

MEETING DATE
June 27, 2016
Subject: Ordinance – Fire Department Impact Fees



AGENDA
Section: Public Hearing
Item #: 2

Department/Office: Fire Rescue Department

AGENDA REPORT

Requested Action or Motion: After receiving public comment, move to adopt an Ordinance amending Chapter 6, Article IV, Section 6-53 of the City Code pertaining to Fire Protection Facilities and Service Impact Fees. This is the second and final public hearing required for this item.

Summary Explanation & Background:

The proposed ordinance would amend Chapter 6, Article IV, Fire Protection Facilities and Service Impact Fees incorporating a fee structure from the February 2016 Henderson, Young and Company fire impact fee study.

On November 24, 2014 Council meeting, staff recommended updating the previous impact fee ordinance to incorporate the recommendations outlined in a recertified 1998 study which had also been accomplished by Henderson, Young and Company. After discussion, the Council authorized city staff to proceed with amending the ordinance which became effective April 15, 2015 and to commission updating the impact fee study with current data

On May 23, 2016, staff provided copies of and a briefing outlining the updated February 2016 Henderson, Young and Company fire impact fee study. Staff requested Council's guidance as to whether to proceed with another updated of the fire impact fee ordinance contained in the City Code. Council directed staff to proceed with the drafting of the ordinance update incorporating the recommended one- and two-family dwelling unit fees and revising all other impact fees as contained in the Henderson, Young and Company study.

On June 13, 2016 the City Council introduced on first reading the fire impact fee ordinance.

To meet notification requirements set forth in the "Florida Impact Fee Act", no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee, written notices of the impact fees increase have been posted at the Maitland Building Department service desk, on the Maitland City Hall bulletin board, on the Maitland City web site and published in the Winter Park/Maitland Observer.

The effective date of the Ordinance shall be October 10, 2016.

Budget History: None

Fiscal Impact: Increase in Fire Impact Fee revenue will be dependent upon timing and type of further development and redevelopment. New Impact Fee for one- and two-family dwellings will only impact new development not infill.

Exhibits: Draft Ordinance

Contact Person: Kim Neisler, Fire Chief

Commission/Board:

Phone #: 407-539-6229

Department Head

City Manager's Office

Reviewed by City Attorney

Yes N/A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA AMENDING CHAPTER 6, FIRE PROTECTION AND PREVENTION, ARTICLE IV, FIRE PROTECTION FACILITIES AND SERVICES IMPACT FEE, PROVIDING FOR THE INCLUSION OF IMPACT FEES FOR ONE- AND TWO-FAMILY DWELLINGS; PROVIDING FOR ESTABLISHMENT OF IMPACT FEES FOR CLINICS; PROVIDING FOR THE REVISION OF FIRE IMPACT FEE ASSESSMENTS ACCORDING TO SPECIFIED LAND USE CATEGORIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Maitland has assessed fire impact fees for buildings and structures in the area West of Interstate 4 since January 1980, and amended the assessment in March 1985; and

WHEREAS, the City broadened the geographic area in which fire impact fees were assessed to include the area East of Interstate I-4; and additionally exempted one and two family dwellings from these assessments; and

WHEREAS, in June of 1998 the City retained the services of a professional management consulting firm, Henderson, Young & Company, to perform an analysis of the City's fire impact fee assessments; and

WHEREAS, in January of 1999 the City adopted certain revisions to its fire impact fee assessments according to specific land use categories; and

WHEREAS, in October of 2014 the professional management consulting firm, Henderson, Young & Company, reviewed its 1998 analysis and advised the City that the impact fees calculated in 1998 are significantly less than rates would be in an updated study completed in 2014 or 2015; and

WHEREAS, the 1998 analysis conducted by Henderson, Young & Company was the most recent and localized data currently available to the City regarding calculation of fire impact fee assessments and therefore the 1998 fee schedule was adopted becoming effective April 2015; and

WHEREAS, pursuant to § 163.31801, Florida Statutes, the calculation of an impact fee adopted by ordinance must be based on the most recent and localized data; and

WHEREAS, in order to comply with requirements of § 163.31801, Florida Statutes, the City again retained the services of Henderson, Young & Company, to perform a current and updated analysis of the City's fire impact fee assessments using 2015 data; and

WHEREAS, the City has determined it is in the best interest of the health, safety, and welfare of its citizens to establish fire impact fees for new one- and two-family dwellings, new clinics and update the rates of its fire impact fee assessments.

NOW THEREFORE BE IT ENACTED by the City Council of the City of Maitland, Florida the following:

NOTE: Underlined words constitute the additions to the existing text of the *Maitland Code of Ordinances*, ~~strikethroughs~~ constitute deletions to the existing text, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

SECTION 1. Chapter 6, Fire Protection and Prevention, Article IV. Fire Protection Facilities and Services Impact Fee is hereby amended as follows:

Sec. 6-51. - Findings of fact.

The city council determines and declares that:

- (a) Future development and population growth within the city limits will bring increasing demands for additional fire protection facilities or services.
- (b) In order to provide increased fire protection facilities or services caused by future development and population growth it will be necessary for the city to incur costs for expansion of its fire protection system and services which will include capital improvements to the same.
- (c) It is in the interest of the public health, safety, welfare and convenience of the citizens of the city to regulate the use and development of land by requiring the payment of a fire protection facilities and services impact fee as a condition to the issuance of a building permit for new construction of buildings or structures ~~excluding~~ including one (1) and two (2) family dwellings (RS-1, RS-1A, RS-2, RS-3, RS-D and Single Family Residential Planned Developments.)

Section 6-53. Fee required and established.

- (a) Required. It shall be unlawful for any person, persons, company, developer, or corporation to construct any building or structure ~~excluding~~ including one (1) and two (2) family dwellings (RS-1, RS-1A, RS-2, RS-3, RS-D and Single Family Planned Developments), within the city limits for which a building permit is required without first providing for the payment of a fee in the amount and in the manner required by this article.
- (b) *Amount.* As a condition precedent to the issuance of a building permit for any new construction, ~~excluding~~ including one (1) and two (2) family dwellings (RS-1,

RS-1A, RS-2, RS-3, RS-D and Single Family Residential Planned Developments), the applicant shall pay a fee in the amount set forth in the following table; which fee shall be used exclusively for the purposes set forth in this article. Calculation of the fee shall be based on the most recent and localized data.

(c) Fee Table

Land Use Category	Fire Impact Fee Assessment
<u>One (1) and Two (2) Family Dwellings</u>	<u>\$389.54 / dwelling unit</u>
Multi-Family Residential	\$105.55 <u>\$498.24 / dwelling unit</u>
Lodging:	
Hotel/Motel/Inn	\$0.19 <u>\$1.42 / square foot</u>
Retirement/Institutional	\$0.92 <u>\$10.97 / square foot</u>
Commercial:	
Office	\$0.17 <u>\$0.21 / square foot</u>
<u>Clinics</u>	<u>\$2.73 / square foot</u>
Retail	\$0.38 <u>\$0.67 / square foot</u>
Restaurant/Bar/Lounge	\$1.11 <u>\$2.43 / square foot</u>
Industrial/Manufacturing	\$0.62 <u>\$0.00 / square foot</u>
Storage/Warehouse	\$0.34 <u>\$0.16 / square foot</u>
Leisure/Outdoor	\$0.24 <u>\$0.45 / square foot</u>
Institutions:	
Church	\$0.15 <u>\$0.056 / square foot</u>
Educational	\$0.15 <u>\$0.59/ square foot</u>
Government/Public	\$0.72 <u>\$0.43 / square foot</u>

SECTION 2. CODIFICATION. It is the intent of the City Council of the City of Maitland that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 3. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance 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 Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 4. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which

establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective ninety (90) days from the date of adoption of this Ordinance, pursuant to §163.31801, Florida Statutes.

ADOPTED by the City Council of the City of Maitland, Florida, this ____ day of _____, 2016.

CITY OF MAITLAND, FLORIDA

A. DALE MCDONALD
MAYOR

ATTEST:

CITY CLERK