

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING CHAPTER 22, OF THE LAND DEVELOPMENT REGULATIONS, ARTICLE XII, DIVISION 5 ENTITLED "WATER AND SEWER IMPACT FEES", SPECIFICALLY AMENDING SECTION 22-379(F) ENTITLED "LEGISLATIVE FINDINGS" TO CHANGE THE NAME OF THE UPDATED RATE STUDY CONSULTANT TO STANTEC CONSULTING SERVICES INC; AMENDING SECTION 22-385 ENTITLED "COMPUTATION OF THE AMOUNT OF WATER AND SEWER IMPACT FEE" TO UPDATE WATER AND SEWER AND RELATED FACILITIES FEES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Opa-Locka ("City") pursuant to Resolution Number 23-139, the City of Opa-Locka retained Stantec Consulting Services Inc. (Stantec) to conduct a comprehensive impact fee study related to new land development for water and sewer and related facilities; and

WHEREAS, based upon data collected, infrastructure needs and growth projections, Stantec updated water study and recommended modifications to the City's water and sewer impact fees; and

WHEREAS, the Impact Fee Study was presented to the City Commission on December 10, 2025; and

WHEREAS, the recommended amendments to water and sewer and related facilities impact fees are necessary to ensure that adequate levels of service are provided and maintained for growth in residential, commercial and industrial areas.

WHEREAS, the City desires to amend Chapter 22, Article XII, of the City of Opa-Locka's Land Development Regulations entitled "Impact Fees", specifically Section 22-379(f) entitled "Legislative Findings" to replace the name of the Study Consultant to reflect Stantec Consulting Services Inc; and

WHEREAS, the City further desires to amend Section 22-385 to update

the water and sewer and related facilities impact fees to be consistent with the Impact Fee Study conducted by Stantec Consulting Services Inc; and

WHEREAS, the City Commission has determined that it would be in the best interests of the City to amend the Land Development Regulations as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AS FOLLOWS:

SECTION 1. Adoption of Representations. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Ordinance.

Section 2. Amending Chapter 22, Article XII, Section 22-379(f) of the City of Opa-Locka’s Land Development Regulations entitled “Impact Fees”, specifically Section 22-379(f) entitled “Legislative Findings” as follows:

Sec. 22-379. Legislative findings.

The city commission finds, determines, and declares:

- A. The city must expand its water and sewer system in order to maintain current standards if new development is to be accommodated without decreasing current levels of service. This must be done in order to promote and protect the public health, safety and welfare.*
- B. The state legislature through the enactment of F.S. § 3202(3) has sought to encourage the city to enact impact fees.*
- C. The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare;*
- D. Each of the types of land development described in section 22-385, will create demand for the expansion of road drainage capacity and the construction of road drainage improvements.*

- E. *The impact fees established by section 22-385 are derived from, are based upon, and do not exceed the costs of providing additional water and sewer capacity and improvements necessitated by the new land developments for which the impact fees are levied.*
- F. *The city retained Stantec Consulting Services Inc. ~~Burton and Associates~~ to conduct a study on the need for water and sewer impact fees and the methods for calculating such fees, and that study, which was presented to the city commission on December 10, 2025, is hereby incorporated reference in its entirety.*

Section 3. Amending Chapter 22, “Land Development Regulations,” Article XII, Division 5 entitled “Water and Sewer Impact Fees” of the City of Opa-Locka’s Land Development Regulations entitled “Impact Fees”, specifically Section 22-385 entitled “Computation of the Amount of Water and Sewer Impact Fee” as follows:

Sec. 22-385. Computation of the amount of water and sewer impact fee.

The total combined water and sewer impact fees are ~~\$2,715.00~~ \$3,009.00. A table presenting the calculated impact fee assuming one hundred (100) percent cost recovery from this study is presented below:

Effective Date	Water
Oct. 1, 2026	\$1,570
Oct. 1, 2027	\$1,701
Oct. 1, 2028	\$1,701
Oct. 1, 2029	\$1,701

Calculated Water & Sewer Impact Fees per ERU		
Water	Sewer	Combined
\$1,439.00	\$1,276.00	\$2,715.00

Water meter size is used to determine ERUs for water and sewer customers. Single-family homes represent one ERU as they typically have a three-quarter (¾) inch by five-eighths (⅝) inch water meter. For larger meter sizes, the following table shows the ERUs for each meter size and the resulting water and sewer impact fees by meter size. The ERUs for each meter size are determined by the AWWA maximum flow criteria for each meter size. (See the table below and the attached impact fee study).

<u>Water Meter Size</u>	<u>ERU Equivalency</u>	<u>10/1/26 Water & Sewer Impact Fee</u>	<u>10/1/27 Water & Sewer Impact Fee</u>	<u>10/1/28 Water & Sewer Impact Fee</u>	<u>10/1/29 Water & Sewer Impact Fee</u>
<u>5/8 inch</u>	<u>1</u>	<u>\$3,009</u>	<u>\$3,300</u>	<u>\$3,460</u>	<u>\$3,620</u>
<u>1 inch</u>	<u>2.5</u>	<u>\$7,523</u>	<u>\$8,250</u>	<u>\$8,650</u>	<u>\$9,050</u>
<u>1 1/2 inch</u>	<u>5</u>	<u>\$15,045</u>	<u>\$16,500</u>	<u>\$17,300</u>	<u>\$18,100</u>
<u>2 inch</u>	<u>8</u>	<u>\$24,072</u>	<u>\$26,400</u>	<u>\$27,680</u>	<u>\$28,960</u>
<u>3 inch</u>	<u>21.8</u>	<u>\$65,596</u>	<u>\$71,940</u>	<u>\$75,428</u>	<u>\$78,916</u>
<u>4 inch</u>	<u>37.5</u>	<u>\$112,838</u>	<u>\$123,750</u>	<u>\$129,750</u>	<u>\$135,750</u>
<u>6 inch</u>	<u>80</u>	<u>\$240,720</u>	<u>\$264,000</u>	<u>\$276,800</u>	<u>\$289,600</u>
<u>8 inch</u>	<u>140</u>	<u>\$421,260</u>	<u>\$462,000</u>	<u>\$484,400</u>	<u>\$506,800</u>

<u>Water Meter Size</u>	<u>ERUs</u>	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Combined: Water and Sewer Impact Fee</u>
<u>¾ inch</u>	<u>1</u>	<u>1,439</u>	<u>1,276</u>	<u>2,715</u>
<u>1 inch</u>	<u>2.5</u>	<u>3,598</u>	<u>3,190</u>	<u>6,788</u>
<u>1 ½ inch</u>	<u>5</u>	<u>7,195</u>	<u>6,380</u>	<u>13,575</u>
<u>2 inch</u>	<u>8</u>	<u>11,512</u>	<u>10,208</u>	<u>21,720</u>
<u>3 inch</u>	<u>16</u>	<u>23,024</u>	<u>20,416</u>	<u>43,440</u>
<u>4 inch</u>	<u>25</u>	<u>35,975</u>	<u>31,900</u>	<u>67,875</u>
<u>6 inch</u>	<u>50</u>	<u>71,950</u>	<u>63,800</u>	<u>135,750</u>
<u>8 inch</u>	<u>80</u>	<u>115,120</u>	<u>102,080</u>	<u>217,200</u>

SECTION 4. Authorization of City Commission. The City Commission of the City of Opa-Locka, Florida hereby authorizes the update of the amendments as set forth herein.

SECTION 5. Severability. The provisions of this Ordinance are severable, and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided. If any provision of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent

that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION 6. Conflict and Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. Inclusion In Code. It is the intention of the City Commission of the City of Opa-locka that the provisions of this Ordinance shall, at some time in the future, become and be made a part of the General Code of Ordinances of the City of Opa-Locka and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

SECTION 8. Scrivener's Errors. Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent as may be authorized by the City Manager without need of public hearing following review by the City Attorney, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 9. Effective Date. This Ordinance shall, upon adoption, become effective as specified by the City of Opa-Locka Code of Ordinances and the City of Opa-Locka Charter.

PASSED FIRST READING this __ day of _____ 2026.

PASSED SECOND READING this __ day of _____ 2026.

John Taylor, Mayor

ATTEST:

Joanna Flores, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Bass _____
Commissioner Santiago _____
Commissioner Ervin _____
Vice Mayor Kelley _____
Mayor Taylor _____



**City of Opa-locka
Agenda Cover Memo**

Department Director:	Gregory D. Gay		Department Director Signature:				
City Manager:	Sha'mecca Lawson		CM Signature:				
Commission Meeting Date:	3.11.2026		Item Type:	Resolution	Ordinance	Other	
			<i>(Enter X in box)</i>		X		
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
				X			
	X		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes	No
	X		X		X		
Funding Source: <i>Account# :</i>	<i>(Enter Fund & Dept)</i> Ex: N/A		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No	
	See Financial Impact section below			X			
ILA Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid#:				
		X					
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area: Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input checked="" type="checkbox"/> Communication <input type="checkbox"/>	Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i>			
	X			Business & Economic Development			
Sponsor Name	City Manager		Department:	Planning & Community Development			

Short Title:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA AMENDING ORDINANCE 15-24 RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE INCORPORATED AREAS OF THE CITY OF OPA LOCKA, FLORIDA; IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN THE CITY OF OPA LOCKA FOR PROVIDING FOR NEW WATER AND SEWER AND RELATED FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; STATING THE AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FINDINGS AND DECLARATIONS OF THE CITY COMMISSION; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF A WATER AND SEWER IMPACT FEE; PROVIDING FOR REVIEW OF WATER AND SEWER IMPACT FEES AND THE FEE SCHEDULES; PROVIDING FOR THE ESTABLISHMENT OF A WATER AND SEWER IMPACT FEE DISTRICT; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM WATER AND SEWER IMPACT FEES INTO THE WATER AND SEWER IMPACT FEE TRUST FUND ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR USE OF FUNDS DERIVED FROM WATER AND SEWER IMPACT FEES; PROVIDING THAT WATER AND SEWER IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT

INSTRUMENTS; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; CONTAINING A REPEALER PROVISION FOR SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE

Staff Summary:

Water and sewer services are essential to maintain an elevated quality of life. Impact fees should be reviewed and updated every five years to ensure they remain sufficient to meet current and projected demands, however the City’s fees have been in effect for nearly a decade.

The City Commission previously adopted Ordinance No. 15-24 which imposed impact fees on new land development for water and sewer related facilities.

Pursuant to Resolution No. 23-139, the City retained Stantec Consulting Services to conduct a comprehensive impact fee study. Based on current data, infrastructure needs, and growth projections, Stantec recommended modifications to the City’s water and sewer impact fees. The Impact Fee Study was presented to the City Commission on December 10, 2025, and is incorporated herein by reference.

The recommended amendments to the water and sewer and related facilities impact fees are necessary to ensure that adequate levels of service are provided and maintained for new growth in residential, commercial, and industrial areas. The existing impact fees—\$1,439 per Equivalent Residential Unit (ERU) for water and \$1,276 per ERU for sewer—are insufficient to meet the City’s current and future infrastructure needs.

Accordingly, Stantec recommended a four-year phased-in increase to the water and sewer impact fees, as outlined below:

Phase In Year	Date Range	Water Impact Fee	Sewer Impact Fee	Total Impact Fee
Year 1	July 1, 2026-June 30, 2027	\$1,570	\$1,439	\$3,009
Year 2	July 1, 2027-June 30, 2028	\$1,701	\$1,599	\$3,300
Year 3	July 1, 2028-June 30, 2029	\$1,701	\$1,759	\$3,460
Year 4	July 1, 2029-June 30, 2030	\$1,701	\$1,919	\$3,620

Financial Impact- With a Water Impact fee increase of \$131.00 or 9% and the Sewer Impact fee of \$160.00 or 13%. Cumulatively this equates to \$291.00 or 11% increase. Future Impact Fee revenues could increase at the same rate or more depending on new development in the City.

Proposed Action:

Planning and Community Development staff recommend the approval of this legislation.

Attachment:

Draft Ordinance
 Stantec Impact Fee Study and Recommendations
 Ordinance 04-09
 Ordinance 15-24



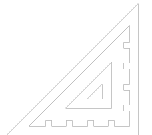
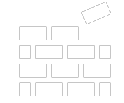
Stantec

Opa-Locka, FL Impact Fee Study



Background

- City of Opa-Locka impact fees unchanged since 2015 Study performed by Stantec
 - Parks
 - Police
 - Stormwater
 - Water
 - Sewer



Scope of Study: Re-calculate all existing impact fees



Background

- Impact fees allow new development to “*pay its own way*”
 - Funds expansion related capital costs
 - Not for operations, maintenance, or replacement
- Without impact fees:
 - 1) Facilities may not be constructed
 - 2) Facilities may be funded by existing taxpayers



*Impact
Fees*










Background

Current Fee schedule (adopted in 2015)



	 Parks	 Public Safety	 Stormwater	 Water	 Sewer
Charge	\$0.998	\$0.17	\$829	\$1,439	\$1,279
Unit	SQFT	SQFT	ERU	ERU	ERU



Calculation






US CPI Growth since '15 = 32%

	Cost Basis	Capacity	Single Family Impact Fee
 Parks	\$12.6 M	Existing Residential Served	\$1.31
 Public Safety	\$3.8 M	Existing Served	\$0.20
 Stormwater	\$15.1 M	Existing Impervious ERUs + 15yr Growth	\$835
 Water	\$26.3 M	Equivalent Residential Connections	\$1,701
 Sewer	\$30.3 M	Equivalent Residential Connections	\$2,405

Existing (2015)	%
\$0.998	31%
\$0.17	18%
\$829	1%
\$1,439	18%
\$1,279	88%



Totals – Single Family

	Existing Fee (2015)	Proposed Impact Fee	Change \$	Change %
 Parks*	\$1,497	\$1,965	+\$468	31%
 Public Safety*	\$255	\$300	+\$45	18%
 Stormwater**	\$829	\$829	\$0	0%
 Water	\$1,439	\$1,701	+\$262	18%
 Sewer***	\$1,279	\$1,919	+\$640	50%
Total	\$5,299	\$7,315	+\$1,415	38%

* Single Family average of 1,500 SF

** Recommend no change

*** Capped at 50%

Reforms to Florida Impact Fee Law



“Phase-In Limitations” on Impact Fee Increases

- ☑ $\leq 25\%$ Two Equal Annual Increments
- ☑ $>25\% \leq 50\%$ Four Increments
- ☑ $>50\%$ Not Allowed
- ☑ Increase only once every 4 years

Exceeding the Limitations

1. A special study that outlines **extraordinary circumstances**
2. Two publicly noticed workshops
3. Two-thirds approval



Parks and Recreation Phase In

Land Use	Calculated Change	Phase-In Time	Current Fee	Year 1	Year 2	Year 3	Year 4
Parks & Recreation Impact Fee	31%	4 Year	\$ 0.998	\$ 1.08	\$ 1.15	\$ 1.23	\$ 1.31

Land Use	Annual Increase / (Decrease):	Year 1	Year 2	Year 3	Year 4
Parks & Recreation Impact Fee		\$ 0.08	\$ 0.07	\$ 0.08	\$ 0.08



Public Safety Phase In

Land Use	Calculated Change	Phase-In Time	Current Fee	Year 1	Year 2	Year 3	Year 4
Public Safety Impact Fee	18%	2 Years	\$ 0.17	\$ 0.19	\$ 0.20	\$ 0.20	\$ 0.20

Land Use	Annual Increase / (Decrease):	Year 1	Year 2	Year 3	Year 4
Public Safety Impact Fee		\$ 0.02	\$ 0.01	\$ -	\$ -



Water/Sewer Phase In

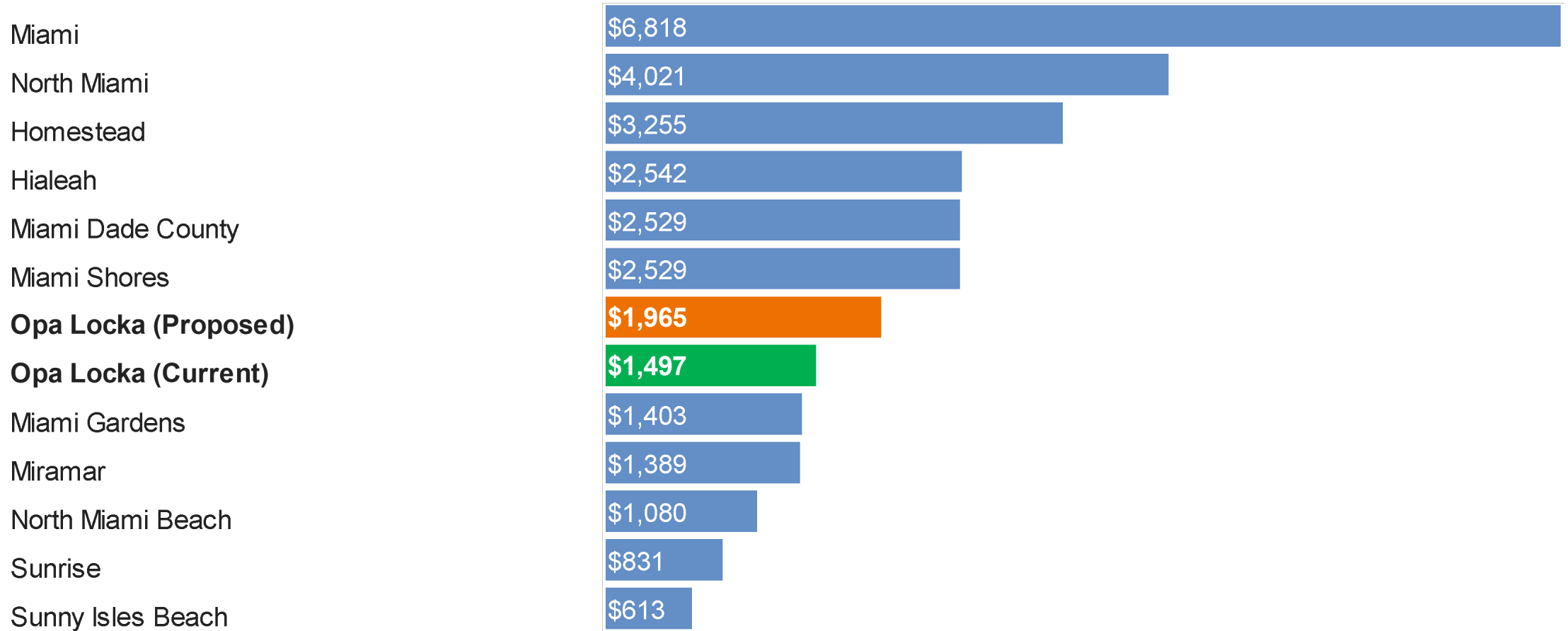
Land Use	Calculated Change	Phase-In Time	Current Fee	Year 1	Year 2	Year 3	Year 4
Water Impact Fee	18%	2 Year	\$ 1,439.00	\$ 1,570.00	\$ 1,701.00	\$ 1,701.00	\$ 1,701.00
Sewer Impact Fee	50% ¹	4 Year	\$ 1,279.00	\$ 1,439.00	\$ 1,599.00	\$ 1,759.00	\$ 1,919.00

Land Use	Annual Increase / (Decrease):	Year 1	Year 2	Year 3	Year 4
Water Impact Fee		\$ 131.00	\$ 131.00	\$ -	\$ -
Sewer Impact Fee		\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00

¹ Sewer Impact Fee increase limited to 50% according to limits set by Florida State Statues



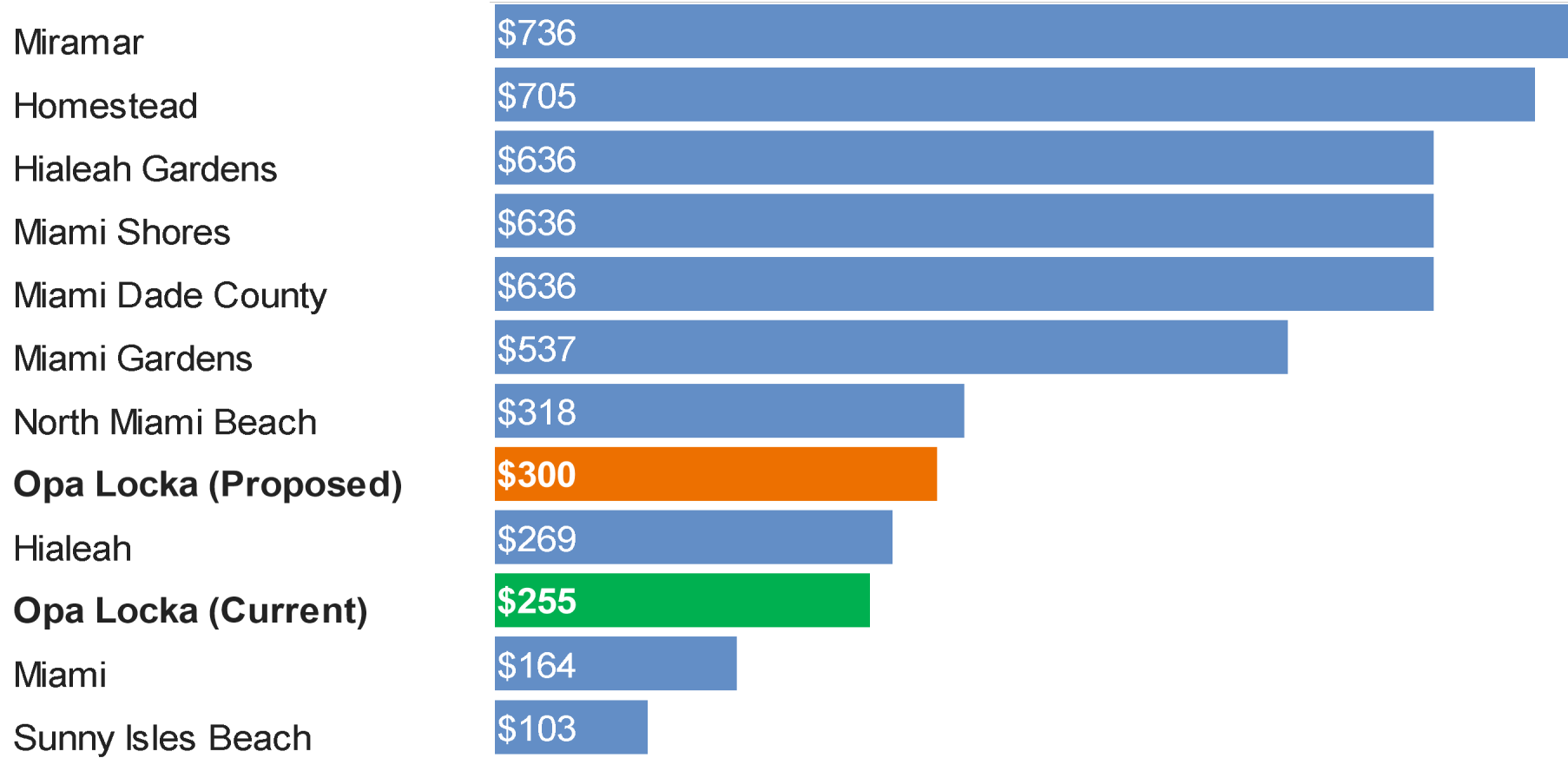
Parks and Recreation Impact Fee Survey – Single Family



Based on Single Family average square footage of 1,500



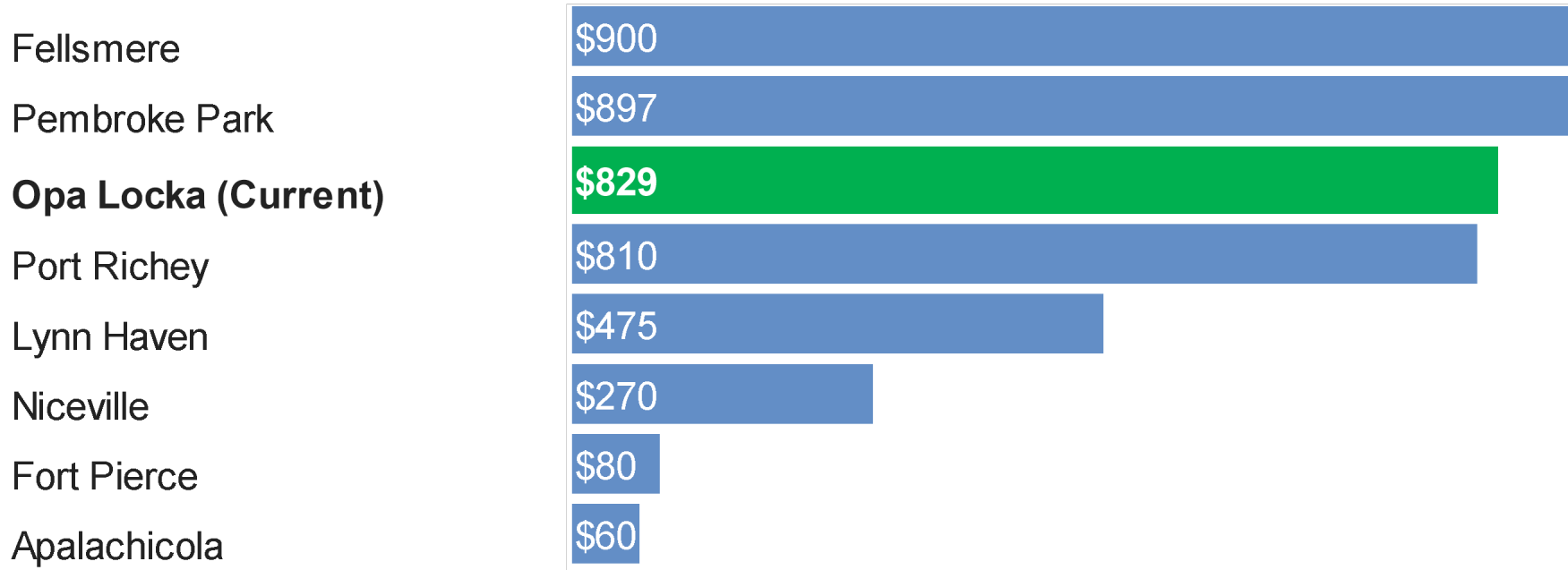
Public Safety Impact Fee Survey – Single Family



Based on Single Family average square footage of 1,500



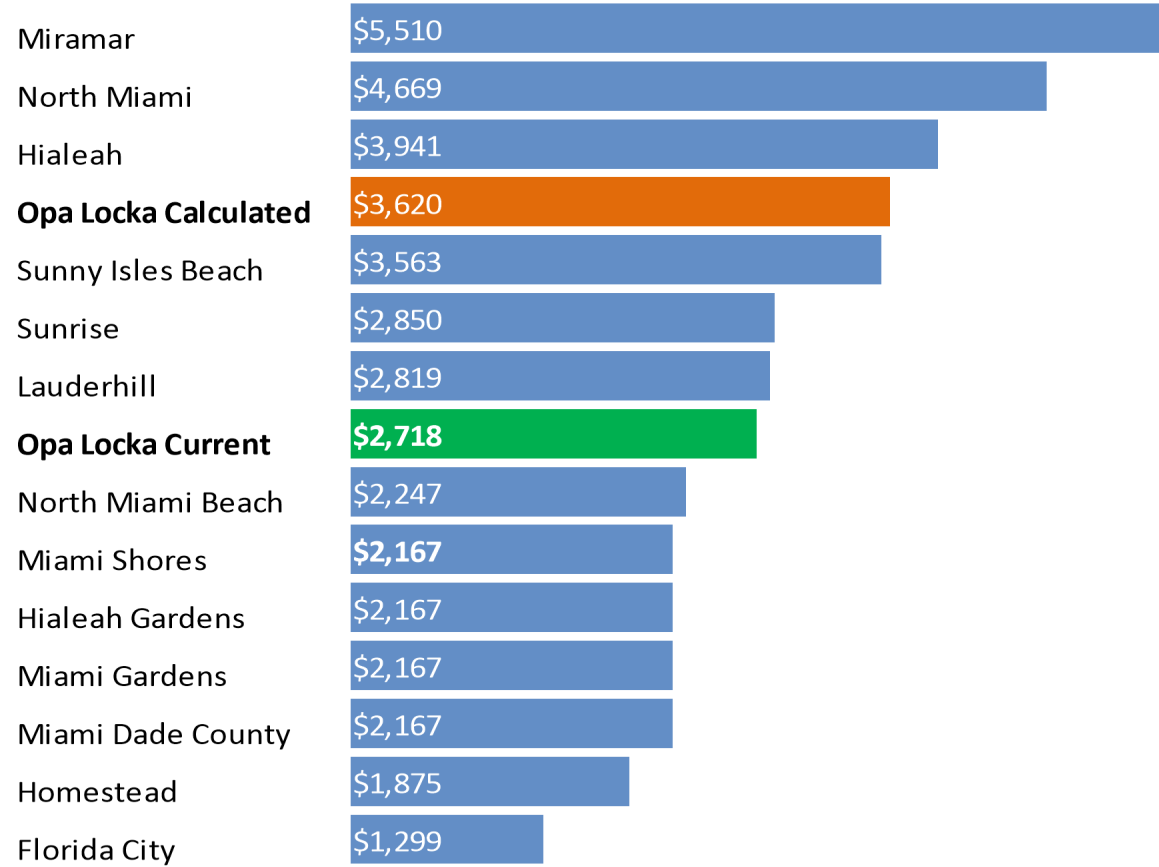
Stormwater Impact Fee Survey – Single Family





Water/Sewer Impact Fee Survey – Single Family

Single Family Water Sewer Impact Fee Survey



Based on Single Family average square footage of 1,500



Next Steps

- Consider adopting the updated schedule of calculated impact fees as presented herein
- Notice required **90 days** before the effective date
- Update impact fees in four years



Questions?

Peter Napoli
Senior Manager
Peter.Napoli@stantec.com

1st Reading: June 24, 2015
2nd Reading: July 22, 2015
Public Hearing: July 22, 2015
Adopted: July 22, 2015
Effective Date: July 22, 2015
Sponsored by: City Manager

ORDINANCE NO. 15-24

WATER AND SEWR IMPACT FEE ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE INCORPORATED AREAS OF THE CITY OF OPA LOCKA, FLORIDA; IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN THE CITY OF OPA LOCKA FOR PROVIDING FOR NEW WATER AND SEWER AND RELATED FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; STATING THE AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FINDINGS AND DECLARATIONS OF THE CITY COMMISSION; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF A WATER AND SEWER IMPACT FEE; PROVIDING FOR REVIEW OF WATER AND SEWER IMPACT FEES AND THE FEE SCHEDULES; PROVIDING FOR THE ESTABLISHMENT OF A WATER AND SEWER IMPACT FEE DISTRICT; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM WATER AND SEWER IMPACT FEES INTO THE WATER AND SEWER IMPACT FEE TRUST FUND ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR USE OF FUNDS DERIVED FROM WATER AND SEWER IMPACT FEES; PROVIDING THAT WATER AND SEWER IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT INSTRUMENTS; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; CONTAINING A REPEALER PROVISION FOR SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OPA LOCKA, FLORIDA:

Section 1: Legislative Findings

The City Commission of the City of Opa-locka finds, determines, and declares:

Ordinance No. 15-24

A. The City of Opa-locka must expand its water and sewer system in order to maintain current standards if new development is to be accommodated without decreasing current levels of service. This must be done in order to promote and protect the public health, safety and welfare.

B. The Florida Legislature through the enactment of Florida Statutes, Chapter 163, Part II, Section 3202(3) has sought to encourage the City of Opa-locka to enact impact fees.

C. The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare;

D. Each of the types of land development described in Section 7 hereof, will create demand for the expansion of road drainage capacity and the construction of road drainage improvements.

E. The impact fees established by Section 7 are derived from, are based upon, and do not exceed the costs of providing additional water and sewer capacity and improvements necessitated by the new land developments for which the impact fees are levied.

F. The City retained Burton and Associates to conduct a study on the need for water and sewer impact fees and the methods for calculating such fees, and that study, which was presented to the City Commission on May 5th, 2015, is hereby incorporated reference in its entirety.

Section 2. Short Title and Authority

A. This ordinance shall be known and may be cited as the "The City of Opa-locka Water and Sewer Impact Fee Ordinance."

B. The City Commission of the City of Opa-locka has the authority to adopt this ordinance pursuant to Article IV of the Constitution of the State of Florida, and Chapter 125 of the Florida Statutes.

C. This ordinance shall apply in the incorporated area of the City of Opa-locka.

Section 3: Intents and Purposes

A. This ordinance is intended to assist in the implementation of the City of Opa-locka Comprehensive Plan.

B. The purpose of this ordinance is to regulate the use and development of land so

as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide water and sewer improvements in the City of Opa-locka.

Section 4: Rules of Construction

A. The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.

B. For the purposes of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

(1) In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

(2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

(3) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(4) The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for."

(5) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

(6) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:

(a) "And" indicates that all the connected terms, conditions, provisions or events shall apply.

(b) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(7) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(8) "Administrative Official" means the Director of the Building & License Department and the Building Official or his/her designee who will carry out the administration of this ordinance.

Section 5: Definitions

A. A "fee payer" is a person applying for the issuance of a building permit.

B. "Building permit" is the approval issued by the City of Opa-locka that authorizes the construction or placement of a building, dwelling, mobile home, recreational vehicle or other structure on a site, where the purposes of the building or structure is for the occupancy by humans. This would include temporary as well as permanent occupancy.

C. A "capital improvement" includes planning, land acquisition, site improvements, the construction of new or expanded road drainage facilities, and the acquisition of equipment, but excludes maintenance and operation.

D. "Development Order" means a regulatory approval by the City of Opa-locka.

E. "Square Footage" shall be measured in terms of heated or air-conditioned floor area.

Section 6: Imposition of Water and Sewer Impact Fee

A. Any person who, after the effective date of this ordinance, seeks to develop land within the City of Opa-locka, Florida, by applying for a building permit is hereby required to pay a water and sewer impact fee in the manner and amount set forth in this ordinance.

B. No Certificate of Occupancy for any activity requiring payment of a Road Drainage Impact Fee pursuant to Section 7 of this ordinance shall be issued unless and until the Water and Sewer Impact Fee hereby required has been paid.

C. No extension of a building permit issued prior to the effective date of this ordinance for any activity requiring payment of a Road Drainage Impact Fee pursuant to Section 7 of this ordinance shall be granted unless and until the Water and Sewer Impact Fee hereby required has been paid.

Section 7: Computation of the Amount of Water and Sewer Impact Fee

The total combined water and sewer impact fees are \$2,715. A table presenting the calculated impact fee assuming 100% cost recovery from this study is presented below.

Calculated Water & Sewer Impact Fees per ERU		
Water	Sewer	Combined
\$1,439	\$1,276	\$2,715

Water meter size is used to determine ERU's for water and sewer customers. Single-Family homes represent one ERU as they typically have a 3/4" x 5/8" water meter. For larger meter sizes, the

following table shows the ERU's for each meter size and the resulting water and sewer impact fees by meter size. The ERU's for each meter size are determined by the AWWA maximum flow criteria for each meter size. (See the table below and the attached Impact Fee Study).

Water Meter Size	ERU's	Water Impact Fee	Sewer Impact Fee	Combined: Water & Sewer Impact Fee
3/4 inch	1	1,439	1,276	2,715
1 inch	2.5	3,598	3,190	6,788
1-1/2 inch	5	7,195	6,380	13,575
2 inch	8	11,512	10,208	21,720
3 inch	16	23,024	20,416	43,440
4 inch	25	35,975	31,900	67,875
6 inch	50	71,950	63,800	135,750
8 inch	80	115,120	102,080	217,200

Section 8: Payment of Water and Sewer Impact Fee

A. The fee payer shall pay the Water and Sewer Impact Fee prior to the issuance of a permit.

B. The Water and Sewer Impact Fee required by this ordinance to the Administrative Official or his/her designee, prior to the issuance of a Temporary Certificate of Occupancy, Certificate of Occupancy, or other final approval.

C. All funds collected shall be promptly transferred for deposit in the Water and Sewer Impact Fee Trust Fund account as determined in Section 10 of this ordinance and used solely for the purposes specified in this ordinance.

Section 9: Water and Sewer Impact Fee Districts

There is hereby established one (1) Water and Sewer Impact Fee Benefit District which includes all land within the City of Opa-locka jurisdictional boundary.

Section 10: Water and Sewer Impact Fee Trust Fund Established

A. There is hereby established one (1) Water and Sewer Impact Fee Trust Fund, established by Section 9 of this Ordinance.

B. Funds withdrawn from this account must be used in accordance with the provisions of Section 11 of this ordinance.

Section 11: Use of Funds

A. Funds collected from Water and Sewer Impact Fees shall be used solely for the purpose of acquiring and/or making capital improvements to water & sewer infrastructure under the jurisdiction of the City of Opa-locka, the County, or the State of Florida, and shall not be used for City day to day operations or road maintenance.

B. Funds shall be used exclusively for acquisitions, expansions, or capital improvements within the City-wide Water and Sewer Impact Fee District, which the funds were collected. Funds shall be expended in the order in which they are collected.

C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which Water and Sewer Impact Fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Paragraph A above.

D. At least once each fiscal period the Administrative Official shall present to the City Commission a proposed capital improvement program for road drainage, assigning funds, including any accrued interest, to specific road drainage improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the Water and Sewer Impact Fee Trust Fund until the next fiscal period except as provided by the refund provisions of this ordinance.

E. Funds may be used to provide refunds as described in Section 12.

Section 12: Refund of Water and Sewer Impact Fees Paid

A. If a building permit expires without commencement of construction, then the fee payer shall be entitled to a refund, without interest, of the Water and Sewer Impact Fee paid as a condition for its issuance except that the City shall retain three percent (3%) or \$100.00 of the fee, whichever is greater, to offset a portion of the costs of collection and refund. The fee payer must submit an application for such a refund to the Administrative Official thirty (30) days, prior to the expiration of the permit.

B. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the Water and Sewer Impact Fee was paid shall, upon application of the then current land owner, be returned to such landowner with interest at the rate of three percent (3%) per annum, provided that the land owner submits an application for a refund to the Administrative Official within 180 days of the expiration of the six (6) year period. An extension of the six (6) year period, of an additional four (4) years may be permitted, at the City Commission's discretion, for projects or improvements that entail long range planning and design.

Section 13: Exemptions and Credits

A. Exemptions. The following shall be exempted from payment of Water and Sewer Impact Fees:

- (1) Alterations or expansion of an existing building where no additional square footage is created, where the use is not changed, and/or where no additional demand for Water & Sewer facilities or applicable improvements will be created, as determined by the Administrative Official.
- (2) The construction of accessory buildings or structures, unless such construction is determined by the Administrative Official to be an expansion or extension of the principal use for which Road Drainage Impact Fees are payable.

- (3) The replacement of a building or structure with a new building or structure of the same size and use.
- (4) The installation of a replacement mobile home on a lot or other such site when a Water and Sewer Impact Fee for such mobile home site has previously been paid pursuant to this ordinance or where a mobile home legally existed on such site on or prior to the effective date of this ordinance.
- (5) The installation of a mobile unit for temporary construction purposes.

Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

B. Credits. Any claim for credit under these provisions shall be made on an official Impact Fee Credit Application provided by the City of Opa-locka, and submitted along with all other required documentation to the Administrative Official. Credit against required Water & Sewer Impact Fees shall be subject to the following:

- (1) Water and Sewer land and/or road drainage capital improvements may be offered by the fee payer as total or partial payment of the required Water & Sewer Impact Fee. The offer must specifically request or provide for a Water & Sewer Impact Fee credit. If the Administrative Official accepts such an offer, whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner:
 - (a) Credit for the dedication of land shall be valued at:
 - (i) 115% of the most recent assessed value by the Miami-Dade County Property Appraiser; or
 - (ii) by fair market value established by a private, certified appraiser acceptable to the City. At the City's option, a second appraisal may be contracted at the City's expense. Credit for the dedication of water & sewer land shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Commission; or
 - (iii) by such other appropriate method as the City Commission may have accepted prior to the effective date of this ordinance for particular water & sewer facility improvements.
 - (b) Applicants for credit for construction of water & sewer facilities improvements shall:

- (i) submit acceptable engineering drawings and specifications, and construction cost estimates to the Administrative Official;
 - (ii) the Administrative Official shall, within a reasonable period of time, determine credit for construction based upon either these cost estimates, or upon alternative engineering criteria and construction cost estimates if the Administrative Official determines that such estimates submitted by the applicant are either unreliable or inaccurate;
 - (iii) the Administrative Official shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the Administrative Official before credit will be given;
 - (iv) the failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the credit.
- (c) Except as provided in subparagraph (d), credit against Water and Sewer Impact Fees otherwise due will not be provided until:
- (i) the construction is completed and accepted by the City, the County, or the State, whichever is applicable;
 - (ii) a suitable maintenance and warranty bond is received and approved by the City Clerk, the City Manager and the City Attorney of the City of Opa-locka, when applicable.
- (d) Credit may be provided before completion of specified water & sewer improvements if adequate assurances are given by the applicant that the standards set out in subparagraph (c) (i) , (ii) will be met and if the fee payer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with and approved by the City of Opa-locka in an amount determined by the Administrative Official. If the water & sewer construction project will not be constructed within one (1) year of the acceptance of the offer by the Administrative Official, the amount of the security shall be increased by ten percent (10%) compounded, for each year of the life of the security. The security shall be reviewed and approved by the City Commission prior to acceptance of the security. If the water & sewer construction project is not to be completed within five (5) years of the date of the fee payer's offer, the City Commission must approve the water & sewer construction project and its scheduled completion date prior to the acceptance of the offer by the Administrative Official.
- (2) Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived. The fee

payer may apply for credit prior to the issuance of a building permit, however, credit shall only be applied against building permits issued subsequent to the application for credit. Refunds shall be made only to the person(s) or entity who made the creditable payment or contribution.

- (3) Credits shall not be transferable from one project or development to another without the approval of the City Commission and may only be transferred to a different development upon a finding by the City Commission that the dedication for which the credit was given benefits such different development.
- (4) No credit shall exceed the amount due for the applicable Water and Sewer Impact Fee required.
- (5) The right of credit shall run with the land and be claimed only by the owners of the land for which credit is claimed.

Section 14: Appeals

- A. Any fee payer aggrieved by a decision of the Administrative Official made pursuant to this ordinance shall have the right to appeal to the City Commission. Prior to any such appeal, the aggrieved fee payer shall file a request for reconsideration with the Administrative Official who shall act upon such request within fifteen (15) days.
- B. If, after reconsideration by the Administrative Official, the fee payer chooses to continue with an official appeal, the fee payer, within fifteen (15) days of the Administrative Official's decision on the request for reconsideration, may file with the Administrative Official a Notice of Appeal specifying the grounds, therefore. The Administrative Official shall forthwith transmit to the City Commission all papers constituting the record upon which the action appealed from is taken. The Mayor and City Commission shall thereafter establish a reasonable date and time for a hearing on the appeal, give due notice thereof, and decide the same within a reasonable period of time following the hearing. Any fee payer submitting a Notice of Appeal shall have the right to appear at the hearing, to present evidence, and be represented by counsel.
- C. A fee payer may pay a Water and Sewer Impact Fee under protest to obtain a building permit and by making such payment shall not be estopped from:
 - (1) Exercising the right of appeal provided for in this Section, or
 - (2) Receiving a refund of any amount deemed to have been erroneously collected.

Section 15: Review

The Water and Sewer Impact Fee Schedule contained in Section 7 (A) shall be reviewed by the City Commission at least once each fiscal biennium.

Section 16: Penalty Provision

A violation of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however in addition to or in lieu of any criminal prosecution, the City of Opa-locka shall have the power to initiate legal action in civil court to enforce the provisions of this ordinance.

Section 17: Repealer Provision:

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

Section 18: Severability:

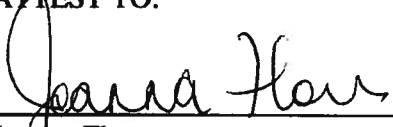
If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED THIS 22nd DAY OF July, 2015.



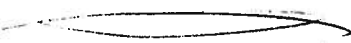
Myra Taylor
Mayor

ATTEST TO:



Joanna Flores
City Clerk

Approved as to form and sufficiency:



Vincent T. Brown, Esq.
Brown Law Group, LCC
City Attorney

Moved by: COMMISSIONER KELLEY
Second by: COMMISSIONER SANTIAGO

Commission Vote: 4-0

Commissioner Kelley: YES
Commissioner Pinder: OUT OF ROOM
Commissioner Santiago: YES
Vice Mayor Holmes: YES
Mayor Taylor: YES