

ORDINANCE NO. 13-016

**AN ORDINANCE OF THE TOWN OF THOMPSON'S STATION,
TENNESSEE, TO AMEND TITLE 14, CHAPTER 5 AND TITLE 12 OF
THE MUNICIPAL CODE REGARDING THE IMPACT ASSESSMENT
FEE FOR NEW DEVELOPMENT.**

WHEREAS, the Town is authorized pursuant to Tennessee Code Annotated § 6-2-201(15) and other applicable law to assess fees for use of or impact upon certain public infrastructure; and

WHEREAS, the Town is experiencing and anticipating both rapid growth and an increase in commercial development which requires public facilities and infrastructure improvements to meet the demand created by such growth and development;

WHEREAS, the Board of Mayor and Aldermen has determined that it is in the best interest of the Town to amend the current code provisions related to its Impact Assessment Fees.

NOW, THEREFORE, BE IT ORDAINED by the Town of Thompson's Station as follows:

Section 1. That Title 14, Chapter 5 of the Municipal Code, Impact Assessment Fees, be deleted in its entirety upon the effective date of this ordinance and that Title 12 shall be amended by adding a new Chapter 4, Impact Fees as set forth below.

CHAPTER 4

IMPACT FEES

SECTION

12-401. Title, authority, applicability.

12-402. Definitions.

12-403. Intent and Purposes.

12-404. Basis for fees.

12-405. Use of fees.*

12-406. Fee calculations.

12-407. Payment of fee; appeals.

12-408. Exemptions and credits.

14-401. Title, authority, applicability. (a) This article shall be known and may be cited as the "Impact Fee Ordinance."

(b) Authority to implement this article is granted under the General Law Mayor-Aldermanic Charter, and such other additional powers granted to municipalities by the state legislature. The enumeration of particular powers in this article is not exclusive of others, not restrictive of general words or phrases granting powers and all powers shall be construed so as to permit the town to exercise freely any one or more such powers.

(c) Except as provided herein, this article shall be applicable to all new buildings constructed or additions to existing buildings constructed after the effective date of this Ordinance.

12-402. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or accessory structure means a detached, subordinate building or structure, the use of which is clearly incidental and related to a principal building or use of the land, and which is located on the same lot as that of the principal building or use.

Adjusted base trip cost means the base trip cost as defined in this section, adjusted for estimated future contributions toward the cost of public works projects from currently unidentified sources other than locally generated revenues.

Base trip cost means the town's share of the cost of certain public works projects, as determined by action of the board of mayor and aldermen, divided by total trips, as determined pursuant to this article.

Bonds means bonds, interim certificates or other financial obligations of a municipality issued by its governing body pursuant to this article, or pursuant to any other law, as supplemented by, or in conjunction with this article.

Building means any permanent structure having a roof and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials or property of any kind.

Building permit means an official document or certificate issued by the town authorizing the construction of a building.

Capacity means the maximum number of vehicles for a given time period which a road can safely and efficiently carry; usually expressed in terms of vehicles per day.

Dwelling unit means a structure designed and intended for human habitation.

Impact fee means the fee established by this article based upon traffic generation information, growth projections, public works project cost estimates, and future public works project requirements as established by the board of mayor and aldermen.

Land development activity and building activity that generates increased traffic means any building activity on a tract of land or vacant lot on which may be constructed one or more structures or any change in the use or appearance of any structure within the guidelines of the applicable land use zoning that attracts or produces vehicular trips over and above that produced by the existing use of land.

Major road network system means all arterial and collector roads within the town, including future arterial and collector roads necessitated by land development and building activity.

Worship facility means a building or a portion thereof which is used by a religious institution for worship services and customarily incidental functions.

Public works project includes any one or more or any combination of the following improvements: bridges, tunnels, viaducts, flood control, streets, roads, avenues, alleys, highways, sidewalks, curbs, gutters, stormwater sewers or drains, and all property real and personal, appurtenant thereto or connected with such work, including an extension, addition, betterment or improvement.

Site related improvements means road construction or road improvements at or near the development site which are necessary to interface the development with the major road network system. Site related improvements shall include acceleration and deceleration lanes and necessary right-of-way dedications which are related to the development and any other right-of-way dedicated to the town within 30 feet of the centerline of existing roadways.

Traffic impact analysis means a study prepared by a qualified professional engineer, licensed to practice within the state, to determine the vehicular impact of a development upon the major road network system. This study shall include, but is not limited to, determination of trip generation; trip distribution; traffic assignment; capacity analyses; and improvements to the roadway system necessitated by the development, such as required new roads, additional lanes and signalization.

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

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

12-403. Intent and Purposes. (a) The Board of Mayor and Aldermen has determined that the rapid growth rate which the Town has experienced and is expected to experience in the foreseeable future necessitates public works projects and makes it necessary to regulate land development and building activity that generates increased traffic. It is the intent of the town that the capacity of the road network in the community should handle the traffic demands generated by new development, thus maintaining a satisfactory quality of life in Thompson's Station.

(b) In order to finance the necessary public works projects required to meet the traffic demands created by growth in population and business activity, a variety of financial sources shall be used to fund the planning, engineering, and construction of future road projects.

(c) It shall be the purpose of this article to establish a regulatory system and method by which the town calculates, collects, and obligates a regulatory fee hereinafter referred to as the impact fee. Except as otherwise provided for in this article, this fee shall be assessed on each new building or addition to an existing structure constructed within the town. The fee shall provide a portion of the revenues required to complete infrastructure and public works projects necessary to service this new development.

(d) The public health, safety, and general welfare is protected when adequate financial resources are available to fund the public works projects needed to handle traffic demand generated from land development activities and the construction of new buildings in the Town.

(e) The intent of this chapter is to allow for continued land development and new building construction in accordance with orderly fulfillment of appropriate transportation related public works projects.

(f) The impact fee shall be assessed to each new land development and building based on a reasonably estimated proportionate share of the anticipated cost of future public works projects. The traffic generation for each land use category shall serve as the basis for establishing and modifying the fee.

12-404. Basis for fees. The Board of Mayor and Aldermen shall approve by resolution the capital improvement projects and the estimated costs of each project, which shall establish the basis for the impact fee schedule. The impact fee schedule shall also be based upon use of available land use planning data related to the Town, other transportation studies in the vicinity and other available transportation related studies and traffic general analysis and basic assumptions as updated by the Institute of Transportation Engineers (ITE).

12-405. Use of fees. The impact fees generated by this ordinance shall be used to pay for the public infrastructure required by new development. Upon the recommendation of the Town Administrator, the Board of Mayor and Aldermen shall approve all impact fee fund expenditures as related to the costs of public infrastructure.

12-406. Fee calculations. (a) A schedule of impact fees, based on the method of calculation promulgated by this section, shall be adopted by resolution of the board of mayor and aldermen.

(b) For each land use, a demand factor shall be determined for use in calculating the appropriate impact fee. Such demand factors shall be based on the estimated trip generation rates for various land uses as identified in the latest edition of the ITE's Trip Generation. In order to avoid the double counting of vehicular trips between land uses, the ITE's estimated trip generation rate shall be divided by two to determine the appropriate demand factor.

(c) The base trip cost shall be determined by dividing the total estimated cost to the Town of the public works projects, as designated by the board of mayor and aldermen, by the number of total daily trips for all land uses in the prior year as estimated by the town's planning and codes department. The base trip cost as so determined may be adjusted for estimated future contributions toward the cost of public works projects from currently unidentified sources other than locally generated revenues. The demand factor for each land use shall be multiplied by the adjusted base trip cost to yield the appropriate impact fee per type of land use.

(d) Any land use generating local sales tax revenues from retail operations shall be eligible for a 20 percent reduction of the per unit impact fee calculation based on space allocated within that land use for retail operations.

(e) Revisions to fee schedule:

(1) Construction data used as a basis for the calculation of impact fees shall be reviewed annually as a part of the town's capital improvements program and periodically modified based upon actual bid documentation. Fluctuation in the base trip cost resulting from changes in the technical data base or in the scope, size, status or cost of the designated public works projects shall not necessarily dictate an adjustment in the impact fee structure. Adjustments in the fee structure shall occur, when, in the determination of the Board of Mayor and Aldermen, based on a recommendation from the Town Administrator:

a. The variance between the estimated base trip cost and the base trip cost used to establish impact fees is significant enough to warrant a change; or

b. The variance between the estimated demand factors and the demand factors used to establish impact fees is significant enough to warrant a change.

(2) Upon such a determination, a revised schedule of impact fees shall be adopted by resolution of the board of mayor and aldermen.

(f) Alternative fee determination: An alternative determination of the impact fee for a land use may be allowed under the following criteria and conditions:

(1) An applicant may appeal in writing to the town administrator for review of an alternative proposal related to land use traffic generation calculations.

(2) Documentation in support of an alternative trip generation calculation shall be provided in the form of a traffic impact analysis and shall include, but not be limited to, the following factors:

a. Traffic characteristics and levels of service of existing major road network systems directly affected by the proposed new development.

b. Trip generation, trip distribution, and trip projections for the proposed new development.

c. Impacts of the proposed new development on affected major road network systems including anticipated changes in the level of service.

d. Impacts of previously approved new development affecting the same major road network systems combined with the proposed new development.

e. Benefits of proposed roadway system improvements to be made a part of the new development, including intersection improvements such as turn lanes and signalization.

(3) If the applicant's alternative calculation of the public work project fee is accepted by the town commission, the Town reserves the right to review the actual traffic trip generation for the development for a period of two years after completion. If the actual traffic generation is found to exceed by ten percent that figure previously projected by the development, the town reserves the right to require an additional payment up to 150 percent of the scheduled impact fee level.

(g) If a land use for a specific property or facility is changed to one which would fall into a land use category for which a higher fee would apply, then a fee based upon the current fee schedule shall be assessed for the new land use, less the amount applicable for the prior land use under the then existing fee schedule.

12-407. Payment of fee; appeals. (a) Payment of the impact fee shall be made at the time that a building permit is issued by the town.

(b) Appeals. (1) A person may challenge the calculation or application of a fee imposed pursuant to this article by filing with the Town Administrator a written notice of appeal with a full statement of the grounds and an appeal fee of two hundred dollars (\$200.00) or such other amount as may be fixed from time to time by resolution of the Board of Mayor and Aldermen. Notwithstanding the appeal, the building permit for the land use may be issued if the notice of appeal is accompanied by a bond, cashier's check or other security acceptable to the town administrator in an amount equal to the fee. Appeals filed pursuant to this section must be submitted prior to issuance of the building permit or within ten days thereafter.

(2) The appellant bears the burden of demonstrating that the amount of the fee was not calculated or applied according to the procedures established in this article.

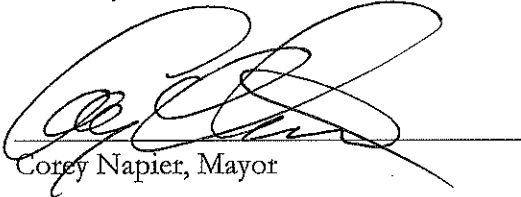
(3) The Board of Mayor and Aldermen shall hear the appeal at a regularly scheduled meeting or special call meeting which falls within 30 days following receipt of the notice of appeal by the town administrator. The determination of the Board of Mayor and Aldermen shall be announced at the conclusion of the hearing or at the next regular meeting of the Board of Mayor and Aldermen. The determination of the Board of Mayor and Aldermen shall be final.

Section 5. All Prior Conflicting Ordinances Repealed; Interpretation. That upon the effective date of this ordinance, all prior ordinances and resolutions in conflict herewith be repealed

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 7. Effective date. This ordinance shall take effect upon its passage on final reading, provided that it shall not take effect earlier than fifteen (15) days after the first passage thereof, the public welfare requiring.

Duly approved and adopted by the Board of Mayor and Aldermen of the Town of Thompson's Station, Tennessee.



Corey Napier, Mayor

ATTEST:



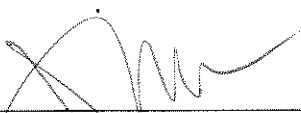
Leah Rainey, Town Recorder

Passed First Reading: August 13, 2013

Passed Second Reading: Sept 10, 2013

Submitted to Public Hearing on the 10th day of September 2013, at 7:00 p.m., after being advertised in the *Williamson AM* Newspaper on the 5th day of September, 2013.

APPROVED AS TO FORM AND LEGALITY:



Todd Moore, Town Attorney