

City of Franklin Municipal Code
TITLE 16 CHAPTER 4
ROAD IMPACT FEE
(Ordinance in effect in 2000)

16-417. Offsets. (1) The city shall make no offsets against impact fees due for a development except pursuant to this chapter.

(2) If the city, pursuant to duly adopted ordinance standards, requires the dedication of right-of-way beyond 30 feet from the centerline or construction of all or a portion of non-site-related arterial road improvements, or monetary contributions toward such construction, it shall offset the reasonable costs of such dedication, construction or monetary contributions against road impact fees due for the development.

(3) The following types of costs may be allowed for purposes of offsetting the amount of road impact fees due: land costs for right-of-way in excess of 30 feet from the centerline of the roadway, the costs of labor, equipment, supplies and material used to construct the road facilities, and engineering and design costs. Fiscal costs, including interest on money borrowed to finance the construction, and costs for utility relocations are specifically excluded.

(4) The offset value of rights-of-way shall be based on the appraised fair market value of the land at the date of application for the development approval for which the condition of dedication was imposed. The appraisal shall be prepared by a professional Real Estate Appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA). The road impact fee administrator retains the right to independently determine the amount of offset to be approved by securing other property appraisals.

(5) The offset value of improvements shall be based upon the actual costs of the eligible improvements or reasonable unit values at the time the construction occurred as determined by the city engineer using comparable recent transactions, whichever is less.

(6) Offsets shall be computed and subtracted from impact fees due prior to the issuance of any building permit or certificate of occupancy for the development, or, in the case of a development project, pursuant to an agreement with the city executed pursuant to § 16-418.

(7) In no event may the city apply an offset which is greater than the applicable impact fee.

(8) For a development project, a developer may execute an agreement with city pursuant to § 16-418, which allocates the offsets among developments within the same development project. Unless a different method of allocating offsets is agreed upon by the city and developer and incorporated into an agreement pursuant to § 16-418, the following procedure shall be used for allocating the offsets to individual developments within a development project. The city shall apply the offset against the impact fee that would otherwise be due for the first application for a building permit or certificate of occupancy within the project. If the offsets for the development project exceed the road impact fee collected for the development, the city shall apply the balance of the offsets to the next application for a building permit within the project. This procedure shall continue until there are no more offsets to be applied within the project. The road impact fee administrator shall maintain records of the offsets balance for each development project for which offsets are due.

(9) A developer seeking offsets against road impact fees shall submit an application to the codes department prior to or in conjunction with an application for a building permit or, if a building

permit is not required, prior to or in conjunction with an application for a certificate of occupancy. The application shall describe the improvements and their associated costs and shall provide information demonstrating the eligibility of such improvements for offsets. In the case of arterial road improvements completed prior to the effective date of Ordinance 1037, the application shall show that improvement costs were incurred within one (1) year prior to such date.

(10) The codes department shall forward the completed application to the road impact fee administrator. The road impact fee administrator shall review the application and, with the recommendation of the city engineer, shall determine which improvement costs are eligible for offsets and the value attributed to such improvement costs within ten (10) working days of accepting a completed application for offsets. An applicant may appeal the decision of the road impact fee administrator pursuant to § 16-423.

(11) All off-set agreements between the City and any Developer shall be for the impact fee applicable at the time the Agreement was entered.
