

ORDINANCE NO. 2474

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF APOPKA, FLORIDA, BY AMENDING CHAPTER 26, "CAPITAL FACILITIES FEES," ARTICLE IV, "WATER, SEWER AND REUSE CAPITAL FACILITY FEES AND FUND," SECTIONS 26-112, "DEFINITIONS," 26-117, "WATER CAPITAL FACILITY FEE," 26-118, "SEWER CAPITAL FACILITY FEE," AND 26-119, "REUSE CAPITAL FACILITY FEE;" AMENDING FEE CALCULATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City hired Reiss Engineering, Inc., with sub-consultant Public Resources Management Group (PRMG), to perform a study of the City's Water, Sewer, and Reuse capital facility fees, and

WHEREAS, the City believes that growth should pay its own way, and

WHEREAS, the result of the study showed that the City was not collecting sufficient funds to cover the cost of growth related expenses in the City's Capital Improvement Plan, and

WHEREAS, there has not been a capital facility fees study completed since 2001.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF APOPKA, FLORIDA; that:

SECTION I: Chapter 26, "Capital Facility Fees," Article IV, "Water, Sewer and Reuse Capital Facility Fees and Fund," Sections 26-112, "Definitions," 26-117, "Water Capital Facility Fee," 26-118, "Sewer Capital Facility Fee," and 26-119, "Reuse Capital Facility Fee," shall read as follows:

ARTICLE IV. - WATER, SEWER AND REUSE CAPITAL FACILITY FEES AND FUND

Sec. 26-112. - Definitions.

The following definitions shall apply to this article:

Applicant means a person who is obligated to remit or who has remitted all or any portion of the capital facility fees described in this article.

Capital facility fee means the fee required to be paid in accordance with this article.

Capital improvement includes land acquisition, right-of-way acquisition, site improvements, engineering fees, permitting fees, buildings and equipment, or debt service for such expansion or capital improvement, but excludes maintenance and operation.

City permit means a permit from the city allowing an applicant to hook up to the city water, sewer, and/or reuse systems or to receive additional capacity from the water, sewer, and/or reuse systems.

Comprehensive plan means that plan, which may consist of several maps, data and other descriptive matter, for the physical development of the city or any portion thereof, including any amendments, extension or additions thereto, indicating the general location for major streets, parks, open space or other public utilities, zoning districts or other similar information. The comprehensive plan shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data regarding the future development of the city.

DEP means the Florida Department of Environmental Protection.

ERU (sewer) means equivalent residential unit, defined as having the average demand of ~~350~~ 300 gallons per day.

ERU (water) means equivalent residential unit, defined as having the average demand of 400 gallons per day, without reclaimed water available, and having the average demand of 300 gallons per day with reclaimed water available.

ERU (reuse) means equivalent residential unit, defined as having the average demand of 600 gallons per day.

Impact fee means capital facility fee.

Land development activity means an activity in which the construction of a facility requires water, sewer, and/or reuse capital facility fees as defined in this article.

Living unit means any temporary or permanent unit utilized for human habitation.

Sec. 26-117. - Water capital facility fee.

- (a) A capital facility fee, which represents the capital cost of the primary system capacity expansion, as described in exhibit "A", which is on file in the city clerks's office, will be charged and paid in the manner described in this section. The city reserves the right to also require additional contributions or in-kind contributions, including but not limited to constructed donated facilities, as may be necessary to extend services or to further expand the primary system to facilitate the providing of services to the applicant's property, and if any oversizing is required the applicant shall be reimbursed in accordance with this article. The city additionally reserves the right to amend this article so as to prospectively adjust the fees and charges assessed in this section. The applicant will be required to build or to provide the cost of construction of the secondary or local distribution system and all water facilities on the site, regardless of size, necessary to provide service to the land development activity.

(b) The water capital facility fee charged shall be calculated as follows:

- (1) Residential capital facility fee, without reclaimed water available. If DEP permit or city permit is issued in calendar year, the fee Inside the City is \$1,276.00 and the fee Outside the City is \$1,595.00.

	Inside The City	Outside The City
2001	\$1,502.00	\$1,877.00
2002	1,700.00	2,125.00
2003	1,900.00	2,375.00
2004	2,100.00	2,625.00
2005	2,298.00	2,872.00

- (2) ~~Alternative single-family water capital facility fee. In the event that a connection commits to reuse and/or pays the applicable reuse capital facility fee at the time the water capital facility fee is paid the applicable water capital facility fee shall be:~~

Residential capital facility fee, with reclaimed water available. If DEP permit or city permit is issued in calendar year, the fee Inside the City is \$957.00 and the fee Outside the City is \$1,196.00.

	Inside The City	Outside The City
2001	\$1,502.00	\$1,877.00 *
2002	1,276.00	1,595.00
2003	1,420.00	1,775.00
2004	1,576.00	1,970.00
2005	1,724.00	2,155.00

~~* Reuse fee goes into effect January 1, 2002.~~

- (3) Adjustments to commercial capital facility fee. As to commercial users or residential units having commercial uses or which have been converted to legal commercial uses, the city, in its discretion, may assess an adjusted or additional water capital facility fee if at any time the usage of the connected unit changes or if it is determined by the city that the projected annual usage was less than the actual annual usage.
- ~~(4) Every year after 2005 or whenever the fee reaches \$2,298.00 the fee will be adjusted by the Engineering News Record (ENR) Construction Cost Index. This inflationary increase would be calculated in September of each year and made effective January 1 of the new year.~~

Sec. 26-118. - Sewer capital facility fee.

- (a) A capital facility fee shall be assessed by the city which represents the capital cost of the primary system capacity expansion as described in exhibit "A", which is on file in the city clerk's office.
- (b) The city reserves the right to also require additional contributions or in-kind contributions, including but not limited to constructed donated facilities, as may be necessary to extend services or to further expand the primary system to facilitate the providing of services to the applicant's property, and if any oversizing is required the applicant shall be reimbursed in accordance with this article. The city additionally reserves the right to amend this article so as to prospectively adjust the fees and charges assessed in this section. The applicant will be required to build or to provide the cost of construction of the secondary or local collection system and all wastewater facilities on the site, regardless of size, necessary to provide service to the land development activity.
- (c) The sewer capital facility fee charged shall be calculated as follows:
- (1) Residential capital facility fee. If DEP permit or city permit is issued in calendar year, the fee Inside the City is \$4,775.00 and the fee Outside the City is \$5,969.00.

	Inside The City	Outside The City
2001	\$2,458.00	\$3,072.00
2002	2,748.00	3,435.00
2003	3,036.00	3,795.00
2004	3,324.00	4,155.00
2005	3,612.00	4,515.00

- (2) Adjustments to commercial capital facility fee. As to commercial users or residential units having commercial uses or which have been converted to legal commercial uses, the city, in its discretion, may assess an adjusted or additional sewer capital facility fee if at any time the usage of the connected unit changes or if it is determined by the city that the projected annual usage was less than the actual annual usage.
- ~~(3) Every year after 2005 or whenever the fee reaches \$3,612.00 the fee will be adjusted by the Engineering News Record (ENR) Construction Cost Index. This inflationary increase would be calculated in September of each year and made effective January 1 of the new year.~~
- (d) Any existing single-family home within the city limits with a fully functional septic system at the time the city installs sewer lines, or at the time the property annexes into the city will not be required to connect to the city's sewer system. However, if the septic system should fail and require replacement, the owner, tenant, or occupant of the lot or parcel of land would lose this exemption and then be required to connect to the city system.

Sec. 26-119. - Reuse capital facility fee.

- (a) A capital facility fee shall be assessed by the city which represents the capital cost of the primary system capacity expansion as described in exhibit "A", which is on file in the city clerk's office.
- (b) The reuse capital facility fee charged per ERU shall be calculated as follows:
- (1) Residential capital facility fee. If DEP permit or city permit is issued in calendar year the fee Inside the City is \$2,958.00 and the fee Outside the City is \$3,698.00.

	Inside The City	Outside The City
2001	\$-0-	\$-0-
2002	\$516.00	\$645.00
2003	1,028.00	1,285.00
2004	1,544.00	1,930.00
2005	2,059.00	2,573.00

- (2) Single-family residential ERU shall be as follows:
- Parcel size equal to or less than one-quarter acre equals 1 ERU
 - Parcel size more than one-quarter up to one-half acre equals 1.25 ERU
 - Parcel size greater than one-half acre equals 1.5 ERU
- (3) Commercial reuse capital facility shall be equal to one ERU or greater based on the following:

Amount of area to be irrigated in sq. ft. divided by 10,000 sq. ft.

- (4) Adjustments to commercial facility fee. As to commercial users or residential units having commercial uses or residential units which have been converted to legal commercial uses, the city, in its discretion, may assess an adjusted or additional reuse capital facility fee if at any time the usage of the connected unit changes or if it is determined by the city that the projected annual usage was less than the actual annual usage.
- (5) ~~Every year after 2005 or whenever the fee reaches \$2,059.00 the fee will be adjusted by the Engineering News Record (ENR) Construction Cost Index. This inflationary increase would be calculated in September of each year and made effective January 1 of the new year.~~

SECTION II. Severability. If any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of a section or subsection or part of this ordinance.

SECTION III. Conflict. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective immediately upon adoption.

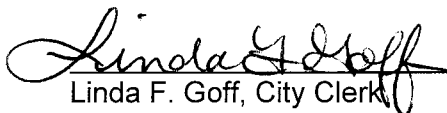
First Reading: February 3, 2016

Second Reading: February 17, 2016
and Adoption



Joseph E. Kishner, Mayor

ATTEST:



Linda F. Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: January 22, 2016 and February 5, 2016