

ORDINANCE 18-23

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, AMENDING CHAPTER 38 OF THE CITY'S CODE OF ORDINANCES BY ADDING A NEW ARTICLE VI. INFRASTRUCTURE IMPROVEMENT AREAS; PROVIDING FOR THE CREATION AND DESIGNATION OF INFRASTRUCTURE IMPROVEMENT AREAS FOR WATER AND WASTEWATER INFRASTRUCTURE IMPROVEMENTS; CREATING THE ALACHUA WEST WATER INFRASTRUCTURE IMPROVEMENT AREA, THE ALACHUA WEST WASTEWATER INFRASTRUCTURE IMPROVEMENT AREA AND THE ALACHUA EAST WASTEWATER INFRASTRUCTURE IMPROVEMENT AREA; PROVIDING FOR THE USE OF MASTER PLANS FOR THE INFRASTRUCTURE IMPROVEMENT AREAS; PROVIDING FOR THE PAYMENT FOR THE IMPROVEMENTS; ESTABLISHING CHARGES FOR THE USERS OF THE IMPROVEMENTS; PROVIDING FOR CODIFICATION OF THIS AMENDMENT IN THE CITY'S CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of Alachua (the "City") provides water and wastewater service to many residents of the City;

WHEREAS, the City desires economic development and economic growth to occur within the City in an organized, planned and cost-effective manner in order to provide the best quality of life for the residents of the City;

WHEREAS, providing efficient water and wastewater services throughout the City is an integral part of the City's delivery of utility services to its citizens;

WHEREAS, there is a need in certain areas of the City for the expansion of water infrastructure for providing delivery of potable water utility services for drinking and other public services such as fire protection;

WHEREAS, there is a need within certain areas of the City for the expansion of wastewater utility infrastructure for providing the most efficient and cost-effective wastewater collection utility services;

WHEREAS, utilization of master plans for the expansion of water and wastewater lines and related infrastructure will provide for the most effective and cost-efficient method for the expansion of these public services;

WHEREAS, the use of master plans for the expansion of water and wastewater utility infrastructure will also provide relief to some existing infrastructure resulting in improving the efficiency of the overall systems and increasing the useful life of some existing infrastructure;

WHEREAS, the Subpart A, Chapter 38 IV of the City's Code of Ordinances ("Code") addresses the providing of utilities in the City;

WHEREAS, this Ordinance amends Chapter 38 of the Code by adding a new Article VI. Infrastructure Improvement Areas, as set forth in attached Exhibit "A", providing for the creation and designation of Infrastructure Improvement Areas;

WHEREAS, the City finds it to be within its police powers to establish regulations for infrastructure improvement areas to ensure the protection of the health, safety, and welfare of the general public;

WHEREAS, the City advertised public hearings to be held before the City Commission on September 10, 2018, and on September 24, 2018; and

WHEREAS, the City Commission has determined and found the Amendment in Exhibit “A” to be consistent with the City’s Comprehensive Plan; and

WHEREAS, for reasons set forth in this Ordinance it is hereby adopted and incorporated as Findings of Fact, that the Alachua City Commission finds and declares that the enactment of the Amendment in Exhibit “A” is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare;

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

Section 1. Interpretation of Recitals

The above recitals are true and correct and incorporated in this Ordinance.

Section 2. Findings of Fact

The City Commission finds that it is feasible and beneficial for economic development to occur in an organized, planned and cost-effective manner in allowing the creation of the Alachua East Wastewater Infrastructure Improvement Area, the Alachua West Wastewater Infrastructure Improvement Area, and the Alachua West Water Infrastructure Improvement Area (jointly “Areas”) as there is an opportunity for master planning the infrastructure in these Areas and multiple developments are anticipated, which will need these improvements and will contribute toward the funding of them.

Section 3. Conclusions of Law

The authority for the enactment of this Ordinance is Chapter 163, Part I, Florida Statutes; Sections 166.021 and 166.041; and the City’s Comprehensive Plan.

Section 4. Amendment to the City Code of Ordinances

The proposed Amendment to the City Code of Ordinances in attached Exhibit “A” is incorporated herein by reference.

Section 5. Codification of and Correction of Scrivener’s Errors

The City Manager or designee, without public hearing, is authorized to correct any typographical errors which do not affect the intent of this Ordinance. A corrected copy shall be posted in the public record.

Section 6. Ordinance to be Construed Liberally

This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Alachua, Florida.

Section 7. Repealing Clause

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

Section 8. Severability

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this Ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this Ordinance, and the remainder of the Ordinance after the exclusions of such part or parts shall be deemed to be valid.

Section 9. Effective Date

This Ordinance shall take effect immediately upon its adoption by the City Commission, provided, however, it shall not apply to residential establishments and non-residential establishments for which building permits have already been issued by the City.

Passed on First Reading the 10th day of September, 2018.

PASSED and ADOPTED, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this **24th day of September, 2018**.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA



Gib Coerper, Mayor
SEAL

ATTEST:



Adam Boukari, City Manager/Clerk

APPROVED AS TO FORM



Marian B. Rush, City Attorney

EXHIBIT "A"

ARTICLE VI. INFRASTRUCTURE IMPROVEMENT AREAS

Sec. 38-200 Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section except when the context clearly indicates different:

Infrastructure improvement area means the geographic boundaries for each area within the City that is designated by the City and delineated by the map(s) depicted in figure(s) within this Article.

Infrastructure improvement area fees means the user fees charged pursuant to this article to support the funding of public infrastructure improvements to the water distribution and wastewater collection systems within an infrastructure improvement area.

Non-Residential Establishment means all uses other than residential as defined below.

Residential Establishment means single-family or multi-family dwelling unit.

Sec. 38-201. Legislative Findings.

It is the intent of this article that the City may, subject to the availability of funds and resources, designate infrastructure improvement areas for wastewater collection systems and water distribution systems in locations within the City where it is feasible and beneficial for economic development. Infrastructure improvement area fees will be imposed as repayment of any funds expended by the City for the construction of the improvements.

Sec. 38-202. Criteria for Infrastructure Improvement Areas.

In determining if a location is feasible and beneficial for economic development and suitable for an infrastructure improvement area, the City may consider, among other things, whether it is in the public interest to master plan the infrastructure in the area in order to provide efficient and cost-effective public utility services throughout the City, and whether multiple developments are anticipated in the area, which will contribute to the funding of the infrastructure improvements.

Sec. 38-203. Funding for Infrastructure Improvement Areas.

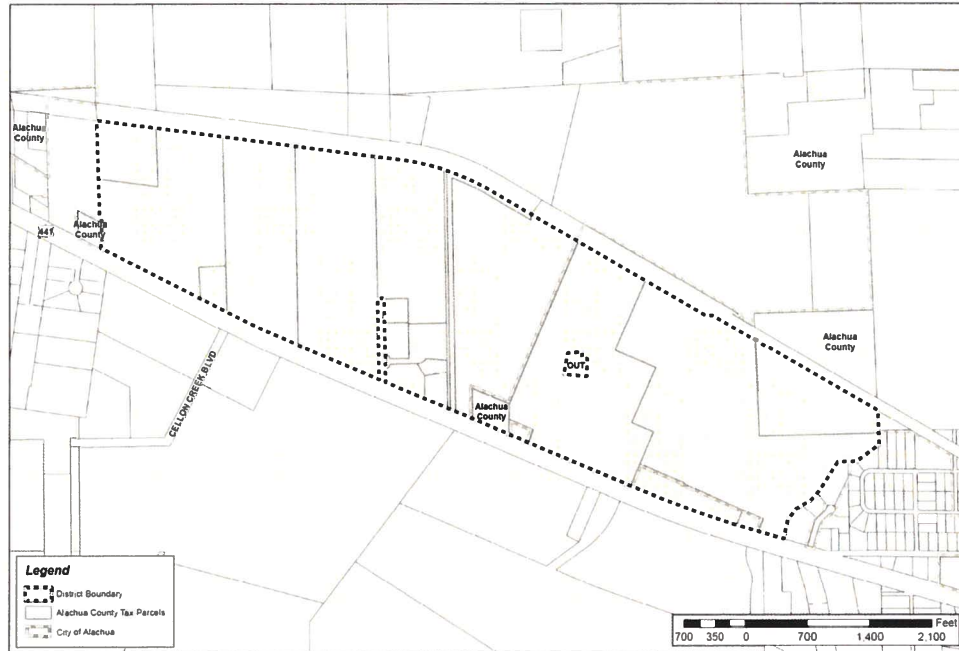
The funding to pay for the construction of Infrastructure Improvement Areas will be paid for by development(s), or they may be initially funded by the City and reimbursed by developments and users as provided for by each specific Infrastructure Improvement Area. Infrastructure improvement area fees shall be in addition to, and not in lieu of, any and all other fees and charges assessed by the City, including, but not limited to, Capital Facilities Charges and Meter Installation Charges.

Sec. 38-204. Designated Infrastructure Improvement Areas.

The following areas are designated as infrastructure improvement areas:

- (a) Alachua East Wastewater Collection Infrastructure Improvement Area (“Area 1”).

(1) Area 1 is depicted in Figure 1 below:



(2) Construction by Master Plan. The construction of the infrastructure improvements for wastewater collection in Area 1 (“Improvements”) will be accomplished by master planning. The fees for the Improvements set forth below are based upon the Master Plan for Area 1 of the future wastewater collection system infrastructure improvements for Area 1 that includes the estimated capital construction costs for such Improvements and the anticipated future non-residential establishments in Area 1 that will receive the benefit of these Improvements. The user fees set forth below collected by the City in Area 1 shall be used by the City to fund the Improvements in Area 1.

(3) Area 1 Funding. Subject to availability of funds, the City is authorized to fund the Improvements and be reimbursed by infrastructure improvement area fees (“Fees”). The Fees have been calculated based upon the Master Plan for Area 1, which may be amended from time to time, and anticipated development activity in Area 1. The Fees will be reviewed periodically and adjusted according to revisions in the Master Plan for Area 1 or to account for changing inflationary or economic conditions. The initial Fees are as follows:

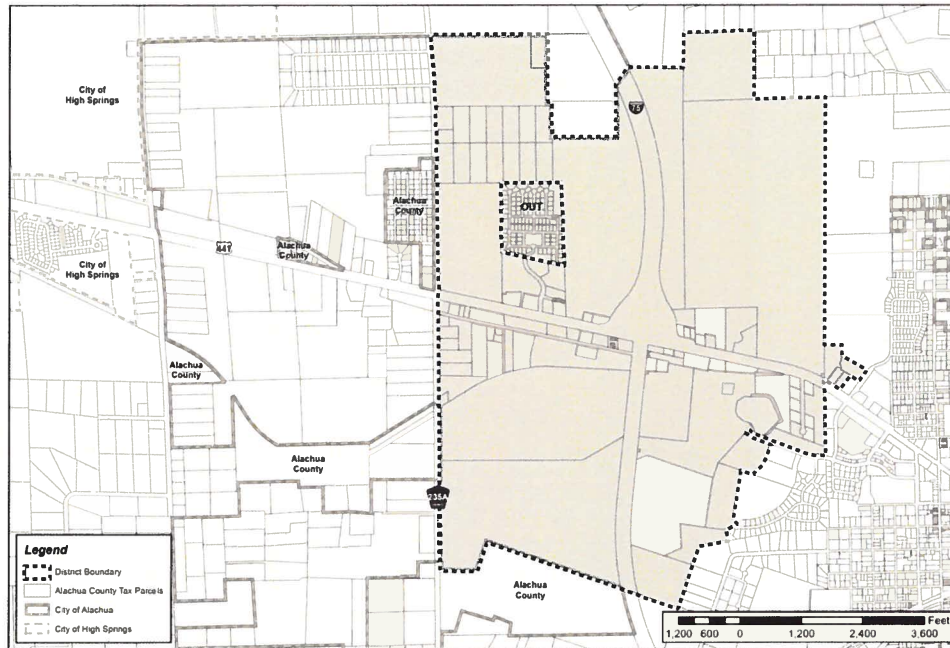
- i. Each new or existing non-residential establishment that connects to the Improvements shall pay the City fifty cents (\$0.50) per square foot of the gross building square footage at the time it connects to the Improvements. No final inspection will be conducted or

wastewater services provided until the Fees have been paid to the City.

Fees shall not apply if a structure is destroyed by fire or other unforeseen casualty and the new structure is reconstructed in substantially the same square footage as the structure that was destroyed. The Fees shall be paid upon application for final inspection.

(b) Alachua West Wastewater Collection Infrastructure Improvement Area (“Area 2”).

(1) Area 2 is depicted in Figure 2 below.



(2) Construction by Master Plan. The construction of the infrastructure improvements for wastewater collection in Area 2 (“Improvements”) will be accomplished by master planning. The fees for the Improvements set forth below are based upon the Master Plan for Area 2 of the future wastewater collection system infrastructure improvements for Area 2 that includes the estimated capital construction costs for such Improvements and the anticipated future non-residential establishments and residential establishments in Area 2 that will receive the benefit of these Improvements. The user fees set forth below collected by the City in Area 2 shall be used by the City to fund the Improvements in Area 2.

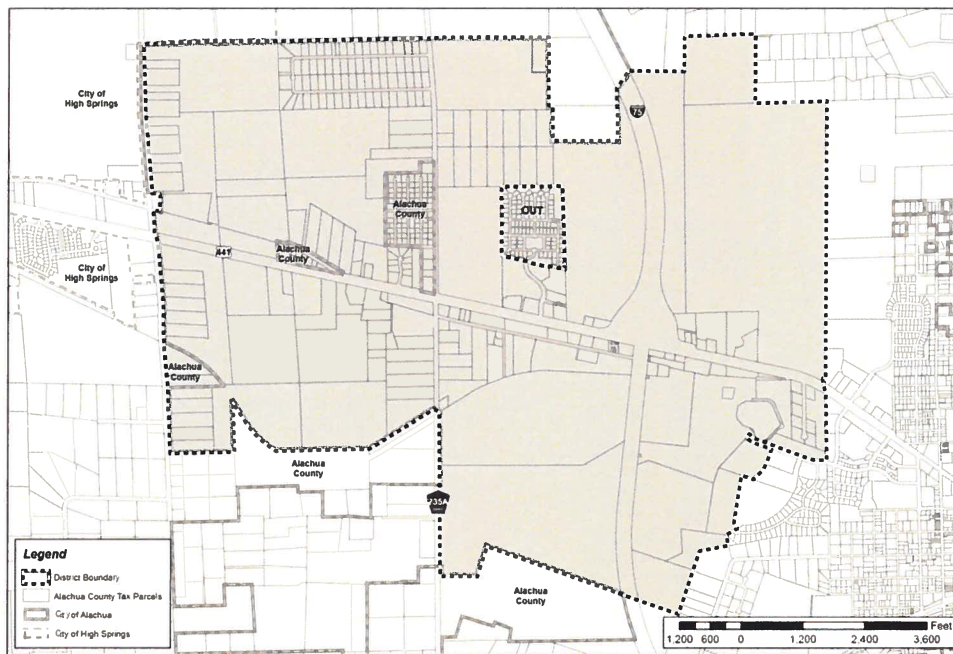
(3) Area 2 Funding. Subject to availability of funds, the City is authorized to fund the Improvements and be reimbursed by infrastructure improvement area fees (“Fees”). The Fees have been calculated based upon the Master Plan for Area 2, which may be amended from time to time, and anticipated development activity in Area 2. The Fees will be reviewed periodically and adjusted according to revisions in the Master Plan for Area 2 or to account for changing inflationary or economic conditions. The initial Fees are as follows:

- i. Each new or existing non-residential establishment that connects to the Improvements shall pay the City seventy-five cents (\$0.75) per square foot of the gross building square footage at the time it connects to the Improvements. No final inspection will be conducted or wastewater services provided until the Fees have been paid to the City.
- ii. Each new or existing residential establishment that connects to the Improvements shall pay the City two-hundred and seventy-five dollars (\$275) at the time it connects to the Improvements. No final inspection will be conducted or wastewater services provided until the Fees have been paid to the City.

Fees shall not apply if a structure is destroyed by fire or other unforeseen casualty and the new structure is reconstructed in substantially the same square footage as the structure that was destroyed. The Fees shall be paid upon application for final inspection.

(c) Alachua West Water Distribution Infrastructure Improvement Area (“Area 3”).

(1) Area 3 is depicted in Figure 3 below.



(2) Construction by Master Plan. The construction of the infrastructure improvements for water distribution in Area 3 (“Improvements”) will be accomplished by master planning. The fees for the Improvements set forth below are based upon the Master Plan for Area 3 of the future water distribution system infrastructure improvements for Area 3 that includes the estimated capital construction costs for such Improvements and the anticipated future non-residential establishments and residential establishments in Area 3 that will receive the benefit of these Improvements. The user fees set forth below collected by the City in Area 3 shall be used by the City to fund the Improvements in Area 3.

(3) Area 3 Funding. Subject to availability of funds, the City is authorized to fund the Improvements and be reimbursed by infrastructure improvement area fees (“Fees”). The Fees have been calculated based upon the Master Plan for Area 3, which may be amended from time to time, and anticipated development activity in Area 3. The Fees will be reviewed periodically and adjusted according to revisions in the Master Plan for Area 3 or to account for changing inflationary or economic conditions. The initial Fees are as follows:

- i. Each new or existing non-residential establishment that connects to the Improvements shall pay the City fifty cents (\$0.50) per square foot of the gross building square footage at the time it connects to the Improvements. No final inspection will be conducted or water services provided until the Fees have been paid to the City.
- ii. Each new or existing residential establishment that connects to the Improvements shall pay the City two-hundred and fifty dollars (\$250) at the time it connects to the Improvements. No final inspection will be conducted or water services provided until the Fees have been paid to the City.

Fees shall not apply if a structure is destroyed by fire or other unforeseen casualty and the new structure is reconstructed in substantially the same square footage as the structure that was destroyed. The Fees shall be paid upon application for final inspection.