



City of Hallandale Beach Planning and Zoning Board Agenda Cover Memo

Primary Application Type:	CODE AMENDMENT	Hearing Date:	September 23, 2020		
Additional Applications:	N/A	Public Hearing:	YES	NO	
			X		
Code Section & General Title:	Chapters 30,31, and 32 Impact Fees	Quasi-Judicial:	YES	NO	
				X	
Applicant:	City of Hallandale Beach	Workshop:	YES	NO	
				X	
Application #	LDC-19-00956 <i>Granicus#318</i>	Advertisement Type Required:	DISPLAY	REGULAR	N/A
			X		
Staff Recommendation:		Approve	Approve with Conditions		Reject
		X			
Request:	An Ordinance amending Chapter 30, Utilities and creating Chapter 31, adopting Law Enforcement, Fire Rescue, Parks and Recreation and Transportation and Mobility Impacts fees; and, An Ordinance amending Chapter 32, Article V, Development Review Procedures of the Zoning and Land Development Code				
The subject applications have been reviewed and processed pursuant to policies and regulations contained within: <ul style="list-style-type: none"> ▪ City of Hallandale Beach Comprehensive Plan ▪ City of Hallandale Beach Code of Ordinances ▪ Broward County Land Use Plan 		Strategic Plan Priority Area:			
		<input checked="" type="checkbox"/> Safety <input checked="" type="checkbox"/> Quality <input checked="" type="checkbox"/> Vibrant Appeal			
Sponsor Name:	Vanessa Leroy, Development Services Director	Prepared By:	Christy Dominguez, Principal Planner		

Short Title:

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.

Staff Summary:

Background

The City of Hallandale Beach retained the services of Tindale and Oliver (TO) to prepare impact fee technical studies to document the current cost, credit, and demand components associated with providing capital facilities and resulting fee schedules. Impact fees are a one-time charge to new development to fund the portion of the capital costs of infrastructure capacity consumed by new development. The principle purpose of an impact fee is to assist in funding the implementation of projects identified in the Capital Improvements Element (CIE) and other capital improvement programs for the respective facility/service categories.

On February 11, 2019, Tindale Oliver presented their findings to the City Commission on impact fee studies for Fire Rescue, Law Enforcement, Parks and Recreation and Transportation. The City Commission recommended staff conduct a public workshop for the development community before proceeding with adoption of the proposed impact fees.

On June 18, 2019, the City hosted a workshop on recently adopted Capital Improvement Plan projects and discussed the proposed impact fees. The workshop, attended by the development community and residents, expanded on factors that drive and halt developments and the importance of impact fees on future Zoning Code considerations and how they may ease the development process.

The Impact Fee Study was finalized in April 17, 2019 and is pending adoption by the City Commission and adoption of the Ordinance effectuating the impact fees.

Current Situation

Currently, only water and sewer impact fees are adopted for new development in the City of Hallandale Beach as provided in Chapter 30, Utilities, of the Hallandale Beach Code of Ordinances. Transportation impact fees are currently calculated on a case by case basis for new major developments pursuant to Chapter 32, the Zoning and Land Development Code, Article V, Development Review Procedures, Section 32-794. There are no impact fees for Law Enforcement, Fire Rescue and Parks and Recreation services.

The attached Exhibit 1, for Planning and Zoning Board consideration and action is the Ordinance amending the Development Review Procedures in Chapter 32 as it relates to transportation fees. Adoption of Impact fees per the Hallandale Beach Impact fee Study would be implemented by a new chapter to the Hallandale Beach Code of Ordinances creating Chapter 31, establishing development impact fees for law enforcement, fire rescue, parks and recreation and transportation. Planning and Zoning action is not required for its adoption; however, the Ordinance is attached as Exhibit 2 for informational purposes and input from the Board. This Ordinance (Exhibit 2) will be presented directly to the City Commission with the subject Ordinance (Exhibit

1) amending Chapter 32. Revenue from impact fees would be used solely for the purpose of funding capital improvement capacity within the City.

Why Action is Necessary

Pursuant Section 2-231(f)(1) of the City of Hallandale Beach Planning and Zoning Board shall review and make advisory recommendations to the City Commission on applications for text changes to the Zoning and Land Development Code.

Analysis

The attached Ordinance (Exhibit 1) amends Article V, Development Review Procedures, as follows:

1. Clarifies that requires application for development review fees under Section 32-792 does not cover the costs of required impact fees in Chapter 31.
2. Revises Section 32-794 to eliminate the requirement of a contribution of a transportation exaction and requires payment for multi-modal transportation impacts as specified in Chapter 31, Development Impact Fees.

A summary of the Ordinance attached as Exhibit 2 follows:

1. Amends Chapter 30, Utilities, by amending Article VI, Water and Wastewater Impact Fees to require payment of such fees at the time the building permit is issued rather than prior to the issuance of the building permit.
2. Creates Chapter 31, Development Impact Fees by requiring impact fees for law enforcement, fire rescue, parks and recreation and multi-modal transportation systems.
3. The Hallandale Beach Impact Fee Study prepared by Tindale Oliver is incorporated and adopted by reference as the Hallandale Beach Impact Study” dated April 17, 2019.
4. Imposes fees on all capital improvement impact projects in the City at the rate established in Table 1 of the Ordinance. Capital improvement impact projects is defined as: land designed or intended to permit a use of land which will contain more impact units than the existing use of land, or which will otherwise change the use of land in a manner that increases the demands upon the City’s capital improvement system.
5. Exempts alteration, expansion or replacement of an existing dwelling unit which does not increase the number of dwelling units. Also exempts alteration or expansion of a building if the building use upon completion does not generate greater demand for the applicable category of the capital improvement system than was assumed in the impact fee study and reflected under the applicable impact fee rate.
6. Provides a process for an alternative fee calculation if an applicant believes their project’s impact is less than the fee established in the Ordinance. An applicant may perform an alternative study at his or her own expense, utilizing a methodology based on the adopted Impact Fee Study which may be approved by the Director of Development Services.

7. Provides for developer contribution credits for the donation of land that is not required right-of-way or for construction of off-site improvements other than access improvements as defined in the Ordinance. Credits may include fees imposed by Broward County for capital improvement obligations, or prior obligations such as development agreements or mitigation fees. In order to receive a credit, the Director must determine that: the obligated capital improvements are in the City's Five-Year Capital Improvement Plan (CIP) or is similar in nature to the improvements on the CIP.
8. Developer contribution credits approved by the Director shall be subject to a credit agreement with the City Commission. The credit agreement shall establish, among other things, the duration for which the credits are eligible, not to exceed 20 years as well as the value of the credits of any subsequent increases in the City impact fees.
9. Requires separate accounting funds for each capital improvement system. The monies deposited in the impact fee funds shall be used for design, plans and construction, right-of-way acquisition and necessary capital equipment.
10. Requires the Impact Fee Study be updated every 3 years. On years when no update occurs and beginning in January 2022, the impact fee schedule shall be adjusted annually for inflationary causes. An annual report on the status of the revenues shall be provided by the Director to the City Commission.
11. The Ordinance and any subsequent increase in fee rates shall be effective 90 days after its adoption.

The City intends to develop specific objectives and policies to create projects and programs that would be funded with the associated impact. In addition to identifying how the collected revenues will be used, City Staff is also coordinating efforts on key issues, including public safety, transportation and mobility improvements, parks and open space, and a cost-feasible 5-year capital improvement program.

Cost Benefit

The proposed code amendments will address the need for new capital facilities improvements due to new growth in the City of Hallandale Beach in order to continue to provide high quality service to its residents for Fire Rescue, Law Enforcement, Parks and Recreation and Multi-modal Transportation systems.

Staff Recommendation:

Staff recommends the Planning and Zoning Board recommend the City Commission adopt the subject Ordinance (Exhibit 1) adopting amendments to Chapter 32, Development Review Procedures relative to impact fees and Ordinance (Exhibit 2) amending Chapter 30, Utilities and creating Chapter 31, Development Impact Fees.

Attachment(s):

Exhibit 1 – Ordinance Amending Chapter 32
Exhibit 2- Ordinance Amending Chapter 30 and Creating Chapter 31
Exhibit 3 – Hallandale Beach Impact Fees Study prepared by Tindale Oliver