

ORDINANCE 1709

AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, RELATING TO MUNICIPAL IMPACT FEES; CREATING A NEW ARTICLE XIII, "IMPACT FEES" IN CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE CITY OF COCOA BEACH, ESTABLISHING POLICE, FIRE, AND PUBLIC FACILITY IMPACT FEES BASED ON THE 2026 MUNICIPAL IMPACT FEES STUDY PREPARED BY RAFTELIS FINANCIAL CONSULTANTS, INC.; PROVIDING FOR FINDINGS; DIRECTING THE PROVISION OF NOTICE OF IMPACT FEE RATES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, LIBERAL CONSTRUCTION, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, provide municipalities with broad home rule powers, including the authority to impose and collect impact fees; and

WHEREAS, Section 163.31801, Florida Statutes, known as the Florida Impact Fee Act, establishes uniform standards for the adoption of impact fees and requires that such fees satisfy the dual rational nexus test, which requires (1) the fees are proportional to the impacts of the development, (2) the fees are based on levels of service that are no higher than that currently provided to existing development; and (3) new development does not pay twice for the same level of service, once through impact fees and again through other taxes or fees; and

WHEREAS, Section 166.041, Florida Statutes, prescribes the procedures for adoption of ordinances by municipalities, and the City has complied with all such requirements, including preparation and consideration of a Business Impact Estimate, which was timely posted, considered prior to adoption, and made available for public inspection; and

WHEREAS, in 2026, Raftelis Financial Consultants, Inc. prepared the *City of Cocoa Beach Impact Fee Study*, which analyzed existing and projected levels of service, capital facility needs, and cost allocations for police, fire, and public facilities, and which constitute competent substantial evidence supporting the fees adopted herein; and

WHEREAS, the City of Cocoa Beach's Comprehensive Plan includes: Policy I.1.6 (issuance of development order based on sufficient public facilities and services to accommodate impacts of the development), Goal V (ensure adequate facilities and infrastructure are in place as future development/redevelopment occurs), Objective V.1 (no development orders are issued that would result in a reduction or degradation below adopted LOS standards), Policy V.1.6 (development approvals shall be evaluated to assess the availability of public facilities/services to serve the development, and Policy I.7.2 (maintain level of service standards for parks, open space, and recreational facilities).

WHEREAS, the City Commission finds that future infrastructure improvements to the city's Police, Fire, and Public Facilities needed to accommodate new development in the city should be financed by new development in order that it contributes its fair share and not place an undue burden on existing residents;

WHEREAS, the City Commission finds that this ordinance shall not be construed to permit the collection of Police, Fire, and Public Facility impact fees in excess of the amount reasonably anticipated to offset the demand placed upon the Police, Fire, and Public Facility systems by anticipated development. Impact fee revenue shall be limited to fund capital construction and equipment, not for funding operational costs or salaries;

WHEREAS, the City Commission finds the impact fees collected pursuant to this ordinance may be used to pay existing debt related to the construction of infrastructure or for previously approved capital projects. The Commission legislatively finds and determines that this infrastructure or previously approved capital projects that are funded by these impact fees are proportional and have a rational nexus to the impacts generated by new development that contributes impact fees towards the funding of these facilities and that available capacity to serve

those properties from the debt funded infrastructure from previously approved projects; and

WHEREAS, the City Commission finds that adoption of the proposed impact fees is necessary and in the best interest of the public health, safety, and welfare, ensures that new development bears a proportionate share of required capital facility costs, and is supported by competent substantial evidence in the record.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CITY OF COCOA BEACH, FLORIDA

SECTION 1. Legislative Intent. The above Whereas clauses are true and correct and form the legislative intent of this ordinance.

SECTION 2. Enactment. A new Article XIII, of Chapter 2 of the Code of Ordinances of the City of Cocoa Beach is hereby created to read as set forth in the attached Exhibit "A". with underlined text added, and stricken text deleted.

SECTION 3. Conflicts. All ordinances, resolutions, official determinations, or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 4. Codification. The provisions of this Ordinance shall be codified as and become and be made a part of the City Code of the City of Cocoa Beach.

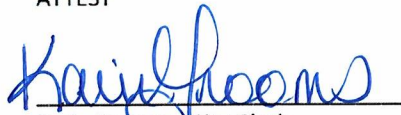
SECTION 5. Notice of Impact Fee rates. Impact Fee rates shall be posted on the City website.

SECTION 6. Severability. If any section, sentence, clause, or other provision of this Ordinance, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding of invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance, which shall remain in full force and effect.

SECTION 7. Effective Date. This ordinance shall take effect upon adoption.

Adopted by the City Commission on this 20 day of March 2026.

ATTEST


Karin Grooms, City Clerk

CITY OF COCOA BEACH


Keith Capizzi, Mayor-Commissioner

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Appendix 1

Schedule of Impact Fees

Residential Impact Fees

<u>Single Family:</u>	<u>Impact Unit</u>	<u>Calculated Fee</u>
Police	Unit	\$1,080.00
Fire	Unit	\$1,034.00
General Government	Unit	\$ 946.00

<u>Multi-Family:</u>	<u>Impact Unit</u>	<u>Calculated Fee</u>
Police	Unit	\$ 757.00
Fire	Unit	\$ 724.00
General Government	Unit	\$ 663.00

Non-Residential

<u>Police</u>	<u>Impact Unit</u>	<u>Calculated Fee</u>
Retail/Commercial	1,000 sq. ft.	\$1,653.00
Office/Institutional	1,000 sq. ft.	\$ 999.00
Hotel/Motel	Room	\$ 484.00
Industrial/Warehouse	1,000 sq. ft.	\$ 76.00

<u>Fire</u>	<u>Impact Unit</u>	<u>Calculated Fee</u>
Retail/Commercial	1,000 sq. ft.	\$1,582.00
Office/Institutional	1,000 sq. ft.	\$ 957.00
Hotel/Motel	Room	\$ 463.00
Industrial/Warehouse	1,000 sq. ft.	\$ 73.00

<u>General Government</u>	<u>Impact Unit</u>	<u>Calculated Fee</u>
Retail/Commercial	1,000 sq. ft.	\$1,447.00
Office/Institutional	1,000 sq. ft.	\$ 875.00
Hotel/Motel	Room	\$ 423.00
Industrial/Warehouse	1,000 sq. ft.	\$ 66.00

Exhibit "A"
ORDINANCE 1709
IMPACT FEES

ARTICLE XIII. IMPACT FEES

ARTICLE XIII. – IMPACT FEES

Sec. 2-130.- Authority.

In order to defray the cost of new or expanded Police, Fire, and Public Facility capital facilities and equipment attributable to new construction, impact fees are levied on such construction in accordance with the provisions of this article and Sec. 163.31801, Fla. Stat.

The impact fees adopted herein are intended to ensure that new development bears a proportionate share of the cost of capital facilities required to maintain adopted levels of service, without imposing an undue burden on existing development.

For purposes of this article, "Public Facilities" include general government facilities and related capital assets analyzed and identified in the City's most recent municipal impact fee study, including but not limited to City Hall, administrative facilities, public works facilities, and associated capital equipment.

Sec. 2-131. – Applicability and Exemptions.

The impact fees imposed by this article shall apply to all new construction within the city, except the following:

- (1) Expansion of a residential dwelling unit, so long as no new dwelling unit is created thereby.
- (2) Remodeling, repair, rebuilding or restoration of any structure, so long as no increase in impact units, dwelling units or other measurable demand on Police, Fire, or Public Facilities, as determined by the city manager or designee and subject to the appeal to the city commission by an aggrieved applicant, is caused thereby.
- (3) Construction of any nonresidential structure by any agency of federal, state or local government.

Sec. 2-132. – Schedule and amendments.

Impact fees upon new construction shall be established and are imposed and levied to defray the cost of capital expenditures attributable to Police, Fire, and Public Facility services necessitated by new development. The amounts of the impact fees are contained in Appendix 1 to this code. The city commission may, from time to time, revise the amounts of the impact fees by ordinance, provided that any such revision is supported by an impact fee study or update constituting competent substantial evidence demonstrating compliance with Sec. 163.31801, Fla. Stat.

Sec. 2-133. – Payment and credits.

- (1) The impact fees imposed by this article shall be paid in legal tender unless the city commission accepts an in-kind contribution of real or personal property for public use which serves the same public purposes as those for which the impact fees are imposed. Credit for such in-kind contribution shall be based upon the fair market value of that property as of the date the city commission accepts such offer of dedication. The appraised value of the property shall be verified by at least one competent independent opinion thereof and shall be subject to review and acceptance by the city commission.

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- (2) All impact fees shall be paid by certified funds at the time of issuance of a building permit for such new construction unless otherwise authorized by law.

Sec. 2-134. - Partial waiver authorized; impact fee reductions.

- (1) The city commission may waive all or any portion of an impact fee required by this article, if privately supplied police, fire, or public facility capital facilities or equipment provided for the sole use of the residents or occupants of a project are of such a nature as to demonstrably reduce the project's impact upon the city's capital needs for expansion of that particular public service. The amount waived under the authority of this provision shall not exceed the actual cost of such facilities, or one-half of the applicable impact fee, whichever is less, credited against that category of impact fees receiving such reduced impact.
- (2) The public facilities impact fee reduction for a residential project shall be based upon a minimum of 35 square feet of enclosed recreation area per dwelling unit and a maximum of 200 square feet of enclosed recreation area per dwelling unit. If those conditions are fulfilled, the waiver of one-half of the parks and recreation impact fee shall be granted.
- (3) No waiver or reduction shall be granted unless the city commission finds that the waiver maintains compliance with the rational nexus requirements of section 163.31801, Florida Statutes, and that the remaining impact fee, if any, is proportionate to the impacts of the development.

Sec. 2-135. - Capital expansion trust funds.

- (1) Established. The following capital expansion trust funds are hereby established:

- (a) Police protection capital expansion special revenue fund;
- (b) Fire protection capital expansion special revenue fund; and
- (c) Public Facilities capital expansion special revenue fund;

- (2) Collection; deposit. Upon collection of the applicable impact fees imposed by this article, the same shall be earmarked to ensure that the impact fees are ultimately expended in connection with the improvements for which they were paid, by crediting the impact fees to the appropriate capital expansion trust fund or account. The designation and establishment of any capital expansion trust fund or account shall not be construed to require the establishment of any completely independent, self-balancing funds or accounts, as such terms are commonly defined and used in governmental accounting, but rather is intended solely to constitute an earmarking of the impact fees collected for certain purposes. The impact fees and interest earnings may be deposited immediately upon collection in three separate interest-bearing bank accounts established in the names of each of the capital expansion trust funds or accounts; a single, interest-bearing bank account; an interest-bearing bank account in which other funds of the city are on deposit; or any combination of the foregoing; provided that, in each case, the account or funds are with a depository authorized to receive deposits of city funds and

that standard accounting records are maintained to reflect the earmarking of the monies therein for the various purposes of the capital expansion trust funds or accounts. The capital expansion trust funds or accounts shall be maintained on the books of the city as separate and distinct from all other funds and accounts of the city. Interest earned on the impact fees shall be credited to each of the capital expansion trust funds or accounts in the appropriate percentages.

(3) Use.

(a) Funds credited to each capital expansion account shall be used only for the purpose of expansion or acquisition of capital facilities or equipment for the particular service named in each account, including, but not limited to:

1. Land acquisition, including any cost of acquisition or condemnation; and
2. Fees for professional services;
3. Design and construction preparation;
4. Site development;
5. Any permitting or application fees;
6. Relocating utilities;
7. Landscaping;
8. Construction management and inspection;
9. Surveying, soils, and materials testing;
10. Acquisition of qualified apparatus, vehicles, and equipment; and

Expenditures from each account shall be specifically approved by the city commission, shall be limited to the expansion or acquisition of such capital facilities, or for payments, including sinking fund payments, on bonds or other certificates of indebtedness executed for the purpose of expansion or acquisition of those facilities or equipment. Before authorizing an expenditure from any one of these trust accounts, the city shall determine that:

1. The expenditure is for capital facilities or equipment to be used for the purpose of such account;
2. The expenditure is required by new construction from which such funds were collected; and
3. The expenditure will result predominantly in a special benefit to new construction, as opposed to pre-existing uses.

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- (b) The city shall have the right to modify or delete any of the proposed capital improvements or expenditures within each of the general categories of the improvements and specialized equipment reflected in any impact fee study report upon which the fees imposed in this division are based or to add capital improvements or expenditures within those general categories, provided that the total amount of impact fees credited to each of the applicable capital expansion trust funds or accounts is ultimately expended for the purposes of such capital expansion trust funds or accounts in the amount set forth in Sec.2-132.

Sec. 2-136. - Capital expansion plans.

- (1) The city commission shall adopt a capital improvement plan that incorporates each such trust account established in this article. Such plans shall be reviewed annually during the budget review process.
- (2) The impact fees imposed hereby shall be reviewed annually. At such time the city commission shall analyze the projected construction and associated impact fee revenue generated by that construction, as well as the cost of any new or expanded capital facilities and equipment of police, fire and public facility services to ensure continued compliance with Sec. 163.31801, Fla. Stat.

