City of Boynton Beach
Agenda Item Request Form

Meeting Date: 05/20/2025

Proposed Ordinance No. 25-009- First Reading, An Ordinance of the City Commission of the City of Boynton Beach, Florida, Amending Part III "Land Development Regulations," Chapter 2 "Land Development Process," Article VI "Impact and Selected Fees" for the removal of Palm Beach County Park Impact Fees from Land Development Regulations.

Requested Action: Staff recommends approved of Proposed Ordinance No. 25-009, at first reading.

Explanation of Request:

The authority to impose impact fees in Florida is governed by the Florida Impact Fee Act, codified in Section 163.1801, Florida Statutes. This statue establishes guidelines that local governments must follow when imposing impact fees, including the requirement that fees must be based on a reasonable connection (rational nexus) between the new development and the need for additional infrastructure.

Volume 1, Article 1, Section 1.3 of the Palm Beach County Charter, governs any conflict between County and City ordinances and expressly contemplates dual impact fees. In addition, the County Charter provides that the County shall provide a credit toward the payment of County impact fees for properties within those municipalities which provide like capital facilities.

Furthermore, Article 13 of the County's Unified Land Development Code recognizes that municipalities can charge separate impact fees. The Article also establishments for collection of PBC Park Impact fees. It states, 'A municipality reviewing its own applications for Development Permits may opt to have PBC collect the impact fees, pursuant to interlocal agreement'. Article 13 also describes that a municipality collecting impact fees is acting only as collecting agent and not an Impact Fee Manager as defined within the Article 13, and once fees are collected to remit payment as required. The Impact Fee Manager is responsible for any applicable credits under the Article. The fee is due prior to building permit unless other conditions are met.

Development Permits within the municipal boundary of the City of Boynton Beach are subject to Chapter 2. Land Development Process, Article VI. Impact and Selected Fees, Section 9.A Parks and Recreation Impact fee of Part III Land Development Regulations. This fee is also due at time of a building permit unless other conditions are met.

The proposed amendment would be to remove the Palm Beach County Park Impact fees from Section 7, of Article VI. Impact and Selected Fees from the Land Development Regulations. Any developer/applicant would still be subject to PBC ordinances as applicable, but the requirement to collect will no longer be the City's function. This will allow for the Impact Fee Manager to review each fee assessment prior to fee submittal and for the developer/applicant to provide adequate information to such agent for qualifying credits.

Any developer/applicant will continue to be subject to Chapter 2, Article VI. Impact and Selected Fees, Section 9. A of Part III Land Development Regulations for development within the municipal boundaries of the City.

How will this affect city programs or services? If approved, this removes the requirement for City Staff to collect Palm Beach County Park Impact fees.

Account Line Item and Description: N/A

Fiscal Impact: N/A

Attachments:
Ord. 25-009 Impact_and_Selected_Fees_Ordiance_Amendment.docx
Staff Report.pdf
Exhibit A - LDR Amendment.pdf
CDRV 25-006_PBC Park Impact Fees_05.20.25.pptx
business-impact-estimate-Removal of Impact Fees.docx