

Sponsor: _____
First Reading: 03/03/2025
Second Reading: 03/17/2025
Third Reading: 04/07/2025

ORDINANCE NO. 005 -25

AN ORDINANCE TO AMEND CHAPTER 32 (IMPACT FEES) TO UPDATE SCHOOL CONSTRUCTION IMPACT FEES BASED ON DWELLING TYPE, WHICH SHALL BE ADJUSTED ANNUALLY FOR INFLATION, AND TO CLARIFY THE CLASSIFICATION OF DWELLINGS TYPES FOR CALCULATING IMPACT FEES

WHEREAS, section 4.2.39 of the Town Charter authorizes impact fees that are “reasonably and proportionally calculated to recover the cost of installing, enlarging, improving, or expanding public or municipal improvements;”

WHEREAS, educational infrastructure is a basic public improvement for which impact fees can be collected by the Town;

WHEREAS, the Smyrna School District commissioned a study by TischlerBise, experts in the field of impact fees, to determine the level of impact fees needed to offset the capital infrastructure investments required to provide educational services corresponding to new residential development in the Town;

WHEREAS, pursuant to other TischlerBise impact fee reports, the Town previously adopted fire and ambulance impact fees, and clarifications are needed to the delineation between the different types of residential dwelling units as they correspond to the different impact fees;

WHEREAS, pursuant to the TischlerBise report’s findings and recommendations, which are incorporated herein by reference thereto, the school construction impact fees charged by the Town should be increased and adjusted based on the dwelling type in order to more accurately capture those costs needed to provide the educational infrastructure necessary to serve the Smyrna School District; and

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, it is necessary and in the best interest of the public health, safety, and welfare to update the school construction impact fees imposed by the Town to more accurately address the Smyrna School District’s capital costs expended to provide educational services corresponding to new residential construction in the Town and to clarify the classifications of residential dwelling units as they pertain to impact fees.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 32 (Impact Fees) of the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Section 32-9 (Amount of impact fee), by making additions as shown by underline and deletions as shown by strike through as follows:

Sec. 32-9. - Amount of impact fees.

* * *

(f) *Fire protection.* An impact fee for fire protection shall be assessed at the time a building permit is issued for new residential dwellings (~~including single-family homes, townhouses, apartment units and mobile homes~~)(including single-family dwellings, townhouse dwellings, two-family dwellings, semidetached dwellings, apartment dwellings and mobile homes/manufactured homes) and new non-residential structures of all types (including tenant fit-outs of existing structures). Subject to the annual adjustment in Section 32-12, which annual adjustment shall commence on January 1, 2026 for fire protection impact fees, the fire protection impact fees shall be as follows:

- (i) Single-family dwellings, semidetached dwellings, and townhouse dwellings: \$1,970 per residential dwelling unit
- (ii) Multi-family dwellings, including townhouses, duplexes, mobile homes, and apartment units; two-family dwellings, mobile homes/manufactured homes, and apartment dwellings: \$1,282 per residential dwelling unit
- (iii) Industrial structures: \$1,190 per 1,000 square feet
- (iv) Commercial structures: \$1,335 per 1,000 square feet
- (v) Institutional structures: \$1,795 per 1,000 square feet
- (vi) Office and other non-residential structures: \$2,046 per 1,000 square feet

The proceeds of the impact fee shall be transferred by the town to the Citizens Hose Company No. 1 of Smyrna at the end of each quarter of each year to be used for capital equipment and facilities to enhance fire protection to the residents and properties of the town.

Building permits for decks, sheds, residential additions, pools, fences, sidewalks, moving and demolition, signs and renovations or repairs to existing structures are exempt from this impact fee.

(g) *Ambulance service.* An impact fee for ambulance services shall be assessed at the time a building permit is issued for new residential dwellings (~~including single-family homes, townhouses, apartment units and mobile homes~~)(including single-family dwellings, townhouse dwellings, two-family dwellings, semidetached dwellings, apartment dwellings and mobile homes/manufactured homes) and new non-residential structures of all types (including tenant fit-outs of existing structures). Subject to the annual adjustment in Section 32-12, which annual adjustment shall commence January 1, 2026 for ambulance service impact fees, the ambulance services impact fees shall be as follows:

- (i) Single-family dwellings, semidetached dwellings, and townhouse dwellings: \$614 per residential dwelling unit
- (ii) Multi-family dwellings, including townhouses, duplexes, mobile homes, and apartment units; two-family dwellings, mobile homes/manufactured homes, and apartment dwellings: \$432 per residential dwelling unit
- (iii) Industrial structures: \$234 per 1,000 square feet
- (iv) Commercial structures: \$1,203 per 1,000 square feet
- (v) Institutional structures: \$350 per 1,000 square feet
- (vi) Office and other non-residential structures: \$534 per 1,000 square feet

The proceeds of the impact fee shall be transferred by the town to the David C. Harrison Post 14 American Legion Ambulance Service of Smyrna at the end of each quarter of each year to be used for capital equipment and facilities to enhance emergency medical protection services to the residents of the town.

Building permits for decks, sheds, residential additions, pools, fences, sidewalks, moving and demolition, signs and renovations or repairs to existing structures are exempt from this impact fee.

(h) ~~School construction impact fee. An impact fee of five eighths of one percent of the construction value of the building permit of new residential dwellings (including single family homes, townhouses, apartment units and mobile homes) and new non-residential structures of all types (including tenant fit-outs of existing structures) shall be assessed at the time the building permit is issued; provided that the impact fee for any single building permit shall not exceed \$3,750.00, as adjusted annually pursuant to Section 32-12 herein. An impact fee for school construction shall be assessed at the time a building permit is issued for new residential dwellings (including single-family dwellings, townhouse dwellings, two-family dwellings, semidetached dwellings, apartment dwellings, and mobile homes/manufactured homes). Subject to the annual inflation adjustment in Section 32-12, which shall commence on January 1, 2026 for school construction impact fees, school construction impact fees shall be as follows:~~

(i) Single-family dwellings, semidetached dwellings, and townhouse dwellings:
\$10,284 per dwelling unit

(ii) Multi-family dwellings, including two-family dwellings, and apartment dwellings:
\$5,872 per dwelling unit

(iii) Mobile homes and manufactured homes: \$9,348 per dwelling unit

The proceeds of the impact fee shall be collected on a continuous basis and transferred by the town to the town school district at the end of each quarter. Such funds are to be used by the town school district for capital construction to enhance the provision of educational facilities to the residents of the town.

Building permits for decks, sheds, residential additions, pools, fences, sidewalks, moving and demolition, signs and renovations or repairs to existing structures are exempt from this impact fee.

Section 2. Amend Section 32-12 (Impact fee subject to adjustment for inflation), by making additions as shown by underline and deletions as shown by strike through as follows:

Sec. 32-12. - Impact fee subject to adjustment for inflation.

Annually, beginning January 1, 2023, the amount of the impact fees set forth in the Town Fee Schedule shall automatically be increased to reflect inflation based upon changes in the consumer price index as established by the U.S. Department of Labor for the Philadelphia-Wilmington-Atlantic City (Pennsylvania, New Jersey, Delaware, Maryland) region for the preceding 12 months; provided however, that the town council may act, by resolution, to waive or to increase the adjustment more than the posted change in the CPI for the following year. ~~The impact fee percentages for school construction shall not be increased to reflect inflation.~~

Section 3. Severability. The provisions of this Ordinance shall be severable. If any provisions

of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council's intent.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This ordinance establishes school construction impact fees based on the dwelling type. The impact fee for single-family dwellings, semidetached dwellings, and townhouse dwellings is set at \$10,284 per dwelling unit. The impact fee for two-family dwellings and apartment dwellings is set at \$5,872 per dwelling unit. The impact fee for mobile and manufactured homes is \$9,348 per dwelling unit. These impact fees are to be adjusted annually based on inflation. This ordinance also clarifies which residential dwelling units correspond with which fire and ambulance impact fees.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on April 7th, 2025.

ATTEST:



Council Secretary



Mayor

This shall certify that the title and synopsis of this Ordinance was published in "The Smyrna Times" on March 12th, 2025 and posted at the Town Hall on February 24th, 2025.

So Certifies:



Town Clerk