

TIF ORDINANCE APPEAL PROCESS

The TIF program amended October 31, 2012 has “built-in” credit by accounting for the estimated cost of frontage improvements to Mobility Element TIF eligible facilities along vacant developable parcels and subtracting those costs from the program. Consistent with the Board’s decision, the Ordinance “built-in” credit to minimize developer’s fee payments and administrative costs. In addition, the updated program incorporated a programmatic adjustment by further reducing program costs by 1% (approx. \$3.45 million) to account for potential cases where a developer could be required to improve an offsite TIF eligible facility. *Programmatically*, TIF will account for nearly all cases of *potential* construction of off-site improvements to a TIF facility.

However; if a developer still believes they can clearly demonstrate that their offsite road improvement has not been adequately accounted for by the Built-in Credit program and 1% programmatic adjustment, the TIF Ordinance SEC. 77.219 (APPEAL) enables applicants as a part of the development permit process to have the right to present evidence to the Department Director that the fee calculation and/or amount of the fee estimated is incorrect or inequitable by providing engineering studies and cost estimate necessary to support the applicant’s contention. The following are guidelines factors that should be considered by applicants who submit an appeal related to offsite road improvements and a general appeal process:

- The applicant must demonstrate that their offsite road improvement is to a TIF eligible facility as identified in Board approved tables and maps (available on TIF web site)
- Applicants are encouraged to identify issues regarding offsite improvements as soon as possible and bring the issue to staff’s attention prior to any construction-related activities
- A third party industry representative mutually agreed to by the applicant and staff can be included in the meeting discussion to provide an independent evaluation of the appeal.
- Prior to submittal to the Department Director, staff’s draft appeal recommendation will be provided to the applicant and third party industry representative and staff will consider their comments and include them in Department Director recommendation submittal package
- Staff will submit their appeal recommendation to the Department Director for review and final decision.
- If the Department Director denies applicant’s appeal, the TIF Ordinance includes a provision to enable applicants to opt out (SEC.77.213) of the program and use non-TIF measures to mitigate their project’s cumulative traffic impacts.