

ORDINANCE NO. 25O-04-111

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 6, “BUILDINGS AND BUILDING REGULATIONS”, BY CREATING A NEW ARTICLE V, “NEW DEVELOPMENT IMPACT FEES” BY ADOPTING AND IMPOSING IMPACT FEES FOR FIRE RESCUE, LAW ENFORCEMENT, AND PARKS AND RECREATION SERVICES FOR NEW DEVELOPMENT; BY ADOPTING AN IMPACT FEE SCHEDULE FOR FIRE RESCUE, LAW ENFORCEMENT, AND PARKS AND RECREATION INFRASTRUCTURE; BY ADOPTING A TECHNICAL STUDY OF SAID IMPACT FEES PURSUANT TO FLORIDA STATE STATUTE SECTION 163.31801; BY ESTABLISHING CRITERIA AND ADMINISTRATIVE PROCEDURES FOR THE ASSESSMENT, ACCOUNTING, CREDITS AND COLLECTION OF IMPACT FEES TO INCLUDE REVIEW HEARINGS; PROVIDING FOR SAVINGS, CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY INTERIM CITY MANAGER KENNIE HOBBS, JR.).

WHEREAS, the City of Lauderhill is a Florida municipal corporation vested with home rule authority pursuant to the Municipal Home Rule Powers Act (F.S. Chapter 166) and Article VIII, §2 of the Florida Constitution; and

WHEREAS, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166, Florida Statutes, the City is vested with governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, including the general exercise of any power for municipal purposes; and

WHEREAS, the Florida Impact Fee Act (F.S. Section 163.31801) requires that an impact fee be proportional and reasonably connected to, or has a rational nexus with (1) the need for additional capital facilities and the increased impact generated by the new residential or commercial construction and (2) the expenditures of the funds collected and benefits accruing to the new residential or nonresidential construction; and

WHEREAS, the City Commission retained the firm of BusinessFlare to study the need to impose impact fees on new development for Fire Rescue, Law Enforcement, and Parks and Recreation infrastructure; and

WHEREAS, BusinessFlare has prepared and presented to the City Commission a report titled “City of Lauderhill Impact Fee Study,” dated March 31, 2025 (hereinafter the “Technical

Report”) which establishes the proportionate share of new development’s impacts of the public facilities for which impact fees are collected pursuant to this Ordinance; and

WHEREAS, the Technical Report has been presented to and reviewed by the City Commission, which has determined:

1. That impact fees are necessary to offset the costs to the City associated with meeting the public service and facility demand created by projected new residential and non-residential development;
2. That the amount of the impact fees bears a reasonable relationship to the burden imposed upon the City to provide the new public facilities addressed in the Technical Report to the new development;
3. That the expenditure of impact fees, pursuant to the terms of this Ordinance, will result in a beneficial use to such new development reasonably related to the impact fees, per dwelling unit by type and per increment of non-residential development;
4. That an essential nexus exists between the projected new development and the need for additional public facilities to be funded via the impact fees;
5. That the amount of the impact fees is roughly proportional to the fair share of the additional public facilities need to provide adequate public service to the new development; and,

WHEREAS, the City Commission hereby adopts the Technical Report; and

WHEREAS, the City of Lauderhill Comprehensive Plan and Land Development Regulations establishes that new development approval is contingent upon its effect on the demand for utilities, community facilities and public services; and

WHEREAS, impact fees, similar to the City’s existing connection fees for water and sewer, are a mechanism for collecting a capital contribution to ensure that the City can provide adequate public services to meet the needs of new development; and,

WHEREAS, pursuant to §163.31801, Florida Statutes:

1. The Technical Report, and the impact fees recommended therein, are based on the most recent and localized data; and
2. This Ordinance includes procedures for accounting and reporting of impact fee collections and expenditures to ensure compliance with applicable legal standards; and
3. This Ordinance requires audits of the City’s financial statements to include an affidavit of the City’s Chief Financial Officer stating that the requirements of §163.31801, Florida Statutes, have been complied with; and
4. This Ordinance requires that the collection of the impact fees will not be required earlier than the date of issuance of the building permit for the property subject to the fee; and
5. The Technical Report demonstrates that the impact fees are proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and

6. This Ordinance specifically reserves funds collected as impact fees for use in acquiring, constructing or improving capital facilities to benefit new uses and does not pay existing debt service and does not pay for previously approved projects unless those projects have a rational nexus with the increased impacts generated by the new development; and

WHEREAS, the impact fees assessed pursuant to the Ordinance are necessary to ensure the public health, safety and welfare of the residents of the City of Lauderhill.

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

SECTION 1. The above recitations are true and correct and hereby incorporated herein as legislative findings supporting the adoption of this Ordinance.

SECTION 2. That Chapter 6 entitled “Buildings and Building Regulations”, is hereby amended to create Article V entitled “New Development Impact Fees” to read as follows (underline is added; strike through is deleted):

ARTICLE V – NEW DEVELOPMENT IMPACT FEES

Sec 6- 65. Generally.

- (a) This Article establishes impact fees per Florida Statute §163.31801 to collect revenues from new property development in the City to fund infrastructure improvements with a rational nexus to the new development in order to maintain the levels of service identified in Lauderhill’s Comprehensive Plan without compromising the services provided to existing residents.
- (b) The impact fees are based on a technical analysis provided by BusinessFlare consultants in conjunction with City staff dated March 31, 2025, which supports the amounts and reasonableness of the impact fees proscribed in this Article.
- (c) This Article may not be construed to alter, amend or modify any other provision of the City’s Land Development Regulations or Code of Ordinances.
- (d) The payment of impact fees shall not entitle the applicant to a building permit unless all other applicable land use, land development, zoning, planning, concurrency and other applicable requirements, standards and conditions have been met.

Section 6-66. Definitions.

Developer means a person, corporation, organization or other legal entity undertaking development of real property.

Development means, for purposes of this section, any new residential or nonresidential construction or expansion of building(s) or structure(s), or any changes in the use of any building(s) or structure(s) or land use that will generate additional impact on the City's public facilities.

Encumbered means legally obligated or otherwise committed to use by appropriation or contract.

Essential public services means services or buildings owned, managed or operated by or in the interest of a governmental entity which provides a function critical to the health, safety and welfare of the public. Essential public services may include, but not be limited to, public schools, water and sewer services, emergency services and public safety facilities and services.

Fair share means that share or portion of the cost of public facility improvements which is reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

Fee payer means a person undertaking development who pays a fair share impact fee in accordance with the terms of this section.

Fire Rescue facilities means the land, buildings, structures, equipment and facilities as may be necessary to meet the needs for Fire Rescue services which are created by new development, including those costs which are incidental to the above.

Fire Rescue facilities capital costs include, but are not limited to, capital costs associated with the planning, design, construction and procurement of new or expanded Fire Rescue facilities and equipment which have a life expectancy of three or more years. Such costs do not include routine and periodic maintenance expenditures or personnel, training or other operating costs but do include the following as they related to the provision of Fire Rescue facilities:

1. The cost of labor and materials
2. The cost of lands, property, rights, easements and franchises including the costs of acquisition or condemnation
3. The cost of all plans and specifications
4. The cost of new equipment and vehicles
5. The cost of construction, drainage and site improvements
6. The cost of relocating or connecting to utilities
7. The cost of planning, engineering, surveying and legal services

Impact fee means a fee imposed pursuant to this Section.

Impact fee account means an account established by the City for the purpose of segregating impact fee revenues collected for a particular public facility from all other City funds.

Law Enforcement facilities means the land, buildings, structures, equipment and facilities as may be necessary to meet the needs for Law Enforcement services which are created by new development, including those costs which are incidental to the above.

Law Enforcement facilities capital costs include, but are not limited to, capital costs associated with the planning, design, construction and procurement of new or expanded Law Enforcement facilities and equipment which have life expectancy of three or more years. Such costs do not include routine and periodic maintenance expenditures or personnel, training or other operating costs but do include the following as they relate to the provision of Law enforcement facilities:

1. The cost of labor and materials
2. The cost of lands, property, rights, easements and franchises including costs of acquisition or condemnation
3. The cost of all plans and specifications
4. The cost of new equipment and vehicles
5. The cost of construction, drainage and site improvements
6. The cost of relocating or connecting to utilities
7. The cost of planning, engineering, surveying and legal services

Level of service is a measure of the availability and accessibility of public facilities in support of public facility services.

Non-commencement means the cancellation of construction activity making a material change in a structure or in the cancellation of any other development activity making a material change in the use or appearance of land.

Parks and Recreation facilities means the land, buildings, structures, equipment and facilities as may be necessary to meet the needs for Parks and Recreation services which are created by new development, including those costs which are incidental to the above.

Parks and Recreation facilities capital costs include, but are not limited to, capital costs associated with the planning, design, construction and procurement of new or expanded Parks and Recreation facilities and equipment which have life expectancy of three or more years. Such costs do not include routine and periodic maintenance expenditures or personnel, training or other operating costs but do include the following as they relate to the provision of Parks and Recreation facilities:

1. The cost of labor and materials
2. The cost of lands, property, rights, easements and franchises including costs of acquisition or condemnation
3. The cost of all plans and specifications
4. The cost of new equipment and vehicles
5. The cost of construction, drainage and site improvements
6. The cost of relocating or connecting to utilities
7. The cost of planning, engineering, surveying and legal services

Technical report means the City of Lauderhill Impact Fee Study prepared by BusinessFlare and dated March 31, 2025.

Section 6-67. Applicability.

- (a) This Article shall apply to all new development within the City of Lauderdale except where specifically exempted by provisions of this Article.
- (b) The following types of development shall be exempt from the payment of impact fees described in this Article.
 - (1) Alteration to or expansion of an existing dwelling unit where no additional units are created and the use is not changed.
 - (2) Construction of accessory buildings or structures which do not increase the number of individuals living or working in the principal building or structure or the land.
 - (3) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
 - (4) The construction of agricultural structures.
 - (5) Temporary uses.
 - (6) Essential public services.
- (c) Waivers or reductions from the requirement to pay impact fees pursuant to this Article may be granted only as specifically provided in this Article.

Section 6-68. Collection, waivers and reductions of impact fees.

- (a) Impact fees required by this Article shall be assessed against new development and collected in full at the time of the issuance of a building permit by the City. In a case where a building permit is issued prior to the payment of impact fees because of a clerical mistake, oversight, or other reason, the City may withhold the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy until the applicant has paid in full the applicable impact fees imposed by this Article. The City Commission may establish and collect an administrative charge, limited to actual costs, to offset its costs of calculating, billing and collecting impact fee collection by adoption of a resolution.
- (b) The City Commission may, in its sole discretion, approve full or partial waivers of impact fees for developments that provide land, buildings, facilities or equipment, on site or off site, not otherwise required to obtain development approval, that provide public benefits in the functional areas of Fire Rescue, Law Enforcement or Parks and Recreation services, or that offset the costs the City would otherwise be obligated to expend to meet the level of service required by the development.

- (1) The developer is responsible for applying for the reduction or waiver on forms provided by the City delineating, at a minimum, what facilities will be provided, their cost and location, and a description of how and to what extent said facilities will offset the need for new public facilities required to service the new development.
- (2) City staff will prepare a report analyzing the application and purported public benefits and prepare a report and recommendation for the City Commission to evaluate and approve or deny the waiver or reduction.

Section 6-69. Accounting and expenditures of impact fee revenues.

- (a) Impact fee revenues and any interest generated on those funds shall remain segregated from other City funds and maintained in separate impact fee accounts or funds of the City's accounting system.
- (b) Impact fees shall be further segregated by type – Fire Rescue, Parks and Recreation and Law Enforcement – and shall be expended only on projects within the same functional area.
- (c) Impact fees collected pursuant to this Section shall be used solely for the purpose of acquisition, expansion and development of public facilities identified in the City's Capital Improvement Plan that have a rational nexus with the increased impact on the public facilities generated by the new residential or non-residential development.
- (d) At least once every four years the City shall update the technical report which provides the basis for the impact fees imposed under this Article. The cost of updating the technical report shall be an allowable administrative cost to be paid by impact fees pursuant to Section 6-68.
- (e) Audits of the City's financial statements must include an affidavit signed by the Finance Director stating that the City has complied with the requirements in Florida Statute §163.31801.

Section 6-70. Imposition of Impact Fees by Public Facility

The following fees are hereby levied at 50% of the total fee amount described in the Technical Report on all new development as described in Article V.

Impact Fee Schedule for Fire Rescue, Parks and Recreation and Law Enforcement Facilities

<u>Land Use</u> <u>Total</u>	<u>Impact Unit</u>	<u>Fire Rescue</u>	<u>Law Enforcement</u>	<u>Parks & Recreation</u>
<u>Residential</u> <u>\$1,395.23</u>	<u>0-1 Bedroom</u>	<u>\$ 307.93</u>	<u>\$ 282.74</u>	<u>\$ 804.56</u>
<u>Residential</u> <u>\$1,395.23</u>	<u>2 Bedrooms</u>	<u>\$ 307.93</u>	<u>\$ 282.74</u>	<u>\$ 804.56</u>
<u>Residential</u> <u>\$1,395.23</u>	<u>3 Bedrooms</u>	<u>\$ 307.93</u>	<u>\$ 282.74</u>	<u>\$ 804.56</u>
<u>Residential</u> <u>\$1,395.23</u>	<u>4+ Bedrooms</u>	<u>\$ 307.93</u>	<u>\$ 282.74</u>	<u>\$ 804.56</u>
<u>Non-Residential</u> <u>\$ 95.41</u>	<u>1000 square feet</u>	<u>\$ 49.74</u>	<u>\$ 45.67</u>	<u>\$ 0.00</u>

- (a) A Fire Rescue impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this Section, in accordance with the fee schedule and all funds collected shall be accounted for in a separate Fire Rescue account.
- (b) A Law Enforcement impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this Section, in accordance with the fee schedule and all funds collected shall be accounted for in a separate Law Enforcement account.
- (c) A Parks and Recreation impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this Section, in accordance with the fee schedule and all funds collected shall be accounted for in a separate Parks and Recreation account.

Section 6-71. Implementing Administrative Actions

The City Manager or designees shall have the power and authority to implement the provisions of this Ordinance by taking appropriate administrative actions to include, but not be limited to, the promulgation of appropriate administrative rules and forms, including establishing review hearings.

SECTION 3. Savings. The prior actions of the City of Lauderhill relating to the imposition and administration of impact fees and any and all related matters and processes, are hereby ratified and affirmed.

SECTION 4. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 6. Codification. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lauderhill, Florida, and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "section", "article" or such other word or phrase in order to accomplish such intentions.

SECTION 7. Effective Date. This Ordinance shall take effect in accordance with the provisions of Florida Statute §163.31801 (2024).

PASSED on first reading this _____ day of _____ 2025.

PASSED and ADOPTED on second reading this _____ day of _____, 2025.

DENISE D. GRANT, MAYOR
PRESIDING OFFICER

ATTEST:

ANDREA M. ANDERSON, MMC
CITY CLERK

Approved as to Form

Hans Ottinot, City Attorney

	First Reading	Second Reading
MOTION	_____	_____
SECOND	_____	_____
R. CAMPBELL	_____	_____
M. DUNN	_____	_____
D. GRANT	_____	_____
J. HODGSON	_____	_____
S. MARTIN	_____	_____