

ORDINANCE NO. 1451

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES RELATING TO IMPACT FEES; PROVIDING FOR IMPOSITION OF INCREASED IMPACT FEES ON LAND DEVELOPMENT IN THE CITY OF PANAMA CITY BEACH FOR THE PROVISION OF MUNICIPAL POLICE, FIRE, RECREATIONAL AND LIBRARY SERVICES CAPITAL FACILITIES NECESSITATED BY NEW DEVELOPMENT; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES IN CONFLICT; AUTHORIZING CODIFICATION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2(b) of the Florida constitution and section 166.021, Florida statutes, grant the City of Panama City Beach broad home rule powers necessary to carry on municipal government; and

WHEREAS, section 163.3202(3), Florida Statutes, encourages the use of innovative land development regulations which include the use of impact fees to implement the goals, objectives and policies of a City's comprehensive plan; and

WHEREAS, in September 2000, the City adopted Ordinance 673, establishing municipal services impact fees in the City to equitably distribute the proportionate fair share of new municipal services on new developments within the City of Panama City Beach that create the need for such municipal services, and thereby serve the health, safety and general welfare of the residents of the city of panama city Beach; and

WHEREAS, in January 2004, the City adopted Ordinance 852, increasing the impact fees for recreational services capital facilities necessitated by new development; and

WHEREAS, in 2017, the City updated its Capital Improvements Plan for the Police, Fire, Parks and Library; and

WHEREAS, the Panama City Beach City Council received and accepted the October 2017, Municipal Services impact fee study prepared by Public Resources Management Group, Inc., as presented to them at a public meeting on January 25,

2018; and

WHEREAS, the 2017 impact fee study sets forth the calculations and basis for impact fees utilized and associated with the provision of municipal services for police, fire, recreation and library; and

WHEREAS, the City Council, after reviewing the 2017 impact fees study and the comments and information received at a public workshop on January 25, 2018, and a public hearing on March 22, 2018, hereby specifically finds that in order to equitably distribute the proportionate, fair share of new municipal services on new development within the City that create the need for increased services, it serves the health, safety and welfare of the residents of the City to enact this ordinance increasing the amount and application of municipal police, fire, recreational and library services impact fees.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance Sections 27-2 and 27-9 of the Code of Ordinances of the City of Panama City Beach, related to Council Meetings are amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 27-2. Legislative Findings.

The Panama City Beach City Council finds, determines and declares that:

(a) In order to maintain current level of municipal and public safety service standards for police services, fire/rescue services, recreational and library services, the City of Panama City Beach must expand its municipal services system so that new development may be accommodated without decreasing current level of service standards. Expansion of the municipal services system to accommodate new growth shall promote and protect the public health, safety and general welfare of the residents of Panama City Beach.

(b) The State of Florida, through the enactment of Section 163.3202(3), Florida Statutes, encourages Panama City Beach to enact impact fees to meet the capital facilities needs created by new development.

(c) The imposition of impact fees is one of the preferred methods of ensuring that new development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. Allocation of a proportionate share of costs promotes and protects the public health, safety and general welfare of the residents of Panama City Beach.

(d) Each of the types of land uses described in the Schedule of Impact Fees hereof shall

create demands for the acquisition of, or expansion of, municipal services facilities and the construction of municipal services capital improvements;

(e) The report entitled "City of Panama City Beach, Florida Municipal Services Impact Fee Study", dated ~~August 2000~~ **October 2017**, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs of additional municipal services capital facilities in Panama City Beach.

~~(f) The report entitled "City of Panama City Beach, Florida Municipal Recreational Services Impact Fee Study", dated November 2003, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs of additional municipal recreational services capital facilities in Panama City Beach.~~

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Sec. 27-9. Municipal Services Impact Fee Schedule.

(a) Schedule of Impact Fees.

(1) The municipal services impact fee shall be the sum of the police services impact fee and the fire/rescue impact fee, the recreation impact fee and the library impact fee calculated using the following schedules:

i.	Police Services Impact Fee Schedule:	
	Residential Structure	135.00 \$144.00 /Dwelling Unit
	Non-residential Structure	0.40 \$0.88 /Square Foot
ii.	Fire/Rescue Services Impact Fee Schedule:	
	Residential Structure	130.00 \$249.00 /Dwelling Unit
	Non-Residential Structure	0.17 \$1.14 /Square Foot
iii.	Recreation Impact Fee Schedule:	
	Residential Structure	763.00 \$867.00 /Dwelling Unit
	Public Lodging Establishment	639.00 \$634.00 /Lodging Unit
	Non-Residential Structure	N/A
iv.	Library Impact Fee Schedule:	
	Residential Structure	65.00 \$72.00 /Dwelling Unit
	Non-Residential Structure	N/A

(2) Unspecified Uses. If the type of development activity that a Building Permit is applied for is not specified on the Schedule of Impact Fees, the City Manager or designee shall determine the appropriate fee by considering demographic or other documentation, which is available.

(3) Change in Use or Density. In the case of change of use, redevelopment, or expansion or modification of an existing use on a site which requires the issuance of a Building Permit, the municipal services impact fee shall be based upon the net increase in the municipal services impact fee for the new use as compared to the most intense previous use on or after September 28, 2000, or the effective date of any applicable amendment to this Chapter.

(b) Alternative for Developer Fee Study. If a feepayer opts not to have the municipal services impact fee determined according to the Schedule of Impact Fees, then the feepayer shall prepare and submit to the City Manager or designee, an independent fee calculation study for the land development activity for which a Building Permit is sought. The independent fee calculation study shall follow the methodologies and formats used in the "City of Panama City Beach, Florida

Municipal Services Impact Fee Study," dated August 2000, prepared by Public Resources Management Group, Inc. The documentation submitted shall show the basis upon which the independent fee calculation was made. The City Manager or designee shall consider the documentation submitted by the feepayer but is not required to accept such documentation if it is deemed to be inaccurate or not reliable. The City Manager or designee may, in the alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the feepayer shall pay the municipal services impact fees based upon the Schedule of Impact Fees.

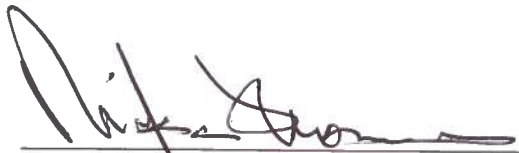
If an acceptable independent fee calculation study is presented, the City Manager or designee may adjust the municipal services impact fee as appropriate to the particular development. Determinations made by the City Manager or designee, pursuant to this paragraph may be appealed to the City Council a written request with the City Manager or designee, within ten (10) days of the City Manager's or designee's determination.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. This Ordinance shall take effect ninety (90) days after its passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 22nd day of March, 2018.


MAYOR

ATTEST:


CITY CLERK

EXAMINED AND APPROVED by me this 22nd day of March, 2018.


MAYOR

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