ORDINANCE #2014-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AMENDING SECTION 65-42 OF CHAPTER 65 OF THE CITY OF DORAL CODE OF ORDINANCES ENTITLED "IMPACT FEES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Article VIII of the State Constitution and Chapter 166, *Florida Statutes* provide municipalities shall have the governmental, corporate, and proprietary home rule powers to enable them to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City of Doral has used impact fees as a funding source for growth-related capital improvements for various facilities since its incorporation; and

WHEREAS, the City engaged the services of Dr. James C. Nicholas, PhD to perform an analysis of the City's police impact fees and make recommendations to the City Council concerning amending the amount of the police impact fee for new construction; and

WHEREAS, the City finds that adoption of this Ordinance is in the best interest of the residents of the City of Doral.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:[1]

Section 1. **Recitals.** The above recitals are true, correct, and incorporated herein by this reference.

---

[1] / Additions to existing text are shown by <u>underline</u>, changes to existing text on second reading are shown by <u>double underline</u>, and deletions are shown as ~~strikethrough~~.

Section 2. **Adoption of Report.** The Technical Memorandum on the Methods Used to Establish Police Impact Fees for the City of Doral prepared by Dr. James C. Nicholas, PhD, and dated November 8, 2013 is hereby adopted.

Section 3. **Code Amendment.** Section 65-42 of the Code of Ordinances, City of Doral, Florida, is hereby amended to read as follows:

Sec. 65-42.   Impact fee on new construction.

A city police impact fee of $~~101.29~~ 464.62 shall be applied to each unit of a new construction single-family, duplex and multifamily buildings. A city police impact fee of $0.174 per foot shall be applied to new non-residential development.

Section 4. **Repeal of Conflicting Provisions.** To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in their entirety.

Section 5. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. **Inclusion in the Code.** It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the sections of this Ordinance may be

renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.
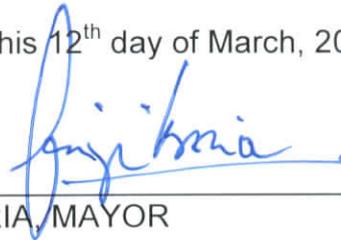
Section 7. **Effective Date.** This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor Fraga who moved its adoption. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Bettina Rodriguez Aguilera	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on FIRST READING this 15th day of January, 2014

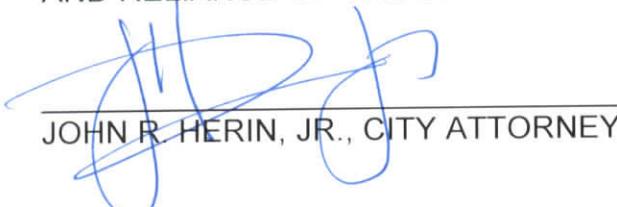PASSED AND ADOPTED on SECOND READING this 12th day of March, 2014

_____
LUIGI BORIA, MAYOR

ATTEST:

_____
BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF DORAL ONLY:

_____
JOHN R. HERIN, JR., CITY ATTORNEY