

CITY OF GREENACRES

Council Agenda Memo 2016.03TL3.015

TO: Mayor and City Council

THROUGH: Andrea McCue, City Manager

FROM: Thomas J. Lanahan, Assistant City Manager/Planning and Engineering Director

SUBJECT: **Ordinance 2016-11, ZTA-16-01**
Zoning Text Amendment to Adjust Implementation of Commercial Impact Fee
City Council Agenda Item for 03-21-16

DATE: March 14, 2016

COPIES: James D. Stokes, City Attorney
Denise McGrew, City Clerk
File: ZTA-16-01

Background:

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, with a requirement that a building permit be issued by that date in order to pay the old fee. Staff was asked to reconsider this approach to the implementation deadline by a representative for a project that submitted for permit prior to January 21, 2016 but did not have its permit issued by then. In looking into the situation staff identified three projects in a similar circumstance.

On February 11, 2016, the Land Development Staff reviewed the proposal and recommended approval. On February 17, 2016, the Planning Commission recommended approval of ZTA-16-01 by a vote of 5-0. The City Council approved this petition on first reading March 7, 2016, by a vote of 4-1.

Analysis:

This Zoning Text Amendment includes one (1) change to the Zoning Code:

Section 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.

The proposed amendments will help ensure fairness in imposing the increased impact fee, coordinates with the approach used for Countywide impact fees (where the application date is the effectiveness threshold) and recognizes the applicants' good faith efforts to move forward.

Legal:

Ordinance 2016-11 was prepared in accordance with all applicable State statutes and City Code requirements.

Financial:

If the proposed change is approved, there are only three affected projects. The Church of God 7th Day will pay a City impact fee of \$25,688.25 in lieu of \$31,967.60, Jog Road Professional will pay \$39,258.00 in lieu of \$48,854.40, and Greenacres Nissan will pay \$105,219.00 in lieu of \$130,939.20. This is a total of \$41,595.95 less revenue.

Staff Recommendation:

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

Thomas J. Lanahan
Assistant City Manager
Planning and Engineering Director

Attachments

1. Staff Report
2. Ordinance 2016-11