

RESOLUTION 2015-____
REVISING TRANSPORTATION IMPACT FEES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, REVISING THE CITY'S TRANSPORTATION IMPACT FEE SCHEDULE AND ADJUSTING RATES BASED ON THE CONSTRUCTION COST INDEX; INCREASING RATES BY 2.44% TO TAKE EFFECT IN NOVEMBER OF 2015; PROVIDING FOR ADMINISTRATIVE AND LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Palm Coast has established rates and procedures for Transportation Impact Fees; and

WHEREAS, on May 17, 2011, the City adopted Ordinance 2011-6 relating to Transportation Impact Fees, codified in Article II of Chapter 29; and

WHEREAS, in accordance with City Code Section 29-38, the City Council may adopt changes to the Transportation Impact Fee Schedule by Resolution; and

WHEREAS, the City levies Transportation Impact Fees to fund the cost of providing City road facilities to accommodate new growth and development;

WHEREAS, in order to ensure that the City Transportation Impact Fees accurately reflect the cost of providing City road facilities to accommodate new growth and development, it is in the best interests of the City to make occasional adjustments to the impact fee rate; and

WHEREAS, the Non-Residential Construction Index referred to in Section 29-38A as a basis for fee adjustments no longer exists; and

WHEREAS, City Council desires to adjust the Transportation Impact Fee Schedule utilizing the Construction Cost Index, which is published June 30 of each year by the Engineering News-Record, by increasing the rate by 2.44% as of November 16, 2015, to allow for the 90 day notice requirement in Fla. Stat. 163.31801; and

WHEREAS, the City is fully compliant with all requirements of Fla. Stat. 163.31801.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST:

SECTION 1. ADMINISTRATIVE AND LEGISLATIVE FINDINGS/INTENT. The provisions set forth in the recitals to this Resolution (whereas clauses) are hereby adopted by the City Council of the City of Palm Coast as the administrative and legislative findings and intent pertaining to this Resolution.

SECTION 2. APPROVAL OF AMENDMENT TO THE TRANSPORTATION IMPACT FEE SCHEDULE. The City Council of the City of Palm Coast hereby approves amending the Transportation Impact Fee Schedule in Table 3-1 of Section 29-38 by adjusting rates in accordance with the Construction Cost Index published June 30 of each year by the Engineering News-Record; and the City recognizes that the Non-Residential Construction Index referenced in 29-38A no longer exists.

SECTION 3. APPROVAL OF RATE CHANGE. The City Manager or designee is hereby authorized and directed to calculate and implement said revised rates, fees and charges on an annual basis on or about November 16th of each year. Notwithstanding the foregoing, at any time that it elects to do so, the City Council may adopt a resolution establishing different rates, fees and charges, and such resolution shall take precedence over the rates, fees and charges established by this Resolution until modified as set forth in Section 29-38. Beginning on November 16, 2015, the rate change in accordance with the Construction Cost Index (published June 30, 2015 by the Engineering News-Record), will result in a 2.44% increase in transportation impact fees.

SECTION 4. ADMINISTRATIVE RULES/IMPLEMENTING ACTIONS. The City Manager or designee is hereby authorized to adopt administrative rules that are deemed necessary and appropriate to implement the provisions of this Resolution to include, but not be limited to, rules relating to administrative and contractual issues that do not relate to rates, but may relate to administrative charges and procedures. The City Manager is authorized and directed to take any and all necessary actions, as he may deem reasonably necessary, in order to implement the provisions of this Resolution.

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,

word or portion of this Resolution not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 6. CONFLICTS. All resolutions or part of resolutions in conflict with this Resolution are hereby repealed.

SECTION 7. EFFECTIVE DATE/DATES OF RATE CHANGE. This Resolution shall take effect immediately. The rate change shall take effect on November 16, 2015. The rates, fees and charges currently in effect shall continue to apply until November 16, 2015.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, this 1st day of September 2015.

ATTEST:

CITY OF PALM COAST

Virginia A. Smith, City Clerk

Jon Netts, Mayor

Approved as to Form and Legality:

William E. Reischmann Jr., Esq.
City Attorney