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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 Commission of the City of Flagler Beach has studied the necessity for and implications of the adoption of an ordinance updating the water and wastewater impact fees and adopting police, fire, library, and parks and recreation impact fees and has retained a professional consulting firm to prepare a study relating to these fees (the “Study”) to determine the proportionate demand that new development generates for additional water, wastewater, police, fire, library, and parks and recreation facilities and improvements; and

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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 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

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

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

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

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

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

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

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

76 **SECTION 2.** Chapter 12 of the Flagler Beach Code of Ordinances is hereby created as follows:
77

78 **CHAPTER 12 – IMPACT FEES**

79 **ARTICLE I. ADOPTION OF FEE STUDY AND RATIONAL NEXUS**

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

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

90 **ARTICLE II. DEFINITIONS**

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

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

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

trailers erected to assist in construction and maintained during the time of a construction.

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

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

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

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

(a) There are established capital fund accounts for impact fees, to be generally designated as the "Impact Fee Capital Improvement Trust Fund for the Extension of Primary Water Systems," "Impact Fee Capital Improvement Trust Fund for the Extension of Primary Wastewater Systems," "Police Impact Fee Account," "Fire Impact Fee Account," "Library Impact Fee Account, and "Parks and Recreation Impact Fee Account." Each capital fund account for impact fees shall continue to be maintained separate and apart from all other accounts of the city. The monies deposited into the impact fee capital fund accounts shall be used solely for the purposes allowed by *Florida 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 expense,
126 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 funds,
130 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
137 entitlements, or equitable estoppel accrue by reason of a non-binding estimate. A non-
138 binding fee estimate does not constitute a final decision and may not be appealed
139 pursuant to this chapter.

140 (e) Any person who disagrees with a decision or interpretation of this
141 chapter may appeal to the city manager or designee by filing a written notice of appeal
142 within ten (10) days after the date of the action or decision complained of. The written
143 notice of appeal shall set forth concisely the action or decision appealed as well as the
144 grounds upon which the appeal is based. The city manager or designee shall consider
145 all facts material to the appeal and render a written decision within thirty (30) days of
146 receiving the appeal. Any person who disagrees with the decision of the city manager

147 or designee may appeal to the city commission by filing a written notice of appeal with
148 the city manager's office setting forth concisely the decision appealed within ten (10)
149 days after the date of the city manager's decision. The appeal shall be set for the next
150 available city commission meeting for consideration. The city commission's written
151 decision shall constitute final administrative review

152 (f) In accordance with state law, impact fees for new construction shall not
153 become due until issuance of building permits for such construction. Notwithstanding
154 the foregoing, impact fees may be prepaid at the developer's option. Failure to pay an
155 impact fee when determined by the city that an obligation is required to satisfy the
156 impact of development may result in the amount due becoming a lien against the
157 property. The city shall provide a written notice of the impact fee due by personal
158 service, certified, return receipt requested United States Mail or Federal Express or
159 other equivalent overnight letter delivery company. Upon failure to pay the impact fee
160 within thirty (30) days of the date of the notice, a notice of lien may be served upon the
161 applicant owing impact fees and recorded in official records of Flagler County, Florida.
162 Such lien may be foreclosed in the manner provided by law, and there shall be added to
163 the amount of such lien all costs incident to such proceedings including reasonable
164 attorney's fees

165 (g) If impact fees have not been expended or encumbered by the end of the
166 calendar quarter immediately following ten (10) years from the date the fees were paid,
167 upon application of the fee payer of proof of payment, or proof of the date the
168 development permit was approved by the city and that development was never begun,
169 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

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

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

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

(i) All impact fee revenues expended from an impact fee fund shall be used for the purpose of providing growth necessitated capital improvements and acquiring,

designing, constructing, extending, expanding, relocating, and/or separating capital facilities and infrastructure determined by the city commission to be necessary to serve new development.

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

ARTICLE IV. POTABLE WATER IMPACT FEE

(a) Any applicant who seeks to develop land or make improvements to real property shall pay the following potable water 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 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>

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>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>
<u>12.00 Turbine</u>	<u>176.67</u>	<u>\$531,313</u>	<u>\$443,299</u>	<u>\$88,014</u>

(c) Implementation of the increased fees provided herein shall be phased in over two equal installments. During the twelve month period beginning October 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 October 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 Type</u>	<u>Capacity Ratio</u>	<u>Total Impact Fee to be Collected after Phase-In³</u>	<u>Existing Impact Fee at Time of Adoption⁴</u>	<u>Increase Over Existing</u>
<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>

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>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>

(c) Implementation of the increased fees provided herein shall be phased in over four equal installments. During the twelve month period beginning October 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 October 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 October 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>

ARTICLE VII. FIRE IMPACT FEE

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

(b) Beginning October 1, 2024, the fire 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>\$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>

241

242 **ARTICLE VIII. LIBRARY IMPACT FEE**

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

246 (b) Beginning October 1, 2024, the library impact fee to be charged and
247 collected shall be as follows:

<u>Residential Fee per Unit</u>
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<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>

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249 **ARTICLE IX. PARKS AND RECREATION IMPACT FEE**

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

253 (b) Beginning October 1, 2024, the parks and recreation impact fee to be
 254 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>

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256 **ARTICLE X. ADMINISTRATIVE FEE**

257 Beginning October 1, 2024, the administrative fee charged and collected for new
 258 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>

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<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

For each additional increment of seven hundred fifty (750) fixture units, add one (1) E.L.U. ~~Expansion of an existing connection.~~ If a building permit is issued for an existing connection which will increase water or sewer demand, or if a building changes from residential to nonresidential occupancy, the total number of E.L.U.'s for the old and new parts of the facility shall be computed as outlined in the definition of "equivalent living unit." The number of new E.L.U.'s shall be determined by subtracting the old E.L.U.'s from the total number of E.L.U.'s in the entire facility. The impact fee will be assessed on the number of new E.L.U.'s. As an example, if an existing building contained one hundred fifty (150) fixture units and it was expanded to three hundred (300) fixture units, the impact fee would equal (8 E.L.U.'s ~~6 E.L.U.'s~~) or 2 E.L.U.'s.

~~Sanitary sewer facilities.~~ A sanitary sewer system includes two (2) broad categories or subsystems, which are:

(1) — Primary systems:

a. — Plant facilities:

i. — Treatment plants;

ii. — Effluent disposal facilities.

308 ~~b.——Transmission facilities:~~

309 ~~i.——Master pump stations;~~

310 ~~ii.——Force mains;~~

311 ~~iii.——Interceptors.~~

312 ~~(2)——Secondary or local collection systems:~~

313 ~~a.——House laterals;~~

314 ~~b.——Eight inch or smaller collector sewers;~~

315 ~~c.——Lift stations;~~

316 ~~d.——Low pressure sewer mains;~~

317 ~~e.——Eight inch or smaller force mains.~~

318 ~~Water facilities. A water facility system includes two (2) broad categories or subsystems,~~

319 ~~which are:~~

320 ~~(1)——Primary systems:~~

321 ~~a.——Plant facilities:~~

322 ~~i.——Wells and well pumps;~~

323 ~~ii.——Raw water mains;~~

324 ~~iii.——Treatment plans;~~

325 ~~b.——Transmission facilities:~~

326 ~~i.——High service pumps;~~

327 ~~ii.——Storage and re-pumping;~~

328 ~~iii.——Transmission mains.~~

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

330 ~~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
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~~(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~~

383 ~~assessed a service fee of twenty five dollars (\$25.00) in order to defray the administrative~~
384 ~~expense of the monthly payback system. The owner of the E.L.U. can pay the remaining~~
385 ~~amount due on the account at any time during the payback period;~~

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

392 ~~c. — For each sewer connection, the city shall receive eighteen dollars and three cents~~
393 ~~(\$18.03) per month. This is in addition to all other rates and fees. This fee shall be paid~~
394 ~~every month until the balance of the fee has been paid. In addition, all "monthly payback"~~
395 ~~accounts open on each May 1, commencing May 1, 1981, shall be assessed a service fee~~
396 ~~of twenty five dollars (\$25.00) in order to defray the administrative expense of the monthly~~
397 ~~payback system. The owner of the E.L.U. can pay during the payback period;~~

398 ~~d. — The monthly payback and service fee will be added to the monthly water and sewer~~
399 ~~bill for the unit and will be the owner's responsibility to ensure payment whether or not the~~
400 ~~unit is owner or tenant occupied.~~

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

403 ~~(f) — The impact fee is comprised of two (2) separate fees, i.e., water and sewer. In areas~~
404 ~~where only one (1) of these services is available, the applicable fee for the other service or~~

for both services if neither was available at the time of construction will be imposed when service is made available.

~~Sec. 5.03.93. Liens.~~

~~All charges due under this article shall be the obligation of the record owner of the equivalent residential unit, irrespective of actual occupancy, and shall constitute a lien against the property until paid. Notice of such lien need not be recorded in the official records of the county in order to be effective, but the city may cause such a notice to be recorded. If such charges are not promptly paid when due, 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.~~

SECTION 4. The City Clerk is directed to post notice on the City's website informing interested 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

427 higher standards for the promotion and protection of the health and safety of the people shall
428 prevail.

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

432
433 **PASSED AND ADOPTED** this ____ day of _____, 2024, by the City Commission
434 of the City of Flagler Beach, Florida.

435
436
437
438 _____
439 Patti King, Mayor

440
441 ATTEST:
442
443 By: _____
444 Penny Overstreet, City Clerk