



CLEARWATER
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PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: March 21, 2023

AGENDA ITEM: F.2.

CASE: TA2022-10002

ORDINANCE NO.: 9639-23

REQUEST: To amend the City of Clearwater's Community Development Code to replace Chapter 54 in its entirety with a revised Chapter 54, creating a new Parks and Recreation impact fee system.

INITIATED BY: City of Clearwater, Parks and Recreation Department

BACKGROUND:

Proposed Ordinance 9639-23 replaces Chapter 54 of the Community Development Code in its entirety as it has not been updated, revised, or amended since 2008 and the methodology and calculation of the fees contained in the Recreation and Open Space Dedication have not been updated since 1983. This code was initially developed in 1983 and includes three components: Recreation Facility Fee, Recreation Facility Land Fee, and Open Space Fee. The "Florida Impact Fee Act" requires that impact fees be based on current data. To reflect the most current data, the city desires to update and replace the current impact fee structure.

Tindale Oliver (now Benesch) of Tampa, Florida, was retained to prepare a technical report that documents current conditions in Clearwater as the basis to establish a new impact fee system. The technical report documented the current cost, credit and demand components associated with providing parks and recreation facilities, along with a resulting fee schedule.

Legal requirements relating to impact fees have primarily been established through case law since the 1980's. In 2006, the Florida legislature passed the "Florida Impact Fee Act", which recognized impact fees as "an outgrowth of home rule, power of a local government to provide certain services within its jurisdiction". §163.31801(2), Fla. Stat. Additional legislation which further affected the impact fee framework in Florida was HB227 in 2009; SB360 in 2009; B7207 in 2011; HB319 in 2013; HB207 in 2019; HB7103 in 2019; HB337 in 2020 and SB1066 in 2021.

The purpose of the proposed impact fee system is to provide an updated equitable fee system based on current data to meet future parks and recreation growth needs of the city.

ANALYSIS:

The proposed amendments replace the current Chapter 54, Articles I, II and III and Appendix A sections of the Community Development Code, as described below.

Section 54.01. – Definitions is being replaced by Section 54.02:

Definition of the words, terms and phrases in Chapter 54.01 have been removed and replaced with words, terms, and phrases necessary to define, understand and enforce the new ordinance. New definitions are included for the following words, terms, and phrases: Age restricted housing, Impact fee account, Open space land, Parks and recreation facilities project, Recreation facilities, Residential Development, and Study. Definitions removed and no longer used include Expansion, Land Value, Open Space, Recreation Facilities Land, Redevelopment, Resourced-based recreation area.

Section 54.02 Transition Rules are replaced by Sec. 54.04. (2):

Current transition rules are outdated and do not apply. Transition rules for the new ordinance reflect that any building permit applicant that did not pay the recreation and open space dedication prior to September 1, 2023, shall have the option to have the fee calculated in accordance with the recreation and open space dedication or new parks and recreation facilities impact fee, whichever is more cost effective.

Section 54.21. Purpose of Article is replaced with Section 54.01. Purpose.:

While the overall purpose of both ordinances is similar the proposed ordinance more clearly establishes the purpose and reason for having impact fees. It ensures that new growth and development provides for a proportionate fair share of the costs of parks and recreation facilities needed to serve new growth and development. This chapter is consistent with the city's comprehensive plan and is in the best interest of the public health, safety, and welfare.

Sec. 54.22. – Applicability of article: exemptions from article is being replaced by Section 54.03 Applicability.

The current ordinance allows for residential developments, annexations, and expansions of fewer than eight units to be exempt from Recreation Land and Open Space Fees.

The current ordinance allows for exemptions for previous development projects, annexations, agreements to annexations, preexisting agreements, and development or redevelopment of properties in the Downtown Community Redevelopment Area.

Under the proposed ordinance all new residential development or annexations of eight dwelling units or more will be required to meet this article. Under the proposed ordinance, the following would be exempt from payment of impact fees:

1. Alteration or expansion of an existing dwelling unit where no additional units are created.
2. Accessory buildings or structures which will not increase the number of dwelling units.

3. Replacement of a destroyed, demolished, or partially destroyed residential unit where no additional units are created.
4. Construction of single-family affordable housing dwelling unit.
5. Any annexation of a residential development of seven units or less.
6. Any city-approved development agreement executed prior to the effective date of this ordinance.

Sec. 54.23. – Fees- Determination of amount is being replaced by Section 54.04. Calculation of impact fees.

Under the current ordinance there are three different fees Open Space Fee, Recreation Facility Land Fee and Recreation Facility Fee.

Open Space and Recreation Facility Land Fee is based on the square foot value of the land to be developed, while the Recreation Facility Fee is \$200 per residential dwelling unit.

The Open Space and Recreation Facility Land Fee varies by the size of the property being developed and number of residential units to be constructed. The Open Space Fee applies to both residential development (eight units or more) and nonresidential development on properties of one acre or more.

The Recreation Facilities Land Fee applies to residential and annexations (eight units or more) while Recreation Facilities Fee applies to all new residential units as well as any annexations of eight units or more.

Under the proposed ordinance there will be a set fee schedule for the various types of residential developments (single family, duplex, triplex, multi family, mobile home, age restricted developments). One fee replaces three existing fees. Construction of multi family affordable housing dwelling units receive a 50% reduction per dwelling unit. Also, any building permit applicant can receive a credit on the basis of previous residential development on the property on a one-to-one basis.

Sec. 54.24. – Same- Method and timing of payment is being replaced with Section 54.05. Method and timing of payment.

Under the current ordinance, the timing of payment varies between annexations, subdivision plat and site plan. While timing of payment may vary, over 90% of all project fees are collected prior to or on the same day as when the building permit is issued. The proposed ordinance requires that payment is due for annexations prior to the second reading of the ordinance effectuating annexation and for residential developments prior to the issuance of the Certificate of Occupancy (CO).

Sec. 54.25. – Use of moneys and land is being replaced by Section 54.06 Use of funds.

Under the current ordinance Recreation Facility Land and Open Space Funds shall be expended within a two-mile radius when used for the acquisition of community park land, within a one-mile radius when used for the acquisition of neighborhood or mini-park parkland, or at any location in the city when Recreation Facility Land Funds are used for the acquisition of park land to be used for the development of a special facility site when the site is based on a recreational facility that is deemed to provide citywide service and at any location in the city when used for the acquisition of park land to be used for the development of a resourced-based recreation area.

Funds collected under the proposed ordinance can be used anywhere for the purchase of park land or recreation facilities within the city-wide benefit district which is the limits of the City of Clearwater.

Appendix A - Schedule of Fees, Rates and Changes- is being replaced with a new Schedule A.

The current fee structure for residential development is as follows:

Recreation Land Fee – 150 square feet (SF) per each residential unit multiplied by the square foot value of land.

Recreation Facility Fee - \$200 per residential unit.

Open Space Fee – Could be up to 4% of land being developed multiplied by the square foot value of land.

The new fee is based on the net impact cost per resident for recreational services multiplied by the number of residents per unit. The following table reflects the proposed Parks & Recreation Facility Impact Fee Schedule.

(a) Single Family (detached) Less than 1,500 sf	\$3,021.00
(b) Single Family (detached) 1,500 sf to 2,499 sf	\$3,358.00
(c) Single Family (detached) 2,500 sf or greater	\$3,762.00
(d) Multi Family (including duplex and triplex)	\$2,024.00
(e) Affordable Multi Family (including duplex and triplex)	\$1,012.00
(f) Mobile Home	\$1,847.00
(g) Age Restricted Housing (detached)*	\$2,576.00
(h) Age Restricted Housing (attached)*	\$1,551.00

*Does not include Mobile Home Parks

CRITERIA FOR TEXT AMENDMENTS:

CDC Section 4-601 sets forth the procedures and criteria for reviewing text amendments. All text amendments must comply with the following:

1. **The proposed amendment is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan.**

A review of the Clearwater Comprehensive Plan identified the following goals, objectives and policies which will be furthered by the proposed Code amendments:

Objective G.1.1 The City shall ensure that parks, open space, trails and recreation facilities are efficiently and adequately maintained for all segments and districts of the population according to the level of service standards established for the city.

Policy G.1.1.1 Maintain the established minimum level of service standard of four (4) acres of core system parkland for every one thousand (1,000) persons for citywide application. For purposes of applying this Level of Service standard, core system parkland includes community, neighborhood, and scenic parks.

The proposed amendments include a Level of Service (LOS) to maintain four acres for every 1,000 residents. Definition of parkland included in the technical report include community, neighborhood, environmental and some special use facilities. It excludes parks not owned by the city, parks/facilities that generate revenue where the public has to pay to enter as well as wetlands or inaccessible land.

Objective G.1.2 The City of Clearwater shall continue intergovernmental coordination with the private sector and other public entities to increase public recreational opportunities and open space acreage.

Policy G.1.2.1 Continue to enforce the adopted recreation and open space land dedication requirements for the express purpose of maintaining the existing levels of service of recreation lands and facilities.

The proposed amendments will provide the funding necessary to meet LOS for recreation lands and facilities.

Objective G.1.3 Continue to increase the supply of core system parkland in areas needing additional neighborhood parks.

Policy G.1.3.2 Continue to acquire parkland for new supplemental parks to meet district deficiencies.

The proposed amendments will provide the funding necessary to purchase parks in areas of the city not currently being served.

Objective G.1.6 Develop new and enhance existing blueways, greenways and recreational trail systems throughout Clearwater.

Policy G.1.6.1 The City will continue to develop greenways and trails as identified in *Shifting Gears-Clearwater's Bicycle and Pedestrian Master Plan*.

Policy G.1.6.2 The City will provide new access or enhance/maintain existing access to water bodies where possible for recreational use.

The proposed amendments will provide funding for future trails and new access ways to water bodies.

2. The proposed amendments furthers the purposes of the Community Development Code and other City ordinances and actions designed to implement the Plan.

The proposed text amendment will further the purposes of the CDC in that it will be consistent with the following purposes set forth in CDC Section 1-103:

Sec. 1-103.A. It is the purpose of this Development Code to implement the Comprehensive Plan of the city; to promote the health, safety, general welfare and quality of life in the city; to guide the orderly growth and development of the city; to establish rules of procedure for land development approvals; to enhance the character of the city and the preservation of neighborhoods; and to enhance the quality of life of all residents and property owners of the city.

Sec. 1-103.D. It is the further purpose of this Development Code to make beautification of the city a matter of the highest priority and to require that existing and future uses and structures in the city are attractive and well-maintained to the maximum extent permitted by law.

Sec. 1-103.E.1. Provide for adequate light, air, and privacy; secure safety from fire, flood, and other damage; prevent overcrowding of the land and undue congestion of population; and improve the quality of life for the citizens of the city.

Sec. 1-103.E.2. Protect the character and the social and economic stability of all parts of the city through the establishment of reasonable standards which encourage the orderly and beneficial development of land within the city.

Sec. 1-103.E.5. Preserve the natural resources and aesthetic character of the community for both the resident and tourist population consistent with the city's economic underpinnings.

Sec. 1-103.E.6. Provide for open spaces through efficient project design and layout that addresses appropriate relationships between buildings on the project site and adjoining properties, including public rights-of-way and other public places.

The amendments proposed in this ordinance will further the above referenced purposes by implementing the Comprehensive Plan policies relating to the preservation of parklands and recreation facilities for generations to come. It will provide a regulatory framework whereby new

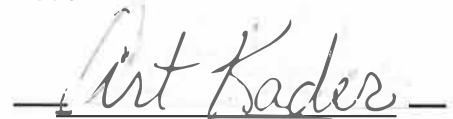
residents will participate in providing for new parks and facilities to maintain current City standards. As such, proposed Ordinance 9639-23 furthers the purposes in the CDC.

SUMMARY AND RECOMMENDATION:

The proposed amendment to the Community Development Code is consistent with and will further the goals of the Clearwater Comprehensive Plan and the purposes of the Community Development Code.

Based upon the above, the Planning and Development Department recommends **APPROVAL** of Ordinance No. 9639-23 that amends the Community Development Code.

Prepared by Parks and Recreation Department Staff:



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ATTACHMENTS: Ordinance No. 9639-23
Parks and Recreation Facilities Impact Fee Study
Resume