
CITY OF OAKLAND PARK, FLORIDA

PRELIMINARY STORMWATER ASSESSMENT RATE RESOLUTION

RESOLUTION R-2019-__

ADOPTED JULY 17, 2019

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RESOLUTION NO. R-2019-

A RESOLUTION OF THE COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, ESTIMATING THE COST OF STORMWATER MANAGEMENT SERVICES PROVIDED BY THE STORMWATER UTILITY; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE SERVICES PROVIDED BY THE STORMWATER UTILITY; ESTABLISHING THE METHOD OF ASSESSING THE COST OF THE UTILITY AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; DIRECTING THE DIRECTOR TO PREPARE OR DIRECT THE PREPARATION OF A TENTATIVE STORMWATER MANAGEMENT ASSESSMENT ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING FOR THE PROPOSED STORMWATER MANAGEMENT ASSESSMENTS AND DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF OAKLAND PARK, FLORIDA, AS FOLLOWS:

ARTICLE I

DEFINITIONS AND CONSTRUCTION

SECTION 1.01. DEFINITIONS. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

Benefited area. The geographical boundaries of the City, including all future annexations and consolidations.

City means the City of Oakland Park, Florida.

Citywide Stormwater Management Cost. The entire cost of stormwater management operations, including operating expense, debt service, General fund administrative fees and capital expenditures (the division budget), plus an amount equal to the maximum discount allowed for early payment of assessments thereof under the Uniform Collection Method

Commission. The City Commission of the City of Oakland Park, Florida, acting as the governing body of the City.

Credit. A reduction in the ERU value (and thus the assessment) for property with qualified stormwater management facilities (retention or detention capabilities) which reduce or eliminate the flow of stormwater into the City's stormwater system. With the demonstration of the appropriate permits, engineering reviews and the proper operation of the retention or detention capability, a credit of up to 100% is assigned by which the ERUs for the property are reduced for assessment purposes.

Development or development activity means the following:

1. The construction, installation, demolition or removal of a structure of impervious surface, or drainage facility; or
2. Clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site; or
3. Adding, removing, exposing, excavating, leveling, grading, digging, furrowing, dumping, piling, dredging, or otherwise significantly disturbing soil, mud, sand or rock of a site.

Director means the Director of the Public Works Department or his or her designee.

Dwelling unit means any residential space identified for habitation by members of the same family or as classified by the City building code.

Equivalent residential unit (ERU) means the statistical average horizontal impervious area (1,507 square feet) of a "residential unit" (single-family, mobile homes, multifamily, condominiums, etc.), within the City. The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks.

Exempt parcel means a parcel having zero ERUs and not subject to stormwater management assessments due to reasons other than being a property with qualified stormwater management facilities.

Flood or flooding means a general temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of tidal waters or the unusual and rapid accumulation of stormwater runoff or surface waters.

Impervious area or impervious surface means a horizontal surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as streets, roofs, sidewalks, parking lots and other similar surfaces.

Non-assessed property. Public rights-of-way, lakes, rivers, and other bodies of water not utilizing or having a direct or indirect impact on the system, and such other properties within the benefited area which may be determined by the Director to have zero ERUs and exempt from the payment of the stormwater management assessment due to reasons other than being a property with qualified stormwater management facilities

Non-residential property means any developed lot or parcel not exclusively residential as defined herein (and as classified by the Broward County Property Appraiser), including transient rentals such as hotels and motels.

Property Appraiser means the Broward County Property Appraiser.

Properties with qualified stormwater management facilities means properties having retention or detention systems which meet the qualifications to receive credits reducing or eliminating the assessable ERUs otherwise attributable to a property.

Residential property means any lot or parcel developed exclusively for residential purposes (and as classified by the Broward County Property Appraiser) including, but not limited to, single-family homes, manufactured homes, multi-family, apartment buildings and condominiums.

Stormwater or *runoff* means the flow of water which results from, and which occurs during and immediately following a rainfall event.

Stormwater detention system means a stormwater management facility which is designed, constructed, and operated to temporarily delay and store stormwater runoff prior to its controlled discharge.

Stormwater management assessment. A non-ad valorem assessment imposed by the City pursuant to Chapter 12, City of Oakland Park Code of Ordinances, and F.S. Section 403.0893, as amended and supplemented, on all developed property which is not non-assessed property, and on all undeveloped land which is not non-assessed property, in the benefited area in relation to each such property's estimated contribution of stormwater runoff to the system and the benefit derived from the use of the facilities of the system, and the future improvements to be funded from stormwater management assessments. Such stormwater management assessment shall include a pro-rata cost of the operation and maintenance of the system, based on the same proportion of benefit assessed against each parcel within the benefited area.

Stormwater management facility means a facility which is designed, constructed, and operated to control stormwater, treat, use, or reuse stormwater to prevent or reduce flooding, otherwise affects the quantity and quality of discharges from a property. Stormwater detention and retention systems are types of stormwater management facilities.

Stormwater retention system means a stormwater management facility which is designed, constructed, and operated to store stormwater runoff with no direct discharge.

Structure means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable building which can be used for housing, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes roads, walkways, paths, fences, swimming pools, tennis courts, poles, pipelines, transmission lines, tracks, signs, cisterns, sewage treatment plants, sheds, docks, mooring area and other accessory construction.

System. The City's unified stormwater management system, as more particularly described in subsection 12-1.2 of City of Oakland Park Code of Ordinances, and including management services such as designing, permitting, planning, and reviewing the stormwater-related infrastructure; operation, maintenance, repair and replacement of the infrastructure; and the improvement or enhancement of the infrastructure related to the approved public facilities elements of the comprehensive growth management plan for the City.

Tax Collector means the Broward County Tax Collector.

Tax Roll means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

Undeveloped property means that which has not been altered from its natural state by the addition of any improvements such as a building, structure, impervious surface, change of grade, or landscaping. For new construction, a property shall be considered developed pursuant to this chapter.

1. Upon issuance of a certificate of occupancy, or upon completion of construction or final inspection if no such certificate is issued; or
2. Where construction is at least fifty (50) percent complete and construction is halted for a period of three (3) months.

Uniform collection method. The method to be utilized by the City for the year commencing October 1, 2011, and each year thereafter for the billing, collection and enforcement of the payment of the stormwater management assessments, as authorized pursuant to F.S. Section 403.0893, as amended and supplemented, and F.S. Chapter 197, as amended and supplemented.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words reflecting the singular number include the plural number, and vice versa; the terms “hereof”, “hereby”, “herein”, “hereto”, “hereunder” and similar terms refer to this Resolution; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this Resolution. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

ARTICLE II

STORMWATER MANAGEMENT ASSESSMENTS

SECTION 2.01. COMPUTATION. Stormwater Management Assessments will be computed for each Parcel located with the City as follows:

(A) The Citywide Stormwater Management Budget consists of revenues from Stormwater Management Assessments and contributions from the General Fund and other sources to offset costs associated with exempt parcels.

(B) The estimated Citywide Stormwater Management Cost will be allocated among all Parcels located within the City, in the manner described in Section 2.02 hereof.

(C) The Stormwater Management Assessment for each Parcel will be computed as (1) the estimated Service and Capital Costs allocated to the property plus (2) an amount equal to the maximum discount allowed for early payment thereof under the Uniform Collection Method (4%) minus any credit amount for qualifying onsite private stormwater management facilities on the property.

SECTION 2.02. CITYWIDE STORMWATER MANAGEMENT COST.

(A) The estimated Citywide Stormwater Management Cost will be allocated among all Parcels located within the City. The estimated Citywide Stormwater Management Cost for the Fiscal Year ending September 30, 2020 is \$3,503,600, including \$140,144 for the early payment discount.

(B) The Commission hereby finds and determines as follows:

(1) Each Parcel located within the City is specially benefited by the Citywide Stormwater Utility.

(2) The benefit received by each Parcel is generally proportional to the number of ERUs attributed to such Parcel.

(C) The Stormwater Management Cost (assessment) per ERU shall be calculated by dividing the total estimated Stormwater Management Cost, less available Stormwater Fund unrestricted net assets to be utilized, by the total number of ERUs attributable to Parcels located within the City. The total ERUs to be used as the divisor is the total citywide ERUs, before credits, reduced by the credits assigned to properties with qualified stormwater management facilities.

(D) The Stormwater Management Cost (assessment) allocable to each Parcel shall be calculated by multiplying the Stormwater Management Cost (assessment) per ERU by the number of ERUs (adjusted for any stormwater management facility credit, as applicable) attributed to such Parcel.

(E) That portion of the Stormwater Management Cost determined to be uncollectable, due to parcel exemptions, shall be funded through contributions from the General Fund or other appropriate sources. This excludes the credits assigned to properties with qualified stormwater management facilities.

SECTION 2.03. STORMWATER MANAGEMENT ASSESSMENT ROLL. The Director is hereby directed to prepare, or cause the preparation of, the preliminary Stormwater Management Assessment Roll in the manner provided in the Ordinance. The Director shall apportion the final estimated Stormwater Management Cost in the manner set forth in this Resolution. A copy of this Resolution, the final estimate of the Stormwater Management Cost and the preliminary Stormwater Management Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Stormwater Management Assessment Roll be in printed form if the amount of the Stormwater Management Assessment for each Parcel can be determined by use of a computer terminal.

SECTION 2.04. METHOD OF COLLECTION. The Stormwater Management Assessments shall be collected pursuant to the Uniform Collection Method.

SECTION 2.05. ASSESSMENT RATE. The Annual Assessment Rate per Equivalent Residential Unit (ERU) shall be \$84.

ARTICLE III

DETERMINATION OF ERUs

SECTION 3.01. CLASSIFICATION OF TAX PARCELS. Each Parcel located within the City shall be assigned to one of the following classifications: Developed Residential Property, Developed Nonresidential Property, or Undeveloped Land.

SECTION 3.02. DEVELOPED RESIDENTIAL PROPERTY

(A) The Commission hereby finds and determines as follows:

(1) The benefited area, with respect to developed property, shall be assessed a charge on the basis of the prorated amount of the impervious area, developed from localized studies within the City.

(2) Previous studies by the City determined that it was equitable to charge residential properties on the basis of the number of dwelling units per residential parcel.

(3) Additionally, previous studies by the City determined the average impervious area per residential dwelling unit was 1,507 square feet, that becoming the numerical definition of the ERU.

(4) The number of ERUs attributable to each residential parcel is computed by (a) determining the number of dwelling units on the parcel and (b) multiplying by the appropriate Credit factor (if applicable).

SECTION 3.03. DEVELOPED NONRESIDENTIAL PROPERTY. The number of ERUs attributable to each Developed Nonresidential Parcel shall be determined by (1) dividing the Impervious Area of the Developed Nonresidential Parcel by the ERU Value (1,507 square feet) and (2) multiplying the result by the appropriate Credit factor (if applicable).

SECTION 3.04. UNDEVELOPED LAND.

(A) The Commission hereby finds as follows:

(1) It is recognized that unimproved land also contributes stormwater runoff to the system and receives a benefit from the use of the system, and therefore such lands should also be assessed a proportional charge based upon the estimated contribution of stormwater runoff to the system and the benefit derived from the use of the system.

(2) Previous studies by the City determined that a factor of 0.12 (12%) was appropriate for determining the approximate ratio of runoff from undeveloped land as compared to developed land.

(3) The number of ERUs attributable to each undeveloped land parcel is computed by (a) multiplying the total area of the parcel by a factor equal to 0.12, (b) dividing by the ERU (1,507 square feet), and (c) multiplying by the appropriate Credit factor (if applicable)

SECTION 3.05. APPROVAL OF ADJUSTMENT POLICY. The Commission has approved the Adjustment Policy via prior Ordinance.

SECTION 3.06. PRIVATE STORMWATER MANAGEMENT FACILITIES AND ADJUSTMENT OF ERUs.

(A) The Commission recognizes the benefits provided by privately owned and maintained stormwater management facilities. Properties supporting private stormwater management facilities should be credited for the public benefits they provide. Accordingly, the number of ERUs otherwise attributable to such property shall be adjusted by an Credit factor determined in accordance with the Credit Policy Manual.

(B) Owner-Initiated Adjustments. Requests for adjustment of the stormwater management assessment shall be submitted to the Director, who shall have authority to adjust stormwater management assessments, to administer the procedures and standards, and to review criteria for the adjustment of such assessments as established herein. In the review of adjustment requests, consideration shall be given to properties with valid surface water management permits indicating the provision of functional stormwater management facilities (retention or detention). Adjustments may also be made if there has been an error relative to the use of property classification, total area or impervious area in the computation of the assessment. The following procedures shall apply to all requests for adjustments of the stormwater management assessment permitted under this section:

(1) The Director shall prepare and maintain a written Credit Policy Manual which shall outline the requirements to qualify for a credit and the methodology for computing a credit for any given parcel. The most current version of that Credit Policy Manual shall be used for the implementation of this section.

(2) Any owner who believes the stormwater management assessment is incorrect may, subject to the limitations set forth in this Section, submit an adjustment request to the Director.

(3) The adjustment request shall be in writing and shall set forth, in detail, the grounds upon which the correction is sought.

(4) The adjustment request must be made within sixty (60) days after receipt by the owner of his or her tax bill containing the stormwater management assessment. The adjustment request will be reviewed by the Director within a four-month period from the date of filing of the adjustment request. Consideration by the Director of the owner's request for adjustment shall not relieve the owner of the obligation to make timely payment of the stormwater management assessment. In the event an adjustment is granted by the Director which decreases the stormwater management assessment, the owner shall be entitled to a refund of the excess stormwater management assessments paid. The refund shall be mailed by the Broward County Tax Collector (the "Tax Collector") unless the Tax Collector and the City agree otherwise.

(5) The owner requesting the adjustment may be required, at his own cost, to provide supplemental information to the Director including, but not limited to, survey data certified by a professional land surveyor and/or engineering reports approved by a professional engineer and acceptable to the Director. Failure to provide such information may result in the denial of the adjustment request.

(6) The adjustment to the stormwater management assessment will be made upon the granting of the adjustment request, in writing, by the Director. The document granting the adjustment request will be provided to the owner and will also be sent to the Tax Collector. A denial of an adjustment request shall be made in writing by the Director, a copy of which shall be provided to the owner.

(C) Appeals. All determinations of the Director pursuant to this Section may be appealed to the City. These appeals must be filed within thirty (30) days of receipt of the written determination of the Director. The City Manager shall complete a review within sixty (60) days of receipt of the request for review and shall be evaluated based upon the standards and review criteria set forth in this Chapter. The decision of the City Manager shall be final.

(D) City-Initiated Adjustments. Any errors in the stormwater management assessment, or failure to charge a stormwater management assessment, may be corrected by the Director within sixty (60) days after opening of the tax roll for collection. Corrections which result in an increase in the stormwater management assessment cannot be imposed until the owner has consented in writing to the increase or has been given at least ten (10) days' notice by certified mail and an opportunity to be heard. Once the adjustment is finalized, the Director shall send documentation reflecting the adjustment to the owner and to the Tax Collector.

(E) Inspections. The City may require periodic inspection of onsite stormwater management (retention-detention) facilities on parcels to which an adjustment to the stormwater management

assessment has been granted. The owner benefiting from such adjustment shall be required to pay to the City an annual inspection fee in an amount determined by the Director. For the purpose of protecting the health, safety and welfare of the citizens of the City, the Director may cause an inspection of any property within the Benefited area. Such inspection shall be made upon reasonable notice to the owner or occupant of the property unless an emergency exists, as determined solely by the Director.

ARTICLE IV

NOTICE AND PUBLIC HEARING

SECTION 4.01. PUBLIC HEARING. A public hearing will be conducted by the Commission to consider imposing the Stormwater Management Assessments and collecting the Stormwater Management Assessments pursuant to the Uniform Collection Method. The City Manager is hereby authorized to establish the time, date and location of the hearing.

SECTION 4.02. NOTICE BY PUBLIC HEARING. The Director shall publish a notice of the public hearing authorized by Section 4.01 hereof in the manner and the time provided in Section 9 2.8 of the Ordinance.

SECTION 4.03. NOTICE BY MAIL.

(A) The Director shall at the time and in the manner specified in F.S. Chapter 197, provide first class mailed notice of the public hearing authorized by Section 4.01 hereof to each property owner proposed to be assessed at the address indicated on the Tax Roll.

(B) If the City determines that the truth-in-millage ("TRIM") notice that is mailed by the Property Appraiser under Section 200.069, Florida Statutes, also fulfills the requirements of Section 4.03 (A), then the separate mailing requirement described in Section 4.03 (A) will be deemed to be fulfilled by the TRIM notice.

ARTICLE V

GENERAL PROVISIONS

SECTION 5.01 The provisions of this Resolution are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Resolution shall not be affected thereby.

SECTION 5.02. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

ADOPTED by the City Commission of the City of Oakland Park, Florida this 17th day of July, 2019.

CITY OF OAKLAND PARK, FLORIDA

MAYOR SARA GUEVREKIAN

M. SPARKS	_____
M. CARN	_____
T. LONERGAN	_____
J. BOLIN	_____
S. GUEVREKIAN	_____

ATTEST:

RENEE SHROUT
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

D. J . DOODY, CITY ATTORNEY