

ORDINANCE NO. O-2020-_____

AN ORDINANCE OF THE CITY OF TAMARAC, FLORIDA, AMENDING THE IMPOSITION DATE FOR NEW DEVELOPMENT IMPACT FEES ESTABLISHED IN SECTION 10-5.7 ENTITLED “NEW DEVELOPMENT IMPACT FEES” OF CHAPTER 10, OF THE TAMARAC CITY CODE, AMENDING CERTAIN EXEMPTION CRITERIA TO EFFECTUATE CHANGE TO IMPOSITION DATE FOR NEW DEVELOPMENT IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING A SAVINGS PROVISION, PROVIDING A CONFLICTS PROVISION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 8, 2020, the City Commission adopted new development impact fees by Ordinance Number 2020-01; and

WHEREAS, pursuant to §163.31801, Fla. Stat., the earliest date for the imposition of the impact fees established by the Ordinance was April 7, 2020; and

WHEREAS, the COVID-19 (Coronavirus) has created a National State of Emergency which has threatened the City of Tamarac with extreme conditions which pose an immediate danger to the lives and property of the residents of the City; and

WHEREAS, on March 9, 2020, Governor Ron Desantis declared a State of Emergency for the State of Florida by issuing Executive Order 20-52; and

WHEREAS, on March 10, 2020, Broward County Administrator Bertha Henry declared a countywide State of Emergency; and

WHEREAS, on March 13, 2020, City Manager Michael Cernech pursuant to section 7.12 of the City Charter, determined that a local state of emergency exists in the city of Tamarac; and

{00368649.3 2704-0501640}

CODING: Words in ~~strike-through~~ type are deletions from the existing law;
Words in underscore type are additions.

WHEREAS, the City Commission believes, based on the existing state of emergency, that it is public health, safety, and welfare of the businesses and residents of the City of Tamarac to delay the imposition of the New Development Impact Fees established by the City and to make necessary amendments to the ordinance to effectuate the delay.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The City Commission of the City of Tamarac hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) to this Ordinance and the City staff reports relating to this Ordinance as the legislative findings and intent of the City Commission.

SECTION 2. Section 10-5.7, entitled “New Development Impact Fees” of Chapter 10 of the *Code of Ordinances of the City of Tamarac* is amended to amend subsection 10-5.7(C) which shall read as follows:

Section 10-5.7 New Development Impact Fees.

....

(C) Applicability of this Section.

(1) Affected area.

This Section shall apply to all new development within the City. Impact fees for particular public facilities may apply to less than the entire City, only as indicated specifically in this Section.

(2) Type of development affected.

Except where specifically exempt by the provisions of this Section, this Section shall apply to all new development.

(3) Type of development not affected.

{00368649.3 2704-0501640}

CODING: Words in ~~strike through~~ type are deletions from the existing law;
Words in underscore type are additions.

The following types of development shall be exempt from the payment of impact fees pursuant to this Section:

Any development for which a building permit for vertical construction of residential units or nonresidential structure or building is filed prior to the date set for the imposition of Impact Fees by the City;

Alterations or expansion of an existing dwelling unit where no additional units are created and the use is not changed;

For multimodal fees, the construction of accessory buildings or structures which will not increase the traffic counts associated with the principal building or structure or the land;

For parks and recreation, and governmental facilities impact fees, the construction of accessory buildings or structures which will not increase the number of individuals living or working in the principal building or structure or the land;

The replacement of a destroyed or partially destroyed building or structure, with a new building or structure of the same size and use;

- (a) The construction of agricultural structures;
- (b) Temporary uses; and
- (c) Essential public services.

- (4) **Reductions.** Reductions from the requirement to pay impact fees pursuant to this Section shall be granted only as specifically provided in this Section.

....

SECTION 3. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the *City of Tamarac Code of Ordinances*. The Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate

{00368649.3 2704-0501640}

CODING: Words in ~~strike through~~ type are deletions from the existing law;
Words in underscore type are additions.

word; provided, however, that Sections 3, 4, 5, 6, 7, 8 and 9 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 4. 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.

SECTION 5. SAVINGS. The prior actions of the City of Tamarac relating to the imposition and administration of impact fees and any and all related matters and processes, are hereby ratified and affirmed.

SECTION 6. CONFLICTS. To the extent of any conflict between any other City regulations and ordinances and this Ordinance, this Ordinance shall be deemed to control. Provided, however, that this Ordinance is not intended to amend or repeal any existing chapter or regulation, unless expressly set forth in this Ordinance.

SECTION 7. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portion hereof.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption.

SECTION 9. IMPOSITION OF IMPACT FEES. The Impact Fees set forth in Ordinance Number 2020-01 shall not be imposed on any Development until January 7, 2021. This imposition date shall expressly serve to relate back and extend the initial imposition date of April 7, 2020 as provided for in Ordinance Number 2020-01.

(Space intentionally left blank)

{00368649.3 2704-0501640}

CODING: Words in ~~strike through~~ type are deletions from the existing law;
Words in underscore type are additions.

PASSED, FIRST READING this _____ DAY OF _____, 2020.

PASSED, SECOND READING this _____ DAY OF _____, 2020.

BY: _____
MAYOR MICHELLE J. GOMEZ

ATTEST

JENNIFER JOHNSON, CMC
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading
MAYOR GOMEZ _____
DIST 1: V/M BOLTON _____
DIST 2: COMM. GELIN _____
DIST 3: COMM. FISHMAN _____
DIST 4: COMM. PLACKO _____

RECORD OF COMMISSION VOTE: 2ND Reading
MAYOR GOMEZ _____
DIST 1: V/M BOLTON _____
DIST 2: COMM. GELIN _____
DIST 3: COMM. FISHMAN _____
DIST 4: COMM. PLACKO _____

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form

SAMUEL S. GOREN
CITY ATTORNEY

{00368649.3 2704-0501640}

CODING: Words in ~~strike through~~ type are deletions from the existing law;
Words in underscore type are additions.