

ORDINANCE NO. C-05-21

AN ORDINANCE AMENDING CHAPTER 28, "WATER, WASTEWATER AND STORMWATER", OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO AMEND THE WASTEWATER PLANT AND COLLECTION SYSTEM CAPITAL EXPANSION FEES AND POTABLE WATER AND DISTRIBUTION SYSTEM CAPITAL EXPANSION FEES AND REPEALING RESOLUTION NO. 85-27 ESTABLISHING SAID FEES.

WHEREAS, pursuant to adequacy requirements as provided in the City's Unified Land Development Regulations of the Code of Ordinances of the City of Fort Lauderdale Comprehensive Plan and the State of Florida growth management laws as provided in the Florida Statutes, no development permits are to be issued by the City unless certain services and facilities are adequate to serve the proposed development including wastewater and potable water service; and

WHEREAS, the City Commission of the City of Fort Lauderdale adopted Resolution No. 85-265 approving a policy related to the collection of capital expansion charges for water and sewer facilities and a plan review fee to determine flow allocations ("Policy"); and

WHEREAS, since the adoption of the Policy, the City has been collecting and expending these charges for water and sewer capital expansion in order to serve new development; and

WHEREAS, the City secured the professional services of a consultant to prepare the City of Fort Lauderdale Water and Wastewater Master Plan and the Program Delivery Plan for the Waterworks 2011 Program ("Program"); and

WHEREAS, pursuant to Resolution 02-205, the Program was accepted; and

WHEREAS, pursuant to Resolution No. 02-206, the City approved the Guidelines for Calculating an Equivalent Residential Connection Fee ("Guidelines") associated with the Program; and

WHEREAS, using the information provided in the studies conducted in association with the development of the Program and Guidelines, the City authorized the consultants to conduct a study analyzing of the City's current capital expansion fee policy in order to review the adequacy of the Policy to address future water and sewer needs, and if necessary, to recommend revisions to the methodology for calculating capital expansion fees for new connections which contribute to the need for expansion; and

WHEREAS, the results of this study are included in a document entitled Water and Wastewater Capital Expansion Fee Analysis ("Analysis"); and

WHEREAS, it has been determined by the City Commission of the City of Fort Lauderdale ("City") that based on the Analysis changes to the Policy including the methodology for calculating capital expansion fees are needed in order to ensure that the necessary funds are available to pay for the necessary improvements to the potable water and wastewater systems to provide adequate potable water and wastewater service for future development;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 28-255, Wastewater Plant and Collection System Capital Expansion Fee, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-255. Wastewater plant and collection system capital expansion fee.

(a) An applicant for a building permit to construct a new facility, expand or change the existing use requiring additional capacity for the applicant's property shall pay appropriate capital expansion fees of two dollars and seventeen cents (\$2.17) per gallon or six hundred fifty-one dollars (\$651.00) per equivalent residential connection (300 gallons per day) as determined in accordance with Table A contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" developed by the department of public services and adopted by resolution of the city commission.

(b) An applicant for a building permit to connect to the sanitary sewer system under the WaterWorks 2011 Program shall be exempt.

(c) Existing customers who connected to the sanitary sewer system under the WaterWorks 2011 Program expanding or changing usage which requires additional capacity for the applicant's property shall pay appropriate capital expansion fees of two dollars and seventeen cents (\$2.17) per gallon or six hundred fifty-one dollars (\$651.00) per equivalent residential connection (300 gallons per day) as determined in accordance with Table A contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" developed by the department of public services and adopted by resolution of the city commission, calculated on the amount of additional capacity needed.

(d) Capital expansion fees as provided herein in this section shall be collected and held in a separate fund of the City to be used to pay only the cost, expenses and fees associated with capital expenditures for the sanitary sewer system required to meet the needs of development occurring on or after the effective date of this section.

SECTION 2. That Section 28-256, Potable Water Plant and Distribution Capital Expansion Fee, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-256. Potable water plant and distribution capital expansion fee.

(a) An applicant for a building permit to construct a new facility, expand or change the existing use requiring additional capacity for the applicant's property shall pay appropriate capital expansion fees of Four dollars and sixty-two cents (\$4.62) per gallon or one thousand three hundred eighty-six dollars (\$1,386.00) per equivalent residential connection (300 gallons per day) as determined in accordance with Table A contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" developed by the department of public services and adopted by resolution of the city commission.

(b) Capital expansion fees as provided herein in this section shall be collected and held in a separate fund of the City to be used to pay only the cost, expenses and fees associated with capital expenditures for the potable water system required to meet the needs of development occurring on or after the effective date of this section.

SECTION 3. That Section 28-257, Collection of fees, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-257. Collection of Fees.

The city manager or his designee shall have the authority at any time, upon his or her initiative or in response to a properly filed petition from the proper owner, to change the capital expansion fees provided in Section 28-255 and Section 28-256 ("CEF") for a property based on the presentation of competent and substantial evidence, correct any error in applying or calculating the CEF for a particular lot or

parcel of property, or both. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the CEF imposed under sections 28-255 and 28-256. All requests from affected property owners for any such changes shall be referred to, and processed by the city manager or designee.

SECTION 4. ~~That on the date~~ At the time the provisions of Sections 28-255, ~~and 28-256 and 28-257~~ are applied by the City to ~~new~~ development in the City, the provisions of Resolution No. 85-265 shall be repealed.

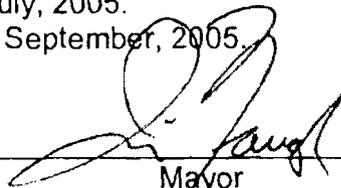
SECTION 5. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 7. That this Ordinance shall be in full force and effect ten days from the date of final passage.

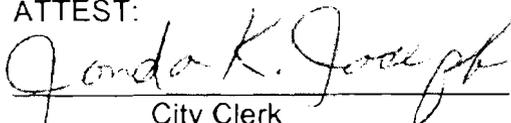
PASSED FIRST READING this the 19th day of July, 2005.

PASSED SECOND READING this the 7th day of September, 2005.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
JONDA K. JOSEPH

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