1	ORDINANCE NO. <u>160725</u>
2 3 4 5 6 7 8 9	An ordinance of the City of Gainesville, Florida, amending Section 6 of Ordinance No. 110541 and amending the Code of Ordinances, Appendix A, Schedule of Fees, Rates and Charges, to revise infrastructure improvement area user fees for water and wastewater gravity collection in the Innovation District Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.
0	WHEREAS, at least ten (10) days' notice has been given once by publication in a
2	newspaper of general circulation notifying the public of this proposed ordinance and of the public
3	hearings in the City Hall Auditorium located on the first floor of City Hall in the City of
4	Gainesville; and
5	WHEREAS, the public hearings were held pursuant to the published notices described
6	above, at which all interested parties had an opportunity to be, and were, in fact, heard; and
7	WHEREAS, imposing Infrastructure Improvement Area user fees is an exercise of the
8	City's proprietary powers; and
9	WHEREAS, Infrastructure Improvement Area user fees were first imposed by the City by
20	adoption of Ordinance No. 110541 on April 7, 2016, to pay for the design and construction costs of
21	the water and wastewater gravity collection services infrastructure within defined area(s); and
22	WHEREAS, Infrastructure Improvement Area user fees collected by the City are used
23	solely to reimburse the City for completed construction and/or to allow the City to fund the future
24	design and construction of water and wastewater gravity collection services infrastructure within the
25	defined area(s), including financing costs and interest incurred by the City; and
26	WHEREAS, Infrastructure Improvement Area user fees are governed by the principle that
27	customers within the area(s) that pay the user fee receive a special benefit in a manner not shared by

1	other customers	and shall be	charged in	exchange	for the	government	service	which	benefits	such

- 2 customer paying the user fee; and
- 3 WHEREAS, Infrastructure Improvement Area user fees are reasonable in relation to the
- 4 resulting value and benefit of the water and wastewater gravity collection services being provided to
- 5 the customers in the area(s); and
- 6 WHEREAS, Ordinance No. 110541, which first established the Innovation District
- 7 Infrastructure Area, provided a retroactive date of December 5, 2013. This date proved difficult to
- 8 implement and therefore, staff implemented Ordinance No. 110541 on April 7, 2016 (the date it was
- 9 adopted on second reading). This Ordinance amends Section 6 of Ordinance No. 110541 to reflect
- the implementation date of April 7, 2016; and
- 11 WHEREAS, upon recommendation of City staff and direction of the Utility Advisory
- Board on August 17, 2016 and the City Commission on August 18, 2016, this Ordinance also
- increases the user fees on and after the effective date of this Ordinance;
- 14 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
- 15 CITY OF GAINESVILLE, FLORIDA:
- Section 1. Section 6 (non-codified) of Ordinance No. 110541 is hereby amended to read as
- 17 follows:
- Section 6. It is the express intent of the City that this ordinance shall take effect
- 19 retroactively as of December 5, 2013 upon final adoption on April 7, 2016. This ordinance is given
- 20 retroactive effect in order to confirm actions taken and expenditures made by the City after the City
- 21 Commission meeting on December 5, 2013, with regard to the design and construction of water and
- 22 wastewater system capacity improvements within the Innovation District Infrastructure Area. In
- 23 order to avoid a windfall to those customers that received a certificate of occupancy or certificate of

completion for an establishment or addition to an establishment within the Innovation District 1 Infrastructure Area between December 6, 2013 and the date of adoption of this ordinance, those 2 3 customers shall pay Infrastructure Improvement Area user fees in accordance with this ordinance 4 for their establishment within 30 days of the date of adoption of this ordinance. As it is expressly 5 recognized that those customers were on notice of, participated in and received the benefit of the development of the master plan described in this ordinance and concomitant construction of the 6 7 capacity improvements within the Innovation District Infrastructure Improvement Area. 8 Section 2. The Water and Sewerage portions of the Utilities section in Appendix A – 9 Schedule of Fees, Rates and Charges, is amended to revise the fees. Except as amended herein, the 10 remainder of Appendix A remains in full force and effect. 11 APPENDIX A – SCHEDULE OF FEES, RATES AND CHARGES 12 13 **UTILITIES:** 14 15 Water: (3)16 17 Infrastructure improvement area user fees (§ 27-205) for water in the Innovation District Area shall be calculated based on the following rates: 18 \$0.911.01/ft2 gross building area 19 1. Commercial and institutional establishment 20 2. Hotel and/or Motel establishments \$363.18 402.15 per room* 21 3. Laboratory (wet) establishment \$1.091.21/ft² gross building area \$254.23281.51 per bedroom 22 4. Multi-family residential establishment 23 5. Office and Laboratory (dry) establishment \$0.540.60/ft² gross building area \$0.540.60/ft² gross building area 24 6. Parking Garage 25 26 (4) Sewerage: 27 28 n. Infrastructure improvement area user fees (§ 27-205) for wastewater in the Innovation 29 District Area shall be calculated based on the following rates: \$0.831.02/ft² heated and cooled area 30 1. Commercial and institutional establishment \$331.87 408.84 per room* 31 2. Hotel and/or Motel establishments \$1.001.23/ft2 heated and cooled area 32 3. Laboratory (wet) establishment \$232.31286.19 per bedroom 4. Multi-family residential establishment 33 $$0.500.62/\text{ft}^2$ heated and cooled area$ 34 5. Office and Laboratory (dry) establishment 35

1 2 3 4 5 6	* The per room fee is applied to the number of hotel or motel rooms and no additional fee is applied for meeting rooms, kitchens, lobby areas and/or other rooms directly associated with the hotel or motel operation. Restaurant facilities or retail establishments within a hotel or motel shall be considered commercial establishments and shall pay all applicable fees.							
7	Section 3. It is the intention of the City Commission that the provisions of Section 2 of this							
8	Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,							
9	Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in							
10	order to accomplish such intentions.							
11	Section 4. If any word, phrase, clause, paragraph, section or provision of this ordinance or							
12	the application hereof to any person or circumstance is held invalid or unconstitutional, such finding							
13	shall not affect the other provisions or applications of the ordinance which can be given effect							
14	without the invalid or unconstitutional provisions or application, and to this end the provisions of							
15	this ordinance are declared severable.							
16	Section 5. All ordinances or parts of ordinances, in conflict herewith are to the extent of							
17	such conflict hereby repealed.							
18	Section 6. This ordinance shall become effective immediately upon final adoption.							
19	PASSED AND ADOPTED this 16 th day of March, 2017.							
20	12							
21 22 23 24 25 26 27 28								
22	LAUREN B. POE MAYOR							
23 24	MATOR							
2 1 25	Attest: Approved as to form and legality:							
26								
27	Micolle M Anally							
28	KURT M. LANNON NICOLLE M. SHALLEY							
29	CLERK OF THE COMMISSION CITY ATTORNEY							
30	and a series of the series of							
31	This ordinance passed on first reading this 2 nd day of March, 2017.							
32	This ordinance passed on second reading this 16 th day of March, 2017.							