

RESOLUTION NO. 2021-06

A RESOLUTION OF THE CITY OF VENICE, FLORIDA, AMENDING THE STORMWATER MANAGEMENT UTILITY SERVICE CHARGE; PROVIDING FOR A STORMWATER MANAGEMENT UTILITY BUDGET; SUPERSEDING RESOLUTION NO. 2020-32; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 74-301 of the Venice Code of Ordinances grants city council the authority by resolution, to establish rates and charges to fund a comprehensive stormwater management system; and

WHEREAS, improvement of water quality is critical to protecting the environment and the coastal waters; and

WHEREAS, analysis has determined the current schedule of rates, fees, and charges needs to be modified to more equitably and accurately recover the costs associated with the management of stormwater facilities; and

WHEREAS, water quality treatment of stormwater runoff is a council priority and requires additional funding to be implemented; and

WHEREAS, stormwater management permits issues by the Florida Department of Environmental Protection were deemed to qualify for the WMD credit; and

WHEREAS, clarification for the private road parcels and the agricultural service factor was needed; and

WHEREAS, providing an exemption for Agricultural designated properties is consistent with their treatment by the Sarasota County Property Appraiser.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. The above Whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Rates and Charges.

There are hereby established, definitions of the variables which are used in the Equivalent Stormwater Factor (ESF) calculation which is given in Chapter 74 (* is the symbol used to signify multiplication.)

Parcel ESF = (Runoff Factor) * (Land Use Factor) * (Treatment Factor) * (Service Factor) based on calculation below:

$$\text{Parcel ESF} = ((\text{Impervious Area} * .85/3000) + (\text{Pervious Area} * .15/8000)) * (\text{LUF} + (\text{WMD} * (1-\text{LUF}))) * (\text{Service Factor})$$

Individual Property Service Charge = (Parcel ESF) * (Cost/Rate per ESF) based on calculation below:

$$\text{Cost/Rate per ESF} = \frac{\text{Total Annual Stormwater Management Utility Budget}^\#}{\text{Total Number of ESFs within the City}}$$

[#] Excludes portion of the budget for water quality capital projects (see paragraph e. below)

- a. *Runoff Factor - Pervious and Impervious areas for different land uses.* For the above purpose, Pervious Area = Gross Area – Impervious Area, in square feet. Gross Area will be the gross area of the legal parcel as identified in the database maintained by the Sarasota County Property Appraiser (SCPA), the database used for property tax purposes. Where that database is incomplete, Gross Area will be determined by measurement of the legal parcel by the city engineer. Public parcels (City of Venice non-enterprise only) and private road parcels are not assessed a stormwater fee. Instead the stormwater cost attributable to those parcels is allocated among all other parcels. To qualify as a private road parcel, the parcel must be substantially all (>90%) private roadway.

For the above purpose, Impervious Area will be the square footage of the parcel's Impervious Area, as determined through periodic compilations of the SCPA database, or from construction drawings for new parcels. Where the SCPA database is incomplete (for example for most multi-unit parcels), Impervious Area will be estimated by the city engineer as a percentage of the Gross Area of the parcel, either through a detailed measurement, a visual inspection of the parcel, or through a mapping/GIS database. Examples of impervious areas are building footprints, lanais, parking lots, and driveways. The city engineer will maintain a list of the land features that will represent Impervious Area for this calculation. While generally not thought of as pervious, private roads and lakes/ponds are considered Pervious Area in this calculation.

Gross area and Impervious Area for single family residences (SFR) will be standardized into three tiers, with Tier 1 being approximately one standard deviation below the average, Tier 2 being in the middle, and Tier 3 being approximately one standard deviation above the average. Mobile/manufactured home parcels will have their own separate tier.

For these SRF standardized tiers, the Runoff Factor will be:

Tier 1 Runoff Factor = 0.58

Tier 2 Runoff Factor = 0.92

Tier 3 Runoff Factor = 1.42

Mobile/manufactured Home Runoff Factor = 0.49

For all other parcels that do not qualify as single family residences or mobile/manufactured homes, the Runoff Factor will be calculated as follows:

$$\text{Runoff Factor} = ((\text{Impervious Area} * .85/3000) + (\text{Pervious Area} * .15/8000))$$

b. *Land Use Factors (LUF):*

Vacant/Unimproved Land	1
Low Use Residential	1.1 Single Family (SF) > .5 acres
Medium Use Residential	1.3 SF > .2 acres and < .5 acres
High Use Residential/Low Use Commercial	1.6 SF < .2 acres, Duplex, Multiple SF Parcels, Multi-Family, Mobile/Manufactured Homes, Hotels/Motels, Office < .5 acres
Commercial	2.6
Institutional, Community Facilities	2.6
Golf Courses	1.6
Industrial	4.3

The classification of a parcel into the appropriate LUF category above will be determined by the city engineer and correlated with the land use categories in the SCPA database. In the case of mixed-use parcels, the appropriate LUF will be based on the SCPA property use classification, or if not easily attributed, to the parcel's predominant feature.

c. *Treatment Factor:*

Parcels that have a stormwater management system permitted by the Southwest Florida Water Management District (SWFWMD), Florida Department of Environmental Protection (FDEP), or predecessor or successor agencies, that are in compliance with the annual certification required in Section 74-297 of the Venice Code of Ordinances will calculate an "Effective LUF" of 1.0, and in that way, receive a discount compared to other parcels that have not contributed such systems and certified annual compliance. Parcels on the City's Stormwater Management System Certification list at the adoption of this resolution will remain eligible for the "Effective LUF" of 1.0 provided their certification remains compliant.

WMD Factors:

Qualifying Parcels	WMD = 1
Non-qualifying Parcels	WMD = 0

In the LUF portion of the ESF formula above, where:

$$\text{Effective LUF} = (\text{LUF} + (\text{WMD} * (1 - \text{LUF})))$$

Then:

$$\begin{aligned} \text{Effective LUF} &= 1, \text{ when WMD} = 1 \text{ and} \\ \text{Effective LUF} &= \text{LUF}, \text{ when WMD} = 0 \end{aligned}$$

If the annual stormwater certification is not received by June 30 of the calendar year, the discount will be removed (the WMD will revert to 0) effective October 1 until such time as

the annual certification is completed and all required maintenance on the private stormwater management system required per the inspection has been completed and certified to the City Engineer.

d. *Service Factor:*

Agricultural Land	0
Golf Courses	0.60
Mobile/Manufactured Homes	0.90
All others	1.00

Parcels designated as Agriculture (AG) in the SCPA database will effectively be exempt by using a Service Factor of 0. This exemption does not apply to the Water Quality Fee.

e. *Water Quality Fee:*

An administrative fee will be added to all parcels to be used for water quality projects. The fee will be calculated as follows:

$$\text{Cost/Rate per EWQF} = \frac{\text{Total Water Quality Capital Budget}}{\text{Total Number of EWQFs Within the City}}$$

For purposes of this calculation, each single family residence, multi-family unit, or mobile/manufactured home, will be considered one EWQF (Equivalent Water Quality Factor). For all other LUF categories above, the parcel EWQF will be determined by the following formula:

$$\text{Parcel EWQF} = (\text{Gross Area} / 9,469 \text{ sf})$$

Maximum parcel area will be 5 million sq. ft. for this calculation only.

SECTION 3. Stormwater Management Utility Budget.

The stormwater management utility budget will be established each year by the Stormwater Management Utility Director and reviewed and approved by the city council during the budget process.

SECTION 4. Rented, Leased and Vacant Properties.

- a. Rented and leased properties: For any property that is owned by an individual or an entity and rented or leased to others, the stormwater management utility bill for that property will be the responsibility of the property owner.
- b. Vacant properties: Any and all vacant parcels that are not receiving city utility services and utility billing will be added to the roll for stormwater management utility billing.

SECTION 5. This Resolution supersedes Resolution No. 2020-32 in its entirety.

SECTION 6. This Resolution shall take effect upon adoption, as provided by law.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, AT A MEETING HELD ON
THE 9TH DAY OF MARCH 2021.**

Ron Feinsod, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of the City of Venice, Florida, at a meeting thereof duly convened and held on the 9th day of March 2021, a quorum being present.

WITNESS my hand and official seal of said City this 9th day of March 2021.

Lori Stelzer, MMC, City Clerk

(S E A L)

Approved as to form:

Kelly Fernandez, City Attorney