

ORDINANCE 35 - 16

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, DIVISION 2, UTILITY CAPITAL EXPANSION FEE, SECTION 2-24.3, FEE IMPOSED AND TIME OF PAYMENT, BY UPDATING UTILITY CAPITAL EXPANSION FEES; AND AMENDING SECTION 2.24.6, REVIEW OF FEE STRUCTURE, BY AMENDING THE PROCESS FOR UPDATING UTILITY CAPITAL EXPANSION FEES; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Code of Ordinances, Chapter 2, Administration, Division 2, Utility Capital Expansion Fee, Section 2-24.3, Fee Imposed and Time of Payment, is hereby amended as follows:

§ 2-24.3 Fee imposed and time of payment.

(a) There are hereby imposed water system utility capital expansion fees as follows.

<i>Type of Use</i>	<i>Meter Size</i>	<i>Fee With Irrigation Fee Included *</i>	<i>Fee Without Irrigation Fee **</i>
Single-family detached	5/8-inch	\$2,658 \$2,274	\$1,320 \$1,516
All multi-family structures (per dwelling unit)	5/8-inch	\$1,834 \$1,569	\$911 \$1,046
<i>Residential (if applicable); non-residential</i>			
	5/8-inch	\$2,658 \$2,274	\$1,320 \$1,516
	1.0-inch	\$6,645 \$5,685	\$3,301 \$3,791
	1.5-inch	\$13,290 \$11,370	\$6,601 \$7,581
	2.0-inch	\$21,264 \$18,192	\$10,562 \$12,130
	3.0-inch	\$42,528 \$36,384	\$21,123 \$24,260
	4.0-inch	\$66,450 \$56,850	\$33,005 \$37,906
	6.0-inch	\$132,900 \$113,700	\$66,010 \$75,811
	8.0-inch	\$212,640 \$181,920	\$105,616 \$121,298
	10.0-inch	\$305,670 \$261,510	\$151,823 \$174,366
	12.0-inch	\$411,990 \$352,470	\$204,630 \$235,015
* "Residential" fee required if customer does not hook up to irrigation system			
** Fee paid in conjunction with irrigation impact fee if customer hooks up to irrigation system			

- (1) Meters larger than 12 inches shall have water system utility capital expansion fees based upon relative capacity.
- (2) ~~Protectus III meters: The Protectus III meter assembly contains two meters, one associated with potable water usage and one associated with fire protection usage. When determining the water system utility capital expansion fee, the fee will be based upon the size of the meter associated with the potable water usage and no utility capital expansion fee will be charged on the meter associated with fire protection usage.~~

(b) There are hereby imposed wastewater system utility capital expansion fees as follows.

- (1) *District 1 Wastewater System Service Area.*
 - a. In areas where city wastewater facilities are currently available, local facilities (pump stations and forcemains of less than ten inches in diameter) were installed by the city

and paid for from the proceeds of utility assessments imposed on all property owners in the assessment area.

- b. As so, there is imposed the following schedule of wastewater system utility capital expansion fees.

<i>District 1</i>		
<i>Type of Use</i>	<i>Meter Size</i>	<i>Fee</i>
Single-family detached	5/8-inch	<u>\$2,529</u> \$2,862
All multi-family structures (per dwelling unit)	5/8-inch	<u>\$1,745</u> \$2,030
<i>Residential (if applicable); non-residential</i>		
	5/8-inch	<u>\$2,529</u> \$2,862
	1.0-inch	<u>\$6,323</u> \$7,155
	1.5-inch	<u>\$12,643</u> \$14,308
	2.0-inch	<u>\$20,229</u> \$22,893
	3.0-inch	<u>\$40,459</u> \$45,786
	4.0-inch	<u>\$63,217</u> \$71,541
	6.0-inch	<u>\$126,433</u> \$143,081
	8.0-inch	<u>\$202,293</u> \$228,930
	10.0-inch	<u>\$290,797</u> \$329,087
	12.0-inch	<u>\$391,944</u> \$443,552

- (2) *District 2 Wastewater System Service Area.* In those areas where utilities are either planned, but not yet available or are currently in design or under construction, including those utility extension areas known as Southwest 4, Southwest 5, including future utility expansion areas, local facilities (pump stations and forcemains of less than ten inches in diameter) shall be paid for with wastewater system utility capital expansion fees. The schedule for the wastewater system utility capital expansion fees for those areas shall therefore be as follows.

<i>District 2</i>				
<i>Type of Use</i>	<i>Meter Size</i>	<i>Improvements</i>		<i>Total Fee</i>
		<i>Major</i>	<i>Local</i>	
Single-family detached	5/8-inch	<u>\$2,529</u> \$2,862	<u>\$583</u> \$1,614	<u>\$3,112</u> \$4,476
All multi-family structures (per dwelling unit)	5/8-inch	<u>\$1,745</u> \$2,030	<u>\$402</u> \$1,114	<u>\$2,147</u> \$3,144
<i>Residential (if applicable); non-residential:</i>				
	5/8-inch	<u>\$2,529</u> \$2,862	<u>\$583</u> \$1,614	<u>\$3,112</u> \$4,476
	1.0-inch	<u>\$6,323</u> \$7,155	<u>\$1,458</u> \$4,035	<u>\$7,781</u> \$11,190
	1.5-inch	<u>\$12,643</u> \$14,308	<u>\$2,915</u> \$8,070	<u>\$15,558</u> \$22,378
	2.0-inch	<u>\$20,229</u> \$22,893	<u>\$4,664</u> \$12,912	<u>\$24,893</u> \$35,805
	3.0-inch	<u>\$40,459</u> \$45,786	<u>\$9,328</u> \$25,824	<u>\$49,787</u> \$71,610

	4.0-inch	\$63,217 \$71,541	\$14,575 \$40,350	\$77,792 \$111,891
	6.0-inch	\$126,433 \$143,081	\$29,150 \$80,700	\$155,583 \$223,781
	8.0-inch	\$202,293 \$228,930	\$46,640 \$129,120	\$248,933 \$358,050
	10.0-inch	\$290,797 \$329,087	\$67,045 \$185,610	\$357,842 \$514,697
	12.0-inch	\$391,944 \$443,552	\$90,365 \$250,170	\$482,309 \$693,722

(3) ~~Protectus III meters. The Protectus III meter assembly contains two meters, one associated with potable water usage and one associated with fire protection usage. When determining the water system utility capital expansion fee, the fee will be based upon the size of the meter associated with the potable water usage and no utility capital expansion fee will be charged on the meter associated with fire protection usage.~~

(3 4) *Computation of fee.* For cases in which not all water discharged to the sanitary sewer system is measured by the water meter or in which the preponderance of metered water is not returned to the sanitary sewer system, the city shall compute the fee using the following value per each 200 gallons per day of wastewater flow or fraction thereof. The determination shall be made by the Utilities Director or designee.

(4 5) *Fees based on meter capacity.* Meters larger than 12 inches shall have wastewater system utility capital expansion fees based upon relative meter capacities.

(c) There are hereby imposed irrigation system utility capital expansion fees as follows.

<i>Type of Use</i>	<i>Meter Size</i>	<i>Amount</i>
Single-family detached	5/8-inch	\$2,318 \$758
All multi-family structures (per dwelling unit)	5/8-inch	\$1,599 \$523
<i>Residential (if applicable); non-residential</i>		
	5/8-inch	\$2,318 \$758
	1.0-inch	\$5,792 \$1,894
	1.5-inch	\$11,587 \$3,789
	2.0-inch	\$18,538 \$6,062
	3.0-inch	\$37,076 \$12,124
	4.0-inch	\$57,932 \$18,944
	6.0-inch	\$115,866 \$37,889
	8.0-inch	\$185,385 \$60,622
	10.0-inch	\$266,490 \$87,144
	12.0-inch	\$359,183 \$117,455
For pipe size of one inch or less, the irrigation capital expansion fee will be based upon meter equivalent size. Example: 1" pipe = 1.0" meter size.		

(d) The water, wastewater and irrigation system utility capital expansion fees shall be paid as provided in § 2-22 above.

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SECTION 2. The City of Cape Coral Code of Ordinances, Chapter 2, Administration, Division 2, Utility Capital Expansion Fee, Section 2-24.6, Review of Fee Structure, is hereby amended as follows:

§ 2-24.6 Review of fee structure.

- (a) The utility capital expansion fee structure shall be reviewed by the City Council every three years. Beginning on January 1, 2007, the city shall commence a three year utility capital expansion fee update cycle. In accordance with this cycle, the City Manager or designee shall prepare a comprehensive re-analysis of the utility capital expansion fees and present the study and revised ordinance to the City Council ~~prior to October 1, 2007, for implementation January 1 of each successive year.~~
- (b) Impact fees shall be based on the most recent and localized data and the accounting and reporting of impact fee revenues and expenditures in a separate fund. The impact fees shall limit administrative charges for the collection of impact fees to actual costs and the City shall provide 90 days' notice before imposing an increased impact fee. The City shall file an affidavit with the Auditor General each year along with the City's audit stating the City has complied with Florida Statutes Section 163.31801.

~~In each of the two mid-cycle years (between the formal three-year updates), the City Manager or designee will prepare and present to the City Council for approval, modification or denial, automatically adjusted utility capital expansion fees to account for cost inflation. If approved by City Council, the first automatic update of the fees shall become effective on January 1, 2009. The City Manager or his or her designee shall calculate adjustments to the utility capital expansion fee rates based upon:~~

- ~~(1) The percentage change in the engineering news/record construction cost index for the preceding 12 month period; and~~
- ~~(2) The percentage change in the city-wide total just land value established by the Lee County property appraiser's office. The construction cost index factor shall be weighted 90% and the land cost factor shall be weighed ten percent in determining the percentage adjustment to be applied to the utility capital expansion fees.~~

SECTION 3. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 4. Effective Date. This ordinance shall become effective 90 days after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2016.

MARNI L. RETZER, MAYOR


VOTE OF MAYOR AND COUNCILMEMBERS:

RETZER	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2016.

REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
ord\Utility Capital Expansion Fees