




Meeting Date: 3/7/2023		AGENDA ITEM		Number: 7.B	
Section:	PUBLIC HEARINGS				
Item Category:	Public Hearing - Ordinances	Res./Ord. No:	2023-16		
Strategic Goal:	Community Development - Other				
Department :	Planning & Building				
Subject:	LDC Amendment: Section 1-28, Utility Installation Fees (Meters)				
Budget Impact:	The LDC amendment seeks to assess the actual costs of meter installation and the budget impact should be neutral.				
Summary:	This is an administrative amendment to the LDC, Chapter 1, General Administration, Article IV, Schedule of Development Review and Impact Fees, Section 1-28, Utility installation fees, to update the fee schedule for meter costs.				
Recommended Action:	It is recommended the City Commission approve the administrative amendment to the Land Development Code (LDC), Chapter 1, General Administration, Article IV, Schedule of Development Review and Impact Fees, Section 1-28, Utility installation fees, to update the fee schedule for meter costs, as shown in the attached Ordinance. The Planning Board recommended approval of the Land Development Code amendment by a 7-0 vote.				
Staff Contact:	Steven Spraker, Planning Director, (386) 676-3341				
Approval:					
Kelly McGuire, Finance Director		2/17/2023			
Claire Whitley, Assistant City Manager		2/22/2023			
Joyce Shanahan, City Manager		3/1/2023			



CITY OF ORMOND BEACH

22 South Beach Street • Ormond Beach, FL 32174 • (386) 677-0311 • Fax (386) 676-3330

CITY MANAGER MEMORANDUM

To: The Honorable Mayor Partington and City Commissioners
Through: Joyce Shanahan, City Manager
From: Steven Spraker, Planning Director
Date: March 7, 2023
Subject: LDC Amendment: Section 1-28, Utility Installation Fees (Meters)
Commission Goal: Community Development - Other

Introduction

This is an administrative amendment to the Land Development Code (LDC), Chapter 1, General Administration, Article IV, Schedule of Development Review and Impact Fees, Section 1-28, Utility installation fees, to update the fee schedule for meter costs.

Background

Section 1-28, Utility installation fees, of the LDC contains the required fees for meter installation. The purpose of this amendment is to update the meter installation fee schedule consistent with current costs provided by Utilities Department staff for the meter and installation.

Discussion

The proposed amendment seeks to update the LDC to assess the meter costs to construction projects in need of a utility meter. The amendment seeks to assess the costs of the meter to the construction project.

PLANNING BOARD REVIEW

The Planning Board reviewed the LDC amendment at the February 9, 2023 meeting and recommended approval by a 7-0 vote. There were no individuals who spoke for or against the amendment. The Planning Board minutes are attached to this item.

Budget Impact

The LDC amendment seeks to assess the actual costs of meter installation and the budget impact should be neutral.

Citizen Impact

There is no citizen impact anticipated with this LDC amendment.

Recommendation

It is recommended the City Commission approve the administrative amendment to the Land Development Code (LDC), Chapter 1, General Administration, Article IV, Schedule of Development Review and Impact Fees, Section 1-28, Utility installation fees, to update the fee schedule for meter costs, as shown in the attached Ordinance. The Planning Board recommended approval of the Land Development Code amendment by a 7-0 vote.

Attachments:

1. 23-16 LDC Amendment, Utility Installation Fees, Section 1-28 (P23-0035G)
2. 02.09.2023, LDC Amendment, Section 1-28, Utility installation fees (meters)
3. Draft PB Minutes, Utility Installation Fees

Approvals:



Kelly McGuire, Finance Director

Date: February 17, 2023



Claire Whitley, Assistant City Manager

Date: February 22, 2023



Joyce Shanahan, City Manager

Date: March 01, 2023

ORDINANCE NO. 2023-16

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE IV, SCHEDULE OF DEVELOPMENT REVIEW AND IMPACT FEES, SECTION 1-28, UTILITY INSTALLATION FEES, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY UPDATING THE FEE SCHEDULE FOR METER COSTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, this is a request to amend Chapter 1, General Administration, Article IV, Schedule of Development Review and Impact Fees, Section 1-28, Utility installation fees, of the City of Ormond Beach *Land Development Code*, to update the fee schedule for meter costs, and

WHEREAS, the local planning agency, being the Planning Board of the City of Ormond Beach, has conducted a public hearing on February 9, 2023, on the requested amendments and has made recommendations thereon to the City Commission, and

WHEREAS, all applicable notice requirements of Section 166.041(3)(a), *Florida Statutes*, have been complied with, and

WHEREAS, the City Commission finds the amendment to be consistent with the provisions of the *Comprehensive Plan* of the City of Ormond Beach, and in the overall best interest of the public health, safety and welfare, now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. Section 1-28, Utility installation fees, of Article IV, Schedule of Development Review and Impact Fees, of Chapter 1, General Administration, of the City of Ormond Beach *Land Development Code*, is hereby amended as follows:

Sec. 1-28. Utility installation fees.

- (a) *Potable water.* Meter installation fees for connection to the potable water system shall be paid prior to the issuance of a building permit or the provision of such service in accordance with the following schedule:

Connection Meter Size	Visual Read	Charges Touch-Read	Radio Read
3/4 inch	\$200.00	\$250.00	\$360.00
1 inch	\$270.00	\$310.00	\$420.00
1½ inches	N/A	N/A	\$550.00
2 inches	N/A	N/A	\$680.00
3 inches	N/A	N/A	\$2,300.00
4 inches and over	N/A	N/A	Actual material and labor cost

<u>Connection Meter Size</u>	<u>Meter Costs</u>
<u>3/4-inch</u>	<u>\$425.00</u>
<u>1-inch</u>	<u>\$575.00</u>
<u>1½ inches</u>	<u>\$950.00</u>
<u>2 inches</u>	<u>\$1,275.00</u>
<u>3 inches</u>	<u>\$3,650.00</u>
<u>4 inches and over</u>	<u>Actual material and labor cost</u>

The actual connection charge may be greater than said minimum charge, if the actual cost to the city is greater than the minimum charges set forth in the schedule in this subsection.

- (b) *Sanitary sewer.* ***No change to existing text***
(c) *Reclaimed water.* ***No change to existing text***

SECTION TWO. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION THREE. In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, phrase, clause, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

SECTION FOUR. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this 7th day of March, 2023.

PASSED UPON at the second and final reading of the City Commission, this 21st day of March, 2023.

BILL PARTINGTON
Mayor

ATTEST:

SUSAN CARROLL DAUDERIS
City Clerk

STAFF REPORT

City of Ormond Beach Department of Planning

MEETING DATE: February 9, 2023

SUBJECT: LDC amendment: Section 1-28, Utility installation fees (meters)

APPLICANT: Administrative

NUMBER: LDC 2023-016

PROJECT PLANNER: Steven Spraker, AICP, Planning Director

INTRODUCTION: This is an administrative amendment to the Land Development Code (LDC), Chapter 1, General Administration, Article IV, Schedule of Development Review and Impact Fees, Section 1-28, Utility installation fees, to update the fee schedule for meter costs.

BACKGROUND: Section 1-28, Utility installation fees, of the Land Development Code contains the required fees for meter installation. The purpose of this amendment is to update the meter installation fee schedule consistent with current costs provided by Utilities Department staff for the meter and installation.

ANALYSIS: The proposed Land Development Code amendment is shown below. The underlined text are additions to the original text and ~~strike-through~~ are the deleted text of the amendment.

Section 1-28 of the Land Development Code:

Sec. 1-28. Utility installation fees.

- (a) *Potable water.* Meter installation fees for connection to the potable water system shall be paid prior to the issuance of a building permit or the provision of such service in accordance with the following schedule:

Connection Meter Size	Visual Read	Charges Touch Read	Radio Read
<u>3/4 inch</u>	\$200.00	\$250.00	\$360.00
<u>1 inch</u>	\$270.00	\$310.00	\$420.00
<u>1 1/2 inches</u>	N/A	N/A	\$550.00
<u>2 inches</u>	N/A	N/A	\$680.00
<u>3 inches</u>	N/A	N/A	\$2,300.00
<u>4 inches and over</u>	N/A	N/A	Actual material and labor cost

<u>Connection Meter Size</u>	<u>Meter Costs</u>
<u>3/4-inch</u>	<u>\$425.00</u>
<u>1-inch</u>	<u>\$575.00</u>
<u>1½ inches</u>	<u>\$950.00</u>
<u>2 inches</u>	<u>\$1,275.00</u>
<u>3 inches</u>	<u>\$3,650.00</u>
<u>4 inches and over</u>	<u>N/A</u>

The actual connection charge may be greater than said minimum charge, if the actual cost to the city is greater than the minimum charges set forth in the schedule in this subsection.

- (b) *Sanitary sewer. ***No change to existing text****
- (c) *Reclaimed water. ***No change to existing text****

CONCLUSION: Section 1-15(d)(3) of the Land Development Code requires certain criteria must be evaluated before adoption of a Land Development Code amendment when making their recommendation, as follows:

1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.

The proposed amendment seeks to update the Land Development Code to assess the meter costs to construction projects in need of a utility meter. The amendment seeks to assess the costs of the meter to the construction project. It is not expected that the proposed Land Development Code amendment would create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.

2. The proposed development is consistent with the Comprehensive Plan.

The proposed Land Development Code amendment is consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update Land Development Code regulations.

3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.

The proposed Land Development Code amendment does not approve any site-specific development and will not have an adverse impact on environmentally sensitive lands.

4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.

The proposed Land Development Code amendment does not approve any site-specific development and will not have any impacts on surrounding properties.

5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.

The proposed Land Development Code amendment seeks to modify to expiration timeframe for variance approvals. The amendment would not have a negative impact to public facilities.

6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.

There is no development proposed as part of the proposed amendment. The application pertains to a Land Development Code amendment.

7. The proposed development is functional in the use of space and aesthetically acceptable.

There is no development proposed as part of the proposed amendment. The application pertains to a Land Development Code amendment.

8. The proposed development provides for the safety of occupants and visitors.

There is no development proposed as part of the proposed amendment. The application pertains to a Land Development Code amendment.

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

There is no development proposed as part of the proposed amendment. The application pertains to a Land Development Code amendment.

10. The testimony provided at public hearings.

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

RECOMMENDATION:

It is recommended that the Planning Board **APPROVE** the administrative amendment to the Land Development Code (LDC), Chapter 1, General Administration, Article IV,

Schedule of Development Review and Impact Fees, Section 1-28, Utility installation fees, to update the fee schedule for meter costs, as shown in Attachment 1.

Attachments:

Attachment 1: Proposed Land Development Code amendment

Chapter 1 – General Administration, Article IV. – Schedule of Development Review and Impact Fees

Sec. 1-28. Utility installation fees.

(a) *Potable water.* Meter installation fees for connection to the potable water system shall be paid prior to the issuance of a building permit or the provision of such service in accordance with the following schedule:

Connection Meter Size	Visual Read	Charges Touch Read	Radio Read
¾ inch	\$200.00	\$250.00	\$360.00
1 inch	\$270.00	\$310.00	\$420.00
1½ inches	N/A	N/A	\$550.00
2 inches	N/A	N/A	\$680.00
3 inches	N/A	N/A	\$2,300.00
4 inches and over	N/A	N/A	Actual material and labor cost

<u>Connection Meter Size</u>	<u>Meter Costs</u>
<u>¾-inch</u>	<u>\$425.00</u>
<u>1-inch</u>	<u>\$575.00</u>
<u>1½ inches</u>	<u>\$950.00</u>
<u>2 inches</u>	<u>\$1,275.00</u>
<u>3 inches</u>	<u>\$3,650.00</u>
<u>4 inches and over</u>	<u>N/A</u>

The actual connection charge may be greater than said minimum charge, if the actual cost to the city is greater than the minimum charges set forth in the schedule in this subsection.

(b) *Sanitary sewer.* ***No change to existing text***

(c) *Reclaimed water.* ***No change to existing text***

Note: ~~Strikethrough~~ text is proposed deleted text and underlined text is proposed text

DRAFT

**Planning Board minutes
from
February 9, 2023**

ITEM:

SE 2023-016

LDC amendment: Section 1-28, Utility
installation fees (meters)

Florida Building Code will be submitted. Ms. Mason-Teague went on to explain that alternative locations were considered but there were many different elevations through the gardens, a large turtle pond and locating closer to the building would be disruptive to the gardens in terms of paths that would have to be altered and possibly trees and shrubbery removed. Also, she explained that the Community does not want to see a change in the gardens.

Mr. du Moulin inquired how long the pod has been leased. Ms. Mason-Teague explained two years with no complaints.

Ms. Shull asked what type of equipment will be stored. Ms. Mason-Teague explained no gas equipment will be stored. Yellowstone provides the landscaping with gas powered equipment.

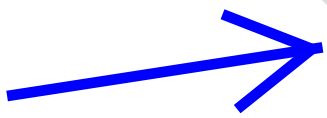
Chairman Thomas asked if the shed could have been moved on the other side where the stone is. Ms. Mason-Teague explained that there is one entryway in front of the cottage and a second entryway adjacent where the handicapped parking is and it would be like locating the building in the middle of the parking lot.

Mr. Railsback asked about consideration in locating it opposite the driveway in the natural area. Ms. Mason-Teague stated there were setback issues with that location.

Mr. Scudiero asked why the storage was not planned to be in the new building. Ms. Mason-Teague explained that where the storage was, it is an all new structure with the expansion of the gallery space.

Mr. Galloway motioned to approve SE 2023-20, 78 East Granada Boulevard, Ormond Memorial Art Museum & Gardens, Cottage Style Garden Shed. Mr. Jorczak seconded it. Vote was called, and the motion was approved (7-0).

B. LDC 2023-016, Land Development Code amendment: Section 1-28, Utility installation fees



Mr. Spraker, Planning Director, stated that this is a Land Development Code amendment to update the fee schedule for meter costs. He continued that Planning staff worked with Utility staff and noted utility costs have increased over the years. He explained that the slide displayed is the actual costs for installing meters for new residential and commercial development.

Mr. Scudiero asked why the Ordinance language could not be worded to allow an increase in costs instead of having to bring it back to the Board for review each time. Mr. Spraker explained that there would be too much uncertainty for anyone building. Whereas now, they can check the Ordinance and know the cost.

Mr. Jorczak motioned to approve LDC 2023-017, Land Development Code amendment: Section 1-28, Utility installation fees. Ms. Shull seconded it. Vote was called, and the motion was approved (7-0).

C. LDC 2023-017, Land Development Code amendment: Section 2-50(n) Fences and walls

Mr. Spraker, Planning Director, stated that this is an administrative amendment to the Land Development Code, to allow a fence setback less than three (3') feet to a right-of-way with review and approval of the Site Plan Review Committee (SPRC).

Mr. du Moulin asked if this is to provide more flexibility in the fence location similar to what was done for his HOA so that it looks good. Mr. Spraker responded that it would but only through a multi-departmental review such as utilities, landscaping, site visibility, etc.

Planning Board members discussed the fence requirements along the side, side corner, and waterfront yards.

Mr. Railsback inquired if the amendment language will prevent going beyond what is conforming. Mr. Spraker confirmed that the maximum relief would be to the property line and the amendment does not allow any fences in any right-of-way.

Mr. Galloway motioned to approve LDC 2023-017, Land Development Code amendment: Section 2-50(n) Fences and Walls. Ms. Shull seconded it. Vote was called, and the motion was approved (7-0).

D. LDC 2023-018, Land Development Code amendment: Section 4-03, Site Plan Review Committee (SPRC) established

Mr. Spraker, Planning Director, stated that this is an administrative amendment to the Land Development Code Site Plan Review Committee section, amending the SPRC coordinating liaison and updating the process for neighborhood meetings.

Mr. Spraker continued that there are two parts to the proposed amendment: 1) Change the existing language designating a city SPRC coordinating liaison to assign the Planning Director (or designee) instead, and 2) Changes regarding Neighborhood meetings by a) amending the meeting name to “neighborhood” for consistency b) requiring a meeting pre-approval with written approval from city staff at least five business days before the applicant mails meeting notice; c) requiring meetings to be held Monday through Thursday between 5 p.m. – 8 p.m.; d) requiring site postings, one for each frontage with 2' by 3' signs; and e) requiring a written summary of the meeting to be provided to city staff.

There was discussion regarding frequency, notice, and posting of neighborhood meetings among the Board members. Mr. Spraker clarified that this amendment is to require the one minimum meeting and the 2' x 3' sign posting (same as the variance sign).