<b>Population Growth:</b>	<b>1,757</b>
<b>Rate per Resident:</b>	<b>\$181.66</b> ( $\$319,000 / 1,757 = \$181.559$ )
<b>Household Size:</b>	<b>2.6</b> persons per household ( <a href="#">Appendix F</a> )
<b>Potential Impact Fee:</b>	<b>\$472 per residential dwelling unit</b> <b>(<math>\\$181.66 \times 2.6 = \\$472.056</math>)</b>

**Non-Residential**

<b>Employment Need:</b>	<b>6 officers</b>
<b>Total Cost:</b>	<b>\$358,875</b> ( $6 \times \$79,750 = \$478,500$ )
<b>Employment Growth:</b>	<b>3,000</b>
<b>Rate per Resident:</b>	<b>\$159.50</b> ( $\$478,500 / 3,000 = \$159.50$ )
<b>Employees Size:</b>	<b>2.5 employees per 1,000 sq. ft.</b>
<b>Potential Impact Fee:</b>	<b>\$399 per 1,000 sq. ft. of non-residential</b> ( $\$159.50 \times 2.5 = \$398.75$ )

If the City adopted a law enforcement LOS of 2.0 officers per 1,000 equivalent residents, the City would need to hire four additional officers to meet current needs and an additional ten officers to accommodate projected growth. The impact fees for residential development would increase from \$295 per residential dwelling to \$472 per residential dwelling and from \$299 per 1,000 square feet of non-residential to \$399 per 1,000 square feet of non-residential.

It is recommended that the City formally adopted a level of service standard of 1.5 law enforcement officers per 1,000 equivalent residents into the Comprehensive Plan. The City currently is providing a level of service of 1.5 law enforcement officers per 1,000 equivalent residents. Thus, the City would not be charging new development for an existing deficiency. The proposed law enforcement impact fee would only be charging new development their share of the cost for future law enforcement personnel needed to accommodate future projected growth.





## IMPACT FEE BENEFIT DISTRICTS

An impact fee benefit district is an area within which impact fees collected are earmarked for expenditure. The entire City of Bunnell is envisioned as a single impact fee benefit district given road improvements and parks will be constructed through-out the City and that law enforcement responds to calls and incidents through-out the City as well. Impact fees collected anywhere within the City can be spent on improvements needed to serve new growth. Separate benefit districts shall be established for Transportation, Park and Recreation and Law Enforcement Impact Fees.

Establishing the City boundary as a single Impact Fee benefit district allows for the streamlined incorporation of annexed areas into the City. The single benefit district ensures the second prong of the dual rational nexus test is met by clearly defining where funds are collected and where they are expended and that the land uses within the City that pay the Fee are provided the benefit of transportation and park and recreation improvements and expanded law enforcement capabilities to accommodate new growth.

The City will be required to continue to account for all impact fee collections and expenditures in a separate fund established specifically for impact fees. The City may elect to create sub area benefit districts or development specific benefit districts. The intent of sub area districts is to collect funds from development within the sub area to construct improvements that would benefit that area and are usually connected with development that front ends the construction of infrastructure that serves new growth outside that development in a specific geographic area. The intent of establishing a development specific benefit district is to reimburse a development that elects to front-end the construction of improvements that would benefit both the development and the community at large.

The credit available to a developer for the front-ending of improvements is typically reduced to ensure that the development does not receive credit for impacts from the development. The development specific benefit district typically results in new residential and non-residential land uses within the development pay the impact fee to the City which places the funds in a development specific benefit district. Then the developer that front-ends improvements and enters into an agreement with the City is reimbursed from impact fees paid for by new growth in the development. An example of a project is a developer that constructs a community park that is open to the public or constructs a public collector road that connects two State Roads and serves traffic beyond that generated by the development. Sub area districts and development specific benefit districts are typically established by amendments to the impact fee ordinance or a developer agreement between the City and a private developer.



## RECOMMENDATIONS

The current City impact fees feature a uniform citywide assessment area. It is recommended that the City maintain its current citywide assessment area for all three impact fees. In the future, as the City continues to grow, the City may wish to consider the adoption of multiple assessment areas for its transportation impact fee. One assessment area could be for the Downtown. Another could be to encourage mixed-use development. The Park and Recreation and Law Enforcement Impact Fees would continue to be a single citywide assessment area.

The City may wish to consider a general government impact fee in the future to help offset the cost for new buildings to serve a growing population. The City may wish to also consider transitioning to a multimodal transportation impact fee that could also include trails and new mobility technology as the City grows. The updated Transportation Impact Fee does include capacities for sidewalks and bike lanes to provide the City with the flexibility to fund free standing improvements.

The City should consider revaluation of its Park and Recreation Level of Service Standards to ensure they meet the needs for a growing City and consider the need to maintain a Regional Park LOS Standard. It is recommended that the City adopt a law enforcement LOS standard either based on calls and responses or the number of law enforcement per resident and equivalent residents based on employment within the City. It is also recommended that if the City considered additional impact fees, that the strongest nexus exist when standards are adopted into the City's Comprehensive Plan.

It is recommended that the City budget for updates to occur every three to four years for impact fees and that the impact fees be no more than five years old from the date of last adoption. This would have the City commencing an update in FY 2023/2024 and adopting updated fee in FY 2024/2025. To reduce the impact of future rate increases and to account for inflation, it is strongly recommended that the City annual adjust its impact fees. This update would occur October 1<sup>st</sup> of each year starting will 2021 and coincide with the City's fiscal year. If the City elects to adopt an inflation factor, the following language is recommended:

*"The City's impact fees shall be adjusted annually for inflation on October 1st of each calendar year. As a courtesy, the City shall provide notice by June 30th of each calendar year of the proposed increase in impact fees. The inclusion of the intent to annually adjust impact fees shall serve as meeting the notice requirements of Florida Statute. For Park and Recreation and Law Enforcement impact fees, the inflation factor shall be either 3% or the preceding year Consumer Price Index (CPI) published by the US. Bureau of Labor Statistic, whichever is greater. For the Transportation impact fee, the inflation factor shall be either 3% or the preceding year Construction Cost Index (CCI) published by the Florida Department of Transportation."*



## CONCLUSION

The City of Bunnell Transportation, Park and Recreation and Law Enforcement Impact Fee update is based upon the most recent and localized data per Florida Statute. The standards based impact fees are based on meeting the projected need from new development as required by the dual rational nexus needs test. The establishment of separate impact fee benefit districts for Transportation, Park and Recreation and Law Enforcement Impact Fee ensures that fees paid by new development are expended to the benefit of new development as required by the dual rational nexus benefit test. The Transportation, Park and Recreation and Law Enforcement Impact Fee updates have been calculated to ensure that the fees are roughly proportional to the impact of new development.

The Transportation, Park and Recreation and Law Enforcement Impact Fees are intended to fund new transportation and park and recreation improvements and the expansion of law enforcement to the benefit of new development. The following are examples of the impact fees due by new development for all three impact fees:

### Single Family Residential Dwelling Unit:

<b>Transportation Impact Fee:</b>	<b>\$1,347</b>
<b>Park and Recreation Impact Fees:</b>	<b>\$404</b>
<b>Law Enforcement Impact Fee:</b>	<b>\$295</b>
<b>Total Impact Fee due:</b>	<b>\$2,046</b>

### Office Development per 1,000 sq. ft.:

<b>Transportation Impact Fee:</b>	<b>\$2,094</b>
<b>Park and Recreation Impact Fees:</b>	<b>Not Applicable</b>
<b>Law Enforcement Impact Fee:</b>	<b>\$299</b>
<b>Total Impact Fee due:</b>	<b>\$2,393</b>

### Retail Development per 1,000 sq. ft.:

<b>Transportation Impact Fee:</b>	<b>\$2,409</b>
<b>Park and Recreation Impact Fees:</b>	<b>Not Applicable</b>
<b>Law Enforcement Impact Fee:</b>	<b>\$299</b>
<b>Total Impact Fee due:</b>	<b>\$2,708</b>

This Technical Report provides the documentation, data, methodology and analysis to demonstrate that the Transportation, Park and Recreation and Law Enforcement impact fee update meets the dual rational nexus and rough proportionality test.



## DEFINITIONS

*Assisted Living / Nursing* shall mean a residential setting that provides either routine general protective oversight or assistance with activities necessary for assisted living to mentally or physically limited persons. This use includes nursing homes, congregate care facilities, and assisted living facilities that may be part of continuing care retirement communities.

*Bank Drive-Thru Lane, Free Standing ATM or ATM Drive-Thru Lane* shall mean any drive-thru lane used for banking purposes such as deposits, withdrawals, balance inquires or bill pay. The drive-thru may include either a teller window or pneumatic device for transferring banking information or funds, or an Automated Teller Machine (ATM). This use also includes free standing bank drive-thru lanes and freestanding walk-up or drive-thru ATM machines. An ATM inside or attached to a building that has a use open to the public or end user and is not just a standalone ATM structure or building shall not be assessed a fee. The fee shall be based upon the total number of drive-thru lanes with a banking window, pneumatic device or ATM and/or the total number of free standing ATM's.

*Benefit District* shall mean an area designated in the applicable impact fee ordinance where fees that are paid by development are expended. The City shall consist of a single Benefit District that shall be comprised on all land within current City limits and any future areas added to the City through subsequent annexations.

*Day Care* shall mean a facility where care for young children or for older adults is provided, normally during the daytime hours. Day care facilities generally include classrooms, offices, eating areas and playgrounds.

*Dwelling Unit* shall mean a room or connected rooms, constituting a separate, independent housekeeping entity, for owner occupancy or rental or lease on a daily, weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing sleeping and sanitary facilities and one kitchen.

*Entertainment, Recreation and Lodging Use* shall mean those public or quasi-public uses that serve a community's social, cultural, fitness, entertainment and recreational needs, including recreation vehicle parking spaces and limited period lodging and accommodations which include applicable land uses specified in the ITE Trip Generation Manual under Land Use Code Series 300, 400 and 500.

*Fast Food / Fast Casual Food Drive-Thru* shall mean a drive-thru lane where an order for food is placed. The vehicle will proceed to one or more common pick-up windows after the order has been placed. The number of drive-thru's shall be based upon the total number of points where an order is taken, not the number of windows where an order is picked-up. Some drive-thru's may be opened longer than the walk-up restaurant is open. The fee per restaurant drive-thru is in addition to the fee assessed for the restaurant itself based upon the applicable unit of measure.



*Hotel / Motel / Lodging / Bed & Breakfast* shall mean places of accommodations that provide places for sleeping and bathing and may include supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, and limited recreational facilities (pool, fitness room) intended for primary use by guest.

*Indoor Commercial Recreation / Health / Fitness / Yoga* shall mean facilities that primarily focus on individual or group fitness, training or exercise. The uses typically provide exercise, dance or cheerleading classes, weightlifting, yoga, pilates, cross-fit training, fitness and gymnastics equipment. Indoor Commercial Recreation includes facilities that are generally enclosed within a building that includes uses such as bowling, pool, darts, arcades, video games, batting cages, trampolines, laser tag, bounce houses, skating, or climbing walls. Food and beverage may also be provided. The fee for outdoor recreation areas for uses such as batting cages or mini-golf would be calculated based upon the outdoor commercial recreation land use.

*Impact Fee* shall mean a monetary exaction imposed at the time of issuance of a Certificate of Occupancy, Certificate of Completion, Special Use Permit or Construction Permit on a pro-rata basis in accordance with the average demand for public facilities created by growth and new development/redevelopment.

*Industrial Use* shall mean those activities which are predominantly engaged in the assembly, finishing, processing, packaging, and/or storage, warehousing or distribution of products and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 000 and 100, but excluding governmental uses.

*Institutional Use* shall mean those public or quasi-public uses that serve one or more community's social, educational, health, cultural, and religious needs and which include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 500.

*ITE Trip Generation Manual* shall mean and refer to the latest edition of the report entitled "Trip Generation" produced by the Institute of Transportation Engineers, and any official updates hereto, as approved by Public Works.

*Law Enforcement Improvements* shall mean land, buildings, vehicles, equipment, communication devices, technology and parking, lighting, landscape, planning, survey, geotechnical and engineering, utilities, construction, engineering and inspection, utility relocation, stormwater facilities associated with buildings, repayment of bonds used to front design and construction, local match for federal and state funded projects.

*Manufacturing / Warehousing / Industrial* shall mean a facility that is used for the storage of materials, goods and merchandise prior to the distribution to retail outlets, distribution centers or other warehouses. Manufacturing shall mean a facility where the primary activity is the conversion of raw materials or parts into finished products. Industrial shall mean a facility that has an emphasis on activities other than manufacturing, including brewing and distilling, and typically have ancillary office space and may have tap, sampling or tasting rooms.



*Mini-Warehouse / Boat / RVs & Other Outdoor Storage* shall mean facilities or acreage in which one or more storage units or vaults are rented for the storage of goods and/or acreage is providing for the storage of boats, RVs, vehicle trailers and other physical items that are larger than what is typically stored within an enclosed structure. They are typically referred to as “self-storage” facilities and are typically access controlled where storage units or spaces are rented. The acreage for outdoor storage, excluding drive aisles, buffers and stormwater management areas, shall be converted to square footage for purposes of calculating the fee. This shall not include an individual’s personal property where such items are stored by the owner of the land and not for commercial purposes, subject to allowance by land development and zoning regulations.

*Mobile Home* shall mean a detached Dwelling Unit with all the following characteristics: (1) designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; (2) designed for transportation after fabrication on streets or highways on its own wheels; and (3) arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities and the like. A travel trailer or Recreational Vehicle (RV) is not to be considered as a Mobile Home.

*Motor Vehicle & Boat Sales, Service, Cleaning* shall mean an establishment for the sale, rent, leasing, service, parts, cleaning of motor vehicles and boats. This land use may include automobiles, trucks, recreational vehicles, boats, motorcycles, all-terrain vehicles, tractors and earth moving equipment. The square footage shall include all areas under roof used for the sale, service, display or cleaning of vehicles.

*Non-Residential* shall mean a building or buildings and includes all uses specified in the ITE Trip Generation Manual Land Use Code Series 0-199 and 300 to 999, excluding nursing homes and RVs in an RV park which fall under residential.

*Office Use* shall mean those businesses which provide professional services to individuals, businesses, or groups and which include those uses in the ITE Trip Generation Manual under Land Use Code Series 600 and 700.

*Office / Medical / Clinic / Financial Service / Higher Education* shall mean activities primarily involving the provision of professional or skilled services, including but not limited to legal, medical, dental, veterinary, real estate, financial, engineering, architecture, accounting, colleges, universities, higher learning, secondary schools, and technology. Hospitals are included under this land use. Banks are also included in this land use with a separate fee calculated per drive-thru lane or free-standing ATM with or without a drive-thru lane.



*Outdoor Commercial Recreation* shall mean a facility with land uses that may include miniature golf, batting cages, video arcade, bumper boats, go-carts, golf driving ranges, tennis, racquet or basketball courts, soccer, baseball and softball fields, paint-ball, skating, cycling or biking that require paid admittance, membership or some other type of fee for use. Buildings for refreshments, bathrooms, changing and retail may be included. The fee shall be based upon the total acreage of the facility, including buildings, primarily used to carry out the land use activity. Areas for parking, buffers and stormwater that are not active features of the land use are excluded from the fee acreage.

*Park and Recreation Improvements* shall mean land, playground equipment, seating, shade, bathroom facilities, amenities, easements, right-of-way, parking, lighting, landscape, planning, survey, geotechnical and engineering, utilities, construction, engineering and inspection, utility relocation, stormwater facilities, repayment of bonds used to front design and construction, local match for federal and state funded projects, access connection and other similar features common to public parks.

*Personal Services* shall mean any establishment that primarily sells services to the public that includes uses such as person or pet grooming, nail salon, hairdresser, spa, salon, tanning, massage, barber, waxing, funeral home, small appliance, device or computer repair or service, shipping, copying or printing service, dry cleaning, locksmith, laundry, tailor, embroidery, cobbler, watch repair, check cashing, money transfer, test taking, tutoring, musical lessons. These uses may also sell ancillary goods used in the primary function of the use.

*Place of Assembly / Place of Worship / Civic* shall mean a building in which members or guest assemble, educate, participate or view the arts or worship. Buildings or square footage used primarily for worship, pre-school, private primary school, lodges, clubs, community uses, community meeting spaces, civic and non-profit uses, galleries and museums are included under this land use. Buildings or square footage used primarily for day care are excluded from this land use. These uses may sell goods, food, drinks or finished products to support non-profit activities.

*Principal Use* shall mean the carrying out of any building activity or the making of any material change in the use of a structure or land that requires the issuance of a Certificate of Occupancy, Certificate of Completion, Change of Use Permit, Construction Permit or Special Use Permit and which generates a demand or increase in vehicle trips over and above the existing use of the structure or land, excluding governmental uses.

*Recreational Vehicle (RV) Park* shall mean a Park with spaces where RV's maybe parked for short or long term occupancy, and: (1) containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities; (2) include plumbing and electrical connections are provided by a battery or generator and maybe connected to an outside system; (3) are designed for transportation after fabrication on streets or highways on its own wheels. A space available for a travel trailer will be considered a space for an RV. This definition does not include Recreational Vehicles stored on a lot at a personal residence.





*Residential / Lodging Use* shall mean a dwelling Unit, dwelling Units or rooms and shall include those uses under ITE Trip Generation Manual under the Land Use Code Series 200 and 300.

*Residential (Transportation)* shall mean a dwelling unit or dwelling units and shall include those uses specified in the ITE Trip Generation Manual under single-family detached, single-family attached, multi-family or active adult under the ITE Trip Generation Manual Land Use Code Series 200, excluding mobile homes and assisted / congregate care living facilities.

*Residential (Park and Law)* shall mean a dwelling unit or dwelling units and shall include those uses specified in the ITE Trip Generation Manual under single-family detached, single-family attached, multi-family, senior housing, mobile home, assisted living under the ITE Trip Generation Manual Land Use Code Series 200, including nursing homes and RVs in an RV park.

*Retail Use* shall mean those commercial activities which provide for sale, lease or rent of products, services, accommodations or use of space to individuals, businesses, or groups and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 800 and 900.

*Retail / Entertainment / Personal & Business Service / Restaurant / Bar* shall mean those activities which provide for sale, lease or rent of products, good, services, entertainment, consumption, accommodations or use of space to individuals, businesses, or groups and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 800 and 900.

*Square feet* shall mean the sum of the gross floor area (in square feet) of the area of each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (six feet six inches, minimum) regardless of their use. If a ground level area, or part thereof, within or adjacent to the principal outside faces of the exterior walls is not enclosed and is determined to be a part of the principal use, this gross floor area is considered part of the overall square footage of the building.

*Transportation Improvements* shall mean travel lanes, turn lanes, new or upgraded traffic signals, mobilization, maintenance of traffic, planning, survey, geotechnical and engineering, utilities, construction, engineering and inspection, utility relocation, right-of-way, easements, landscape, stormwater facilities, repayment of bonds used to front design and construction, local match for federal and state funded projects, and sidewalks, bike lanes, trails, paths and lighting.

*Vehicle Fueling Position* shall mean any paved area where a vehicle can be fueled. Typical fuel pumps include two vehicles fueling positions. Thus, a gas station or convenience market with eight pumps would have a total 16 vehicular fueling positions. The fee for number of fueling positions is in addition to the fee for any associated convenience store, market, station, superstore or wholesale use.





*Vehicle Miles of Capacity (VMC)* shall mean a unit to measure the road capacity provided to accommodate vehicle travel made by a private motor vehicle, such as an automobile, van, pickup truck, or motorcycle where each mile of road capacity is counted as one vehicle mile regardless of the number of persons in the vehicle. VMC is calculated by multiplying the length of a road segment by the capacity of the road based on its level of service standard and classification.

*Vehicle Miles of Travel (VMT)* shall mean a unit to measure vehicle travel made by a private motor vehicle, such as an automobile, van, pickup truck, or motorcycle where each mile traveled is counted as one vehicle mile regardless of the number of persons in the vehicle. VMT is calculated by multiplying the length of a road segment by the total number of vehicles on that road segment.

*Vehicle Trip* shall mean a trip by one person driving a motor vehicle or a motorcycle.

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# **APPENDIX A**

## **ON THE MAP CENSUS EMPLOYMENT**

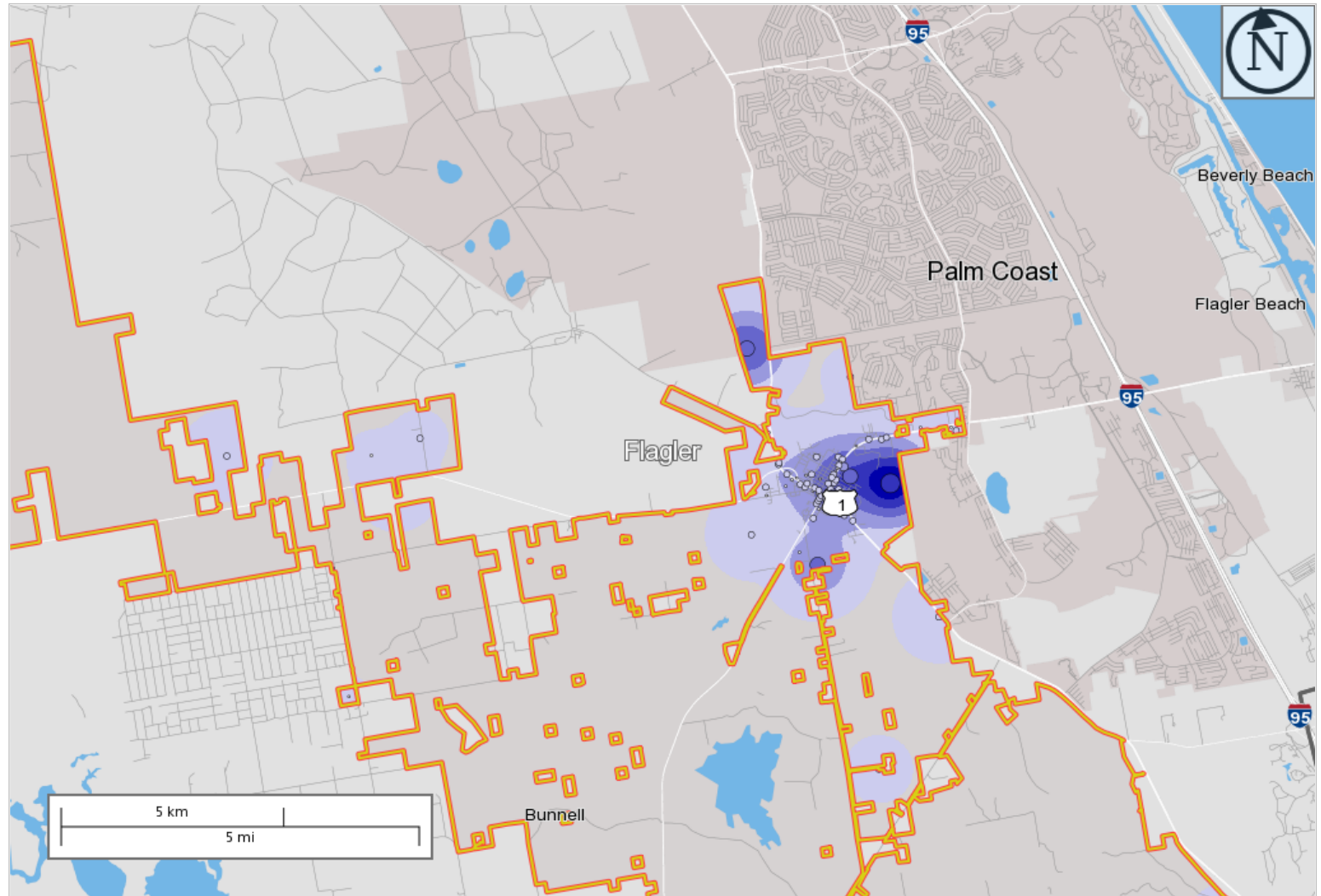
# Work Area Profile Report

## All Jobs for All Workers by NAICS Industry Sector in 2015

Created by the U.S. Census Bureau's OnTheMap <http://onthemap.ces.census.gov> on 09/16/2018

### Counts and Density of All Jobs in Work Selection Area in 2015

#### All Workers



#### Map Legend

##### Job Density [Jobs/Sq. Mile]

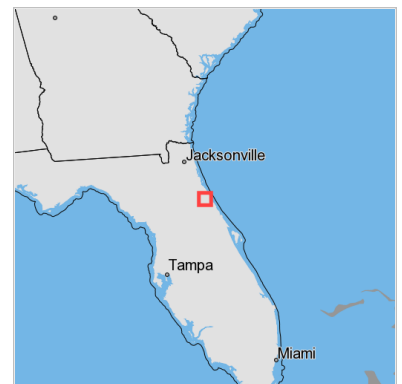
- 5 - 270
- 271 - 1,066
- 1,067 - 2,393
- 2,394 - 4,250
- 4,251 - 6,639

##### Job Count [Jobs/Census Block]

- 1 - 5
- 6 - 66
- 67 - 331
- 332 - 1,045
- 1,046 - 2,550

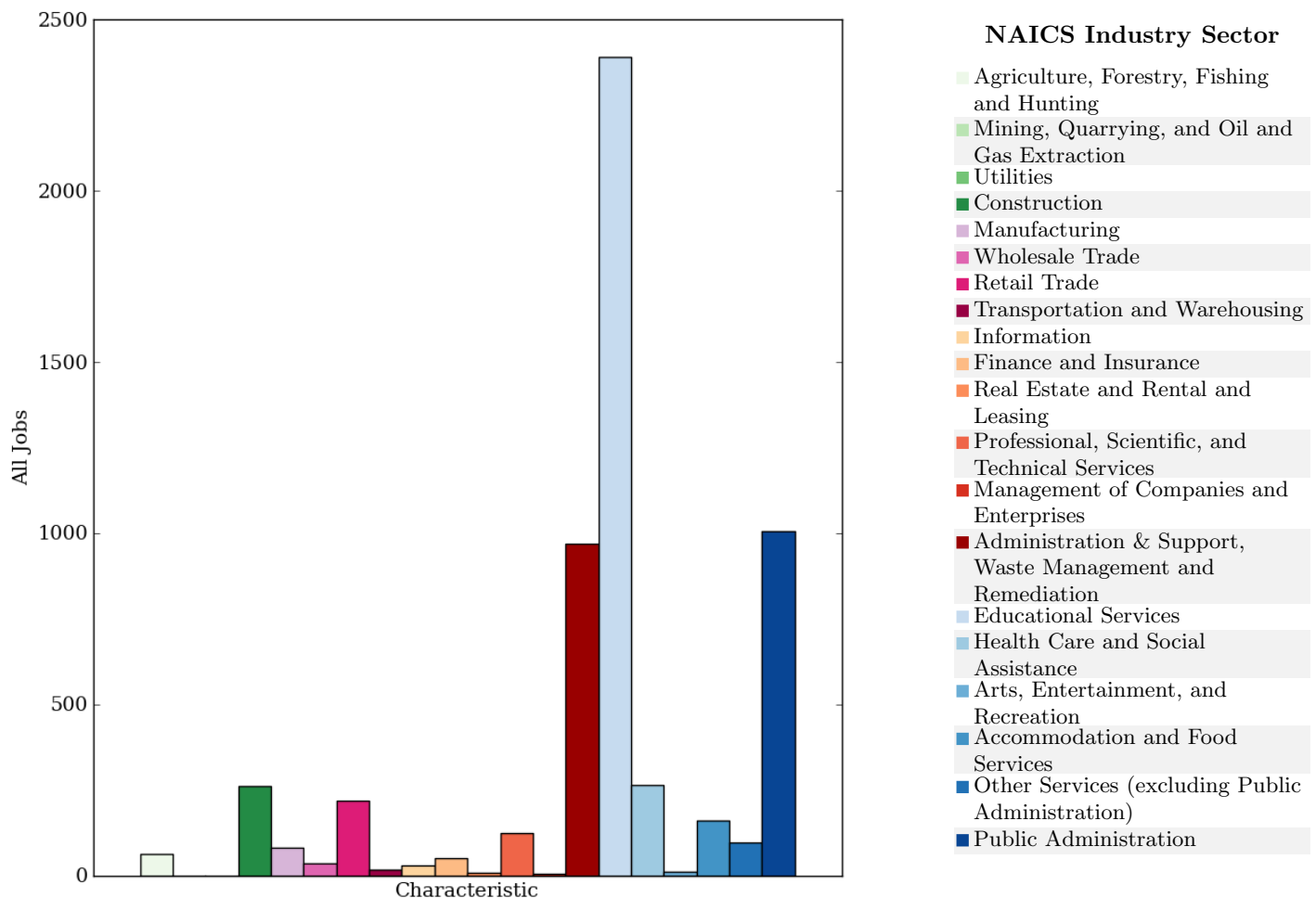
##### Selection Areas

- Analysis Selection



# All Jobs for All Workers by NAICS Industry Sector in 2015

Employed in Selection Area



## All Jobs for All Workers by NAICS Industry Sector in 2015

Employed in Selection Area

NAICS Industry Sector	2015	
	Count	Share
<b>Total All Jobs</b>	<b>5,783</b>	<b>100.0</b>
Agriculture, Forestry, Fishing and Hunting	63	1.1
Mining, Quarrying, and Oil and Gas Extraction	0	0.0
Utilities	0	0.0
Construction	262	4.5
Manufacturing	80	1.4
Wholesale Trade	35	0.6
Retail Trade	217	3.8
Transportation and Warehousing	17	0.3
Information	28	0.5
Finance and Insurance	51	0.9
Real Estate and Rental and Leasing	8	0.1

NAICS Industry Sector	2015	
	Count	Share
Professional, Scientific, and Technical Services	123	2.1
Management of Companies and Enterprises	5	0.1
Administration & Support, Waste Management and Remediation	970	16.8
Educational Services	2,391	41.3
Health Care and Social Assistance	263	4.5
Arts, Entertainment, and Recreation	10	0.2
Accommodation and Food Services	159	2.7
Other Services (excluding Public Administration)	95	1.6
Public Administration	1,006	17.4

## Additional Information

### Analysis Settings

Analysis Type	Area Profile
Selection area as	Work
Year(s)	2015
Job Type	All Jobs
Labor Market Segment	All Workers
Selection Area	Bunnell city, FL from Places (Cities, CDPs, etc.)
Selected Census Blocks	441
Analysis Generation Date	09/16/2018 14:08 - OnTheMap 6.5
Code Revision	d6ec994dcb416ba9b4b1b8cb2b4d690f01609fc9
LODES Data Version	20160219

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2015).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.

**APPENDIX B**

**FLORIDA DEPARTMENT OF TRANSPORTATION**

**GENERALIZED TABLES**

**Generalized Annual Average Daily Volumes for Florida's  
Rural Undeveloped Areas and  
Developed Areas Less Than 5,000 Population<sup>1</sup>**

12/18/12

INTERRUPTED FLOW FACILITIES

STATE SIGNALIZED ARTERIALS

Lanes	Median	B	C	D	E
2	Undivided	*	12,900	14,200	**
4	Divided	*	29,300	30,400	**
6	Divided	*	45,200	45,800	**

Non-State Signalized Roadway Adjustments

(Alter corresponding state volumes by the indicated percent.)

Non-State Signalized Roadways - 10%

Median & Turn Lane Adjustments

Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors
2	Divided	Yes	No	+5%
2	Undivided	No	No	-20%
Multi	Undivided	Yes	No	-5%
Multi	Undivided	No	No	-25%
—	—	—	Yes	+ 5%

One-Way Facility Adjustment

Multiply the corresponding two-directional volumes in this table by 0.6

BICYCLE MODE<sup>2</sup>

(Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

Rural Undeveloped

Paved Shoulder/Bicycle Lane Coverage	B	C	D	E
0-49%	*	1,300	2,000	3,200
50-84%	1,000	2,100	3,200	10,600
85-100%	2,600	3,900	18,500	>18,500

Developed Areas

Paved Shoulder/Bicycle Lane Coverage	B	C	D	E
0-49%	*	2,300	4,900	15,600
50-84%	1,700	4,500	13,300	18,500
85-100%	5,900	18,500	>18,500	**

PEDESTRIAN MODE<sup>2</sup>

(Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

Sidewalk Coverage	B	C	D	E
0-49%	*	*	2,700	9,200
50-84%	*	1,500	8,400	14,900
85-100%	3,600	10,200	16,700	>19,200

UNINTERRUPTED FLOW FACILITIES

FREEWAYS

Lanes	B	C	D	E
4	28,800	43,000	52,300	60,000
6	43,000	64,000	78,300	92,500
8	57,500	85,400	104,400	123,500

Freeway Adjustments

Auxiliary Lanes

Present in Both Directions

+ 20,000

UNINTERRUPTED FLOW HIGHWAYS

Rural Undeveloped

Lanes	Median	B	C	D	E
2	Undivided	4,700	8,400	14,300	28,600
4	Divided	25,700	40,300	51,000	57,900
6	Divided	38,800	60,400	76,700	86,800

Developed Areas

Lanes	Median	B	C	D	E
2	Undivided	8,700	16,400	23,100	31,500
4	Divided	25,900	40,700	52,400	59,600
6	Divided	38,800	61,000	78,400	89,500

Passing Lane Adjustments

Alter LOS B-D volumes in proportion to the passing lane length to the highway segment length

Uninterrupted Flow Highway Adjustments

Lanes	Median	Exclusive left lanes	Adjustment factors
2	Divided	Yes	+5%
Multi	Undivided	Yes	-5%
Multi	Undivided	No	-25%

<sup>1</sup>Values shown are presented as two-way annual average daily volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the Highway Capacity Manual and the Transit Capacity and Quality of Service Manual.

<sup>2</sup> Level of service for the bicycle and pedestrian modes in this table is based on number of motorized vehicles, not number of bicyclists or pedestrians using the facility.

\* Cannot be achieved using table input value defaults.

\*\* Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.

Source:

Florida Department of Transportation

Systems Planning Office

[www.dot.state.fl.us/planning/systems/sm/los/default.shtm](http://www.dot.state.fl.us/planning/systems/sm/los/default.shtm)



**TABLE 3**  
(continued)

**Generalized Annual Average Daily Volumes for Florida's  
Rural Undeveloped Areas and  
Developed Areas Less Than 5,000 Population**

12/18/12

INPUT VALUE ASSUMPTIONS	Uninterrupted Flow Facilities					Interrupted Flow Facilities				
	Freeways	Highways				Arterials	Bicycle		Pedestrian	
ROADWAY CHARACTERISTICS										
Area type (ru, rd)	rural	ru	ru	rd	rd	rd	rd	ru	rd	rd
Number of through lanes (both dir.)	4-8	2	4-6	2	4-6	2	4-6	4	4	2
Posted speed (mph)	70	55	65	50	55	45	45	55	45	45
Free flow speed (mph)	75	60	70	55	60	50	50	60	50	50
Auxiliary lanes (n,y)	n									
Median (n, nr, r)		n	r	n	r	n	r	r	r	n
Terrain (l,r)	l	l	l	l	l	l	l	l	l	l
% no passing zone		20		60						
Exclusive left turn lanes (n, y)		[n]	y	[n]	y	y	y	y	y	y
Exclusive right turn lanes (n, y)						n	n	n	n	n
Facility length (mi)	14	10	10	5	5	1.9	2.2	4	2	2
Number of basic segments	4									
TRAFFIC CHARACTERISTICS										
Planning analysis hour factor (K)	0.105	0.095	0.095	0.095	0.095	0.095	0.095	0.095	0.095	0.095
Directional distribution factor (D)	0.555	0.550	0.550	0.550	0.550	0.550	0.550	0.570	0.570	0.550
Peak hour factor (PHF)	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Base saturation flow rate (pcphpl)		1,700	2,300	1,700	2,200	1,950	1,950	1,950	1,950	1,950
Heavy vehicle percent	12.0	5.0	12.0	4.0	4.0	3.0	3.0	6.0	3.5	3.0
Local adjustment factor	0.84	0.88	0.73	0.97	0.82					
% left turns						12	12		12	12
% right turns						12	12		12	12
CONTROL CHARACTERISTICS										
Number of signals						5	6	2	4	4
Arrival type (1-6)						3	3	3	3	3
Signal type (a, c, p)						c	c	a	a	a
Cycle length (C)						90	90	60	90	90
Effective green ratio (g/C)						0.44	0.44	0.37	0.44	0.44
MULTIMODAL CHARACTERISTICS										
Paved shoulder/bicycle lane (n, y)								n,50%,y	n,50%,y	n
Outside lane width (n, t, w)								t	t	t
Pavement condition (d, t, u)								t	t	
Sidewalk (n, y)										n,50%,y
Sidewalk/roadway separation(a, t,w)										t
Sidewalk protective barrier (n, y)										n
LEVEL OF SERVICE THRESHOLDS										
Level of Service	Freeways	Highways								
		Two-Lane ru		Two-Lane rd		Multilane ru		Multilane rd		
	Density	%tsf	ats	%ffs	Density	Density				
B	≤ 14	≤ 50	≤ 55	> 83.3	≤ 14	≤ 14				
C	≤ 22	≤ 65	≤ 50	> 75.0	≤ 22	≤ 22				
D	≤ 29	≤ 80	≤ 45	> 66.7	≤ 29	≤ 29				
E	≤ 36	> 80	≤ 40	> 58.3	≤ 34	≤ 34				
Level of Service	Arterials		Bicycle		Pedestrian					
	Major City/Co.(ats)		Score		Score					
B	> 31 mph		≤ 2.75		≤ 2.75					
C	> 23 mph		≤ 3.50		≤ 3.50					
D	> 18 mph		≤ 4.25		≤ 4.25					
E	> 15 mph		< 5.00		< 5.00					

%tsf = Percent time spent following    %ffs = Percent of free flow speed    ats = Average travel speed    ru = Rural undeveloped    rd = Rural developed

## **APPENDIX C**

# **TRIP GENERATION DATA**

### City of Bunnell Trip Generation

Land Use	Unit of Measure	Trip Generation Rates <sup>1</sup>	ITE Land Use Codes
<b>Residential / Lodging</b>			
Residential	per dwelling unit	6.92	210, 220, 251, 252
Hotel / Motel / Lodging / Bed & Breakfast	per room	5.05	310, 311, 312, 320
Mobile Home / Recreational Vehicle Park	per space / lot	3.70	240, 416 <sup>2</sup>
Assisted Living / Nursing	per bed	2.52	253, 254, 255, 620
<b>Institutional</b>			
Place of Assembly / Place of Worship / Civic	per 1,000 sq. ft.	6.95	560
<b>Industrial</b>			
Manufacturing / Warehousing / Industrial	per 1,000 sq. ft.	3.54	110, 140, 150
Mini Warehouse / Boat / RVs & Other Outdoor Storage	per 1,000 sq. ft.	1.51	151
<b>Recreation</b>			
Outdoor Commercial Recreation	per acre	14.32	480, 488, 491 <sup>3</sup>
Indoor Commercial Recreation / Health Club / Fitness / Yoga	per 1,000 sq. ft.	20.55	434, 435, 436, 437, 465, 492, 493 <sup>4</sup>
<b>Office</b>			
Office / Medical / Clinic / Financial Service / Higher Education	per 1,000 sq. ft.	9.47	710
<b>Retail</b>			
Retail / Entertainment / Personal & Business Service / Restaurant / Bar	per 1,000 sq. ft.	37.75	820
Bank Drive-Thru Lane or Free Standing ATM	per lane / ATM	115.29	912 <sup>5</sup>
Fast Food / Fast Casual Food Drive-Thru	per lane	250.98	934, 935 <sup>6</sup>
Motor Vehicle & Boat Sales, Service, Cleaning	per 1,000 sq. ft.	27.45	840, 841
Vehicle Fueling Position	per fueling position	250.98	853, 944, 945, 960

<sup>1</sup> The Trip Generation Rates are based on average trip generation rates for all referenced land uses under the ITE Land Use Codes columns

<sup>2</sup> For RV Parks (ITE Code 416) Converted AM and PM Peak Hour Periods and applied a Peak to Daily Conversion of .10 (10% of daily traffic occurs during peak hours)

<sup>3</sup> Golf driving range converted to acreage at two tee positions per one acre, Soccer Complex fields converted to acres at ratio of 2 acres per 1 field, Racquet / Tennis Club assume 2 courts plus accessory buildings per acre, Utilized vehicle occupancy of 3 persons per vehicle

<sup>4</sup> Converted AM and PM Peak Hour Periods and applied a Peak to Daily Conversion of .1 (10% of daily traffic occurs during peak hours)

<sup>5</sup> The trip generation is based on the trip rate per drive-thru lane minus the trips associated with office uses since the bank square footage, which may or may not contain office space beyond that for tellers falls under the office land use category

<sup>6</sup> The trip generation rate derived by subtracting the trip generation rate for fast food restaurants with drive-thru lanes and fast food restaurants without drive-thru lanes.

Note: Jonathan B. Paul, AICP, Principal of NUE Urban Concepts, LLC prepared the trip generation rates and consolidated land uses based on the ITE Trip Generation Manual, 10th Edition and professional judgement based upon 20 years serving as an Impact Fee Administrator for local governments, serving in a development review capacity for local governments, reviewing and conducting over 2,000 Traffic Impact Analysis, and updating and preparing Transportation Impact Fee and Mobility Fee Technical Reports and Implementing Ordinances for Local Governments through-out Florida.

**APPENDIX D**

**2017 NATIONAL HOUSEHOLD TRAVEL SURVEY**

**FLORIDA SURVEY DATA**

**2017 National Household Travel Survey Data for Florida**

<b>Trip Purpose</b>	<b>Trip Length</b>	<b>Average Trip Length</b>	<b>Number of Vehicles</b>	<b># of Person per Vehicle</b>	<b>Vehicle Occupancy</b>
Buy Goods	4,459.31	4.39	1016	1799	1.77
Buy Meals	2,617.91	5.10	513	1143	2.23
Buy Services	665.74	4.11	162	295	1.82
Child Care	55.51	6.17	9	20	2.22
Entertainment	1,591.60	7.96	200	458	2.29
Errand / Library / PO	511.07	3.48	147	230	1.56
Exercise	748.17	5.02	149	233	1.56
Home	11,068.33	5.48	2018	3911	1.94
Medical	870.79	7.02	124	195	1.57
Religious	854.69	5.98	143	346	2.42
School	533.89	5.45	98	239	2.44
Work	7,976.83	8.89	897	1106	1.23
Total	31,953.84	5.84	5476	9975	1.82

Note: 2017 National Household Travel Survey Data for the State of Florida based on trips of 30 mile or less in length

## **APPENDIX E**

### **VEHICLE MILES OF TRAVEL PER LAND USE**

City of Bunnell Transportation Impact Fee Vehicle Miles of Travel Data						
Land Use	Unit of Measure	Trip Generation	% New Trips	Trip Length	Adjusted Trip Length	VTM
<b>Residential / Lodging</b>						
Residential	per dwelling unit	6.92	1.00	5.48	2.19	7.58
Hotel / Motel / Lodging / Bed & Breakfast	per room	5.05	1.00	5.48	2.19	5.53
Mobile Home / Recreational Vehicle Park	per space / lot	3.70	1.00	5.48	2.19	4.06
Assisted Living / Nursing	per bed	2.52	1.00	5.48	2.19	2.76
<b>Institutional</b>						
Place of Assembly / Place of Worship / Civic	per 1,000 sq. ft.	6.95	0.90	5.98	2.39	7.48
<b>Industrial</b>						
Manufacturing / Warehousing / Industrial	per 1,000 sq. ft.	3.54	0.70	8.89	3.56	4.41
Mini Warehouse / Boat / RVs & Other Outdoor Storage	per 1,000 sq. ft.	1.51	1.00	3.48	1.39	1.05
<b>Recreation</b>						
Outdoor Commercial Recreation	per acre	14.32	0.70	5.02	2.01	10.06
Indoor Commercial Recreation / Health Club / Fitness / Yoga	per 1,000 sq. ft.	20.55	0.70	5.02	2.01	14.44
<b>Office</b>						
Office / Medical / Clinic / Financial Service / Higher Education	per 1,000 sq. ft.	9.47	0.70	8.89	3.56	11.79
<b>Retail</b>						
Retail / Entertainment / Personal & Business Service / Restaurant / Bar	per 1,000 sq. ft.	37.75	0.40	4.49	1.80	13.56
Bank Drive-Thru Lane or Free Standing ATM	per lane / ATM	115.29	0.40	3.48	1.39	32.10
Fast Food / Fast Casual Food Drive-Thru	per lane	356.54	0.20	5.10	2.04	72.73
Motor Vehicle & Boat Sales, Service, Cleaning	per 1,000 sq. ft.	27.45	0.90	4.39	1.76	21.69
Vehicle Fueling Position	per fueling position	250.98	0.20	4.39	1.76	44.07

## **APPENDIX F**

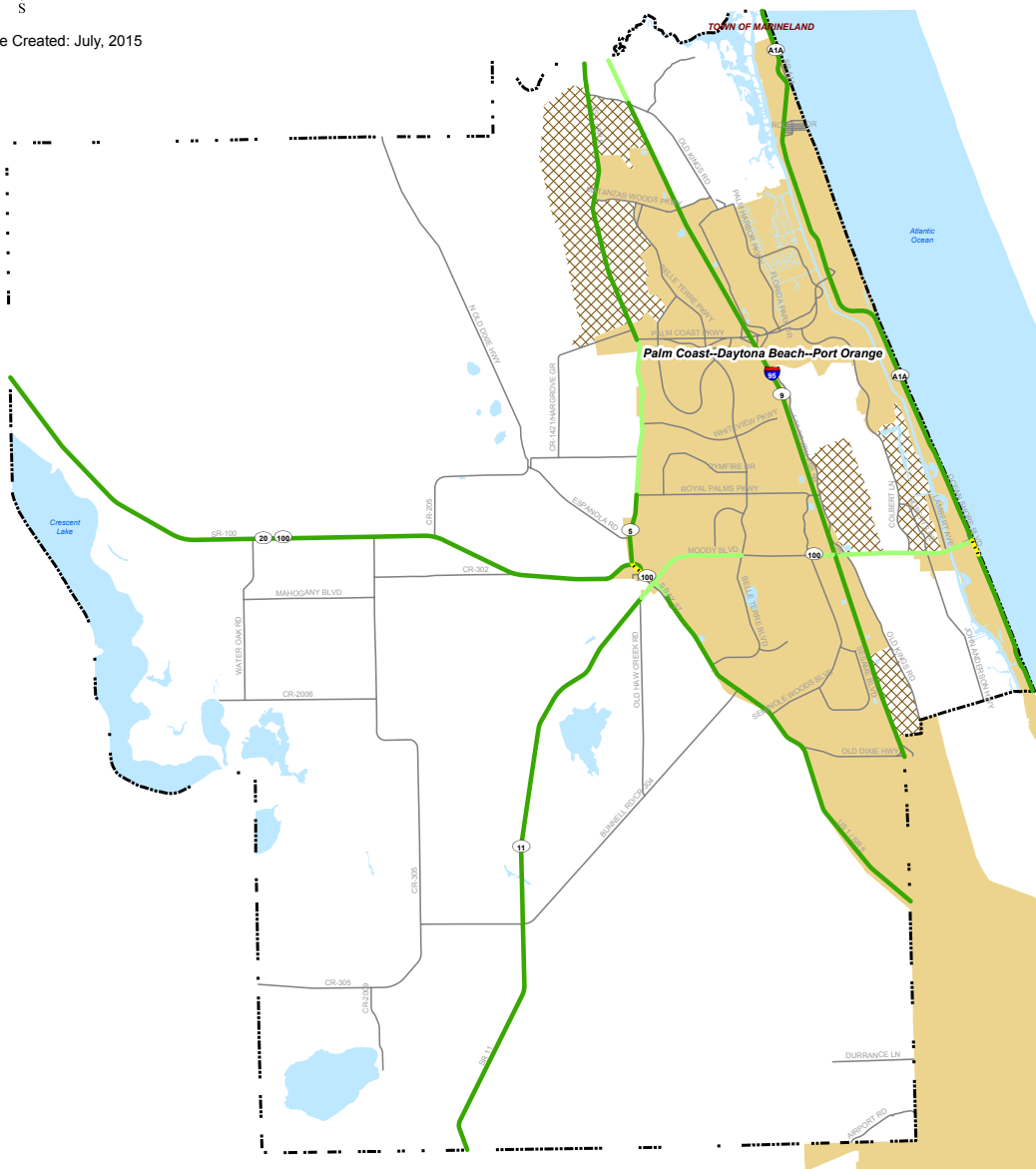
### **ROAD LEVEL OF SERVICE (LOS) MAP**



# FDOT Level of Service Flagler County Year 2015 from 2014 Traffic Counts



Date Created: July, 2015



The roadway Level of Service (LOS) reflected on this map is representative of the guidance and methodology used to determine the LOS based on the YR 2014 AADT and can be referenced in the FDOT D5 LOS\_ALL 2015 Report.

TO BE USED FOR PLANNING PURPOSES.



0 1.5 3 Miles

**LEGEND**  
**Existing LOS**  
 B  
 C  
 D  
 E  
 F  
 County Boundary  
 Major Roads  
 Urban Area Boundaries  
 Transitioning Area Boundaries  
 Water

**APPENDIX G**  
**AMERICAN COMMUNITY SURVEY**  
**HOUSEHOLD SIZE**

B25010

## AVERAGE HOUSEHOLD SIZE OF OCCUPIED HOUSING UNITS BY TENURE

Universe: Occupied housing units

2012-2016 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

**Tell us what you think.** Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

	Bunnell city, Florida	
	Estimate	Margin of Error
Total:	2.60	+/-0.36
Owner occupied	2.87	+/-0.46
Renter occupied	2.25	+/-0.47

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

## Explanation of Symbols:

1. An '\*\*\*' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '\*\*\*' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '\*\*\*\*\*' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

## Appendix B - Summary of Impact Fees

Impact Fee	Land Use	Unit of Measure	Impact Fees effective 10/01/2020 <sup>1</sup>
Parks and Recreation			
	Residential	per dwelling unit	\$404.00
Law Enforcement			
	Residential	per dwelling unit	\$295.00
	Non-Residential	per 1,000 sq. ft.	\$299.00
Transportation			
	Residential	per dwelling unit	\$1,347.00
	Hotel/Motel/Lodging/B&B	per room	\$983.00
	Mobile Home/RV Park	per space/lot	\$720.00
	Assisted Living/Nursing	per bed	\$491.00
	Place of Assembly/Place of Worship/Civic	per 1,000 sq. ft.	\$1,329.00
	Manufacturing/Warehousing/Industrial	per 1,000 sq. ft.	\$783.00
	Mini Warehouse/Boat, RV & other Outdoor Storage <sup>2</sup>	per 1,000 sq. ft.	\$187.00
	Outdoor Commercial Recreation	per acre	\$1,787.00
	Indoor Commercial Recreation/Health Club/Fitness	per 1,000 sq. ft.	\$2,566.00
	Office/Medical/Clinic/Financial Service/Higher Education	per 1,000 sq. ft.	\$2,094.00
	Retail/Entertainment/Personal Service/Restaurant/Bar	per square foot	\$2,409.00
	Bank Drive-Thru Lane or Free Standing ATM <sup>3</sup>	per lane/ATM	\$5,702.00
	Fast Food/Fast Casual Food Drive-Thru <sup>4</sup>	per lane	\$12,921.00
	Motor Vehicle & Boat Sales, Service, Cleaning	per 1,000 sq. ft.	\$3,853.00
	Vehicle Fueling Position <sup>5</sup>	per fueling position	\$7,829.00

<sup>1</sup> Rates are effective October 1, 2020 - September 30, 2021. Rates will be adjusted for inflation annually on October 1st in accordance with the ordinance.

<sup>2</sup> Acreage for any unenclosed material and vehicle storage, sales and display shall be converted to square footage.

<sup>3</sup> Each bank building shall pay the office rate for the square footage of the building. Drive-thru lanes, free standing ATMs and drive-thru lanes with ATMs are assessed a separate fee per lane or per ATM and are added to any fee associated with a bank building. The free-standing ATM is for an ATM only and not an ATM within or part of another non-financial building, such as an ATM within a grocery store.

<sup>4</sup> Any drive-thru associated with a fast food/fast casual restaurant will be an additive fee in addition to the fee per square foot for the restaurant based on the retail rate. The number of drive-thru lanes will be based on the number of lanes present when an individual places an order. The restaurant drive-thru rate applies for any building, whether a multi-tenant, free standing or convenience land use.

<sup>5</sup> Rates per vehicle fueling position apply to gas station, convenience store, general store or service stations with fuel pumps. In addition, there shall be a separate fee for the square footage of any gas station, convenience store, general store or service stations based on the rate for retail land uses. The number of fueling positions is based on the maximum number of vehicles that could be fueled at one time.



NUE URBAN CONCEPTS, LLC  
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GAINESVILLE, FL 32608  
833-NUC-8484  
nueurbanconcepts@gmail.com

July 29<sup>th</sup>, 2020

Mr. Alvin B. Jackson, Jr.  
City Manager  
City of Bunnell  
201 Moody Blvd  
Bunnell, FL 32110

**Re: City of Bunnell Law Enforcement Impact Fee Update**

Dear Mr. Jackson:

The proposed update to the City of Bunnell Law Enforcement Impact Fee is based upon the current level of service (LOS) provided to the existing residents of the City and employees that work in the City. The proposed updates to the City Transportation and Park Impact Fee are based upon the LOS standards adopted in the City Comprehensive Plan. There was a suggestion from the Police Chief that the update of the Law Enforcement Impact Fee be based upon a recommendation from the Florida Department of Law Enforcement (FDLE) that the City should have 2.5 officers per 1,000 residents.

Case law requires that impact fees be based on either the current level of service provided or level of service standards adopted in a Comprehensive Plan. Case law also states that new development cannot be held to a higher standard than existing development. Thus, the City's Law Enforcement Fee cannot be based on the FDLE LOS recommendation as new development would be held to a higher standard than existing development.

The City, if it so desired, could update its Comprehensive Plan to add a LOS standard for law enforcement. The basis for the adoption of a LOS standard in the Comprehensive Plan could be based on the FDLE recommendation. The LOS standard would need to be based on equivalent residents for the law enforcement impact fee to be assessed on both residential and non-residential development.

The City Council would need to determine that it is currently providing 2.5 officers per 1,000 equivalent residents as part of its annual budget. If the City cannot currently fund 2.5 officers per 1,000 equivalent residents, future law enforcement impact fee updates would have to be adjusted to ensure new development is not required to mitigate an existing service standard deficiency. Should the City be able to provide 2.5 law enforcement officers per 1,000 equivalent residents, then new development could be fully assessed the cost associated with providing 2.5 law enforcement officers per 1,000 equivalent residents.

## Law Enforcement Impact Fee Update

There was also a suggestion from the Police Chief that the price of law enforcement vehicles be increased. The proposed Law Enforcement Impact Fee update was based on the most recent available data at the time the fee was calculated. It is recommended that should the City elect to adopt the FDLE recommendation into the Comprehensive Plan, that the Police Department prepare cost estimates for new officers that includes the cost for vehicles, computers, communication devices, uniforms, and necessary equipment for law enforcement to carry out its duties.

The City's Capital Improvement Element should be updated to include a future cost estimate for providing either a police station or offices for new officers. The cost estimates would be used for future updates of the Law Enforcement Impact Fee. There are no limitations to how often an impact fee is updated, as Florida Statute requires that impact fees be based on the most recently available localized data. Thus, upon the adoption of an updated Law Enforcement LOS standard in the Comprehensive Plan, funding of needed law enforcement positions to meet the LOS standards, and the development of cost estimates for equipping new law enforcement officers, the City could consider an update to the Law Enforcement Impact Fee.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan B. Paul". The signature is written in a cursive, flowing style.

Jonathan B. Paul, AICP