

City of Coconut Creek InterOffice Memorandum

To: Planning and Zoning Board

Date: November 13, 2024

FROM: Justin Proffitt, AICP, Director of
Sustainable Development 

Subject: **Coconut Creek Impact Fee
Study & Adoption of New
Development Impact Fees**

Request

This is a request to amend the City's Land Development Code to update the Fire-Rescue, and Law Enforcement Impact Fees and to create a new impact fee for Parks and Recreation Facilities.

Background

The City of Coconut Creek manages a development impact fee program to ensure that new developments contribute their fair share of the costs to fund capital improvements necessary to maintain adequate levels of service, consistent with the City's Comprehensive Plan and Florida Law.

The City's consultant, Benesch (formerly known as Tindale & Oliver, Inc.), was tasked with preparing an impact fee study to evaluate and recommend revisions to the fire/rescue and police impact fees, parks and recreation, and the affordable housing linkage fee. The City initiated a new study analysis during the summer of 2024.

In addition to evaluating fire/rescue, police, and parks and recreation, the study evaluated the need and feasibility of establishing the following new impact fee programs:

1. Transportation Mobility Fee;
2. Sustainability Impact Fee;
3. Stormwater Impact Fee; and
4. Government Facilities Impact Fee.

At this time, the consultant does not recommend adding these new impact fee programs and identifies the reasons for not doing so in Section V, Page 44 of the impact fee study.

The consultant was also asked to evaluate the need for updates to the City's affordable housing linkage fee and the public art ordinance. The methodology and fee calculations in these two programs are consistent with state law and do not require an update at this time.

Discussion

Updating the city's development impact fees is essential to providing capital facilities to accommodate the City's population growth which is projected to increase by 15 percent by 2035. The current fees or capital facility programs, which have not been

revised since 2006, are outdated, and in some cases are insufficient to cover the costs associated with new development. Pages 2-4 of the study summarize the many changes to state law that now govern impact fee programs.

Florida law imposes restrictions on local governments regarding the increase of existing impact fees. Specifically, if a local government opts to increase impact fees by 25 percent or less, the increase must be implemented in two equal annual increments. For increases between 25 and 50 percent, the adjustment must be phased in over four equal annual installments. Increases exceeding 50 percent are prohibited, and local governments are limited to increasing impact fees no more than once every four years. The consultant has meticulously designed the fire rescue and law enforcement impact fee schedule to comply with these limitations, phasing in the fees over a four-year period to achieve a 50% increase.

The City does not currently have a Parks and Recreation Facilities impact fee that meets modern definitions and legal standards for such fees. Section 13-267, "Public sites and open spaces," adopted in 1986, requires new developments to either dedicate land or provide cash equivalent contributions for parks and open spaces to maintain adequate levels of service. Although this ordinance and the City have been very successful in preserving and creating parks and recreation facilities, this zoning code provision will be deleted and replaced under this new ordinance to provide consistency with current legal requirements.

Therefore, a new impact fee for Parks and Recreation Facilities will be introduced into the City's development impact fee program. This new impact fee is not subject to the phasing requirements outlined above for the existing impact fees since it is a new impact fee.

The City of Coconut Creek's updated impact fee program reflects a careful consideration of current legislative requirements, recent data, and the ongoing growth within the City. By adjusting the fees, both increases and decreases, the City aims to ensure that new development contributes its fair share to the infrastructure needs, supporting sustainable growth and maintaining service levels for all residents.

Benesch will be in attendance at the meeting to present the findings and recommendations of the study to the Board.

Recommendation

Recommend to the City Commission approval of the Land Development Code amendments and adoption of the new development impact fees and study.

JP/ae