

Sponsored by: City Manager

ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING CHAPTER 22, OF THE LAND DEVELOPMENT REGULATIONS, ARTICLE XII, "IMPACT FEES", SPECIFICALLY AMENDING SECTION 22-344(F) ENTITLED "LEGISLATIVE FINDINGS" TO UPDATE THE METHODOLOGY AND ANALYSIS REPORT TITLE; AMENDING SECTION 22-350(A) ENTITLED "COMPUTATION OF THE AMOUNT OF PARK IMPACT FEE" TO UPDATE THE PARK IMPACT FEE SCHEDULE; AMENDING SECTION 22-351(B) ENTITLED "PAYMENT OF FEE" TO DELETE REFERENCE TO PARK IMPACT FEE DISTRICTS; DELETING SECTION 22-352 ENTITLED "PARK IMPACT FEE DISTRICTS" TO DELETE REFERENCE TO PARK IMPACT FEE DISTRICTS; AMENDING SECTION 22-353(A) ENTITLED "PARK IMPACT FEE TRUST FUNDS ESTABLISHED" TO UPDATE THE AMOUNT OF PARK IMPACT FEE TRUST FUNDS; AMENDING SECTION 22-354 ENTITLED "USE OF FUNDS" TO DELETE REFERENCE TO PARK IMPACT FEE DISTRICTS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Parks and Recreation are vital for fostering physical health, mental well-being, and community cohesion while providing environmental and economic benefits. These areas also enhance quality of life, boost local economies through tourism, and protect natural habitats; and

WHEREAS, the City Commission previously adopted Ordinance No. 15-23, which imposed impact fees on new Parks and Recreation facilities; and

WHEREAS, pursuant to Resolution No. 23-139, the City of Opa-Locka ("City") retained Stantec Consulting Services to conduct a comprehensive impact fee study; and

WHEREAS, based on current data, infrastructure needs, and growth projections, Stantec recommended modifications to the City's Park and Recreation impact fees; and

WHEREAS, the Impact Fee Study was presented to the City Commission on December 10, 2025, and is incorporated herein by reference; and

WHEREAS, the recommended amendment to the Parks and Recreation Impact Fees is necessary in order to provide and maintain a level of service for new growth; and

WHEREAS, the current parks & recreation impact fee of \$0.998 per square foot is not adequate to provide and maintain the level of services needed; and

WHEREAS, Stantec recommended a four-year phased-in increase in the parks impact fee; and

WHEREAS, the City Commission has determined that it would be in the best interest of the City to amend the following sections of the City's Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations.

The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Ordinance.

Section 2. Amending Chapter 22, Article XII, Section 22-344(F) of the City of Opa-Locka's City of Opa-Locka's Land Development Regulations entitled "Impact Fees", Division 4 entitled "Park Impact Fee", specifically Section 22-344(F) entitled "Legislative findings" as follows:

Sec. 22-344. Legislative findings.

The city commission finds, determines and declares:

- A. The city must expand its park system in order to maintain current park standards if new development is to be accommodated without decreasing current standards. This must be done in order to promote and protect the public health, safety and welfare.
- B. The state legislature, through the enactment of F.S. ch. 163 pt. II (F.S. 163.2511 et seq.) has sought to encourage the city to enact impact fees. The state legislature, through the enactment of F.S. ch. 163.3202(3), has sought to encourage the city to enact impact fees.
- C. The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare;

- D. Each of the types of land development described in section 22-350, will create demand for the acquisition or expansion of parks and the construction of park improvements.
- E. The fees established by section 22-350 are derived from, are based upon, and do not exceed the costs of providing additional park and park improvements necessitated by the new land developments for which the fees are levied.
- F. The report entitled "~~Methods and Data Used to Calculate Police, Park & Recreation and Public Works Impact Fees~~ Impact Fee Study," dated ~~July 19, 2004~~ August 12, 2025, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional parks and park improvements in the city.

Section 3. Amending Chapter 22, Article XII, Section 22-350(A) of the City of Opa-Locka's City of Opa-Locka's Land Development Regulations entitled "Impact Fees", Division 4 entitled "Park Impact Fee", specifically Section 22-350(A) entitled "Computation of the amount of park impact fee" as follows:

Sec. 22-350. Computation of the amount of park impact fee.

- A. At the option of the feepayer, the amount of the park impact fee may be determined by the following fee schedule:

Park impact fee schedule
 Residential floor area
 Cost per sq. ft. ...\$0.998

Section 4. Amending Chapter 22, Article XII, Section 22-351(B) of the City of Opa- City of Opa-Locka's Land Development Regulations entitled "Impact Fees", Division 4 entitled "Park Impact Fee", specifically Section 22-351(B) entitled "Payment of fee" as follows:

Sec. 22-351. Payment of fee.

- A. The feepayer shall pay the park impact fee required by this division to the city manager or his/her designee prior to the issuance of a residential building permit.
- B. All funds collected shall be properly identified by park impact fee district and promptly transferred for deposit in the appropriate park impact fee trust fund to be

held in separate accounts as determined in section 22-353 used solely for the purposes specified in this division.

Section 5. Amending Chapter 22, Article XII, Section 22-352 of the City of Opa-Locka's City of Opa-Locka's Land Development Regulations entitled "Impact Fees", Division 4 entitled "Park Impact Fee", specifically Section 22-352 entitled "Park Impact fee districts" as follow:

Sec. 22-352. Park impact fee districts.

There are hereby established four (4) park impact fee districts as shown in appendix I attached to the ordinance from which this section is derived and incorporated herein by reference.

Section 6. Amending Chapter 22, Article XII, 22-353(A) of the City of Opa-Locka's City of Opa-Locka's Land Development Regulations entitled "Impact Fees", Division 4 entitled "Park Impact Fee", specifically Section 22-353(A) entitled "Park impact fee trust funds established" as follows:

Sec. 22-353. Park impact fee trust funds established.

- A. There are hereby established four (4) separate park impact fee trust funds, one for each park impact fee district established by section 22-352.
- B. Funds withdrawn from these accounts must be used in accordance with the provisions of section 22-354.

Section 7. Amending Chapter 22, Article XII, Section 22-354 of the City of Opa-Locka's City of Opa-Locka's Land Development Regulations entitled "Impact Fees", Division 4 entitled "Park Impact Fee", specifically Section 22-354 entitled "Use of funds" as follows:

Sec. 22-354. Use of funds.

- A. Funds collected from park impact fees shall be used solely for the purpose of acquiring and/or making capital improvements to parks under the jurisdiction of the city, the county, or the state and shall not be used for maintenance or operations.
- B. Funds shall be used exclusively for acquisitions, expansions, or capital improvements within the park impact fee district as identified in appendix I, attached to the ordinance from which this section is derived, from which the funds were collected or for projects in other park impact fee districts which are of benefit

to the park impact district from which the funds were collected. Funds shall be expended in the order in which they are collected.

- C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which park impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in subsection (A) of this section and are located within the appropriate impact fee districts created by section 22-352 or as provided in subsection (B) of this section.
- D. At least once each fiscal period the city manager shall present to the city commission a proposed capital improvement program for parks, assigning funds, including any accrued interest, from the several park impact fee trust funds to specific park improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same park impact fee trust funds until the next fiscal period except as provided by the refund provisions of this division.
- E. Funds may be used to provide refunds as described in section 22-355.

SECTION 8. Severability. The provisions of this Ordinance are severable, and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided. If any provision of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION 9. Conflict and Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 10. Inclusion In Code. It is the intention of the City Commission of the City of Opa-locka that the provisions of this Ordinance shall, at some time in the future, become and be made a part of the General Code of Ordinances of the City of Opa-Locka and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

SECTION 11. Scrivener's Errors. Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent as may be authorized by the City Manager without need of public hearing following review by the City Attorney, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 12. Effective Date. This Ordinance shall, upon adoption, become effective as specified by the City of Opa-Locka Code of Ordinances and the City of Opa-Locka Charter.

PASSED FIRST READING this __ day of _____ 2026.

PASSED SECOND READING this __ day of _____ 2026.

John Taylor, Mayor

ATTEST:

Joanna Flores, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Bass _____
Commissioner Santiago _____
Commissioner Ervin _____
Vice Mayor Kelley _____
Mayor Taylor _____



**City of Opa-locka
Agenda Cover Memo**

Department Director:	Gregory D. Gay		Department Director Signature:			
City Manager:	Sha'mecca Lawson		CM Signature			
Commission Meeting Date:	3.25.2026		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading
	X		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes No
				X		X
Funding Source: <i>Account# :</i>	<i>(Enter Fund & Dept)</i> Ex: N/A See Financial Impact section below		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No
				X		
ILA Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid#:			
		X				
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area: Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input checked="" type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/>	Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> Business & Economic Development		
	X					
Sponsor Name	City Manager		Department:	Planning & Community Development		

Short Title:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING ORDINANCE 15-23 PROVIDING FOR PAYMENT OF AN IMPACT ON LAND DEVELOPMENT IN THE CITY OF OPA LOCKA FOR PROVIDING NEW PARKS AND RELATED FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Parks and Recreation are vital for fostering physical health, mental well-being, and community cohesion while providing environmental and economic benefits. These areas also enhance quality of life, boost local economies through tourism, and protect natural habitats.

The City Commission previously adopted Ordinance No. 15-23 which imposed impact fees on new Parks and Recreation facilities.

Pursuant to Resolution No. 23-139, the City retained Stantec Consulting Services to conduct a comprehensive impact fee study. Based on current data, infrastructure needs, and growth projections, Stantec recommended modifications to the City’s Park and Recreation impact fees. The Impact Fee Study was presented to the City Commission on December 10, 2025, and is incorporated herein by reference.

The recommended amendment to the Parks and Recreation Impact Fees is necessary in order to provide and maintain a level of service for new growth. The current parks & recreation impact fee of \$0.998 per square foot is not adequate to provide and maintain the needed level of services.

Stantec recommended a four-year phased—in increase in the parks impact fee as shown below:

Fee Type	Phase-In Time	Current Fee	Year 1	Year 2	Year 3	Year 4
Parks & Recreation Impact Fee	4 Year	\$0.998	\$1.08	\$1.15	\$1.23	\$1.31

The Impact Fee Amendment also provides the City Manager with the authority to approve the deferment or reduction of impact fees required under this ordinance.

Financial Impact: The increase in the Parks and Recreation Impact Fee will incrementally increase the City revenues over the 4-year period with new development within the City.

Proposed Action:

Planning and Community Development staff recommend the approval of this legislation.

Attachment:

- Draft Ordinance
- Stantec Impact Fee Study and Recommendations
- Ordinance 04-11
- Ordinance 15-23



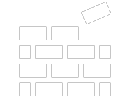
Stantec

Opa-Locka, FL Impact Fee Study



Background

- City of Opa-Locka impact fees unchanged since 2015 Study performed by Stantec
 - Parks
 - Police
 - Stormwater
 - Water
 - Sewer



Scope of Study: Re-calculate all existing impact fees



Background

- Impact fees allow new development to “*pay its own way*”
 - Funds expansion related capital costs
 - Not for operations, maintenance, or replacement
- Without impact fees:
 - 1) Facilities may not be constructed
 - 2) Facilities may be funded by existing taxpayers






*Impact
Fees*

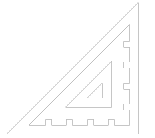




Background

Current Fee schedule (adopted in 2015)

					
	Parks	Public Safety	Stormwater	Water	Sewer
Charge	\$0.998	\$0.17	\$829	\$1,439	\$1,279
Unit	SQFT	SQFT	ERU	ERU	ERU





Calculation






US CPI Growth since '15 = 32%

	Cost Basis	Capacity	Single Family Impact Fee
 Parks	\$12.6 M	Existing Residential Served	\$1.31
 Public Safety	\$3.8 M	Existing Served	\$0.20
 Stormwater	\$15.1 M	Existing Impervious ERUs + 15yr Growth	\$835
 Water	\$26.3 M	Equivalent Residential Connections	\$1,701
 Sewer	\$30.3 M	Equivalent Residential Connections	\$2,405

Existing (2015)	%
\$0.998	31%
\$0.17	18%
\$829	1%
\$1,439	18%
\$1,279	88%



Totals – Single Family

	Existing Fee (2015)	Proposed Impact Fee	Change \$	Change %
 Parks*	\$1,497	\$1,965	+\$468	31%
 Public Safety*	\$255	\$300	+\$45	18%
 Stormwater**	\$829	\$829	\$0	0%
 Water	\$1,439	\$1,701	+\$262	18%
 Sewer***	\$1,279	\$1,919	+\$640	50%
Total	\$5,299	\$7,315	+\$1,415	38%

* Single Family average of 1,500 SF

** Recommend no change

*** Capped at 50%

Reforms to Florida Impact Fee Law



“Phase-In Limitations” on Impact Fee Increases

- ☑ $\leq 25\%$ Two Equal Annual Increments
- ☑ $>25\% \leq 50\%$ Four Increments
- ☑ $>50\%$ Not Allowed
- ☑ Increase only once every 4 years

Exceeding the Limitations

1. A special study that outlines **extraordinary circumstances**
2. Two publicly noticed workshops
3. Two-thirds approval



Parks and Recreation Phase In

Land Use	Calculated Change	Phase-In Time	Current Fee	Year 1	Year 2	Year 3	Year 4
Parks & Recreation Impact Fee	31%	4 Year	\$ 0.998	\$ 1.08	\$ 1.15	\$ 1.23	\$ 1.31

Land Use	Annual Increase / (Decrease):	Year 1	Year 2	Year 3	Year 4
Parks & Recreation Impact Fee		\$ 0.08	\$ 0.07	\$ 0.08	\$ 0.08



Public Safety Phase In

Land Use	Calculated Change	Phase-In Time	Current Fee	Year 1	Year 2	Year 3	Year 4
Public Safety Impact Fee	18%	2 Years	\$ 0.17	\$ 0.19	\$ 0.20	\$ 0.20	\$ 0.20

Land Use	Annual Increase / (Decrease):	Year 1	Year 2	Year 3	Year 4
Public Safety Impact Fee		\$ 0.02	\$ 0.01	\$ -	\$ -



Water/Sewer Phase In

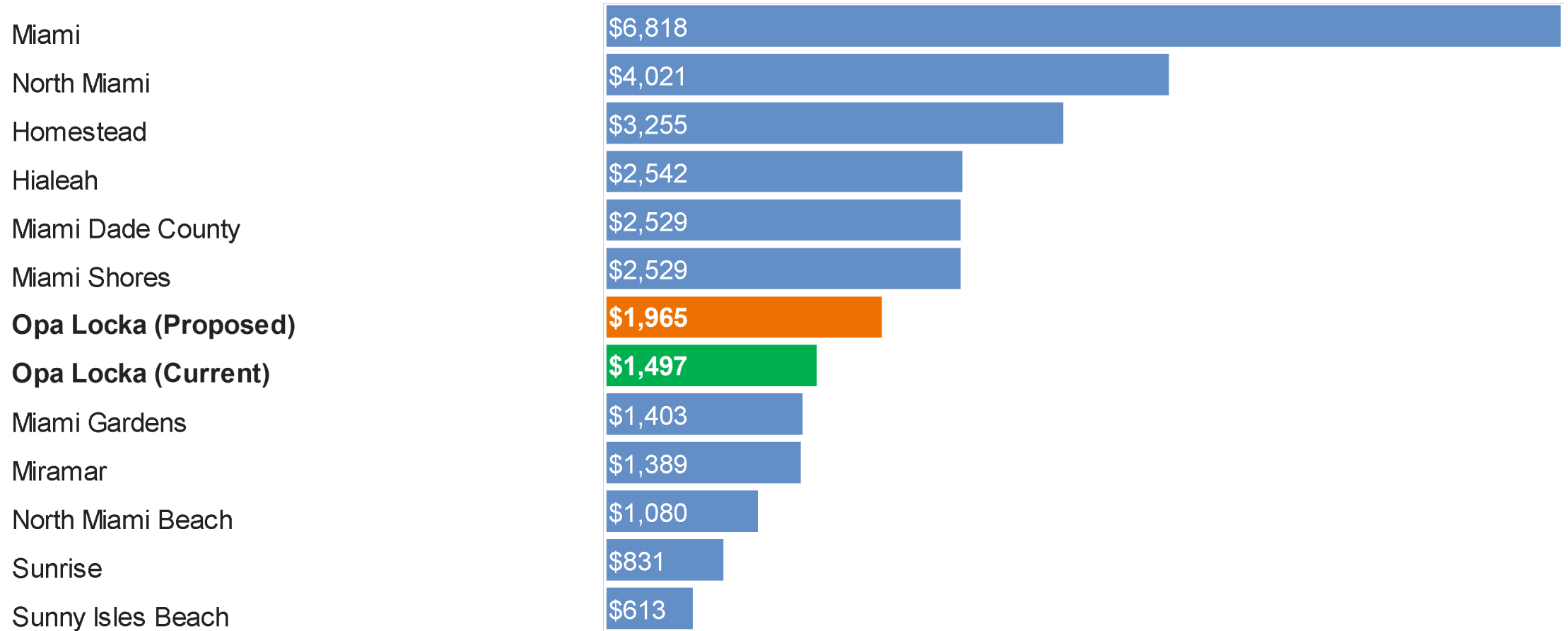
Land Use	Calculated Change	Phase-In Time	Current Fee	Year 1	Year 2	Year 3	Year 4
Water Impact Fee	18%	2 Year	\$ 1,439.00	\$ 1,570.00	\$ 1,701.00	\$ 1,701.00	\$ 1,701.00
Sewer Impact Fee	50% ¹	4 Year	\$ 1,279.00	\$ 1,439.00	\$ 1,599.00	\$ 1,759.00	\$ 1,919.00

Land Use	Annual Increase / (Decrease):	Year 1	Year 2	Year 3	Year 4
Water Impact Fee		\$ 131.00	\$ 131.00	\$ -	\$ -
Sewer Impact Fee		\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00

¹ Sewer Impact Fee increase limited to 50% according to limits set by Florida State Statues



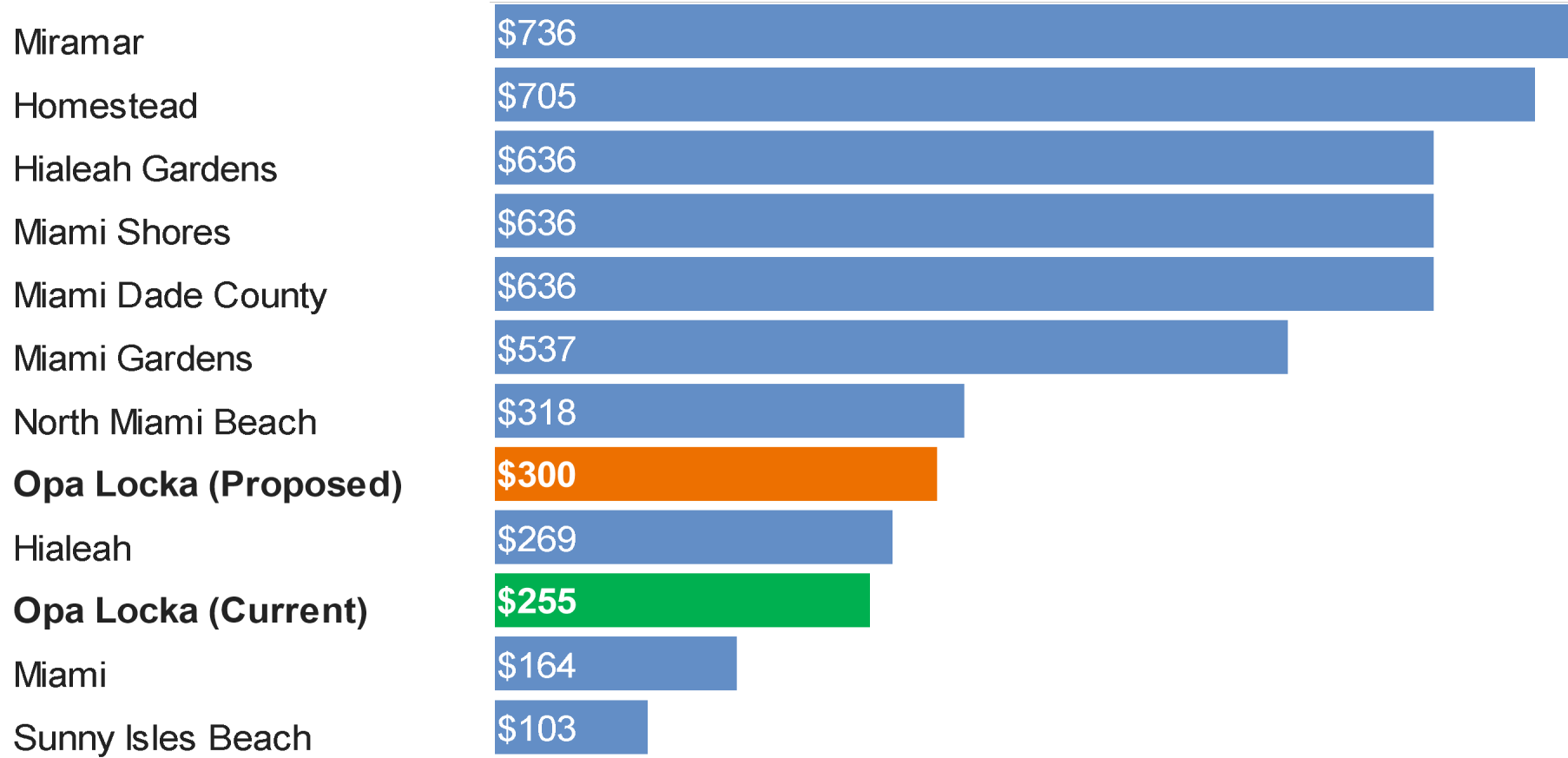
Parks and Recreation Impact Fee Survey – Single Family



Based on Single Family average square footage of 1,500



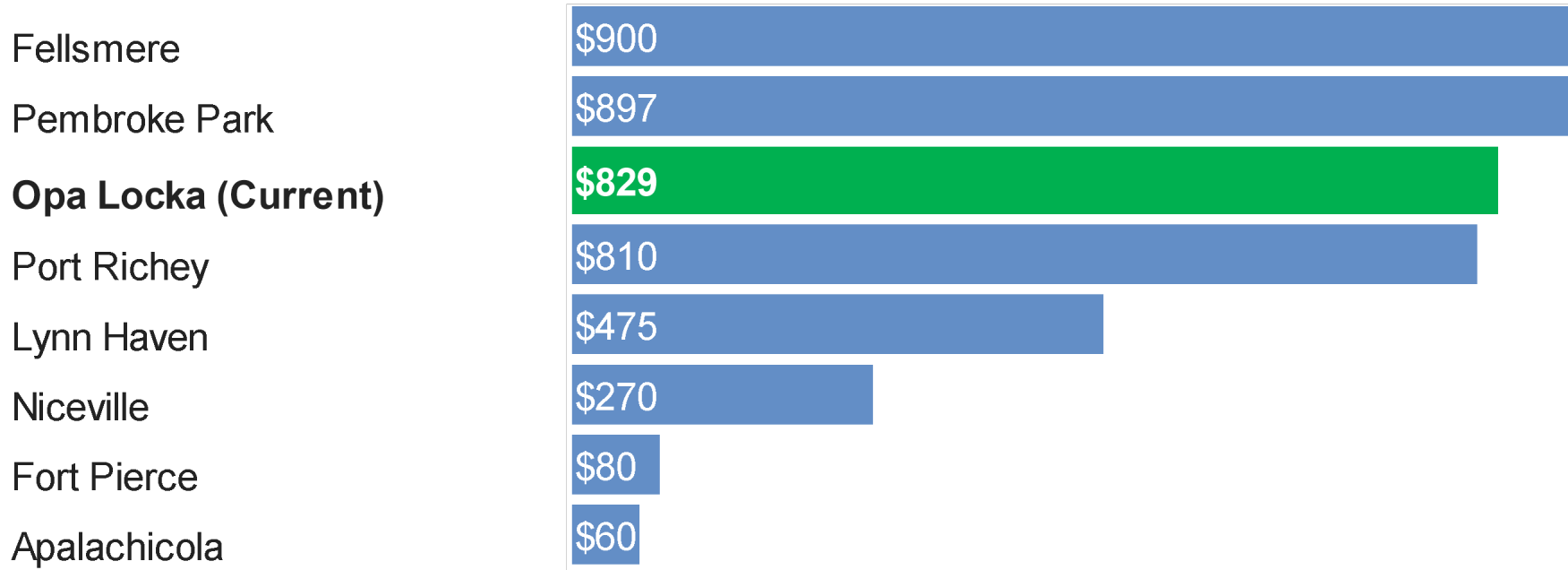
Public Safety Impact Fee Survey – Single Family



Based on Single Family average square footage of 1,500



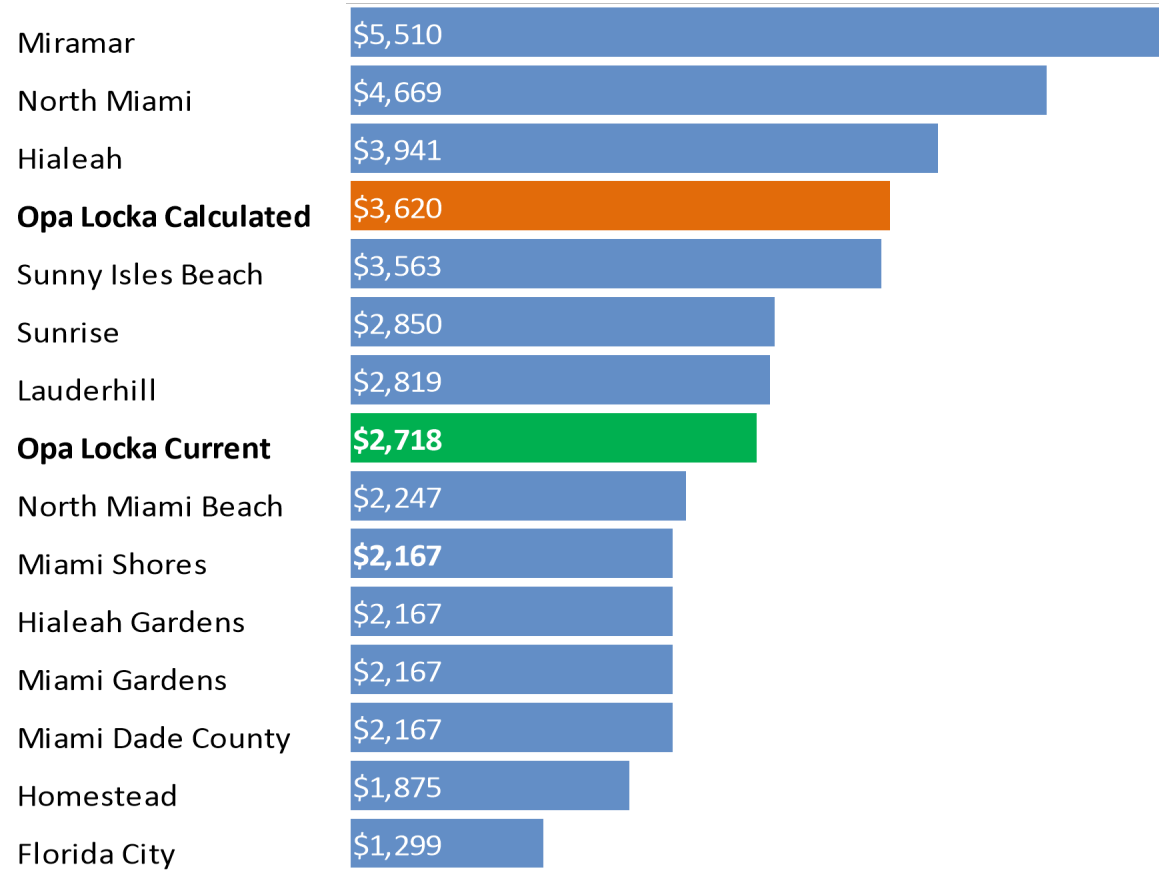
Stormwater Impact Fee Survey – Single Family





Water/Sewer Impact Fee Survey – Single Family

Single Family Water Sewer Impact Fee Survey



Based on Single Family average square footage of 1,500



Next Steps

- Consider adopting the updated schedule of calculated impact fees as presented herein
- Notice required **90 days** before the effective date
- Update impact fees in four years



Questions?

Peter Napoli
Senior Manager
Peter.Napoli@stantec.com

1st Reading/Public Hearing: SEPTEMBER 8, 2004
2nd Reading/Public Hearing: SEPTEMBER 22, 2004
Adopted: SEPTEMBER 22, 2004
Effective Date: DECEMBER 22, 2004
Sponsored by: City Manager

ORDINANCE NO. 04-11

PARK IMPACT FEE ORDINANCE

AN ORDINANCE OF THE CITY OF OPA-LOCKA, FLORIDA RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE INCORPORATED AREAS OF THE CITY OF OPA-LOCKA, FLORIDA; IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN THE CITY OF OPA-LOCKA FOR PROVIDING NEW PARKS AND RELATED FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; STATING THE AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FINDINGS AND DECLARATIONS OF THE CITY COMMISSION; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF A PARK IMPACT FEE; PROVIDING FOR REVIEW OF PARK IMPACT FEES AND THE FEE SCHEDULES; PROVIDING FOR THE ESTABLISHMENT OF PARK IMPACT FEE DISTRICTS; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM PARK IMPACT FEES INTO PARK IMPACT FEE TRUST FUNDS ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR USE OF FUNDS DERIVED FROM PARK IMPACT FEES; PROVIDING THAT PARK IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT INSTRUMENTS; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; CONTAINING A REPEALER PROVISION, SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COMMISSION THE CITY OF OPA-LOCKA, FLORIDA:

Section One: Legislative Findings

The City Commission of the City of Opa-locka finds, determines and declares:

- A. The City of Opa-locka must expand its park system in order to maintain current park standards if new development is to be accommodated without decreasing current standards. This must be done in order to promote and protect the public health, safety and welfare.

B. The Florida Legislature through the enactment of Florida Statutes Chapter 163 II has sought to encourage the City of Opa-locka to enact impact fees; The Florida Legislature, through the enactment of Florida Statutes Chapter 163.3202 (3), has sought to encourage Opa-locka to enact impact fees.

C. The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare;

D. Each of the types of land development described in Section Seven hereof, will create demand for the acquisition or expansion of parks and the construction of park improvements.

E. The fees established by Section Seven are derived from, are based upon, and do not exceed the costs of providing additional park and park improvements necessitated by the new land developments for which the fees are levied.

F. The report entitled "Methods and Data Used to Calculate Police, Park & Recreation and Public Works Impact Fees", dated, July 19, 2004, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional parks and park improvements in the City of Opa-locka.

Section Two: Short Title, Authority and Applicability.

A. This ordinance shall be known and may be cited as the "The City of Opa-locka Park Impact Fee Ordinance."

B. The City Commission of the City of Opa-locka has the authority to adopt this ordinance pursuant to Article IV of the Constitution of the State of Florida, and Chapter 166 of the Florida Statutes.

C. This ordinance shall apply in the incorporated area of the City of Opa-locka.

Section Three: Intents and Purposes

A. This ordinance is intended to assist in the implementation of the City of Opa-locka Comprehensive Plan.

B. The purpose of this ordinance is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide parks and park improvements in the City of Opa-locka.

Section Four: Rules of Construction

A. The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.

B. For the purposes of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

(1) In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

(2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

(3) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(4) The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".

(5) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

(6) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:

(a) "And" indicates that all the connected terms, conditions, provisions or events shall apply.

(b) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(7) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(8) "City Manager" means the City Manager municipal officials he/she may designate to carry out the administration of this ordinance.

Section Five: Definitions

- A. A "feepayer" is a person applying for the issuance of a building permit.
- B. "Building permit for a residential building" is the approval issued by the City of Opa-locka that authorizes the construction or placement of a building, dwelling, mobile home, recreational vehicle or other structure on a site, where the purposes of the building or structure is for the occupancy by humans. This would include temporary as well as permanent occupancy.
- C. A "capital improvement" includes parks planning, land acquisition, site improvements, buildings, and equipment, but excludes maintenance and operation.
- D. "Development Order" means a regulatory approval by the City of Opa-locka.
- E. "Private recreational facility" is any recreational facility which is not owned by or dedicated to any governmental entity.

Section Six: Imposition of Park Impact Fee.

- A. Any person who, after the effective date of this Ordinance, seeks to develop land within the City of Opa-locka, Florida, by applying for a building permit for a residential building is hereby required to pay a park impact fee in the manner and amount set forth in this ordinance.
- B. No new residential building permit for any activity requiring payment of an impact fee pursuant to Section Seven of this ordinance shall be issued unless and until the park impact fee hereby required has been paid.
- C. No extension of a residential building permit issued prior to the effective date of this Ordinance for any activity requiring payment of an impact fee pursuant to Section Seven of this ordinance shall be granted unless and until the park impact fee hereby required has been paid.

Section Seven: Computation of the Amount of Park Impact Fee

- A. At the option of the feepayer, the amount of the park impact fee may be determined by the following fee schedule.

Park Impact Fee Schedule	
Residential Floor Area	
Cost Per Sq. Ft.	\$0.722

(1) If a building permit is requested for mixed uses, then the fee shall be determined through using the above schedule by apportioning the space committed to uses specified on the schedule.

(2) If the type of development activity that a residential building permit is applied for is not specified on the above fee schedule, the City Manager shall use the fee applicable to the most nearly comparable type of land use on the above fee schedules. The City Manager shall be guided in the selection of a comparable type by the City of Opa-locka Comprehensive Plan, supporting documents of the City of Opa-locka Comprehensive Plan, and the City of Opa-locka Zoning Ordinance. If the City Manager determines that there is no comparable type of land use on the above fee schedule then the City Manager shall determine the appropriately discounted fee by considering demographic or other documentation which is available from State, local and regional authorities.

(3) In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a residential building permit, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use. The City Manager shall be guided in this determination by the sources and agencies listed above.

B. If a feepayer opts not to have the impact fee determined according to paragraph (A) of this section, then the feepayer shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The City Manager shall consider the documentation submitted by the feepayer but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and 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 park impact fees based upon the schedule shown in paragraph (A) of this section. If an acceptable independent fee calculation study is presented, the City Manager may adjust the fee to that appropriate to the particular development. The adjustment may include a credit against the fee otherwise payable up to three (3%) for private recreational facilities constructed or deed restricted or otherwise set aside for recreational purposes by the feepayer which serve the same purposes and functions as set forth for public parks in the City of Opa-locka Comprehensive Plan. Determinations made by the City Manager pursuant to this paragraph may be appealed to the City Commission by filing a written request with the City Manager within ten (10) days of the City Manager's determination.

Section Eight: Payment of Fee

A. The feepayer shall pay the park impact fee required by this ordinance to the City Manager or his/her designee prior to the issuance of a residential building permit.

B. All funds collected shall be properly identified by park impact fee district and promptly transferred for deposit in the appropriate Park Impact Fee Trust Fund to be held in

separate accounts as determined in Section Ten of this ordinance and used solely for the purposes specified in this ordinance.

Section Nine: Park Impact Fee Districts

There are hereby established four (4) park impact fee districts as shown in Appendix I attached hereto and incorporated herein by reference.

Section Ten: Park Impact Fee Trust Funds Established

A. There are hereby established four (4) separate Park Impact Fee Trust Funds, one for each park impact fee district established by Section Nine of this Ordinance.

B. Funds withdrawn from these accounts must be used in accordance with the provisions of Section Eleven of this ordinance.

Section Eleven: Use of Funds

A. Funds collected from park impact fees shall be used solely for the purpose of acquiring and/or making capital improvements to parks under the jurisdiction of the City of Opa-locka, the County, or the State of Florida, and shall not be used for maintenance or operations.

B. Funds shall be used exclusively for acquisitions, expansions, or capital improvements within the park impact fee district as identified in Appendix I, hereto, from which the funds were collected or for projects in other park impact fee districts which are of benefit to the park impact district from which the funds were collected. Funds shall be expended in the order in which they are collected.

C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which park impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in paragraph A above and are located within the appropriate impact fee districts created by Section Nine of this ordinance or as provided in paragraph B of this section.

D. At least once each fiscal period the City Manager shall present to the City Commission a proposed capital improvement program for parks, assigning funds, including any accrued interest, from the several Park Impact Fee Trust Funds to specific park improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same Park Impact Fee Trust Funds until the next fiscal period except as provided by the refund provisions of this ordinance.

E. Funds may be used to provide refunds as described in Section Twelve.

Section Twelve: Refund of Fees Paid

A. If a residential building permit expires without commencement of construction, then the feepayer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance except that the City shall retain three percent (3 %) of the fee to offset a portion of the costs of collection and refund. The feepayer must submit an application for such a refund to the City Manager thirty (30) days prior to the expiration of the permit.

B. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the park impact fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of three percent (3 %) per annum, provided that the landowner submits an application for a refund to the City Clerk of the City of Opa-locka within 180 days of the expiration of the six year period.

Section Thirteen: Exemptions and Credits

A. The following shall be exempted from payment of the impact fee:

- (1) Alterations or expansion of an existing building where no additional residential units are created and where the use is not changed.
- (2) The construction of accessory buildings or structures.
- (3) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
- (4) The installation of a replacement mobile home on a lot or other such site when a park impact fee for such mobile home site has previously been paid pursuant to this ordinance or where a mobile home legally existed on such site on or prior to the effective date of this Ordinance.
- (5) The construction of any non-residential building or structure or the installation of a non-residential mobile home.

Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

B. Credits:

- (1). Park land and/or park capital improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offer must specifically

request or provide for a park impact fee credit. If the City Manager accepts such an offer, whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner:

(a). Credit for the dedication of land shall be valued at (i) 115% of the most recent assessed value by the Property Appraiser, or (ii) by such other appropriate method as the City Commission may have accepted prior to the effective date of this ordinance for particular park improvements, or (iii) by fair market value established by private appraisers acceptable to the City. Credit for the dedication of park land shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Commission.

(b). Applicants for credit for construction of park improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City Manager. The City Manager shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the City Manager determines that such estimates submitted by the applicant are either unreliable or inaccurate. The City Manager shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the City Manager before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.

(c). Except as provided in subparagraph (d), Credit against impact fees otherwise due will not be provided until:

(i) the construction is completed and accepted by the City, the County or the State, whichever is applicable;

(ii) a suitable maintenance and warranty bond is received and approved by the City Clerk of the City of Opa-locka, when applicable.

(d). Credit may be provided before completion of specified park improvements if adequate assurances are given by the applicant that the standards set out in Subparagraph (c) will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with and approved by the City of Opa-locka in an amount deter-

mined by the City Manager. If the park construction project will not be constructed within one (1) year of the acceptance of the offer by the City Manager, the amount of the security shall be increased by ten per cent (10%) compounded, for each year of the life of the security. The security shall be reviewed and approved by the City Commission prior to acceptance of the security. If the park construction project is not to be completed within 5 years of the date of the feepayer's offer, the City Commission must approve the park construction project and its scheduled completion date prior to the acceptance of the offer by the City Manager.

- (2). Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.
- (3). Credits shall not be transferable from one project or development to another without the approval of the City Commission and may only be transferred to a development within a different impact fee district upon a finding by the City Commission that the dedication for which the credit was given benefits such different impact fee district.
- (4). Determinations made by the City Manager pursuant to this paragraph may be appealed to the City Commission by filing a written request with the City Manager with ten (10) days of the City Manager's determination.

Section Fourteen: Review

The fee schedule contained in Section Seven (A) shall be reviewed by the City Commission at least once each fiscal biennium.

Section Fifteen: Penalty Provision

A violation of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution the City of Opa-locka shall have the power to sue in civil court to enforce the provisions of this ordinance.

Section Sixteen: Repealer Provision

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

Section Seventeen: Severability


If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the

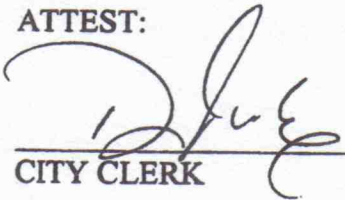
remaining portions thereof.

Section Eighteen: Effective Date:

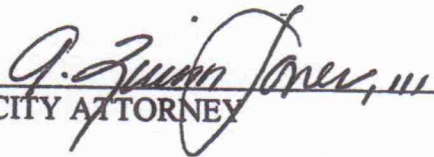
This ordinance shall become effective on December 22, 2004.

PASSED AND DULY ADOPTED THIS 22 Day of SEPT., 2004.


MAYOR

ATTEST:

CITY CLERK

Approved as to form and legal sufficiency:


CITY ATTORNEY

9/10/04
DATE

Moved by: VICE MAYOR JOHNSON
Second by: COMMISSIONER TYDUS
Commission Vote 4-0
Commissioner Tydus: YES
Commissioner Holmes: YES
Vice-Mayor Johnson: YES
Mayor Kelley: YES

APPENDIX I

PARKS AND RECREATION

The Opa-locka inventory of park facilities yields a ratio of 0.566 acres of parks per 1,000 population. Available data show a facility cost per capita of \$223.29. The facility cost table shows that this cost may be an understatement. However, this understated cost is all that can be supported with available data.

PARK AND RECREATIONAL FACILITY COSTS CITY OF OPA-LOCKA 2004

PARK	ACRES	LAND VALUE	IMPROVE- MENT VALUE	TOTAL VALUE
Sherbondy Park	3.260	\$500,000	\$591,000	\$1,091,000
Washington Tot Lot	0.250	\$150,000	\$35,000	\$185,000
Segal Park (Helen Miller) Center	2.450	\$500,000	\$662,000	\$1,162,000
Ingram Park	25.595	\$918,527	\$208,919	\$1,127,446
TOTAL	31.555	\$2,068,527	\$1,496,919	\$3,565,446
PER 1,000 POPULATION	2.049			
PER CAPITA				\$231.57
RESIDENTIAL FLOOR AREA				4,937,287
COST PER Sq. Ft.				\$0.722

SOURCE: City of Opa-locka, May 2003 and July 2004.

Future updates should be able to incorporate more data and provide more complete facility costs.

There are no existing data that suggest that non-residential developments either place demands upon or benefit from Opa-locka's system of park and recreation facilities.

1st Reading: June 24, 2015
2nd Reading: July 22, 2015
Public Hearing: July 22, 2015
Adopted: July 22, 2015
Effective Date: July 22, 2015
Sponsored by: City Manager

ORDINANCE NO. 15-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING ORDINANCE 04-11 PROVIDING FOR PAYMENT OF AN IMPACT ON LAND DEVELOPMENT IN THE CITY OF OPA LOCKA FOR PROVIDING NEW PARKS AND RELATED FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Opa-locka passed Ordinance 04-11, imposing impact fees on new land development in the City to provide and maintain an adequate level of parks to meet growth needs in residential areas in the City;

WHEREAS, the City Commission's legislative findings justifying the imposition of such impact fee, as well as the data and studies used to calculate that fee are incorporated by reference herein;

WHEREAS, The City retained Burton and Associates to conduct a comprehensive study on impact fees and they recommend modifications based on current data and projections. Their report was presented to the City on May 5th, 2015 and is incorporated by reference herein; and

WHEREAS, This recommended Amendment to the Park Impact Fees is necessary in order to provide and maintain a level of service to new growth in residential areas; and

WHEREAS, The current park impact fee is outdated and as a matter of public policy should be updated every five years; and

WHEREAS, The current park impact fee of \$0.722 is not adequate to provide for the needed level of services; and

Ordinance No. 15-23

WHEREAS, An impact fee of \$0.998 is needed to take into account growth in residential areas and to provide and maintain the required level of park service to residential areas, including growth areas.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA:

Section 1. The recitals to the preamble herein are incorporated by reference.

Section 2. Ordinance 04-11 imposing an impact fee on land development to provide for new parks and related facilities is hereby Amended to change the impact fee for new parks to be imposed on new land development to \$0.998 per square foot.

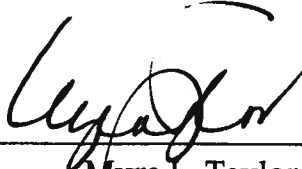
Section 3 All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. CODIFICATION. This Ordinance shall be codified in the Code of Ordinances when the code is recodified.

Section 6. EFFECTIVE DATE. This Ordinance shall upon adoption, become effective immediately.

PASSED AND ADOPTED this 22ND day of July, 2015.

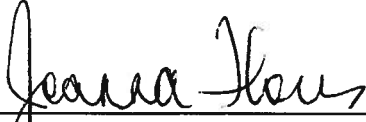


Myra L. Taylor
Mayor

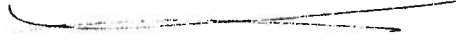
Ordinance No. 15-23

Attest to:

Approved as to form and legal sufficiency:



Joanna Flores
City Clerk



Vincent T. Brown
The Brown Law Group
City Attorney

Moved by: COMMISSIONER KELLEY
Seconded by: VICE MAYOR HOLMES
Commissioner Vote: 4-0
Commissioner Kelley: YES
Commissioner Pinder: OUT OF ROOM
Commissioner Santiago: YES
Vice Mayor Holmes: YES
Mayor Taylor: YES