

**HILLSBOROUGH COUNTY APPLICATION
FOR GRANDFATHERED DEVELOPMENT PROJECTS**

The Hillsborough County Mobility Fee Program Ordinance (Mobility Fee Ordinance) provides that projects that have achieved certain specified stages of development prior to the adoption date of the Mobility Fee Ordinance may be grandfathered and remain subject to transportation impact fees in lieu of being subject to mobility fees for a certain period of time.

In order to be deemed to be a grandfathered project and applicant must demonstrate through the submission of documentary evidence that a project meets the eligibility requirements for grandfathering, as prescribed in Section 40-77(a)(6) of Hillsborough County Code of Ordinances and Laws, Part A.

INSTRUCTIONS: Refer to Section 40-77(a)(6), for eligibility provisions. All information is subject to verification. Hillsborough County reserves the right to request further information. Please see appendices following application form for list of requirements for your submission.

All applications must contain one hard copy of all materials submitted **along with** an electronic copy (CD, Flash Drive, etc.) containing your signed submission to:

Development Services
Attn: Mobility Fee Coordinator
PO Box 1110
Tampa, FL 33601-1110

Section I: Please complete all items in this section. If an item does not apply, write "N/A". If space does not permit, items may be continued on another page.

Applicant Name: _____
Address: _____ City: _____ State: _____ Zip: _____
Phone: Daytime (____) ____-____ Evening (____) ____-____
Email: _____ Fax (____) ____-____

Authorized Representative Name: _____
Address: _____ City: _____ State: _____ Zip: _____
Phone: Daytime (____) ____-____ Evening (____) ____-____
Email: _____ Fax (____) ____-____

Development Name: _____
Development Location: _____
Development PI#: _____
Permit Number(s): _____

Applicant Signature: _____

Section II: Type of request. Check box that applies and fill out relevant information.

- Project approved by April 26, 2016. – See Exhibit A for requirements
- Project under review by April 26, 2016. – See Exhibit B for requirements
- Specifically approved phases of Developments of Regional Impact (DRI) or development subject to unexpired binding letter of vested rights. – See Exhibit C for requirements
- Development or Proportionate Share Agreements approved by April 26, 2016. – See Exhibit D or F for requirements
- Development or Proportionate Share Agreements under review by April 26, 2016, and approved by January 1, 2017. – See Exhibit E or G for requirements
- Equity adjustment projects. – See Exhibit H for requirements
- Building permit under review prior to January 1, 2017. – See Exhibit I for requirements
- Preexisting contracts prior to April 26, 2016. – See Exhibit J for requirements
- Preexisting County approvals and agreements prior to April 26, 2016. – See Exhibit K for requirements

Exhibit A

Project approved by April 26, 2016

Any project with an approved preliminary site plan, approved preliminary plat, or approved construction plan, as of April 26, 2016, shall qualify as a grandfathered development project.

Projects determined by the Administrator to be eligible as grandfathered development projects under this provision shall remain subject to transportation impact fees until April 26, 2021, or until expiration of the project's certificate of capacity, whichever occurs first; thereafter, the project shall be subject to mobility fees.

However, projects grandfathered under this provision that have single- or two-family residential plats approved by the Board of County Commissioners prior to expiration of the project's certificate of capacity shall remain subject to transportation impact fees until April 26, 2021.

Required:

- Legal Description of property
- List of all folio numbers requesting grandfathering

At least one of the following:

- Approval letter signed by Hillsborough County verifying preliminary site plan approved by the County on or before April 26, 2016, with approved construction plans being demonstrated (approved construction plans can be after April 26, 2016, and assist in confirming that the certificate of capacity did not expire).
- Approval letter signed by Hillsborough County verifying preliminary plat approved on or before April 26, 2016, with approved construction plans and approved final plat being demonstrated (approved documents can be after April 26, 2016, and assist in confirming that the certificate of capacity did not expire).
- Approval letter signed by Hillsborough County verifying construction plans approved by the County on or before April 26, 2016.

Exhibit B

Project under review by April 26, 2016

Any project that had submitted a completed application, as defined by the Development Review Procedures Manual, for a preliminary site plan, preliminary plat, or construction plan, as of April 26, 2016, shall qualify as a grandfathered development project.

Projects determined by the Administrator to be eligible as grandfathered development projects under this provision shall remain subject to transportation impact fees until April 26, 2021, or until expiration of the project's certificate of capacity, whichever occurs first; thereafter, the project shall be subject to mobility fees.

However, projects grandfathered under this provision that have single- or two-family residential plats approved by the Board of County Commissioners prior to expiration of the project's certificate of capacity shall remain subject to transportation impact fees until April 26, 2021.

Required:

- Legal Description of property
- List of all folio numbers requesting grandfathering

At least one of the following:

- Summary Screen documents from OPTIX demonstrating completed application for a preliminary site plan submitted to the County on or before April 26, 2016, with approved preliminary site plan and construction plans being demonstrated (approved documents can be after April 26, 2016, and assist in confirming that the certificate of capacity did not expire).
- Summary Screen documents from OPTIX demonstrating completed application for a preliminary plat submitted to the County on or before April 26, 2016, with approved preliminary plat, construction plans and final plat being demonstrated (approved documents can be after April 26, 2016, and assist in confirming that the certificate of capacity did not expire).
- Summary Screen documents from OPTIX demonstrating completed application for a construction plan approval submitted to the County on or before April 26, 2016, with approved construction plans being demonstrated (approved documents can be after April 26, 2016, and assist in confirming that the certificate of capacity did not expire).

Exhibit C

Specifically approved phases of Developments of Regional Impact (DRI) or development subject to unexpired binding letter of vested rights

Specifically approved phases of Developments of Regional Impact (DRI) or development subject to a valid, unexpired binding letter of vested rights issued by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes, by April 26, 2016. Any phase of a DRI which is specifically approved as of April 26, 2016, for which the DRI development order approved pursuant to Section 380.06, Florida Statutes, is current and valid as of April 26, 2016, or any development subject to a valid, unexpired binding letter of vested rights issued by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes, shall qualify as a grandfathered development project.

For purposes of this ordinance, a specifically approved phase of a DRI is a phase for which a transportation analysis of the public transportation facilities needed to accommodate the impacts of the proposed development or phase thereof has been approved by the County and the mitigation for the proposed development or phase of development has been determined and incorporated into the DRI development order. Specifically approved DRI phases and development subject to a valid, unexpired binding letter of vested rights issued by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes, which are determined by the Administrator to be eligible as grandfathered development projects under this subsection shall remain subject to transportation impact fees until the expiration of the specifically approved DRI development order phase or binding letter of vested rights pursuant to Section 380.06, Florida Statutes.

Non-statutory time extensions of eligible DRI development orders or phases thereof shall not act to extend the grandfathering period described herein.

Failure to maintain compliance with the transportation mitigation obligations of a grandfathered DRI development order shall serve to terminate the grandfathering period described herein, and said DRI development order or phase thereof shall immediately become subject to mobility fee assessment under this article.

Required:

- Legal Description of property
- List of all folio numbers requesting grandfathering

At least one of the following:

- DRI phases specifically approved as of April 26, 2016, for which the DRI development order approved pursuant to Section 380.06, Florida Statutes, is current and valid as of April 26, 2016,
- Development subject to a valid, unexpired letter of vested rights issued by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes.

Exhibit D

Development Agreements approved by April 26, 2016

Development agreements approved by April 26, 2016. Any development agreement approved pursuant to the Florida Local Government Development Agreement Act, Ch. 163, Florida Statutes, by April 26, 2016 shall qualify as a grandfathered development project.

Projects determined by the Administrator to be eligible as grandfathered development projects under this subsection shall remain subject to transportation impact fees until expiration of the development agreement.

Non-statutory time extensions of eligible development agreements shall not act to extend the grandfathering period described herein.

Failure to maintain compliance with the transportation mitigation obligations of the development agreement shall serve to terminate the grandfathering period described herein, and said development agreement shall immediately become subject to mobility fee assessment under this article.

Required:

- Legal Description of property
- List of all folio numbers requesting grandfathering
- Approved Development Agreement

Exhibit E

Development Agreements under review by April 26, 2016, and approved by January 1, 2017

Development agreements under review by April 26, 2016. Any prospective development agreement pursuant to the Florida Local Government Development Agreement Act, Chapter 163, Florida Statutes, which submitted a completed application, as defined by the Development Review Procedures Manual, by April 26, 2016, and that receives Board of County Commissioners approval prior to January 1, 2017, shall qualify as a grandfathered development project.

Projects determined by the Administrator to be eligible as grandfathered development projects under this subsection shall remain subject to transportation impact fees until April 26, 2021 or until expiration of the development agreement, whichever occurs first; thereafter, the project shall be subject to mobility fees under this article.

Non-statutory time extensions of eligible development agreements shall not act to extend the grandfathering period described herein, and such development agreements shall become subject to mobility fee assessment on April 26, 2021.

Failure to maintain compliance with the transportation mitigation obligations of the development agreement shall serve to terminate the grandfathering period described herein, and said development agreement shall immediately become subject to mobility fee assessment under this article.

Required:

- Legal Description of property
- List of all folio numbers requesting grandfathering
- Development Agreement under review by April 26, 2016, and approved prior to January 1, 2017

Exhibit F

Proportionate Share Agreements approved by April 26, 2016

Proportionate share agreements approved by April 26, 2016. A project with a proportionate share agreement pursuant to Section 163.3180(5)(h)1., Florida Statutes, under which the proportionate share payment has been received by the County in accordance with the agreement by April 26, 2016 shall qualify as a grandfathered development project.

Only the project specified in the proportionate share agreement that was the subject of the transportation analysis submitted as the basis for the proportionate share agreement shall qualify as a grandfathered development project; however, revised projects shall still remain eligible, provided that said revisions do not increase the total AM or total PM number of peak hour trips generated by the development project, and provided that the revised project is in the same land use category (e.g. residential, office, commercial, etc.) as the originally approved development project, as reflected on the mobility fee rate schedule. Projects so qualified shall remain subject to transportation impact fees until April 26, 2021, and thereafter shall be subject to mobility fees under this article.

Required:

- Legal Description of property
- List of all folio numbers requesting grandfathering
- Approved Proportionate Share Agreement

Exhibit G

Proportionate Share Agreements under review by April 26, 2016, and approved by January 1, 2017

Proportionate share agreements under review by April 26, 2016. A project that submitted a completed application (defined as an application, an application fee payment, and completed signed and sealed traffic study) for a proportionate share agreement pursuant to Section 163.3180(5)(h)1., Florida Statutes, by April 26, 2016, and that receives Board of County Commissioners approval of said agreement and submits its proportionate share payment to the County in accordance with said agreement by January 1, 2017, shall qualify as a grandfathered development project.

Only the project specified in the proportionate share agreement that was the subject of the transportation analysis submitted as the basis for the proportionate share agreement qualify as a grandfathered development project; however, revised projects shall still remain eligible, provided that said revisions do not increase the total AM or total PM number of peak hour trips generated by the development project, and provided that the revised project is in the same land use category (e.g., residential, office, commercial, etc.) as the originally approved development project, as reflected on the mobility fee rate schedule. Projects so qualified shall remain subject to transportation impact fees until April 26, 2021, and thereafter shall be subject to mobility fees under this article.

Required:

- Legal Description of property
- List of all folio numbers requesting grandfathering
- Proportionate Share Agreement under review by April 26, 2016, and approved prior to January 1, 2017

Exhibit H

Equity adjustment projects

Equity adjustment projects. Any project that had a single- or two-family residential plat approved by the Board of County Commissioners between June 2, 2011 and April 26, 2016 shall qualify as a grandfathered development project.

Projects determined by the Administrator to be eligible as grandfathered development projects under this subsection shall remain subject to transportation impact fees until April 26, 2021; thereafter, the project shall be subject to mobility fees under this article.

Required:

- Legal Description of property
- List of all folio numbers requesting grandfathering
- Single- or Two- Family residential plat approved between June 2, 2011, and April 26, 2016

Exhibit I

Building permit under review prior to January 1, 2017

Building permit under review. Any project that submitted a completed application, in accordance with the Hillsborough County Construction Code Ordinance, for a building permit prior to January 1, 2017 shall qualify as a grandfathered development project.

Projects determined by the Administrator to be eligible as grandfathered development projects under this subsection shall remain subject to transportation impact fees until the expiration of the building permit.

Required:

- Legal Description of property
- List of all folio numbers requesting grandfathering
- Building permit completed application under review

Exhibit J

Preexisting contracts prior to April 26, 2016

Preexisting contracts prior to April 26, 2016. Projects with contracts for the sale or development of land, including contracts that have merged into a deed by operation of law, that were executed prior to April 26, 2016 may qualify as grandfathered development projects under certain circumstances.

Projects determined by the Administrator to be eligible as grandfathered development projects under this subsection shall remain subject to transportation impact fees for the duration of the subject contract, or until April 26, 2021 if merged into a deed, and shall thereafter be subject to mobility fees under this article.

Extensions or modifications of said contract shall not operate to extend the grandfathering period.

In order to qualify as a grandfathered development project under this subsection, all of the following conditions **must** be met:

1. The applicant must provide a copy of the executed contract for the sale or development of the subject property to the Administrator, which may be redacted for trade secrets and proprietary confidential business information; and
2. Said contract was executed prior to April 26, 2016 and is accompanied by evidence indicating such execution. Notarization of signatures with a specified date prior to April 26, 2016 shall be considered sufficient evidence; and
3. Said contract was entered into in good faith, and was not merely entered into as a means of grandfathering against mobility fee assessment; and
4. The applicant must submit signed and notarized statements from all parties to the contract that said contract remains valid for the subject property; and
5. The applicant must submit a signed and notarized statement that earnest money for the transaction has been paid for said contract; and
6. (i) Said contract specifically addressed the responsibility for payment of impact fees, and the applicant can demonstrate that the assessment of mobility fees under this article will result in an immediate diminishment in the value of the subject contract to the extent of rendering it materially devoid of profit to a contracting party; or (ii) said contract relates to a project that has been rezoned by Hillsborough County before January 1, 2016 for specific uses that exceed the thresholds for a DRI, and includes nonrefundable deposits in excess of \$200,000 that have been paid under said contract before April 26, 2016.

Any project meeting the criteria set out in part (ii) of this subsection shall be deemed a grandfathered development project under this article for such period of time as is necessary to avoid impairment of said contract, and as provided in a development agreement approved by the Board of County Commissioners by January 1, 2017.

Required:

- Legal Description of property
- List of all folio numbers requesting grandfathering
- Copy of executed contract for the sale or development of the subject property that meets all requirements described above

Exhibit K

Preexisting County approvals and agreements prior to April 26, 2016

Preexisting County approvals and agreements. Any project with an approval from, or an agreement with, the County that was approved prior to April 26, 2016, and that expressly exempted said project from mobility fee assessment shall qualify as a grandfathered development project and shall remain subject to transportation impact fees for the duration of the subject agreement or approval.

Extensions or modifications of any such agreement or approval shall not operate to extend the grandfathering period.

Required:

- Legal Description of property
- List of all folio numbers requesting grandfathering

At least one of the following:

- Project with Approval from the County
- Project with an Agreement with the County