

1 EXHIBIT 1

2 ORDINANCE NO. 2020-XX

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF  
4 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING  
5 CHAPTER 32, "ZONING AND LAND DEVELOPMENT CODE",  
6 ARTICLE V, "DEVELOPMENT REVIEW PROCEDURES";  
7 PROVIDING FOR "IMPACT FEES" REQUIREMENTS;  
8 PROVIDING FOR SEVERABILITY; PROVIDING FOR  
9 CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

10 WHEREAS, pursuant to Section 163.31801 of the Florida Statute, the Florida legislation  
11 known as the "Florida Impact Fee Act" recognizes impact fees as an important source of revenue  
12 for a local government to use in funding the infrastructure necessitated by new growth; and

13 WHEREAS, the Florida Impact Fee Act affords local governments the authority to  
14 establish impact fees to provide certain services within their jurisdictions; and

15 WHEREAS, the City of Hallandale Beach (City) retained the services of Tindale-Oliver &  
16 Associates, Inc. to develop an impact fee calculation report (the "Impact Fee study") for Fire  
17 Rescue, Law Enforcement, Parks and Recreation and Multi-Modal Transportation; and

18 WHEREAS, the ordinance clarifies that development review application fees specified  
19 under Section 32-792(a) are not included in the costs of required impact fees in Chapter 31.

20 WHEREAS, the ordinance revises Section 32-794 to eliminate the requirement of a  
21 contribution of a transportation exaction and requires payment for multi-modal transportation  
22 impacts as specified in the new Chapter 31, Development Impact Fees, separately being  
23 considered by the City Commission.

24 WHEREAS, the ordinance intends to equitably distribute the proportionate fair share of  
25 new expansion related capital costs on new users of the systems that create the needs  
26 identified by the study, and therefore serves the best interests of the City's residents.

27 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF  
28 HALLANDALE BEACH, FLORIDA:

29  
30 **SECTION 1:** Chapter 32, Article V of the City of Hallandale Beach's Code of Ordinances  
31 is hereby amended and reads as follows:

32 \* \* \*

33 Sec. 32-792. – Required Fees

34 (a) Application Fees. A fee shall be required with each application for development review  
35 and shall be paid prior to any review. Fees shall be determined by the size and type of  
36 development initially proposed by the applicant, and such fees shall be used to offset full-  
37 time staff administrative costs incurred in the review and evaluation of submitted site plans  
38 and impact evaluation statements. This fee expressly does not cover the costs of  
39 professional consultants that, pursuant to section 32-784(f), may have to be borne by the  
40 applicant. Fees shall be paid at the time of application. No review shall be made of any  
41 proposed development until such fee has been paid to the city. Such fees are on file in  
42 the city clerk's office. This fee expressly does not cover the cost of required impact fees  
43 itemized in Section 32-792(b).

44  
45 (b) Impact Fees. The impact fees calculated and provided in Chapter 31, Development Impact  
46 Fees, are in accordance with the technical impact fee study adopted by the Hallandale  
47 Beach City Commission and maintained in the Development Services Department.

48  
49 (1) Applicability. Impact fees are a one-time capital charge required for new  
50 residential, non-residential and mixed-use development. Impact fees are provided  
51 in Chapter 31 of the City's Code of Ordinances.

52  
53 (2) All impact fees shall be payable to the City of Hallandale Beach at the time the  
54 building permit is issued.

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56 \*\*\*

57 Sec. 32-794. - Adequate public traffic and transportation facilities.

58 Every proposed major development within the city shall mitigate for the traffic and transportation  
59 impacts generated by such development within the city through the ~~contribution of an exaction(s)~~  
60 payment to the city of Development Impact Fees in accordance with Chapter 31. ~~to the city. Such~~  
61 ~~exactions may be in the form of donations of land, cash payment or any other appropriate form~~  
62 ~~and shall be commensurate with the extent of the development impacts as determined by the~~  
63 ~~criteria set forth in this article and the city's capacity cost model, herein attached as "Exhibit 1"~~  
64 ~~(as may be amended by resolution). If such exaction is to take place after the effective date of a~~  
65 ~~development agreement, the terms of the payment of the future exactions clause in the~~  
66 ~~development agreement shall be applicable.~~

67 **SECTION 2. Conflict.** All ordinances or portions of the Code of Ordinances of the City of  
68 Hallandale Beach in Conflict with the provisions of this ordinance shall be repealed to the extent  
69 of such conflict.

70  
71 **SECTION 3. Severability.** Should any provision of this ordinance be declared by a court of  
72 competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a  
73 whole, or any part thereof, other than the part declared to be invalid.

**SECTION 4. Codification.** It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to affect such intention the words "ordinance" or "section" may be changed to other appropriate words.

**SECTION 5. Effective Date.** This Ordinance shall become effective 90 days after final adoption.

PASSED AND ADOPTED on First Reading, \_\_\_\_\_, 20\_\_.

PASSED AND ADOPTED on Second Reading, \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
JOY F. COOPER  
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

\_\_\_\_\_  
JENORGEN M. GUILLEN, CMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
FORM

\_\_\_\_\_  
JENNIFER MERINO  
CITY ATTORNEY