

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

3  
4  
5  
6  
7  
8  
9

1  
2  
3  
4

5  
6

7  
8

19  
20  
21

22  
23  
24  
25

26  
27

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  
10 the implementation date of April 7, 2016; and

11 **WHEREAS,** upon recommendation of City staff and direction of the Utility Advisory  
12 Board on August 17, 2016 and the City Commission on August 18, 2016, this Ordinance also  
13 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:**

16 **Section 1.** Section 6 (non-codified) of Ordinance No. 110541 is hereby amended to read as  
17 follows:

18 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 Infrastructure Area between December 6, 2013 and the date of adoption of this ordinance, those customers shall pay Infrastructure Improvement Area user fees in accordance with this ordinance for their establishment within 30 days of the date of adoption of this ordinance. As it is expressly 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 capacity improvements within the Innovation District Infrastructure Improvement Area.~~

**Section 2.** The Water and Sewerage portions of the Utilities section in Appendix A -- Schedule of Fees, Rates and Charges, is amended to revise the fees. Except as amended herein, the remainder of Appendix A remains in full force and effect.

#### APPENDIX A – SCHEDULE OF FEES, RATES AND CHARGES

##### UTILITIES:

##### (3) *Water:*

n. Infrastructure improvement area user fees (§ 27-205) for water in the Innovation District Area shall be calculated based on the following rates:

- |   |  |
|---|--|
| 1. Commercial and institutional establishment | <del>\$0.94</del> <u>1.01</u> /ft <sup>2</sup> gross building area |
| 2. Hotel and/or Motel establishments          | <del>\$363.18</del> <u>402.15</u> per room*                        |
| 3. Laboratory (wet) establishment             | <del>\$1.09</del> <u>1.21</u> /ft <sup>2</sup> gross building area |
| 4. Multi-family residential establishment     | <del>\$254.23</del> <u>281.51</u> per bedroom                      |
| 5. Office and Laboratory (dry) establishment  | <del>\$0.54</del> <u>0.60</u> /ft <sup>2</sup> gross building area |
| 6. Parking Garage                             | <del>\$0.54</del> <u>0.60</u> /ft <sup>2</sup> gross building area |

##### (4) *Sewerage:*

n. Infrastructure improvement area user fees (§ 27-205) for wastewater in the Innovation District Area shall be calculated based on the following rates:

- |   |   |
|---|---|
| 1. Commercial and institutional establishment | <del>\$0.83</del> <u>1.02</u> /ft <sup>2</sup> heated and cooled area |
| 2. Hotel and/or Motel establishments          | <del>\$331.87</del> <u>408.84</u> per room*                           |
| 3. Laboratory (wet) establishment             | <del>\$1.00</del> <u>1.23</u> /ft <sup>2</sup> heated and cooled area |
| 4. Multi-family residential establishment     | <del>\$232.34</del> <u>286.19</u> per bedroom                         |
| 5. Office and Laboratory (dry) establishment  | <del>\$0.50</del> <u>0.62</u> /ft <sup>2</sup> heated and cooled area |

1                   \* The per room fee is applied to the number of hotel or motel rooms and no  
2 additional fee is applied for meeting rooms, kitchens, lobby areas and/or other  
3 rooms directly associated with the hotel or motel operation. Restaurant  
4 facilities or retail establishments within a hotel or motel shall be considered  
5 commercial establishments and shall pay all applicable fees.  
6

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.

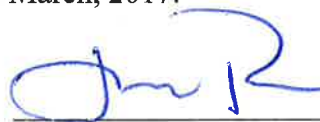
16                  **Section 5.** All ordinances or parts of ordinances, in conflict herewith are to the extent of  
17 such conflict hereby repealed.

18                  **Section 6.** This ordinance shall become effective immediately upon final adoption.


19                  **PASSED AND ADOPTED** this 16<sup>th</sup> day of March, 2017.

20  
21  
22  
23  
24  
25                  Attest:

26   
27 \_\_\_\_\_  
28 KURT M. LANNON  
29 CLERK OF THE COMMISSION  
30

20   
21 \_\_\_\_\_  
22 LAUREN B. POE  
23 MAYOR  
24

25                  Approved as to form and legality:

26   
27 \_\_\_\_\_  
28 NICOLLE M. SHALLEY  
29 CITY ATTORNEY  
30

31 This ordinance passed on first reading this 2<sup>nd</sup> day of March, 2017.  
32 This ordinance passed on second reading this 16<sup>th</sup> day of March, 2017.