

**ORDINANCE NO. 2005-30**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 9, ARTICLE VIII, IMPACT FEES, BY AMENDING POLICE, FIRE, PARKS AND RECREATION, PUBLIC BUILDING, AND TRANSPORTATION IMPACT FEES; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Springs, Florida, has previously found and determined it to be in the best interest of the safety, health, and welfare of the citizens of the City of Winter Springs to establish police, fire, parks and recreation, and transportation and other impact fees to require new development to pay their equitable share of public improvements that must be constructed to serve new growth; and

**WHEREAS**, the City has retained Land Design Innovations, Inc. ("LDI") and CPH Engineers, Inc. ("CPH") to conduct a periodic reassessment of the City's impact fees and to prepare a report on the appropriateness of the City's current impact fees; and

**WHEREAS**, LDI has reviewed the current impact fees and anticipated development activity and has determined that there will be a deficiency in the estimated impact fee revenues to accommodate the proposed capital improvement schedules for Fire, Police, Parks and Public Buildings; and

**WHEREAS**, CPH has also reviewed the current impact fees and anticipated development activity and has determined that there will be a deficiency in the estimated impact fee revenues to accommodate the proposed capital improvement schedules for Fire, Police, Parks, Public Buildings, and Transportation; and

**WHEREAS**, CPH has prepared a report titled "Transportation Impact Fee Update" dated October 2005; and

**WHEREAS**, the City Commission hereby finds that the Reports legally justifies the imposition of impact fees pursuant to applicable law. See, e.g., *Volusia County v. Aberdeen at Ormond Beach*, 760 So. 2d 126 (Fla. 2000); *Contractors and Builders Association of Pinellas County v. City of Dunedin*, 329 So. 2d 314 (Fla. 1976); *Wald v. Metropolitan Dade County*, 338 So. 2d 863 (Fla. 3d DCA 1976); *Hollywood, Inc. v. Broward County*, 431 So. 2d 606 (Fla. 4th DCA 1983); and

**WHEREAS**, the City Commission finds that Section 163.3202(3), Florida Statutes, encourages the use of innovative land development regulations which includes the adoption of "impact fees," and

**WHEREAS**, the City Commission also finds that the impact fees required by this Ordinance are necessary to mitigate impacts reasonably attributable to new development; and

**WHEREAS**, the City Commission also recognizes that the Florida Legislature has mandated that local government plan comprehensively for future growth and that this regulatory Ordinance is consistent with that mandate. See, e.g., Ch. 163, Fla. Stat.; and

**WHEREAS**, new land development activity generates public facility and service demands within the City and it is reasonable to require new development to pay a fair share of the cost of expanding new public facilities and services attributable to new development; and

**WHEREAS**, this Ordinance is enacted pursuant to the Florida Municipal Home Rule Powers Act, Chapter 163, Florida Statutes, the City of Winter Springs Comprehensive Plan, and other applicable law authorizing a municipality to set rates, fees, and charges for new development; and

**WHEREAS**, it is in the best interests of the public health, safety, and welfare of the citizens of Winter Springs to amend the City's police, fire/rescue, parks and recreation, transportation and public building impact fees and procedures.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS HEREBY ORDAINS, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are hereby incorporated herein by this reference.

**Section 2. Code Amendment, Chapter 9, Article VIII, Division 3.** The City of Winter Springs Code, Chapter 9, Article VIII, Division 3, is hereby amended as follows (underlined type indicates additions and strikeout type indicates deletions, while asterisks (\* \* \*) indicate a deletion from this Ordinance of text existing in Chapter 9, Article VIII, Division 3. It is intended that the text in Chapter 9, Article VIII, Division 3 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

## **ARTICLE VIII. IMPACT FEES**

\* \* \*

### **DIVISION 3. POLICE, FIRE, PUBLIC BUILDINGS AND PARKS AND RECREATION**

\* \* \*

#### **Sec. 9-391.5. Payment of fees.**

\* \* \*

(c) **Amount of fee. The following impact fees are hereby adopted:**

(1) **Fire:**

(i) **Residential:**

<b>Impact Fee Payment Year</b>	<b>Impact Fee Due</b>
<b>2003</b>	<b>\$173.28</b>
<b>2004</b>	<b>\$174.41</b>
<b>2005</b>	<b>\$700.00</b>
<b>2006</b>	<b>\$700.00</b>
<b>2007</b>	<b>\$700.00</b>

Fee includes the same non-residential development credit set forth below.

(ii) **Non-residential: \$1.300 per square foot.**

However, for non-residential development a credit shall be deducted from the calculated base fire impact fee to offset payments which new development will incur (in the form of personal service taxes and franchise fees) to retire outstanding City of Winter Springs bonds which were used to finance past fire capital improvements as follows:

<b>Impact Fee Payment Year</b>	<b>Total Credit Due</b>
<b>2003</b>	<b>\$41.00</b>
<b>2004</b>	<b>\$39.87</b>
<b>2005</b>	<b>\$38.64</b>
<b>2006</b>	<b>\$37.34</b>
<b>2007</b>	<b>\$35.94</b>

**(2) Police:**

**(i) Residential:**

<b>Impact Fee Payment Year</b>	<b>Impact Fee Due</b>
<b>2003</b>	<b>\$105.47</b>
<b>2004</b>	<b>\$111.78</b>
<b>2005</b>	<b>\$355.59</b>
<b>2006</b>	<b>\$355.59</b>
<b>2007</b>	<b>\$355.59</b>

Fee includes the same non-residential development credit set forth below.

**(ii) Non-residential: \$0.492 per square foot.**

However, a credit shall be deducted from the calculated base police impact fee to offset payments which new development will incur (in the form of personal service taxes and franchise fees) to retire outstanding City of Winter Springs bonds which were used to finance past police capital improvements as follows:

<b>Impact Fee Payment Year</b>	<b>Total Credit Due</b>
<b>2003</b>	<b>\$176.08</b>
<b>2004</b>	<b>\$169.77</b>
<b>2005</b>	<b>\$163.02</b>
<b>2006</b>	<b>\$155.79</b>
<b>2007</b>	<b>\$148.05</b>

**(3) Parks and Recreation:**

**(i) Residential:**

<b>Impact Fee Payment Year</b>	<b>Impact Fee Due</b>
<b>2003</b>	<b>\$914.53</b>
<b>2004</b>	<b>\$928.66</b>
<b>2005</b>	<b>\$1,200.00</b>
<b>2006</b>	<b>\$1,200.00</b>
<b>2007</b>	<b>\$1,200.00</b>

Fee includes credit which new development will incur to retire outstanding bonds which were used to finance past parks and recreation capital improvements and to retire the Winter Springs General Obligation Bond, Series 2002.

**(ii) Non-residential:** None.

**(4) Fire, Police, and Parks and Recreation fees and credits have been determined through 2007. A reassessment of the impact fees and credits shall be provided prior to 2007 and codified in the City Code.**

**(5) Public Buildings:**

**(i) Residential:** \$ 400.00 per dwelling unit.

**(ii) Non-residential:** \$ 925.00 per 1000 square feet.

Fee includes credit which new development will incur to retire the 1984 Improvements Revenue Bond (as refunded from time to time) which was used to finance the construction of City Hall. At the time of establishing this Public Building Impact Fee, this bond was the only outstanding bond which was used to fund past construction of City administrative service public buildings.

**Section 3. Transportation Impact Fees.** The transportation impact fees are hereby amended as attached which replaces Exhibit "B" as referenced in Section 9-386.7 of the Code of Ordinances.

**Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 5. Incorporation Into Code.** This Ordinance shall be incorporated into the Winter Springs City Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

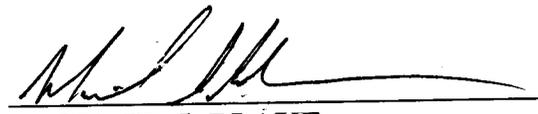
**Section 6. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to City Charter.

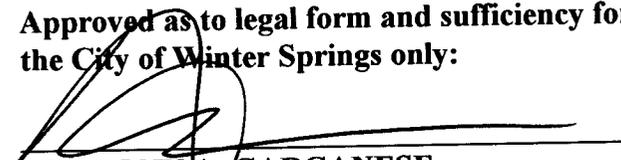
**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the 17 day of OCTOBER, 2005.

**ATTEST:** **CITY OF WINTER SPRINGS, FLORIDA**

  
ANDREA LORENZO-LUACES  
City Clerk

  
MICHAEL S. BLAKE  
Deputy Mayor

Approved as to legal form and sufficiency for  
the City of Winter Springs only:

  
ANTHONY A. GARGANESE  
City Attorney

First Reading September 26, 2005

Posted September 29, 2005

Second Reading and Public Hearing October 17, 2005

2005 Exhibit B Based on ITE Seventh Edition - October 2005

Item Code	Land Use Type	Group Midrange	Units	GFA/ GLA	Daily Trip Rate	Total Daily Trips	One of Two Trip Ends	Percent Of New Trips	Daily Distribution Factor	New Daily Trips Attributable to Site	Avg Trip Length (miles)	% Vehicle Miles on City System	New Daily Vehicle Miles on City System	LOS "D" per Lane	New City Street System Lane Miles	Current Cost per Lane Mile (\$)	Total Cost/ Site (\$)	Total Cost per Unit (\$)
<b>INDUSTRIAL</b>																		
110	General light industrial	203,000	1000 SF	GFA	6.97	1414.91	0.5	100%	1.52	1075.33	5.00	53.47%	2874.90	8050	0.3571	1,934,783.00	690,969.66	3,403.79
130	Industrial Park	375,000	1000 SF	GFA	6.96	2610	0.5	100%	1.09	1422.45	5.00	53.47%	3802.92	8050	0.4724	1,934,783.00	914,015.54	2,437.37
150	Warehousing	273,000	1000 SF	GFA	4.96	1354.08	0.5	100%	1.74	1178.05	5.00	53.47%	3149.59	8050	0.3092	1,934,783.00	756,972.58	2,772.79
151	Mini-warehouse	56,000	1000 SF	GFA	2.5	140	0.5	100%	1.06	76.30	5.00	53.47%	203.99	8050	0.0263	1,934,783.00	49,027.65	875.49
<b>RESIDENTIAL</b>																		
210	Single-Family Det/Apt	197	1 DU	N/A	9.57	1885.29	0.5	100%	1.03	970.92	5.00	53.47%	2595.77	8050	0.3225	1,934,783.00	623,861.29	3,166.91
220	Apartment	212	1 DU	N/A	6.72	1424.64	0.5	100%	1.03	733.69	5.00	53.47%	1961.52	8050	0.2437	1,934,783.00	471,442.72	2,223.79
230	Res. Condo/Townhome	183	1 DU	N/A	5.86	1072.38	0.5	100%	1.03	552.28	5.00	53.47%	1476.51	8050	0.1834	1,934,783.00	354,872.63	1,938.19
240	Mobile Home Park	188	1 DU	N/A	4.99	938.12	0.5	100%	1.14	534.73	5.00	53.47%	1429.60	8050	0.1776	1,934,783.00	343,597.36	1,927.85
253	Congregate Care	194	1 DU	N/A	2.02	391.88	0.5	100%	0.79	154.79	5.00	53.47%	413.84	8050	0.0514	1,934,783.00	99,464.19	512.70
<b>LODGING</b>																		
320	Motel	131	1 RM	N/A	9.11	1193.41	0.5	100%	0.57	340.12	5.60	53.47%	1018.43	8050	0.1285	1,934,783.00	244,776.16	1,868.52
<b>RECREATIONAL</b>																		
430	Golf Course	143	1 AC	N/A	5.04	720.72	0.5	100%	0.78	281.08	4.40	53.47%	681.29	8050	0.0821	1,934,783.00	158,938.96	1,111.46
444	Movie Theater	7	1 SCR	N/A	546.86	3828.02	0.5	100%	1.24	2373.37	4.40	53.47%	5583.79	8050	0.6936	1,934,783.00	1,342,038.98	191,719.85
491	Racquet Club	37,000	1000 SF	GFA	14.03	519.11	0.5	100%	1.07	277.72	4.40	53.47%	653.40	8050	0.0812	1,934,783.00	157,040.77	4,244.35
<b>INSTITUTIONAL</b>																		
560	Church	19,000	1000 SF	GFA	9.11	173.09	0.5	100%	0.75	64.91	4.40	53.47%	152.71	8050	0.0190	1,934,783.00	36,703.08	1,931.74
585	Day Care Center	5,000	1000 SF	GFA	79.26	396.3	0.5	25%	1.77	87.88	1.50	53.47%	70.32	8050	0.0087	1,934,783.00	16,902.28	3,360.46
591	Lodge/Fraternal Org.	500	1 MEM	N/A	0.29	145	0.5	100%	1.03	74.88	4.40	53.47%	175.69	8050	0.0218	1,934,783.00	42,225.47	84.45
<b>MEDICAL</b>																		
610	Hospital	396	1 BED	N/A	11.81	4676.76	0.5	100%	0.5	1168.19	5.00	53.47%	3125.83	8050	0.3983	1,934,783.00	751,279.72	1,897.17
620	Nursing Home	83	1 BED	N/A	2.37	196.71	0.5	100%	1	49.18	5.00	53.47%	131.48	8050	0.0163	1,934,783.00	31,599.70	380.72
630	Clinic	112,000	1000 SF	GFA	31.45	119	0.5	100%	0.5	59.50	5.00	53.47%	159.07	8050	0.0198	1,934,783.00	38,232.57	341.36
<b>OFFICE</b>																		
710	General Office Building	199,000	1000 SF	GFA	11.01	2190.99	0.5	100%	1.35	1478.92	5.00	53.47%	3953.89	8050	0.4912	1,934,783.00	950,300.02	4,775.38
720	Medical/Dental Off Bld	45,000	1000 SF	GFA	36.13	1625.85	0.5	100%	1.25	1016.16	5.00	53.47%	2716.89	8050	0.3375	1,934,783.00	652,945.70	14,509.90
750	Office Park	412,000	1000 SF	GFA	11.42	4276.3	0.5	100%	1.25	2672.69	5.00	53.47%	7145.43	8050	0.6876	1,934,783.00	1,717,373.48	4,168.36
770	Business Park	371,000	1000 SF	GFA	12.76	4733.96	0.5	100%	1.04	2461.66	5.00	53.47%	6581.25	8050	0.8175	1,934,783.00	1,581,774.24	4,263.54
<b>COMMERCIAL</b>																		
812	Big/Lumber Store	9,000	1000 SF	GFA	45.16	406.44	0.5	55%	0.9	117.36	4.40	53.47%	276.11	8050	0.0343	1,934,783.00	66,361.73	7,373.53
814	Specialty Retail Center	25,000	1000 SF	GFA	44.32	1108	0.5	55%	0.92	280.32	4.40	53.47%	659.51	8050	0.0819	1,934,783.00	158,511.04	6,340.44
815	Discount Store	106,000	1000 SF	GFA	56.02	5938.12	0.5	55%	0.87	930.80	2.75	53.47%	1368.67	8050	0.1700	1,934,783.00	328,954.46	3,103.34
816	Hardware/Paint Store	28,000	1000 SF	GFA	51.28	1436.12	0.5	55%	0.95	375.19	2.25	53.47%	451.38	8050	0.0561	1,934,783.00	108,486.80	3,874.52
817	Nursery/Garden Store	9,000	1000 SF	GFA	36.08	324.72	0.5	55%	1.03	91.98	2.75	53.47%	135.25	8050	0.0168	1,934,783.00	32,505.80	3,611.73
820	Shopping Center	328,000	1000 SF	GFA	42.94	14084.32	0.5	55%	1.03	3989.38	2.75	53.47%	5966.09	8050	0.7287	1,934,783.00	1,409,889.46	4,288.44
820	Retail	12,500	1000 SF	GFA	154.08	1926	0.5	30%	0.9	260.01	2.00	53.47%	278.05	8050	0.0345	1,934,783.00	66,829.25	5,346.34
0 - 24,999 sf		37,500	1000 SF	GFA	102.08	3828	0.5	37%	0.92	651.53	2.25	53.47%	783.83	8050	0.0974	1,934,783.00	188,391.18	5,023.76
25,000 - 49,999 sf		75,000	1000 SF	GFA	78.72	5904	0.5	50%	0.93	1372.68	2.50	53.47%	1834.93	8050	0.2279	1,934,783.00	441,017.56	5,860.23
50,000 - 99,999 sf		150,000	1000 SF	GFA	60.7	9105	0.5	61%	0.93	2582.63	2.75	53.47%	3797.57	8050	0.4717	1,934,783.00	912,729.31	6,084.86
100,000 - 199,999 sf		250,000	1000 SF	GFA	50.12	12530	0.5	67%	0.94	3945.70	3.00	53.47%	6329.22	8050	0.7662	1,934,783.00	1,521,218.34	6,084.87
200,000 - 299,999 sf		9,000	1000 SF	GFA	89.95	890.55	0.5	82%	0.83	275.49	5.00	53.47%	736.52	8050	0.0915	1,934,783.00	177,019.94	19,668.88
300 Quality Restaurant		7,000	1000 SF	GFA	127.15	890.05	0.5	52%	0.79	182.82	2.50	53.47%	300.03	8050	0.0304	1,934,783.00	58,735.60	8,390.80
932 High Turnover Sit-d-Res		3,000	1000 SF	GFA	716	2148	0.5	52%	0.54	301.58	2.50	53.47%	403.14	8050	0.0501	1,934,783.00	96,892.01	32,287.34
933 Fast Food w/o Drive thru		3,000	1000 SF	GFA	496.12	1468.36	0.5	52%	0.58	224.44	2.50	53.47%	300.03	8050	0.0373	1,934,783.00	72,110.07	24,036.69
934 Fast Food w/Drive thru		12,000	1000 SF	GFA	15.86	190.32	0.5	74%	0.67	143.96	5.00	53.47%	188.26	8050	0.0072	1,934,783.00	13,875.32	3,770.70
942 Auto Care Center		12	1 EA	Pump	162.78	1953.36	0.5	22%	0.74	99.90	2.25	53.47%	66.11	8050	0.0149	1,934,783.00	28,896.48	5,177.90
947 Self Svc Car Wash		5	1 STL	STL	108	540	0.5	50%	0.74	143.96	0.75	53.47%	57.73	8050	0.0082	1,934,783.00	15,888.48	3,177.90
848 Tire Store		5,000	1000 SF	GFA	24.87	124.35	0.5	61%	1	37.93	3.26	53.47%	66.11	8050	0.0175	1,934,783.00	33,820.90	2,601.61
849 Tire Superstore		13,000	1000 SF	GFA	20.36	264.68	0.5	61%	1	60.73	3.26	53.47%	140.72	8050	0.0182	1,934,783.00	50,506.18	13,064.26
850 Supermarket		39,000	1000 SF	GFA	102.24	397.36	0.5	22%	0.67	108.78	3.26	53.47%	43.62	8050	0.0263	1,934,783.00	18,020.28	5,242.35
851 Con. Str (24hr) w/o gas		2,000	1000 SF	GFA	737.99	1475.98	0.5	22%	0.67	186.96	0.75	53.47%	74.98	8050	0.0094	1,934,783.00	713,254.50	6,008.76
853 Convenience w/gas		3,000	1000 SF	GFA	845.6	2536.8	0.5	22%	0.67	186.96	0.75	53.47%	74.98	8050	0.0094	1,934,783.00	713,254.50	6,008.76
862 Home Imp Superstore		129,000	1000 SF	GFA	29.8	3844.2	0.5	55%	1.05	1110.01	5.00	53.47%	2987.62	8050	0.3686	1,934,783.00	49,939.17	723.76
880 Furniture store		69,000	1000 SF	GFA	5.06	349.14	0.5	53%	0.84	77.72	5.00	53.47%	207.78	8050	0.0258	1,934,783.00	27,626.79	5,565.96
<b>SERVICES</b>																		
911 Walk-in Bank		5,000	1000 SF	GFA	156.48	782.4	0.5	30%	1.23	144.35	1.50	53.47%	115.78	8050	0.0144	1,934,783.00	44,474.70	11,118.67
912 Drive-in Bank		4,000	1000 SF	GFA	246.49	985.96	0.5	30%	1.56	230.71	1.50	53.47%	185.04	8050	0.0230	1,934,783.00	27,626.79	5,565.96