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WHEREAS, under its home rule powers and pursuant to §163.31801, *Florida Statutes*, the City of Flagler Beach may impose impact fees to ensure that new development pays for its proportional share of capital facilities required by such new development; and

WHEREAS, the City of Flagler Beach last amended its water and wastewater impact fee program in 2012; and

WHEREAS, the Study has been presented to and reviewed by the City Commission of the City of Flagler Beach, and it has been determined: (1) water, wastewater, police, fire, library, and parks and recreation impact fees are necessary to offset the costs associated with meeting future demands for the City's water, wastewater, police, fire, library, and parks facilities pursuant to the

projections set forth in the Study; (2) that the new impact fees bear a reasonable relationship to the burden imposed upon the City to provide infrastructure and facilities to meet the demand of new City residents; (3) that impact fee revenues will provide a direct benefit to such new City residents reasonably related to the fees assessed; (4) that an essential nexus exists between projected new development and the need for additional facilities and infrastructure to be funded with impact fees and the benefits that accrue to new development paying the fees; (5) that the amount of the impact fees are roughly proportional to the *pro rata* share of the additional facilities and infrastructure needed to serve new development; and

WHEREAS, §163.31801, *Florida Statutes* requires impact fee increases to be implemented in annual increments as directed by the statute; and

WHEREAS, Section 163.31801, *Florida Statutes* requires that local governments ensure that collection of an impact fee not be required to occur earlier than the date of issuance of issuance of the building permit for the property that is subject to the fee; and

WHEREAS, the fees adopted herein are consistent with the maximum increase and phase-in provisions of Section 163.31801, *Florida Statutes*;

WHEREAS, the decisions of the City Commission as set forth herein are reasonable and prudent steps pertaining to sound growth management which have been taken for the benefit of the citizens of the City, both present and future; and

WHEREAS, the City is projected to significantly grow in population and further economically develop in the future; and

50 **WHEREAS**, this Ordinance contains an administrative framework to ensure that the
51 benefit of facilities and infrastructure funded with impact fees will accrue proportionately to new
52 development paying the fees; and

53
54 **WHEREAS**, Section 163.3202(3), *Florida Statutes*, encourages the use of innovative
55 land use regulations and impact fees by local governments to manage growth and to provide the
56 necessary public facilities and for the imposition by local governments of impact fees on
57 development to fund the capital cost of facilities necessitated by such development; and

58 **WHEREAS**, requiring future growth to contribute its fair share of the costs necessary to
59 fund required capital improvements and additions is an integral and vital part of the regulatory
60 plan of growth management in the City and is a practice consistent with sound and generally
61 accepted growth management, fiscal and public administration practices and principles; and

62 **WHEREAS**, for clarity and ease of reference all impact fees provisions shall be located in
63 a new Chapter 12 of the Code of Ordinances entitled "Impact Fees" and deletion of the existing
64 provisions related to water and wastewater impact fees contained herein is a relocation of the
65 provisions establishing and regulating those impact fees, not a repeal of said impact fees.

66 Note: Underlined words constitute the new text of the City of Flagler Beach Code of
67 Ordinances, asterisks (***) indicate an omission from the original text of the Code of Ordinances,
68 City of Flagler Beach, which is intended to remain unchanged, and ~~striethrough~~ constitutes
69 deletions from the original Code of Ordinances.

70 **NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Flagler Beach,
71 Florida, as follows:

SECTION 1. The above recitals, or “Whereas” clauses, are hereby adopted as the City Commission’s legislative findings and are incorporated herein by reference.

SECTION 2. Chapter 12 of the Flagler Beach Code of Ordinances is hereby created as follows:

CHAPTER 12 – IMPACT FEES

ARTICLE I. ADOPTION OF FEE STUDY AND RATIONAL NEXUS

(a) The city commission hereby adopts by reference the Impact Fee Study dated February 8, 2024 as prepared by Tischler Bise relating to the capital costs of the City of Flagler Beach to meet facilities and infrastructure needs related to the impacts of new development for water, wastewater, police, fire, library parks and recreation, and administrative services.

(b) The city commission finds that there is a reasonable connection, or rational nexus, between the need for new or expanded facilities and infrastructure in the city and the growth in population anticipated within the city. In addition, the city commission finds there is a reasonable connection, or rational nexus, between the anticipated expenditures of the police impact fees collected and the benefits accruing to anticipated new development.

ARTICLE II. DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning, or except as otherwise provided.

93 Applicant means any person, developer, builder or entity which requires public
94 services as a result of development for the benefit of itself or a prospective future
95 occupant.

96 Building is any structure, either temporary or permanent, designed or built for
97 the support, enclosure shelter or protection of persons, chattels or property of any
98 kind. This term shall include trailers, mobile homes or any other vehicles serving in any
99 way the function of a building. This term shall not include temporary construction
100 sheds or trailers erected to assist in construction and maintained during the time of a
101 construction.

102 Nonresidential includes all land uses not otherwise specified as residential or
103 exempted as set forth herein. This shall include, but is not limited to day care facilities,
104 residential care facilities, nursing homes, boarding houses, educational facilities,
105 cultural facilities, churches, all commercial uses, all transient lodging and
106 entertainment facilities except those which are temporary in nature, all automotive
107 facilities and/or structures, all miscellaneous business uses and services and all
108 industrial uses.

109 Owner of record means the most recent owner of a parcel of property
110 appearing in the official records of Flagler County, Florida.

111 Residential means multifamily dwelling units, mobile homes, and single-family
112 detached houses.

113 **ARTICLE III. GENERAL TERMS RELATED TO COLLECTION AND ACCOUNTING OF IMPACT FEE**
114 **FUNDS**

115 (a) There are established capital fund accounts for impact fees, to be
116 generally designated as the "Impact Fee Capital Improvement Trust Fund for the
117 Extension of Primary Water Systems," "Impact Fee Capital Improvement Trust Fund for
118 the Extension of Primary Wastewater Systems," "Police Impact Fee Account," "Fire
119 Impact Fee Account," "Library Impact Fee Account, and "Parks and Recreation Impact
120 Fee Account." Each capital fund account for impact fees shall continue to be maintained
121 separate and apart from all other accounts of the city. The monies deposited into the
122 impact fee capital fund accounts shall be used solely for the purposes allowed by *Florida*
123 *Statutes* and as set forth in this chapter.

124 (b) Funds on deposit in impact fee accounts established within this article
125 shall not be used for any expenditure that would be classified as an operational
126 expense, a maintenance expense or a repair expense.

127 (c) Any funds on deposit in an impact fee account not immediately
128 necessary for expenditure shall be invested in interest-bearing accounts. Applicants
129 shall not receive a credit for or be entitled to interest from the investment of such
130 funds, except as otherwise required in this chapter.

131 (d) An applicant may request an estimate of impact fees which may be
132 imposed by filing a written request to the city. Any estimate which the city provides is
133 non-binding and may be subject to change when the impact fees become due and
134 payable pursuant to this chapter. Non-binding estimates are for the sole benefit of the
135 prospective applicant and neither bind the city, nor preclude it from making
136 amendments or revisions to any provisions of this chapter. No vested rights, legal

entitlements, or equitable estoppel accrue by reason of a non-binding estimate. A non-binding fee estimate does not constitute a final decision and may not be appealed pursuant to this chapter.

(e) Any person who disagrees with a decision or interpretation of this chapter may appeal to the city manager or designee by filing a written notice of appeal within ten (10) days after the date of the action or decision complained of. The written notice of appeal shall set forth concisely the action or decision appealed as well as the grounds upon which the appeal is based. The city manager or designee shall consider all facts material to the appeal and render a written decision within thirty (30) days of receiving the appeal. Any person who disagrees with the decision of the city manager or designee may appeal to the city commission by filing a written notice of appeal with the city manager's office setting forth concisely the decision appealed within ten (10) days after the date of the city manager's decision. The appeal shall be set for the next available city commission meeting for consideration. The city commission's written decision shall constitute final administrative review

(f) Failure to pay an impact fee when determined by the city that an obligation is required to satisfy the impact of development may result in the amount due becoming a lien against the property. The city shall provide a written notice of the impact fee due by personal service, certified, return receipt requested United States Mail or Federal Express or other equivalent overnight letter delivery company. Upon failure to pay the impact fee within thirty (30) days of the date of the notice, a notice of lien may be served upon the applicant owing impact fees and recorded in official

records of Flagler County, Florida. Such lien may be foreclosed in the manner
provided by law, and there shall be added to the amount of such lien all costs incident
to such proceedings including reasonable attorney's fees

(g) If impact fees have not been expended or encumbered by the end of
the calendar quarter immediately following ten (10) years from the date the fees were
paid, upon application of the fee payer of proof of payment, or proof of the date the
development permit was approved by the city and that development was never
begun, the fees shall be returned with interest at the rate determined by the city
based upon the average interest earning rate incurred by the city in accordance with
the following procedure:

(1) The present owner must petition the city Commission for the
refund within one (1) year following the end of the calendar quarter
immediately following ten (10) years from the date on which the fee was
received.

(2) The petition must be submitted to the city manager and must
contain:

(i) A notarized sworn statement that the petitioner is the
current owner of the property;

(ii) A copy of the dated receipt issued for payment of the fee
or other document evidencing the date the development was approved
by the city, which development was never begun;

(iii) A certified copy of the latest recorded deed; and

181 (iv) A copy of the most recent ad valorem tax bill.

182 If reimbursement is approved, the city shall remit to the petitioner within sixty (60)
183 days of approval. In determining whether a petitioner is entitled to a refund, it shall be
184 assumed that impact fees are expended or encumbered in the same order in which
185 they were received (that is, "first in, first out"). No refund shall be made of any
186 administrative fee authorized and collected pursuant to this chapter.

187 (h) Any change in the use of property shall require payment of an impact
188 fee in an amount equal to any increase in density or intensity.

189 (i) All impact fee revenues expended from an impact fee fund shall be used
190 for the purpose of providing growth necessitated capital improvements and acquiring,
191 designing, constructing, extending, expanding, relocating, and/or separating capital
192 facilities and infrastructure determined by the city commission to be necessary to
193 serve new development.

194 (j) The City shall be exempt from impact fee charges.

195 **ARTICLE IV. POTABLE WATER IMPACT FEE**

196 (a) Any applicant who seeks to develop land or make improvements to real
197 property shall pay the following potable water impact fees in the manner and amount
198 established and computed pursuant to this article.

199 (b) Subject to the phase-in of fees pursuant to Section 163.31801, Florida
200 Statutes, as set forth in paragraph (c) below, impact fees charged and collected for
201 potable water shall be as follows:

<u>Meter Size and Type</u>	<u>Capacity Ratio</u>	<u>Total Impact Fee to be Collected after Phase-In¹</u>	<u>Existing Impact Fee at Time of Adoption²</u>	<u>Increase Over Existing</u>
<u>0.75 Displacement</u>	<u>1.00</u>	<u>\$3,007</u>	<u>\$2,509</u>	<u>\$498</u>
<u>1.00 Displacement</u>	<u>1.67</u>	<u>\$5,022</u>	<u>\$4,190</u>	<u>\$832</u>
<u>1.50 Displacement</u>	<u>3.33</u>	<u>\$10,015</u>	<u>\$8,356</u>	<u>\$1,659</u>
<u>2.00 Displacement</u>	<u>5.33</u>	<u>\$16,029</u>	<u>\$13,374</u>	<u>\$2,655</u>
<u>3.00 Singlejet</u>	<u>10.67</u>	<u>\$32,089</u>	<u>\$26,773</u>	<u>\$5,316</u>
<u>3.00 Compound</u>	<u>10.67</u>	<u>\$32,089</u>	<u>\$26,773</u>	<u>\$5,316</u>
<u>3.00 Turbine</u>	<u>11.67</u>	<u>\$35,096</u>	<u>\$29,282</u>	<u>\$5,814</u>
<u>4.00 Singlejet</u>	<u>16.67</u>	<u>\$50,133</u>	<u>\$41,828</u>	<u>\$8,305</u>
<u>4.00 Compound</u>	<u>16.67</u>	<u>\$50,133</u>	<u>\$41,828</u>	<u>\$8,305</u>
<u>4.00 Turbine</u>	<u>21.00</u>	<u>\$63,155</u>	<u>\$52,693</u>	<u>\$10,462</u>
<u>6.00 Singlejet</u>	<u>33.33</u>	<u>\$100,236</u>	<u>\$83,631</u>	<u>\$16,604</u>
<u>6.00 Compound</u>	<u>33.33</u>	<u>\$100,236</u>	<u>\$83,631</u>	<u>\$16,604</u>
<u>6.00 Turbine</u>	<u>43.33</u>	<u>\$130,310</u>	<u>\$108,723</u>	<u>\$21,586</u>
<u>8.00 Compound</u>	<u>53.33</u>	<u>\$160,383</u>	<u>\$62,396</u>	<u>\$31,198</u>
<u>8.00 Turbine</u>	<u>93.33</u>	<u>\$163,794</u>	<u>\$133,815</u>	<u>\$26,568</u>
<u>10.00 Turbine</u>	<u>140.00</u>	<u>\$421,032</u>	<u>\$351,287</u>	<u>\$69,746</u>

¹ AWWA Manual of Water Supply Practices M-1, 7th Ed.

² Base meter fee is the current water fee and then is scaled up using the proposed meter capacity ratio

<u>12.00 Turbine</u>	<u>176.67</u>	<u>\$531,313</u>	<u>\$443,299</u>	<u>\$88,014</u>
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(c) Implementation of the increased fees provided herein shall be phased in over two equal installments. During the twelve month period beginning August 1, 2024, the impact fee to be collected shall be the Existing Impact Fee at Time of Adoption amount plus one-half (1/2) of the Increase Over Existing amount. During the twelve month period beginning August 1, 2025, the impact fee to be collected shall be the Total Impact Fee to be Collected after Phase-In.

ARTICLE V. WASTEWATER IMPACT FEE

(a) Any applicant who seeks to develop land or make improvements to real property shall pay the following wastewater impact fees in the manner and amount established and computed pursuant to this article.

(b) Subject to the phase-in of fees pursuant to Section 163.31801, *Florida Statutes*, as set forth in paragraph (c) below, impact fees charged and collected for wastewater shall be as follows:

<u>Meter Size and</u> <u>Type</u>	<u>Capacity Ratio</u>	<u>Total Impact</u> <u>Fee to be</u> <u>Collected after</u> <u>Phase-In</u> ³	<u>Existing</u> <u>Impact Fee</u> <u>at Time of</u> <u>Adoption</u> ⁴	<u>Increase Over</u> <u>Existing</u>
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³ AWWA Manual of Water Supply Practices M-1, 7th Ed.

⁴ Base meter fee is the current sewer fee and then is scaled up using the proposed meter capacity ratio

<u>0.75 Displacement</u>	<u>1.00</u>	<u>\$3,806</u>	<u>\$3,083</u>	<u>\$723</u>
<u>1.00 Displacement</u>	<u>1.67</u>	<u>\$6,356</u>	<u>\$5,148</u>	<u>\$1,208</u>
<u>1.50 Displacement</u>	<u>3.33</u>	<u>\$12,673</u>	<u>\$10,265</u>	<u>\$2,408</u>
<u>2.00 Displacement</u>	<u>5.33</u>	<u>\$20,284</u>	<u>\$16,430</u>	<u>\$3,855</u>
<u>3.00 Singlejet</u>	<u>10.67</u>	<u>\$40,607</u>	<u>\$32,890</u>	<u>\$7,717</u>
<u>3.00 Compound</u>	<u>10.67</u>	<u>\$40,607</u>	<u>\$32,890</u>	<u>\$7,717</u>
<u>3.00 Turbine</u>	<u>11.67</u>	<u>\$44,412</u>	<u>\$35,973</u>	<u>\$8,440</u>
<u>4.00 Singlejet</u>	<u>16.67</u>	<u>\$63,441</u>	<u>\$51,385</u>	<u>\$12,056</u>
<u>4.00 Compound</u>	<u>16.67</u>	<u>\$63,441</u>	<u>\$51,385</u>	<u>\$12,056</u>
<u>4.00 Turbine</u>	<u>21.00</u>	<u>\$79,920</u>	<u>\$64,733</u>	<u>\$15,187</u>
<u>6.00 Singlejet</u>	<u>33.33</u>	<u>\$126,844</u>	<u>\$102,740</u>	<u>\$24,104</u>
<u>6.00 Compound</u>	<u>33.33</u>	<u>\$126,844</u>	<u>\$102,740</u>	<u>\$24,104</u>
<u>6.00 Turbine</u>	<u>43.33</u>	<u>\$164,901</u>	<u>\$133,565</u>	<u>\$31,336</u>
<u>8.00 Compound</u>	<u>53.33</u>	<u>\$202,958</u>	<u>\$202,958</u>	<u>\$38,568</u>
<u>8.00 Turbine</u>	<u>93.33</u>	<u>\$355,186</u>	<u>\$287,690</u>	<u>\$67,496</u>
<u>10.00 Turbine</u>	<u>140.00</u>	<u>\$532,798</u>	<u>\$431,550</u>	<u>\$101,248</u>
<u>12.00 Turbine</u>	<u>176.67</u>	<u>\$672,353</u>	<u>\$544,585</u>	<u>\$127,767</u>

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(c) Implementation of the increased fees provided herein shall be phased in over four equal installments. During the twelve month period beginning August 1, 2024, the impact fee to be collected shall be the Existing Impact Fee at Time of Adoption amount plus one-half (1/2) of the Increase Over Existing amount. During the twelve month period

beginning August 1, 2025, the impact fee to be collected shall be the Total Impact Fee to be Collected after Phase-In.

ARTICLE VI. POLICE IMPACT FEE

(a) Any applicant who seeks to develop land or make improvements to real property shall pay the following police impact fees in the manner and amount established and computed pursuant to this article.

(b) Beginning August 1, 2024, the police impact fee to be charged and collected shall be as follows:

<u>Residential Fee per Unit</u>	
<u>Square Footage</u>	<u>Impact Fee to be Collected</u>
<u>1,100 or less</u>	<u>\$455</u>
<u>1,101 to 1,500</u>	<u>\$717</u>
<u>1,501 to 2,000</u>	<u>\$905</u>
<u>2,001 to 2,500</u>	<u>\$1,054</u>
<u>2,501 to 3,000</u>	<u>\$1,176</u>
<u>3,001 to 3,500</u>	<u>\$1,281</u>
<u>3,501 or more</u>	<u>\$1,373</u>

<u>Nonresidential Fee per 1,000 Square Feet</u>	
<u>Development Type</u>	<u>Impact Fee to be Collected</u>

<u>Industrial</u>	<u>\$381</u>
<u>Commercial</u>	<u>\$1,911</u>
<u>Office & Other Services</u>	<u>\$848</u>
<u>Institutional</u>	<u>\$1,166</u>

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232 **ARTICLE VII. FIRE IMPACT FEE**

233 (a) Any applicant who seeks to develop land or make improvements to real
 234 property shall pay the following fire impact fees in the manner and amount established
 235 and computed pursuant to this article.

236 (b) Beginning August 1, 2024, the fire impact fee to be charged and collected
 237 shall be as follows:

<u>Residential Fee per Unit</u>	
<u>Square Footage</u>	<u>Impact Fee to be Collected</u>
<u>1,100 or less</u>	<u>\$538</u>
<u>1,101 to 1,500</u>	<u>\$849</u>
<u>1,501 to 2,000</u>	<u>\$1,071</u>
<u>2,001 to 2,500</u>	<u>\$1,247</u>
<u>2,501 to 3,000</u>	<u>\$1,392</u>
<u>3,001 to 3,500</u>	<u>\$1,516</u>
<u>3,501 or more</u>	<u>\$1,625</u>

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<u>Nonresidential Fee per 1,000 Square Feet</u>	
<u>Development Type</u>	<u>Impact Fee to be Collected</u>
<u>Industrial</u>	<u>\$451</u>
<u>Commercial</u>	<u>\$2.261</u>
<u>Office & Other Services</u>	<u>\$1,003</u>
<u>Institutional</u>	<u>\$1,380</u>

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240 **ARTICLE VIII. LIBRARY IMPACT FEE**

241 (a) Any applicant who seeks to develop land or make improvements to real
 242 property for residential development shall pay the following library impact fees in the
 243 manner and amount established and computed pursuant to this article.

244 (b) Beginning August 1, 2024, the library impact fee to be charged and
 245 collected shall be as follows:

<u>Residential Fee per Unit</u>	
<u>Square Footage</u>	<u>Impact Fee to be Collected</u>
<u>1,100 or less</u>	<u>\$123</u>
<u>1,101 to 1,500</u>	<u>\$193</u>
<u>1,501 to 2,000</u>	<u>\$244</u>
<u>2,001 to 2,500</u>	<u>\$284</u>
<u>2,501 to 3,000</u>	<u>\$317</u>

<u>3,001 to 3,500</u>	<u>\$345</u>
<u>3,501 or more</u>	<u>\$370</u>

ARTICLE IX. PARKS AND RECREATION IMPACT FEE

(a) Any applicant who seeks to develop land or make improvements to real property for residential development shall pay the following parks and recreation impact fees in the manner and amount established and computed pursuant to this article.

(b) Beginning August 1, 2024, the parks and recreation impact fee to be charged and collected shall be as follows:

<u>Residential Fee per Unit</u>	
<u>Square Footage</u>	<u>Impact Fee to be Collected</u>
<u>1,100 or less</u>	<u>\$539</u>
<u>1,101 to 1,500</u>	<u>\$850</u>
<u>1,501 to 2,000</u>	<u>\$1,073</u>
<u>2,001 to 2,500</u>	<u>\$1,250</u>
<u>2,501 to 3,000</u>	<u>\$1,395</u>
<u>3,001 to 3,500</u>	<u>\$1,519</u>
<u>3,501 or more</u>	<u>\$1,628</u>

ARTICLE X. ADMINISTRATIVE FEE

Beginning August 1, 2024, the administrative fee charged and collected for new development shall be as follows:

<u>Residential Fee per Unit</u>	
<u>Square Footage</u>	<u>Administrative Charge</u>
<u>1,100 or less</u>	<u>\$3</u>
<u>1,101 to 1,500</u>	<u>\$5</u>
<u>1,501 to 2,000</u>	<u>\$6</u>
<u>2,001 to 2,500</u>	<u>\$7</u>
<u>2,501 to 3,000</u>	<u>\$8</u>
<u>3,001 to 3,500</u>	<u>\$8</u>
<u>3,501 or more</u>	<u>\$9</u>

<u>Nonresidential Fee per 1,000 Square Feet</u>	
<u>Development Type</u>	<u>Administrative Charge</u>
<u>Industrial</u>	<u>\$4</u>
<u>Commercial</u>	<u>\$6</u>
<u>Office & Other Services</u>	<u>\$9</u>
<u>Institutional</u>	<u>\$8</u>

SECTION 3. Appendix “A,” “Land Development Regulations” of the City of Flagler Beach, Code of Ordinances is amended by deleting existing Sections 5.03.87 through 5.03.93 which is being replaced by portions of the new language in Section 2, above.

~~Sec. 5.03.87. Impact Fee.~~

~~Sec. 5.03.88. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Combination accounts.* Accounts that contain both residential and commercial facilities served through a common meter may be treated as nonresidential.~~

~~*Equivalent living unit.* The following is a definition of equivalent living unit (E.L.U.)~~

~~(1) *Residential—Single family.* Each single family residence served by the city through a single sewer service and/or water meter shall be one (1) equivalent living unit.~~

~~(2) *Residential—Rooms, combinations of rooms, etc.* Each residential room, combination of rooms, apartment, or prepared mobile home space, that includes connection points for sewer and/or water service that is owner-occupied, offered separately for rent as a rental unit, or vacant, shall be one (1) equivalent living unit.~~

~~(3) *Nonresidential, commercial and industrial.* For nonresidential uses not specifically defined elsewhere in this article, the number of equivalent living units shall be computed by the building official using the fixture unit count as defined in the following table:~~

Fixture Units	E.L.U.	Fixture Units	E.L.U.
— 1 — 15	1	—241— 340	—8
—16— 30	2	—341— 480	—9
—31— 60	3	—481— 620	10

61 —80	4	621 —800	11
81 —100	5	801 —1000	12
101—160	6	1001—1300	13
161—240	7	1301—1650	14

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For each additional increment of seven hundred fifty (750) fixture units, add one (1) E.L.U.

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~~Expansion of an existing connection. If a building permit is issued for an existing~~

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~~connection which will increase water or sewer demand, or if a building changes from~~

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~~residential to nonresidential occupancy, the total number of E.L.U.'s for the old and new~~

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~~parts of the facility shall be computed as outlined in the definition of "equivalent living~~

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~~unit." The number of new E.L.U.'s shall be determined by subtracting the old E.L.U.'s from~~

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~~the total number of E.L.U.'s in the entire facility. The impact fee will be assessed on the~~

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~~number of new E.L.U.'s. As an example, if an existing building contained one hundred fifty~~

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~~(150) fixture units and it was expanded to three hundred (300) fixture units, the impact~~

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~~fee would equal (8 E.L.U.'s — 6 E.L.U.'s) or 2 E.L.U.'s.~~

290

~~Sanitary sewer facilities. A sanitary sewer system includes two (2) broad categories or~~

291

~~subsystems, which are:~~

292

~~(1) — Primary systems:~~

293

~~a. — Plant facilities:~~

294

~~i. — Treatment plants;~~

295

~~ii. — Effluent disposal facilities.~~

296

~~b. — Transmission facilities:~~

297 i. ~~Master pump stations;~~

298 ii. ~~Force mains;~~

299 iii. ~~Interceptors.~~

300 (2) ~~Secondary or local collection systems:~~

301 a. ~~House laterals;~~

302 b. ~~Eight-inch or smaller collector sewers;~~

303 c. ~~Lift stations;~~

304 d. ~~Low pressure sewer mains;~~

305 e. ~~Eight-inch or smaller force mains.~~

306 ~~Water facilities. A water facility system includes two (2) broad categories or subsystems,~~
307 ~~which are:~~

308 (1) ~~Primary systems:~~

309 a. ~~Plant facilities:~~

310 i. ~~Wells and well pumps;~~

311 ii. ~~Raw water mains;~~

312 iii. ~~Treatment plans;~~

313 b. ~~Transmission facilities:~~

314 i. ~~High service pumps;~~

315 ii. ~~Storage and re-pumping;~~

316 iii. ~~Transmission mains.~~

317 ~~Cross reference(s) — General definitions, § 1-2.~~

318 ~~Sec. 5.03.89. Purpose.~~

~~(a) This article is to establish procedures to facilitate the orderly expansion of the city's water supply system and wastewater treatment system.~~

~~(b) In order to fund primary capital improvements, several combined methods of financing will be necessary, one (1) of which is an impact fee defined as "a new building's contribution toward its equitable share of the cost of capital improvements required to serve new users."~~

~~(c) All secondary facilities shall be provided by the customer or developer in accordance with the Uniform Extension Policy to facilitate the orderly expansion of this portion of the water and sewer systems.~~

~~Sec. 5.03.90. Reserved.~~

~~Sec. 5.03.91. Fee schedule.~~

~~(a) There is hereby imposed an impact fee based on the city commission's determination of the equitable portion of the system upon the equivalent living unit responsible for the need for additional system financing.~~

~~(b) The fee for each equivalent living unit connected to the system shall be as follows:~~

~~(1) Water impact fee for primary systems:~~

Plant facilities	\$ 320.00
Transmission facilities	—850.00
—Total	—1,170.00

~~(2) Sewer impact fee for primary systems:~~

Plant facilities	\$ 725.00
Transmission facilities	— 515.00
— Total	— 1,240.00

~~(c) — Each additional equivalent living unit occasioned by changes in property usage subsequent to the effective date of this section shall be subject to an additional impact fee computed in accordance with the foregoing criteria.~~

~~(d) — There shall be an annual adjustment of rates as set forth in Ordinance No. 2000-08 [2000-28], such adjustment shall be calculated by using the annual indexing factor based on the Engineering News Record (ENR) Construction Cost Index. The resulting fee will become effective each October 1, starting October 1, 2002, and will be valid for the new fiscal year.~~

~~Sec. 5.03.92. Imposing fee; when payable; penalty for nonpayment~~

~~(a) — The fee in Section 5.03.91 shall be imposed on every equivalent living unit connected to the water or sewer system whether those units are new or existing as follows:~~

~~(1) — On every new connection or addition to the water or sewer system where the building permit was issued on October 5, 1979, and subsequent thereto;~~

~~(2) — On every equivalent living unit connecting to the water or sewer system as it existed on October 5, 1979 (excepting there from any equivalent living unit for which a building permit was issued prior to October 5, 1979);~~

~~(3) — On every equivalent living unit connecting to the water or sewer system and not having obtained final building inspection as of September 25, 1980.~~

~~(b) — The fee in Section 5.03.91 shall be imposed on every equivalent living unit constructed or connected in areas served by the existing sewer or water system as well as in those areas that will be on an extension of the local collection and distribution system as well as those areas where the local facilities have been installed by the developer.~~

~~(c) — Except as otherwise provided in this article, impact fees shall be due and payable as follows:~~

~~(1) — In full, upon application for the building permit;~~

~~(2) — If building permit has already been issued, the fees shall be paid within six (6) months from the date the permit was issued or upon request for final inspection by the building official, whichever occurs sooner;~~

~~(3) — Regardless of method or time of payment, no final inspection shall be made or approved, nor shall a certificate of occupancy be issued until all such fees are paid in full;~~

~~(4) — All deferred impact fee payments and all delinquent impact fees shall bear interest at the rate of four point seven five (4.75) percent per annum, compounded monthly from the effective date of this section or from the date due, whichever occurs later.~~

~~(d) — For those equivalent residential units that:~~

~~(1) — Obtained a building permit on October 5, 1979 and thereafter, and have obtained a final building inspection as of October 23, 1980;~~

~~(2) Are existing structures in areas that will be on future extensions of the local collection and distribution system, a deferred payment plan, known as monthly payback, is hereby established as follows:~~

~~a. For each water and sewer connection, the city shall receive thirty five dollars and seventy nine cents (\$35.79) per month. This is in addition to all other rates and fees. This fee shall be paid every month until the balance of the fee has been paid. In addition, all "monthly payback" accounts open on each May 1, commencing May 1, 1981, shall be assessed a service fee of twenty five dollars (\$25.00) in order to defray the administrative expense of the monthly payback system. The owner of the E.L.U. can pay the remaining amount due on the account at any time during the payback period;~~

~~b. For each water connection, the city shall receive seventeen dollars and seventy six cents (\$17.76) per month. This is in addition to all other rates and fees. This fee shall be paid every month until the balance of the fee has been paid. In addition, all "monthly payback" accounts open on each May 1, commencing May 1, 1981, shall be assessed a service fee of twenty five dollars (\$25.00) in order to defray the administrative expense of the monthly payback system. The owner of the E.L.U. can pay during the payback period;~~

~~c. For each sewer connection, the city shall receive eighteen dollars and three cents (\$18.03) per month. This is in addition to all other rates and fees. This fee shall be paid every month until the balance of the fee has been paid. In addition, all "monthly payback" accounts open on each May 1, commencing May 1, 1981, shall be assessed a service fee~~

397 ~~of twenty-five dollars (\$25.00) in order to defray the administrative expense of the~~
398 ~~monthly payback system. The owner of the E.L.U. can pay during the payback period;~~
399 ~~d. The monthly payback and service fee will be added to the monthly water and~~
400 ~~sewer bill for the unit and will be the owner's responsibility to ensure payment whether~~
401 ~~or not the unit is owner or tenant occupied.~~

402 ~~(e) Nonpayment of the impact fee including the monthly pay back where applicable~~
403 ~~shall be grounds for discontinuing service.~~

404 ~~(f) The impact fee is comprised of two (2) separate fees, i.e., water and sewer. In~~
405 ~~areas where only one (1) of these services is available, the applicable fee for the other~~
406 ~~service or for both services if neither was available at the time of construction will be~~
407 ~~imposed when service is made available.~~

408 **~~Sec. 5.03.93. Liens.~~**

409 ~~All charges due under this article shall be the obligation of the record owner of the~~
410 ~~equivalent residential unit, irrespective of actual occupancy, and shall constitute a lien~~
411 ~~against the property until paid. Notice of such lien need not be recorded in the official~~
412 ~~records of the county in order to be effective, but the city may cause such a notice to~~
413 ~~be recorded. If such charges are not promptly paid when due, such lien may be~~
414 ~~foreclosed in the manner provided by law, and there shall be added to the amount of~~
415 ~~such lien all costs incident to such proceedings including reasonable attorney's fees.~~

416 **SECTION 4.** The City Clerk is directed to post notice on the City's website informing interested
417 parties of this ordinance and the new and increased impact fees contemplated herein.

SECTION 5. Codification. It is the intent of the City Commission of the City of Flagler Beach that the provisions of Section 2 of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provisions of Section 2 of this Ordinance; article and section numbers assigned throughout are suggested by the City.

SECTION 6. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 7. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other existing ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 8. Effective Date. **This Ordinance shall become effective on October 1, 2024,** which date is more than ninety (90) days from the date of adoption of this Ordinance, pursuant to the requirements of §163.31801, Florida Statutes.

PASSED AND ADOPTED this ____ day of _____, 2024, by the City Commission of the City of Flagler Beach, Florida.

Patti King, Mayor

ATTEST:

By: _____
Penny Overstreet, City Clerk