



**I. Project Description:**

**Petitioner:** City of Greenacres

**Request:** Zoning Text Amendments (ZTA) to Chapter 16, Article II (Administration), Division 9 (Site and Development Plans).

The intent of the City initiated zoning text amendment is to adjust the effective date of the previously approved commercial impact fee increase (ZTA-15-01, Ordinance 2015-27).

**II. Proposed Zoning Code Amendments:**

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Text shown in ~~strike through~~ is to be deleted. Text shown in underline is to be added.

**Proposed Change #1**

**ARTICLE II. ADMINISTRATION**

**DIVISION 9. SITE AND DEVELOPMENT PLANS**

*[Sections 16-196 to 16-200 and 16-202 to remain unchanged and are omitted for brevity]*

**Sec. 16-201 Required impact fees.**

The following impact fees are applicable:

- (1) New residential development shall be required to dedicate land for parks and recreation and for general government services pursuant to the subdivision regulations, or provide payment in lieu of land dedication payable at the time of plat approval or issuance of a building permit, whichever occurs first.
- (2) All new commercial structures, and additions to existing commercial structures, shall be required to dedicate to the city's capital improvement fund two dollars and eighty cents (\$2.80) per square foot of gross floor area. Such dedication is

required in order that the capital needs of police, fire, public works and administrative services of the city can be supplemented due to increased activity which can burden existing services and facilities. Payment shall be required prior to issuance of the building permit.

- (3) The provision of section 16-201 shall be effective: for all approved projects which have not ~~received~~ submitted a complete and sufficient application for a building permit as of January 21, 2016; for all approvals pending as of that date; and for all projects submitted for approval after January 21, 2016. For all other projects, the prior rate of two dollars and twenty five cents (\$2.25) per square foot of gross floor area shall apply.

### **III. Staff Analysis:**

#### ***Background:***

The City's Commercial Impact Fee was adopted on June 27, 1983 through Ordinance 83-29 as case ZTA-83-01 and established at \$1.00 per square foot. On May 19, 2008 through Ordinance 2008-15 as case ZTA-07-02, the fee was increased to \$2.25 per square foot to account for the effects of inflation since original adoption. The City Council directed that the fee be periodically evaluated and brought forward for increase when warranted. On November 2, 2015 through Ordinance 2015-27 as case ZTA-15-01, the City Council adopted an increase in the Commercial Impact Fee from \$2.25 per square foot to \$2.80 per square foot to account for the effects of inflation. An effective date of January 21, 2016 was established for the new fee amount.

#### ***Land Development Staff Comments:***

The petition was reviewed by the Land Development Staff on February 11, 2016 and recommended for approval.

Planning and Engineering Department:	Incorporated into the staff report
Building Department:	No comments
Public Safety Department:	No comments
Public Works Department:	No comments

### **IV. Zoning Text Amendment Criteria:**

- A. The need and justification for these changes.

In conjunction with the rate increase from \$2.25 to \$2.80 per square foot in 2015 (ZTA-15-01, Ordinance 2015-27), the language in Section 16-201 concerning the effective date of the new impact fee amount was amended to reflect a new adoption date of the revision and to recognize the requirement in Section 163.31801(3)(d) of the Florida Statutes that notice be provided no less than 90 days before the effective date of an Ordinance amending an impact fee. Notice of

the City Council adoption hearing for ZTA-15-01 was published on October 22, 2015; therefore the effective date was January 21, 2016.

The current language sets a deadline linked to “permit issuance” which is not consistent with the County’s language for impact fees and puts the onus on the City’s issuance of a permit, not the applicant’s submittal. The current language opens the City up to criticism that they are not processing applications efficiently in order to charge applicants the increased fee. The County’s language using “application for permit” makes the applicant responsible to meet the deadline by setting the requirement of permit submittal as the deadline. The language also requires a complete and sufficient permit application; so that applicants that are not eligible for permit issuance cannot rush to submit an incomplete or insufficient application prior to the deadline.

At this time, City staff is proposing to amend the language for the effective date by providing relief to those applicants that submitted complete and sufficient applications for permit, but did not get a permit issued to them prior to the deadline of January 21, 2016. The projects impacted by the amended language include Greenacres Nissan (SP-15-02), Jog Professional (SP-14-03), and the Church of God 7<sup>th</sup> Day of Palm Beach (SP-08-01), all of which were moving forward in good faith through the permitting process, but did not get a permit issued by January 21, 2016.

- B. *The relationship of the proposed amendments to the purpose and objectives of the City's Comprehensive Plan, and whether the proposed change will further the purposes of the City's Zoning Code regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.*

The proposed amendment is consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan, specifically Objective 2, Policy c) of the Capital Improvement Element. This policy directs the City, in sub-policy (1), to ensure that development bears its proportionate share of the cost of improvements. In addition, sub-policy (4) requires that impact fees be designed to account for the effects of inflation and subsequent reduced buying power and increased costs over time. This amendment does not alter the objective, only alters the effective date for the increase in the interest of fairness.

**V. Staff Recommendation:**

*Approval* of ZTA-16-01 through the adoption of Ordinance 2016-11.

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**PLANNING COMMISSION RECOMMENDATION – February 17, 2016**

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The Planning Commission on a motion made by Commissioner Clements and seconded by Commissioner Robarts, by a vote of five (5) to zero (0), ***recommended approval*** of Zoning Text Amendment ***ZTA-16-01 (Commercial Impact Fee)***, as presented by staff.

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**CITY COUNCIL ACTION First Reading – March 7, 2016**

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**CITY COUNCIL ACTION Adoption Hearing – March 21, 2016**

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**Samuel J. Ferreri, Mayor**

**Attest:**

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**Denise McGrew, City Clerk**

Attachments:

1. Ordinance 2016-11