RESOLUTION NO. 24-199

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING A STANDARDIZED METHODOLOGY FOR THE EXPENDITURE OF PARK IMPACT FEES, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislative enacted the Florida Impact Fee Act, Section 163.31801, Florida Statute (2024) (herein "The Act") finding that impact fees are an important source of revenue for a local government to use in funding infrastructure necessitated by new growth; and

WHEREAS, The Act requires that local governments ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and increased impact generated by the new residential or commercial construction; and

WHEREAS, The Act requires that local governments ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or commercial construction; and

WHEREAS, City of Fort Lauderdale adopted Ordinance C-06-14, codified in the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR"), Section 47-38A, finding and determining that growth and development activity within the city will create additional demand and need for parks, open space and recreational facilities within the city and that growth and development activity should pay a proportionate share of the cost of such facilities needed to serve the growth and development activity; and

WHEREAS, Ordinance C-06-14 provides for the imposition and collection of park impact fees from every person who applies for a building permit for each new dwelling unit and hotel/motel room as calculated pursuant to a park impact fee study conducted within four (4) years of the adoption of Ordinance C-06-14; and

WHEREAS, Section 47-38A.6(c) of the ULDR provides that park impact fees shall be expended or encumbered by the city for a permissible use within six (6) years of receipt by the city; and

WHEREAS, the City Commission of the City of Fort Lauderdale finds that growth and development activity within the city create additional demand on parks, open space and

recreational facilities used by residents throughout the city and facilities within the immediate proximity of the new growth and development; and

WHEREAS, the City Commission of the City of Fort Lauderdale is desirous of adopting a policy that ensure compliance with The Act and Section 47-38A 6(c) by allocating the expenditure of park impact fees amongst two categories for affected parks, open space and recreational facilities; and

WHEREAS, parks, open space, and recreational facilities that serve the Citywide population are typically special purpose facilities that offer activities such as, but not limited to, ballfields dedicated to a single sport, off-leash dog areas, skate parks, boat ramps, swimming pools, community centers, urban plazas, and gardens; and

WHEREAS, signature parks serve the Citywide population and are analogous to sub-regional and regional county level parks found to benefit new residents within fifteen miles of the new development in the case Hollywood, Inc. v. Broward County, 431 So.2d 606 (Fla. 4th DCA 1983), review denied, 440 So.2d 352 (Fla. 1983); and

WHEREAS, Evaluation Measure PR 1.1.3a of the Parks, Recreation, and Open Space Element to the City of Fort Lauderdale Comprehensive Plan sets a level of service standard of 3 acres of community level parks for each 1,000 residents; and

WHEREAS, City Commission district boundaries are established through the use of the most recent United States Census data to determine population figures for the purpose of ensuring that each district as approximately equal in population as is practicable; and

WHEREAS, the equal distribution of park impact fees by City Commission District is an additional method of equitable distribution of expenditure park impact fees on the basis of population served, notwithstanding other lawfully considerations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the recitals set forth above are incorporated in this Resolution.

SECTION 2. The following words, terms and phrases, when used in this resolution, shall have the meanings ascribed to them in this section:

a. Signature Projects means special use facilities, as defined herein, identified in the 2019 Fort Lauderdale voters approved a general obligation bond referendum to finance the acquisition, construction, renovation, and improvement of various parks and recreation facilities. Specifically identified as four (4) signature parks including Holiday Park, Joseph Carter Park, Lockhart Stadium, and Tunnel Top Park.

b. Special use facilities means parks, open space and recreational facilities that serve the Citywide population.

c. District park means parks, open space and recreational facilities that serve populations within the same City Commission District as the parks, open space and recreational facility.

SECTION 3. That park impact fee funds collected pursuant to Section 47-38A. shall be expended in the following manner:

a. Park impact fees received prior to October 1, 2024, shall be expended or encumbered by the city for signature projects as the term is defined.

b. Park impact fees collected on or after October 1, 2024, shall be expended or encumbered by the city for 50% of the funds for regional and special use facilities parks projects, and the other 50% of the funds for parks projects in the City Commission District in which the park impact fee was generated.

SECTION 4. Commission approval of the appropriation of Park Impact fees will continue to be facilitated through the budget appropriation process which includes budget amendments and the adoption of the annual community investment plan.

SECTION 5. That if any clause, section, or other part of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this 1st day of October, 2024.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:

City Attorney
THOMAS J. ANSBRO

Dean J. Trantalis	Yea
John C. Herbst	Yea
Steven Glassman	Yea
Pamela Beasley-Pittman	Yea
Warren Sturman	Yea