

ORDINANCE NO. 2024-1468

**AN ORDINANCE AMENDING CHAPTER 42, ARTICLE VI, SECTION 42-507
OF THE CODE OF ORDINANCES FOR THE CITY OF ORANGE BEACH, ALABAMA
ENTITLED, "CALCULATION AND COLLECTION OF IMPACT FEES; EXCEPTIONS"**

WHEREAS:

1. On September 25, 2006, Orange Beach City Council adopted Ordinance No. 2006-986 codified as Section 42-507 entitled, "Calculation and collection of impact fees; exceptions."
2. The payment of impact fees in excess of \$10,000.00 prior to receipt of a building permit requires early loan advances for builders.
3. The deferral of impact fees in excess of \$10,000.00 promotes development in the City of Orange Beach.
4. The City Council of the City of Orange Beach has determined that these amendments are in the best interest of the City of Orange Beach and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That Chapter 42, Article VI, Section 42-507 of the Code of Ordinances for the City of Orange Beach is hereby amended to read as follows:

|Sec. 42-507. - Calculation and collection of impact fees; exceptions.

- (a) Impact fees may be imposed only on new development and only against a particular new development in reasonable proportion to the demand for additional capacity in public facilities that can be reasonably attributed to the new development.
- (b) The owners, residents, and tenants of a property that was assessed an impact fee and paid it in full shall have the right to make reasonable use of all facilities that were financed by the impact fee; provided, however, impact fee shall not exceed one percent of the fair market value of each service unit.
- (c) Impact fees shall be calculated and collected by the community development department prior to the issuance of a Building Permit for new development, and in accordance with the impact fee schedule then in effect. Notwithstanding the foregoing, amounts due in excess of ten thousand dollars (\$10,000.00) may be deferred to a future date upon written request. In the event of deferral, building permits may issue upon the initial payment of \$10,000.00 and execution of an acknowledgement of future payment terms. In no event shall a Certificate of Occupancy issue until all impact fees are paid in full.
- (d) All impact fees shall be paid in cash unless the city accepts an in-kind contribution of public infrastructure as allowed by section 42-512 of this Code.
- (e) Impact fees shall be reviewed annually based upon the city's costs to provide the public facilities established in the city's comprehensive land use and five year capital improvement plan.
- (f) An impact fee:
 - (1) Is both a personal liability of the owners of property that is the subject of new development and a lien upon the property;
 - (2) May be levied only once on a service unit;

(3) Up to \$10,000.00 shall be paid in full before a building permit may issue for a new development;

(4) Shall be paid in full prior to issuance of a Certificate of Occupancy for a new development.

(g) Impact fees shall not be assessed against planned unit developments (PUDs) that were approved prior to the date of this article where (a) the approval of the development was conditioned upon the completion of certain public benefits and (b) the promised benefits are paid or provided prior to the issuance of a building permit.

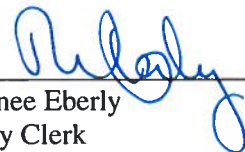
(h) PUD amendments approved after the date of this article shall be subject to impact fees in accordance with the adopted fee schedule.

(i) Impact fees are not refundable unless required by section 42-512 of this Code; provided, however, that refunds may be allowed if no construction occurs and the building permit is voided. A processing fee of five hundred dollars (\$500.00) shall be withheld from any refund allowed pursuant to this section.

2. All ordinances, resolutions or parts in conflict with this ordinance, to the extent of such conflict, are repealed; and

3. That this Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS 16th DAY OF JANUARY, 2024.



Renee Eberly
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing ORDINANCE 2024-1468 was posted on 01/17/2024 in the following three

(3) public places:

Orange Beach City Hall _____ 

Orange Beach Post Office _____

Orange Beach Public Library _____



Renee Eberly, City Clerk

