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

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

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

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

WHEREAS, the Impact Fee study dated April 17, 2019, prepared by Tindale-Oliver & Associates, Inc. sets forth the calculations and basis for Fire Rescue, Law Enforcement, Parks and Recreation and Multi-Modal Transportation impact fees; and

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

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

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

* * *

Sec. 32-792. – Required Fees

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

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

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

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

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

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

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

SECTION 3. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a 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 take effect immediately upon adoption.

PASSED AND ADOPTED on First Reading, _____, 2020.

PASSED AND ADOPTED on Second Reading, _____, 2020.

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JOY COOPER
MAYOR

ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

JENNIFER MERINO
CITY ATTORNEY