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**SARASOTA COUNTY, FLORIDA**

**INITIAL STORMWATER IMPROVEMENT ASSESSMENT RESOLUTION**

**ADOPTED: July 11, 1995**

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**RESOLUTION NO. 95-\_\_**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, ESTIMATING THE CAPITAL COST OF STORMWATER IMPROVEMENTS IN THE PHILLIPPI CREEK BASIN, THE MATHENY CREEK BASIN, THE ALLIGATOR CREEK BASIN, THE ELLIGRAW BAYOU BASIN, THE CLOWER CREEK BASIN, AND A PORTION OF THE COASTAL BASIN; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE STORMWATER IMPROVEMENTS; ESTABLISHING THE METHOD OF ASSESSING THE CAPITAL COST OF THE STORMWATER IMPROVEMENTS AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; DIRECTING THE STORMWATER PROGRAM DIRECTOR TO PREPARE A TENTATIVE STORMWATER IMPROVEMENT ASSESSMENT ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING FOR THE PROPOSED STORMWATER IMPROVEMENT ASSESSMENTS AND DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, 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.

**"Adjusted Actual Debt Service"** means, for any Fiscal Year, the amount which would be transferred to the trustee or paying agent for a series of Permanent Obligations

in accordance with a debt service schedule prepared under the following assumptions: (A) the principal installments equal those established in the Permanent Funding Agreement, and (B) the Permanent Obligations bear interest at a rate one full percentage point in excess of the average yield to initial investors. Interest funded from proceeds of the Permanent Obligations shall be excluded from "Adjusted Actual Debt Service." Notwithstanding the foregoing, if for any Fiscal Year the "Adjusted Actual Debt Service" exceeds the principal amount of Permanent Obligations then outstanding plus interest thereon at rates one full percentage point in excess of the actual rates, the "Adjusted Actual Debt Service" shall be reduced prorata to eliminate such excess.

**"Alligator Creek Improvements"** means the Group 1- Structure Flooding Projects identified in the Supplemental Alligator Creek Basin Plan.

**"Alligator Creek Stormwater Improvement Area"** means the area for which construction of the Alligator Creek Improvements will achieve a consistent Stormwater Improvement Performance Standard, as described in the Supplemental Alligator Creek Basin Plan.

**"Board"** means the Board of County Commissioners of Sarasota County, Florida.

**"Capital Cost"** means the cost associated with the construction, acquisition, installation, reconstruction, renewal or replacement of Stormwater Improvements including without limitation: (A) the cost of physical construction, reconstruction, renewal, replacement or completion; (B) the costs of acquisition and installation; (C) the cost of all labor, materials, machinery and equipment, including costs associated with the acquisition thereof; (D) the cost of all lands and interest therein, property rights, and easements of any

nature whatsoever, including costs associated with the acquisition thereof; (E) the cost of any indemnity or surety bonds and premiums for insurance during construction; (F) the cost of construction plans and specifications, surveys and estimates of costs; (G) the cost of engineering, legal and other consultant services; (H) reasonable contingencies for construction cost increases and change orders; (I) interest to be paid on Interim Obligations through (1) the end of the Fiscal Year during which the Stormwater Improvements are scheduled for completion, (2) the date of issuance of the Permanent Obligations, or (3) such other date as the Board may establish by resolution; and (J) all other expenses that are properly attributable to such acquisition or construction under generally accepted accounting principles; and including reimbursement to the County or, to a landowner or developer as authorized by any other County ordinance, for any moneys heretofore or hereafter advanced for Capital Cost and interest on any interfund loan for such purposes. "Capital Cost" excludes the amount of any grant received by the County to fund the construction, acquisition, installation, reconstruction, renewal or replacement of Stormwater Improvements.

**"Clower Creek Channel Restoration Project"** means the Channel Restoration Project identified in the Supplemental Clower Creek Basin Plan.

**"Clower Creek Improvements"** means the Clower Creek Channel Restoration Project and the Clower Creek Sediment Dredging Project.

**"Clower Creek Sediment Dredging Project"** means the Sediment Dredging Project identified in the Supplemental Clower Creek Basin Plan.

**"Clower Creek Stormwater Improvement Area"** means the area for which construction of the Clower Creek Channel Restoration Project and the Clower Sediment Dredging Project, excluding the Clower Creek Supplemental Sediment Dredging Project, will achieve a consistent Stormwater Improvement Performance Standard, as described in the Supplemental Clower Creek Basin Plan.

**"Clower Creek Supplemental Sediment Dredging Project"** means that portion of the Sediment Dredging Project identified in the Supplemental Clower Creek Basin Plan that is attributable to the enhancement of boat access for the Pelican Cove Condominium.

**"Comprehensive Stormwater Policy Plan"** means the Sarasota County Comprehensive Stormwater Policy Plan attached hereto as Appendix B.

**"Condominium"** means a condominium created by a declaration of condominium, pursuant to Chapter 718, Florida Statutes.

**"Condominium Common Area Parcel"** means a Tax Parcel including one or more "common elements" (as defined in Section 718.103, Florida Statutes) of a Condominium, to which the Property Appraiser has assigned a DOR Code of 0400, 0401, 0402, 0403, 0404, 0405, 0406, 0411, 0418, 0419, 0420, 0436, 0439, 0448, or 0430, the taxable value of which has been attributed to Condominium Residential Unit Parcels or Condominium Nonresidential Unit Parcels by the Property Appraiser.

**"Condominium Nonresidential Unit Parcel"** means a Tax Parcel constituting a Condominium "unit" (as defined in Section 718.103, Florida Statutes) to which the Property Appraiser has assigned a DOR Code of 0400, 0406, 0411, 0418, 0419, 0420, 0439, or 0448.

**"Condominium Residential Unit Parcel"** means a Tax Parcel constituting a Condominium "unit" (as defined in Section 718.103, Florida Statutes) to which the Property Appraiser has assigned a DOR Code of 0400, 0401, 0402, 0403, 0404, 0405, 0406, 0436, or 0430,

**"County"** means Sarasota County, a political subdivision of the State of Florida.

**"County Administrator"** means the chief executive officer of the County or such person's designee.

**"DOR Code"** means a property use code established in Rule 12D-8.008, Florida Administrative Code, as applied by the Property Appraiser.

**"Duplex Parcel"** means a Tax Parcel on which all or part of a multi-family residential building limited to two dwelling units is located, to which the Property Appraiser has assigned a DOR Code of 0820.

**"Effective Impervious Area"** means the measure of the expected Stormwater burden to be created by a Tax Parcel, computed as the sum of (A) the Net Impervious Area, and (B) the amounts computed by multiplying the Net Pervious Area of each Pervious Area Category present on the Tax Parcel, by the Pervious Area Factor for such Pervious Area Category. If the Pervious Area Category for all or any portion of a Tax Parcel varies during the year due to the rotation of crops or other agricultural uses, the computation described in clause (B) shall be performed on a "time-weighted" basis, i.e., if the Pervious Area Category for a 100 acre Tax Parcel is Tilled Agriculture for 3 months and Pasture/Meadow for 9 months, the computation shall be performed as though 25 acres were Tilled Agriculture for the full year and 75 acres were Pasture/Meadow for the full year.

**"Elligraw Bayou Improvements"** means the Group 1 - Structure Flooding Projects identified in the Supplemental Elligraw Bayou Basin Plan.

**"Elligraw Bayou Stormwater Improvement Area"** means the area for which construction of the Elligraw Bayou Improvements will achieve a consistent Stormwater Improvement Performance Standard, as described in the Supplemental Elligraw Bayou Basin Plan.

**"ESU"** means "equivalent stormwater unit," the standard unit to be used in calculating the Stormwater burden expected to be generated by each Tax Parcel. For purposes of computing the Stormwater Improvement Assessments, an Effective Impervious Area equal to the ESU Value shall constitute one "ESU."

**"ESU Value"** means the Effective Impervious Area for a typical Single Family Developed Parcel within the Stormwater Utility Area. Based upon a median Net Impervious Area and Net Pervious Area derived from a statistically valid sample of Single Family Developed Parcels, the County's consulting engineers have computed an "ESU Value" of 3,153 square feet, which shall be used to calculate the number of ESUs attributable to each Tax Parcel.

**"Exempt Area"** means (A) ponds, lakes and wetlands; (B) areas draining directly to ponds, lakes and wetlands, located entirely within the boundaries of a General Parcel that do not drain (other than during a storm event equal to or greater than the 100-year event), directly or indirectly, to the County's Stormwater management system; or (C) any other General Parcel, or portion thereof, that does not drain (other than during a storm

event equal to or greater than the 100-year event), directly or indirectly, to the County's Stormwater management system.

**"Fiscal Year"** means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the County.

**"General Parcel"** means a Tax Parcel, other than Government Property, that is not a Single Family Developed Parcel, a Single Family Undeveloped Parcel, a Mobile Home Parcel, a Condominium Common Area Parcel, a Condominium Residential Unit Parcel, a Condominium Nonresidential Unit Parcel, or a Duplex Parcel.

**"Government Property"** means property owned by the United States of America or any agency thereof, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

**"Groves and Orchards"** means Pervious Area whose predominant cover is comprised of commercial type groves and orchards. Such groves and orchards are typically lightly cultivated and usually have a mix of native and cultivated grasses interspersed among the trees.

**"Impervious Area"** means hard surfaced areas which either prevent or severely restrict the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and

other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development.

**"Improvement Area's Actual Debt Service"** means the amount computed for each Stormwater Improvement Area in which Stormwater Improvements were funded from proceeds of a series of Permanent Obligations, by multiplying the Improvement Area's Percentage by the Adjusted Actual Debt Service for each Fiscal Year.

**"Improvement Area's Percentage"** means, for any Stormwater Improvement Area for which Stormwater Improvements are to be funded from proceeds of a series of Permanent Obligations, the amount computed by dividing the Capital Cost for the Stormwater Improvements attributable to such Stormwater Improvement Area by the total Capital Cost to be funded from the proceeds of such series of Permanent Obligations. Prior to completion of the Stormwater Improvements funded from a series of Permanent Obligations and the application of any excess proceeds therefrom in accordance with Section 2.12 hereof, the "Improvement Area's Percentage" shall be computed on the basis of the estimated Capital Cost for the Stormwater Improvements as of the date such series of Permanent Obligations was issued or incurred.

**"Improvement Area's Proforma Debt Service"** means the following amounts computed pursuant to Section 4.01(A)(1) of the Ordinance for each Stormwater Improvement Area for which the Board intends to issue Permanent Obligations to fund Stormwater Improvements:

Stormwater Improvement Area

Improvement Area's  
Proforma Debt Service

Phillippi Creek Stormwater Improvement Area	\$3,936,476
Phillippi Creek Limited Stormwater Improvement Area	479,100
Matheny Creek Stormwater Improvement Area	291,326
Elligraw Bayou Stormwater Improvement Area	143,447
Clower Creek Stormwater Improvement Area	52,454
Pelican Cove Stormwater Improvement Area	19,208
Oyster Bay Stormwater Improvement Area	2,586

**"Interim Obligations"** means the obligation to repay funds drawn from a pooled commercial paper or similar short-term financing program issued or incurred with the intent to provide interim funding for the Capital Cost of Stormwater Improvements prior to the issuance of Permanent Obligations.

**"Large Single Family Developed Parcel"** means a Single Family Developed Parcel with an area equal to or greater than 14,600 square feet.

**"Large Single Family Undeveloped Parcel"** means a Single Family Undeveloped Parcel with an area equal to or greater than 14,600 square feet.

**"Matheny Creek Improvements"** means the Group 1 - Structure Flooding Projects identified in the Supplemental Matheny Creek Basin Plan.

**"Matheny Creek Stormwater Improvement Area"** means the area for which construction of the Matheny Creek Improvements will achieve a consistent Stormwater Improvement Performance Standard, as described in the Supplemental Matheny Creek Basin Plan.

**"Medium Single Family Developed Parcel"** means a Single Family Developed Parcel with an area equal to or greater than 8,100 square feet and less than 14,600 square feet.

**"Medium Single Family Undeveloped Parcel"** means a Single Family Undeveloped Parcel with an area equal to or greater than 8,100 square feet and less than 14,600 square feet.

**"Mitigation Credit"** means, for any Tax Parcel, a number between 0.0 and 1.0 representing a reduction in the Stormwater burden expected to be generated by such Tax Parcel attributable to private Stormwater management facilities or agricultural management practices. The "Mitigation Credit" for each Tax Parcel shall be determined in accordance with Sections 3.10 and 3.11 hereof.

**"Mitigation Credit Factor"** means the figure computed by subtracting the Mitigation Credit from 1.00.

**"Mitigation Credit Policy"** means the Sarasota County Stormwater Utility Mitigation Credit Policy attached hereto as Appendix A.

**"Mobile Home Parcel"** means (A) a Tax Parcel to which the Property Appraiser has assigned a DOR Code of 0200 and on which a single mobile home is located and (B) a Tax Parcel to which the Property Appraiser has assigned a DOR Code of 0000 and on which a mobile home pad has been installed or constructed.

**"Natural State"** means Pervious Area whose predominant cover is a mix of mature trees, forest undergrowth and forest litter or of maturing trees and brush where the soil surface is virtually undisturbed by human intervention.

**"Net Impervious Area"** means (A) for General Parcels, the Impervious Area, measured in square feet, less any Exempt Area within such Impervious Area; and (B) for Tax Parcels other than General Parcels, the Impervious Area, measured in square feet.

**"Net Pervious Area"** means (A) for General Parcels, the Pervious Area, measured in square feet, less any Exempt Area within such Pervious Area; and (B) for Tax Parcels other than General Parcels, the Pervious Area, measured in square feet.

**"Obligations"** means Interim Obligations or Permanent Obligations.

**"Ordinance"** means Ordinance No. 94-066, as amended.

**"Oyster Bay Improvement Program"** means the Oyster Bay Stormwater Improvement Program attached hereto as Appendix H.

**"Oyster Bay Improvements"** means the Group 2 - Street Projects identified in the Oyster Bay Improvement Program.

**"Oyster Bay Stormwater Improvement Area"** means the area the property hydrologically connected, directly or indirectly, to the Oyster Bay Improvements, as described in the Oyster Bay Improvement Program.

**"Pasture/Meadow"** means Pervious Area whose predominant cover is comprised largely of native or cultivated grasses and which is only lightly to moderately grazed if grazed at all.

**"Pelican Cove Stormwater Improvement Area"** means the area for which construction of the Clower Creek Channel Restoration Project and the Clower Sediment Dredging Project, including the Clower Creek Supplemental Sediment Dredging Project,

will achieve a consistent Stormwater Improvement Performance Standard, as described in the Supplemental Clower Creek Basin Plan.

**"Permanent Funding Agreement"** means the agreement pursuant to which the County agrees to deliver a series of Permanent Obligations against payment therefor to the initial purchaser thereof.

**"Permanent Obligations"** means bonds or other evidence of indebtedness, including an obligation to repay funds drawn from a pooled commercial paper or similar short-term financing program, issued or incurred with the intent to provide permanent funding for the Capital Cost of Stormwater Improvements.

**"Pervious Area"** means surface area which, under standard conditions, is permeable to Stormwater runoff and other surface water.

**"Pervious Area Category"** means one or more of the following categories of Pervious Area: Natural State, Pasture/Meadow, Groves and Orchards, Tilled Agriculture, and Urban Pervious.

**"Pervious Area Factor"** means, for each Pervious Area Category, a number between 0.0 and 1.0 that relates the Stormwater burden expected to be generated by such Pervious Area Category to the Stormwater burden expected to be generated by an impervious surface, based upon (A) runoff curve numbers published by the United States Department of Agriculture in "Technical Report 55," and (B) the frequency distribution of rainfall events across the State of Florida published in Hydrology and Water Quantity Control (Martin P. Wanielista, University of Central Florida, 1990). The following "Pervious

Area Factors" have been computed by the County's consulting engineers and shall be used to compute the Stormwater Improvement Assessments:

<u>Pervious Area Category</u>	<u>Pervious Area Factor</u>
Natural State	0.000
Pasture/Meadow	0.002
Groves and Orchards	0.017
Tilled Agriculture	0.030
Urban Pervious	0.148

**"Phillippi Creek Improvements"** means the Phillippi Creek Street Flooding Improvements and the Phillippi Creek Structure Flooding Improvements.

**"Phillippi Creek Limited Stormwater Improvement Area"** means the area for which construction of the Phillippi Creek Structure Flooding Improvements will achieve a consistent Stormwater Improvement Performance Standard, as described in Section 3 of the Supplemental Phillippi Creek Basin Plan.

**"Phillippi Creek Stormwater Improvement Area"** means the area for which construction of the Phillippi Creek Street Flooding Improvements and the Phillippi Creek Structure Flooding Improvements will achieve a consistent Stormwater Improvement Performance Standard, as described in Section 2 of the Supplemental Phillippi Creek Basin Plan.

**"Phillippi Creek Street Flooding Improvements"** means the Group 2 - Street Flooding Projects identified in the Supplemental Phillippi Creek Basin Plan.

**"Phillippi Creek Structure Flooding Improvements"** means the Group 1 - Structure Flooding Projects identified in the Supplemental Phillippi Creek Basin Plan.

**"Property Appraiser"** means the Property Appraiser for Sarasota County, Florida.

**"Single Family Developed Parcel"** means a Tax Parcel to which the Property Appraiser has assigned a DOR Code of 0100 or 0110.

**"Single Family Undeveloped Parcel"** means a Tax Parcel to which the Property Appraiser has assigned a DOR Code of 0000.

**"Small Single Family Developed Parcel"** means a Single Family Developed Parcel with an area less than 8,100 square feet.

**"Small Single Family Undeveloped Parcel"** means a Single Family Undeveloped Parcel with an area less than 8,100 square feet.

**"State"** means the State of Florida.

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

**"Stormwater Basin"** means a part of the earth's surface that contributes Stormwater to a drainage system, consisting of a surface stream or body of impounded surface water, together with all natural or artificial tributary surface streams and bodies of impounded surface water.

**"Stormwater Basin Plan"** means a policy document adopted by the Board for each Stormwater Basin or hydrologic subarea thereof in which Stormwater Improvements are proposed, which provides for implementation of the Comprehensive Stormwater Policy Plan therein.

**"Stormwater Environmental Utility"** means the entity established by the Ordinance to implement the Stormwater management program of the County.

**"Stormwater Improvement Area"** means the Phillippi Creek Stormwater Improvement Area, the Phillippi Creek Limited Stormwater Improvement Area, the Matheny Creek Stormwater Improvement Area, the Alligator Creek Stormwater Improvement Area, the Elligraw Bayou Stormwater Improvement Area, the Clower Creek Stormwater Improvement Area, the Pelican Cove Stormwater Improvement Area, or the Oyster Bay Stormwater Improvement Area.

**"Stormwater Improvement Assessment"** means an annual special assessment to be imposed by the County for each Fiscal Year against property within each Stormwater Improvement Area to pay the Capital Cost and related expenses of Stormwater Improvements, computed for each Fiscal Year in accordance with 2.08 or 2.09 hereof.

**"Stormwater Improvement Assessment Roll"** means the special assessment roll relating to Stormwater Improvement Assessments.

**"Stormwater Improvement Performance Standard"** means the level of Stormwater management expected to result from construction of Stormwater Improvements, as defined in the Comprehensive Stormwater Policy Plan and applied in a Stormwater Basin Plan.

**"Stormwater Improvements"** means the Phillippi Creek Improvements, the Matheny Creek Improvements, the Alligator Creek Improvements, the Elligraw Bayou Improvements, the Clower Creek Improvements, and the Oyster Bay Improvements.

**"Stormwater Program Director"** means the County's Stormwater Environmental Utility Manager or such person's designee.

**"Stormwater Utility Area"** means the unincorporated area of the County and the incorporated area of the City of Sarasota.

**"Supplemental Alligator Creek Basin Plan"** means the Supplemental Alligator Creek Stormwater Basin Master Plan attached hereto as Appendix E.

**"Supplemental Clower Creek Basin Plan"** means the Supplemental Clower Creek Stormwater Basin Master Plan attached hereto as Appendix G.

**"Supplemental Elligraw Bayou Basin Plan"** means the Supplemental Elligraw Bayou Stormwater Basin Master Plan attached hereto as Appendix F.

**"Supplemental Matheny Creek Basin Plan"** means the Supplemental Matheny Creek Stormwater Basin Master Plan attached hereto as Appendix D.

**"Supplemental Phillippi Creek Basin Plan"** means the Supplemental Phillippi Creek Stormwater Basin Master Plan attached hereto as Appendix C.

**"Tax Parcel"** means a parcel of property, other than Government Property, to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

**"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.

**"Tilled Agriculture"** means Pervious Area whose predominant cover is agricultural crops where the soil mantle is regularly disturbed by cultivation and whose surface is periodically exposed in the crop production cycle. "Tilled Agriculture" includes fallow land used in normal crop rotation.

**"Uniform Assessment Collection Act"** means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

**"Urban Pervious"** means Pervious Area whose predominant cover is typical of urban lawns and building landscaping where vegetation (a mixture of trees, bushes and lawn) is fully established, irrigation is often used, and moderate soil compaction due to construction and lawn maintenance is typical.

**SECTION 1.02. INTERPRETATION.** Unless the context indicates otherwise, words importing 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 IMPROVEMENT ASSESSMENTS

**SECTION 2.01. APPROVAL OF PLANS AND POLICIES.** The Board hereby approves the Mitigation Credit Policy, the Comprehensive Stormwater Policy Plan, the Supplemental Phillippi Creek Basin Plan, the Supplemental Matheny Creek Basin Plan, the Supplemental Alligator Creek Basin Plan, the Supplemental Elligraw Bayou Basin Plan, the Supplemental Clower Creek Basin Plan, and the Oyster Bay Improvement Program.

**SECTION 2.02. PHILLIPPI CREEK STORMWATER IMPROVEMENTS.**

(A) This Resolution will initiate the process for imposition of Stormwater Improvement Assessments to finance acquisition and construction of the Phillippi Creek Improvements. The Board hereby finds and determines that:

(1) The Phillippi Creek Structure Flooding Improvements will correct existing deficiencies and achieve a consistent Stormwater Improvement Performance Standard within the Phillippi Creek Stormwater Improvement Area and the Phillippi Creek Limited Stormwater Improvement Area, as more specifically set forth in the Supplemental Phillippi Basin Plan.

(2) The Phillippi Creek Stormwater Improvement Area and the Phillippi Creek Limited Stormwater Improvement Area are hereby designated as the Stormwater Improvement Area for the Phillippi Creek Structure Flooding Improvements.

(3) It is fair and equitable to allocate the Capital Cost of the Phillippi Creek Structure Flooding Improvements between the Phillippi Creek Stormwater Improvement Area and the Phillippi Creek Limited Stormwater Improvement Area on the basis of the number of ESUs attributable to each such Stormwater Improvement Area.

(4) The Phillippi Creek Street Flooding Improvements will correct existing deficiencies and achieve a consistent Stormwater Improvement Performance Standard within the Phillippi Creek Stormwater Improvement Area, as more specifically set forth in the Supplemental Phillippi Basin Plan.

(5) The Phillippi Creek Stormwater Improvement Area is hereby designated as the Stormwater Improvement Area for the Phillippi Creek Street Flooding Improvements.

(B) The estimated Capital Cost for the Phillippi Creek Structure Flooding Improvements is \$28,131,844. The Capital Cost and related expenses of the Phillippi Creek Structure Flooding Improvements shall be funded through the imposition of Stormwater Improvement Assessments against property located in the Phillippi Creek Stormwater Improvement Area and the Phillippi Creek Limited Stormwater Improvement Area, in the manner set forth in Section 2.08 hereof.

(C) The estimated Capital Cost for the Phillippi Creek Street Flooding Improvements is \$3,423,975. The Capital Cost and related expenses of the Phillippi Creek Street Flooding Improvements shall be funded through the imposition of Stormwater

Improvement Assessments against property located in the Phillippi Creek Stormwater Improvement Area, in the manner set forth in Section 2.08 hereof.

**SECTION 2.03. MATHENY CREEK STORMWATER IMPROVEMENTS.**

(A) This Resolution will initiate the process for imposition of Stormwater Improvement Assessments to finance acquisition and construction of the Matheny Creek Improvements. The Board hereby finds and determines that:

(1) The Matheny Creek Improvements will correct existing deficiencies and achieve a consistent Stormwater Improvement Performance Standard within the Matheny Creek Stormwater Improvement Area, as more specifically set forth in the Supplemental Matheny Creek Basin Plan.

(2) The Matheny Creek Stormwater Improvement Area is hereby designated as the Stormwater Improvement Area for the Matheny Creek Improvements.

(3) The Matheny Creek Improvements will provide a special benefit to the property located within the Matheny Creek Stormwater Improvement Area.

(B) The estimated Capital Cost for the Matheny Creek Improvements is \$2,082,000. The Capital Cost and related expenses shall be funded through the imposition of Stormwater Improvement Assessments against property located in the Matheny Creek Stormwater Improvement Area in the manner set forth in Section 2.08 hereof.

**SECTION 2.04. ALLIGATOR CREEK STORMWATER IMPROVEMENTS.**

(A) This Resolution will initiate the process for imposition of Stormwater Improvement Assessments to finance acquisition and construction of the Alligator Creek Improvements. The Board hereby finds and determines that:

(1) The Alligator Creek Improvements will correct existing deficiencies and achieve a consistent Stormwater Improvement Performance Standard within the Alligator Creek Stormwater Improvement Area, as more specifically set forth in the Supplemental Alligator Creek Basin Plan.

(2) The Alligator Creek Improvements will provide a special benefit to the property located within the Alligator Creek Stormwater Improvement Area, which is hereby designated as the Stormwater Improvement Area for the Alligator Creek Improvements.

(B) The estimated Capital Cost for the Alligator Creek Improvements is \$1,005,000. The Capital Cost and related expenses shall be funded through the imposition of Stormwater Improvement Assessments against property located in the Alligator Creek Stormwater Improvement Area in the manner set forth in Section 2.09 hereof.

**SECTION 2.05. ELLIGRAW BAYOU STORMWATER IMPROVEMENTS.**

(A) This Resolution will initiate the process for imposition of Stormwater Improvement Assessments to finance acquisition and construction of the Elligraw Bayou Improvements. The Board hereby finds and determines that:

(1) The Elligraw Bayou Improvements will correct existing deficiencies and achieve a consistent Stormwater Improvement Performance Standard within

the Elligraw Bayou Stormwater Improvement Area, as more specifically set forth in the Supplemental Elligraw Bayou Basin Plan.

(2) The Elligraw Bayou Improvements will provide a special benefit to the property located within the Elligraw Bayou Stormwater Improvement Area, which is hereby designated as the Stormwater Improvement Area for the Elligraw Bayou Improvements.

(B) The estimated Capital Cost for the Elligraw Bayou Improvements is \$1,025,000. The Capital Cost and related expenses shall be funded through the imposition of Stormwater Improvement Assessments against property located in the Elligraw Bayou Stormwater Improvement Area in the manner set forth in Section 2.08 hereof.

#### **SECTION 2.06. CLOWER CREEK STORMWATER IMPROVEMENTS.**

(A) This Resolution will initiate the process for imposition of Stormwater Improvement Assessments to finance acquisition and construction of the Clower Creek Improvements. The Board hereby finds and determines that:

(1) Based upon a sediment study conducted by the Stormwater Environmental Utility, the Stormwater Program Director has determined that the Clower Creek Supplemental Sediment Dredging Project Capital Cost to be funded from the proceeds of Stormwater Improvement Assessments is equal to one-half of the Clower Creek Sediment Dredging Project Capital Cost to be funded from the proceeds of Stormwater Improvement Assessments.

(2) The Clower Creek Sediment Dredging Project, excluding the Clower Creek Supplemental Sediment Dredging Project, will correct existing deficiencies

and achieve a consistent Stormwater Improvement Performance Standard within the Clower Creek Stormwater Improvement Area, including the Pelican Cove Stormwater Improvement Area, as more specifically set forth in the Supplemental Clower Creek Basin Plan.

(3) The Clower Creek Stormwater Improvement Area, including the Pelican Cove Stormwater Improvement Area, is hereby designated as the Stormwater Improvement Area for the Clower Creek Sediment Dredging Project, excluding the Clower Creek Supplemental Sediment Dredging Project.

(4) The Clower Creek Supplemental Sediment Dredging Project will correct existing deficiencies and achieve a consistent Stormwater Improvement Performance Standard within the Pelican Cove Stormwater Improvement Area, as more specifically set forth in the Supplemental Clower Creek Basin Plan.

(5) The Pelican Cove Stormwater Improvement Area is hereby designated as the Stormwater Improvement Area for the Clower Creek Supplemental Sediment Dredging Project.

(6) The Clower Creek Channel Restoration Project will correct existing deficiencies and achieve a consistent Stormwater Improvement Performance Standard within the Clower Creek Stormwater Improvement Area, as more specifically set forth in the Supplemental Clower Creek Basin Plan.

(7) The Clower Creek Channel Restoration Project will provide a special benefit to the property located within the Clower Creek Stormwater Improvement

Standard within the Clower Creek Stormwater Improvement Area, as more specifically set forth in the Supplemental Clower Creek Basin Plan.

(7) The Clower Creek Channel Restoration Project will provide a special benefit to the property located within the Clower Creek Stormwater Improvement Area, which is hereby designated as the Stormwater Improvement Area for the Clower Creek Channel Restoration Project.

(B) The estimated Capital Cost for the Clower Creek Sediment Dredging Project, excluding the Clower Creek Supplemental Sediment Dredging Project, is \$137,150. The Capital Cost and related expenses shall be funded through the imposition of Stormwater Improvement Assessments against property located in the Clower Creek Stormwater Improvement Area, including the Pelican Cove Stormwater Improvement Area, in the manner set forth in Section 2.08 hereof.

(C) The estimated Capital Cost for the Clower Creek Supplemental Sediment Dredging Project is \$137,150. The Capital Cost and related expenses shall be funded through the imposition of Stormwater Improvement Assessments against property located in the Pelican Cove Stormwater Improvement Area, in the manner set forth in Section 2.08 hereof.

(D) The estimated Capital Cost for the Clower Creek Channel Restoration Project is \$243,000. The Capital Cost and related expenses shall be funded through the imposition of Stormwater Improvement Assessments against property located in the Clower Creek Stormwater Improvement Area in the manner set forth in Section 2.08 hereof.

(1) The property within the Oyster Bay Stormwater Improvement Area is hydrologically connected, directly or indirectly, to the Oyster Bay Improvements.

(2) The Oyster Bay Improvements will provide a special benefit to the property located within the Oyster Bay Stormwater Improvement Area, which is hereby designated as the Stormwater Improvement Area for the Oyster Bay Improvements.

(B) The estimated Capital Cost for the Oyster Bay Improvements is \$19,000.

The Capital Cost and related expenses shall be funded through the imposition of Stormwater Improvement Assessments against property located in the Oyster Bay Stormwater Improvement Area in the manner set forth in Section 2.08 hereof.

**SECTION 2.08. ASSESSMENTS TO FUND PAYMENT OF OBLIGATIONS.**

The Board expects to issue Permanent Obligations to finance the Capital Cost of Stormwater Improvements for the Phillippi Creek Stormwater Improvement Area, the Phillippi Creek Limited Stormwater Improvement Area, the Matheny Creek Stormwater Improvement Area, the Elligraw Bayou Stormwater Improvement Area, the Clower Creek Stormwater Improvement Area, the Pelican Cove Stormwater Improvement Area, and the Oyster Bay Stormwater Improvement Area. Stormwater Improvement Assessments shall be imposed within these Stormwater Improvement Areas for each Fiscal Year in which Obligations remain outstanding. When imposed, the Stormwater Improvement Assessments shall constitute a lien upon the Tax Parcels listed on the Stormwater Improvement Assessment Roll, pursuant to the Ordinance.

(A) The Stormwater Improvement Assessments against property located within the Stormwater Improvement Areas listed in this Section 2.08 for any Stormwater Improvement Assessment Roll that will be certified for collection prior to the issuance of Permanent Obligations shall be computed and applied as follows:

(1) The annual installment of the Stormwater Improvement Assessment for each ESU shall be (a) the sum of the amount computed by dividing the Improvement Area's Proforma Debt Service by the total number of ESUs attributable to property located within the Stormwater Improvement Area, divided by (b) the factor of 0.95, reflecting the percentage of reasonably anticipated receipts the County is permitted to appropriate pursuant to Section 129.01(2)(b), Florida Statutes. The annual installment of the Stormwater Improvement Assessment for each Tax Parcel shall be computed by multiplying the Stormwater Improvement Assessment for each ESU by the number of ESUs attributable to such Tax Parcel.

(2) Proceeds from the Stormwater Improvement Assessments received during each Fiscal Year from each Stormwater Improvement Area shall be applied by the County as follows: (a) payment of the Capital Cost for the Stormwater Improvements; (b) payment of the actual debt service on Interim Obligations attributable to the Stormwater Improvements becoming due during such Fiscal Year; and (c) prepayment of the Interim Obligations attributable to the Stormwater Improvements.

(B) The Stormwater Improvement Assessments against property located within the Stormwater Improvement Areas listed in this Section 2.08 for any Stormwater

Improvement Assessment Roll that will be certified for collection after the issuance of Permanent Obligations shall be computed and applied as follows:

(1) The annual installment of the Stormwater Improvement Assessment for each ESU shall be (a) the sum of the amount computed by dividing the Improvement Area's Actual Debt Service by the total number of ESUs attributable to property located within the Stormwater Improvement Area, divided by (b) the factor of 0.95, reflecting the percentage of reasonably anticipated receipts the County is permitted to appropriate pursuant to Section 129.01(2)(b), Florida Statutes. The annual installment of the Stormwater Improvement Assessment for each Tax Parcel shall be computed by multiplying the Stormwater Improvement Assessment for each ESU by the number of ESUs attributable to such Tax Parcel.

(2) Proceeds from the Stormwater Improvement Assessments received during each Fiscal Year from each Stormwater Improvement Area shall be applied by the County to the payment of debt service on the Permanent Obligations.

**SECTION 2.09. ASSESSMENTS TO FUND CAPITAL COST.** The Board does not expect to issue Obligations to finance the Capital Cost of Stormwater Improvements for the Alligator Creek Stormwater Improvement Area. Stormwater Improvement Assessments shall be imposed within the Alligator Creek Stormwater Improvement Area for each Fiscal Year until the Capital Cost has been fully funded. The Board expects to fully fund the Capital Cost over a period of five Fiscal Years. When imposed, the Stormwater Improvement Assessments shall constitute a lien upon the Tax Parcels listed on the Stormwater Improvement Assessment Roll, pursuant to the Ordinance. The

Stormwater Improvement Assessments against property located within the Alligator Creek Stormwater Improvement Area shall be computed and applied as follows:

(A) The annual installment of the Stormwater Improvement Assessment for each ESU shall be (1) the sum of the amount computed by dividing one-fifth of the Capital Cost by the total number of ESUs attributable to property located within the Alligator Creek Stormwater Improvement Area, divided by (2) the factor of 0.95, reflecting the percentage of reasonably anticipated receipts the County is permitted to appropriate pursuant to Section 129.01(2)(b), Florida Statutes. The annual installment of the Stormwater Improvement Assessment for each Tax Parcel shall be computed by multiplying the Stormwater Improvement Assessment for each ESU by the number of ESUs attributable to such Tax Parcel.

(B) Proceeds from the Stormwater Improvement Assessments received during each Fiscal Year shall be applied by the County to the payment of Capital Cost.

**SECTION 2.10. STORMWATER IMPROVEMENT ASSESSMENT ROLL.** The Stormwater Program Director is hereby directed to (A) prepare final estimates of the Capital Cost for the Phillippi Creek Improvements, the Matheny Creek Improvements, the Alligator Creek Improvements, the Elligraw Bayou Improvements, the Clower Creek Improvements, and the Oyster Bay Improvements, and (B) prepare the preliminary Stormwater Improvement Assessment Roll in the manner provided in the Ordinance. The Stormwater Program Director shall apportion the final estimated Capital Cost for the Phillippi Creek Improvements, the Matheny Creek Improvements, the Alligator Creek Improvements, the Elligraw Bayou Improvements, the Clower Creek Improvements, and

the Oyster Bay Improvements in the manner set forth in this Resolution. A copy of this Resolution, the final estimates of Capital Cost, and the preliminary Stormwater Improvement Assessment Roll shall be maintained on file in the office of the Stormwater Program Director and open to public inspection. The foregoing shall not be construed to require that the Stormwater Improvement Assessment Roll be in printed form if the amount of the Stormwater Improvement Assessment for each Tax Parcel can be determined by use of a computer terminal.

**SECTION 2.11. INSUFFICIENT CONSTRUCTION FUNDS.** If for any reason the net proceeds from the Obligations are insufficient to pay the Capital Cost for the Stormwater Improvements within any Stormwater Improvement Area, the County, at its option, shall either (A) elect to impose additional Stormwater Improvement Assessments within the Stormwater Improvement Area, or (B) fund the difference from any available non-ad valorem revenue.

**SECTION 2.12. EXCESS CONSTRUCTION FUNDS.** Promptly upon completion of the Stormwater Improvements and after paying or making provision for the payment of all unpaid items of the Capital Cost for the Stormwater Improvements, the County shall use any remaining net proceeds from the Permanent Obligations to pay interest on or redeem Permanent Obligations.

**SECTION 2.13. METHOD OF COLLECTION.** The Stormwater Improvement Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

## ARTICLE III

### DETERMINATION OF ESUs

**SECTION 3.01. CLASSIFICATION OF TAX PARCELS.** Each Tax Parcel located within the Stormwater Utility Area shall be assigned to one of the following classifications: Small Single Family Developed Parcels, Medium Single Family Developed Parcels, Large Single Family Developed Parcels, Small Single Family Undeveloped Parcels, Medium Single Family Undeveloped Parcels, Large Single Family Undeveloped Parcels, Mobile Home Parcels, Condominium Residential Unit Parcels, Condominium Nonresidential Unit Parcels, Condominium Common Area Parcels, Duplex Parcels or General Parcels.

### **SECTION 3.02. SINGLE FAMILY DEVELOPED PARCELS.**

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

(1) Single Family Developed Parcels constitute approximately 55 percent of the 139,000 Tax Parcels located within the Stormwater Utility Area.

(2) The cost of measuring and computing the Effective Impervious Area for each individual Single Family Developed Parcel greatly exceeds any benefit to be derived from individual measurement and computation.

(3) The area of each Single Family Developed Parcel constitutes a reasonable proxy for Effective Impervious Area.

(4) Small Single Family Developed Parcels constitute approximately 25 percent of the Single Family Developed Parcels within the Stormwater Utility Area.

(5) Medium Single Family Developed Parcels constitute approximately 50 percent of the Single Family Developed Parcels within the Stormwater Utility Area.

(6) Large Single Family Developed Parcels constitute approximately 25 percent of the Single Family Developed Parcels within the Stormwater Utility Area.

(7) It is fair and reasonable to compute Stormwater Improvement Assessments by assigning a uniform number of ESUs to all Small Single Family Developed Parcels, a uniform number of ESUs to all Medium Single Family Developed Parcels and a uniform number of ESUs to all Large Single Family Developed Parcels.

(B) The County's consulting engineers computed the ESU Value (3,153 square feet) by computing the Effective Impervious Area of a typical Single Family Developed Parcel, based upon a median Net Impervious Area and Net Pervious Area derived from a statistically valid sample of Single Family Developed Parcels. Accordingly, the number of ESUs attributable to each Medium Single Family Developed Parcel shall be computed by multiplying one ESU by the appropriate Mitigation Credit Factor.

(C) The County's consulting engineers have computed an Effective Impervious Area of 2,813 square feet for a typical Small Single Family Developed Parcel, based upon a median Net Impervious Area and Net Pervious Area derived from a statistically valid sample of Small Single Family Developed Parcels. The number of ESUs attributable to each Small Single Family Developed Parcel was computed by dividing the Effective

Impervious Area of the typical Small Single Family Developed Parcel by the ESU Value (3,153 square feet). Accordingly, the number of ESUs attributable to each Small Single Family Developed Parcel shall be computed by multiplying 0.9 ESUs by the appropriate Mitigation Credit Factor.

(D) The County's consulting engineers have computed an Effective Impervious Area of 5,516 square feet for a typical Large Single Family Developed Parcel, based upon a median Net Impervious Area and Net Pervious Area derived from a statistically valid sample of Large Single Family Developed Parcels. The number of ESUs attributable to each Large Single Family Developed Parcel was computed by dividing the Effective Impervious Area of the typical Large Single Family Developed Parcel by the ESU Value (3,153 square feet). Accordingly, the number of ESUs attributable to each Large Single Family Developed Parcel shall be computed by multiplying 1.7 ESUs by the appropriate Mitigation Credit Factor.

### **SECTION 3.03. SINGLE FAMILY UNDEVELOPED PARCELS.**

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

(1) In light of the relatively small Stormwater burden generated by Single Family Undeveloped Parcels, the cost of measuring and computing the Effective Impervious Area for each individual Single Family Undeveloped Parcel greatly exceeds any benefit to be derived from individual measurement and computation.

(2) It is fair and reasonable to compute Stormwater Improvement Assessments by assigning a uniform number of ESUs to all Small Single Family Undeveloped Parcels, a uniform number of ESUs to all Medium Single Family

Undeveloped Parcels and a uniform number of ESUs to all Large Single Family Undeveloped Parcels.

(B) The County's consulting engineers have computed an Effective Impervious Area of 1,110 square feet for a typical Small Single Family Undeveloped Parcel, based upon a median Net Pervious Area derived from a statistically valid sample of Small Single Family Undeveloped Parcels. The number of ESUs attributable to each Small Single Family Undeveloped Parcel was computed by dividing the Effective Impervious Area of the typical Small Single Family Undeveloped Parcel by the ESU Value (3,153 square feet). Accordingly, the number of ESUs attributable to each Small Single Family Undeveloped Parcel shall be computed by multiplying 0.3 ESUs by the appropriate Mitigation Credit Factor.

(C) The County's consulting engineers have computed an Effective Impervious Area of 1,388 square feet for a typical Medium Single Family Undeveloped Parcel, based upon a median Net Pervious Area derived from a statistically valid sample of Medium Single Family Undeveloped Parcels. The number of ESUs attributable to each Medium Single Family Undeveloped Parcel was computed by dividing the Effective Impervious Area of the typical Medium Single Family Undeveloped Parcel by the ESU Value (3,153 square feet). Accordingly, the number of ESUs attributable to each Medium Single Family Undeveloped Parcel shall be computed by multiplying 0.4 ESUs by the appropriate Mitigation Credit Factor.

(D) The County's consulting engineers have computed an Effective Impervious Area of 3,226 square feet for a typical Large Single Family Undeveloped Parcel, based

upon a median Net Pervious Area derived from a statistically valid sample of Large Single Family Undeveloped Parcels. The number of ESUs attributable to each Large Single Family Undeveloped Parcel was computed by dividing the Effective Impervious Area of the typical Large Single Family Undeveloped Parcel by the ESU Value (3,153 square feet). Accordingly, the number of ESUs attributable to each Large Single Family Undeveloped Parcel shall be computed by multiplying 1.0 ESUs by the appropriate Mitigation Credit Factor.

#### **SECTION 3.04. DUPLEX PARCELS.**

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

(1) Since the Effective Impervious Area has not been measured and computed for each Single Family Developed Parcel and Stormwater Service Assessments for Single Family Developed Parcels will be computed by assigning a uniform number of ESUs to all Small Single Family Developed Parcels, a uniform number of ESUs to all Medium Single Family Developed Parcels and a uniform number of ESUs to all Large Single Family Developed Parcels, it is fair and reasonable to compute Stormwater Service Assessments for Duplex Parcels by reference to comparable Single Family Developed Parcels.

(2) The Stormwater burden generated by a Duplex Parcel on which two dwelling units are located is expected to approximate that of a Single Family Developed Parcel with an equivalent area. The Stormwater burden generated by a Duplex Parcel on which one dwelling unit is located or on which three or more dwelling units are located is expected to decrease or increase proportionately.

(B) The number of ESUs attributable to a Duplex Parcel shall be computed by (1) dividing the area of the Duplex Parcel by the number of dwelling units and multiplying the result by two, (2) determining the Single Family Developed Parcel category to which a Single Family Developed Parcel with the computed area would be assigned, (3) dividing the number of ESUs uniformly attributed to Single Family Developed Parcels assigned to such category by two, (4) multiplying the result by the number of dwelling units, and (5) multiplying the result by the appropriate Mitigation Credit Factor.

### **SECTION 3.05. MOBILE HOME PARCELS.**

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

(1) The cost of measuring and computing the Effective Impervious Area for each individual Mobile Home Parcel greatly exceeds any benefit to be derived from individual measurement and computation.

(2) It is fair and reasonable to compute Stormwater Improvement Assessments by assigning a uniform number of ESUs to all Mobile Home Parcels.

(B) The County's consulting engineers have computed an Effective Impervious Area of 2,144 square feet for a typical Mobile Home Parcel, based upon a median Net Impervious Area and Net Pervious Area derived from a statistically valid sample of Mobile Home Parcels. The number of ESUs attributable to each Mobile Home Parcel was computed by dividing the Effective Impervious Area of the typical Mobile Home Parcel by the ESU Value (3,153 square feet). Accordingly, the number of ESUs attributable to each Mobile Home Parcel shall be computed by multiplying 0.7 ESUs by the appropriate Mitigation Credit Factor.

**SECTION 3.06. RESIDENTIAL CONDOMINIUM PARCELS.**

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

(1) A residential Condominium constitutes a unique form of real property ownership comprised of Condominium Residential Unit Parcels, to which there may be an appurtenant undivided share in Condominium Common Area Parcels.

(2) It is fair and reasonable to attribute the Effective Impervious Area of Condominium Common Area Parcels to the Condominium Residential Unit Parcels to which such Condominium Common Area Parcels are appurtenant.

(3) To be consistent with the maximum number of ESUs assigned to a Single Family Developed Parcel, it is fair and reasonable to limit the number of ESUs attributable to a Condominium Residential Unit Parcel utilized for residential purposes to the number of ESUs attributed to a Large Single Family Developed Parcel.

(B) The number of ESUs attributable to each Condominium Residential Unit Parcel in a residential Condominium shall be equal to the sum of the following:

(1) the amount computed by multiplying (a) the amount calculated by (i) dividing the Effective Impervious Area of the Tax Parcel on which the Condominium Residential Unit Parcel is located by the ESU Value (3,153 square feet), and (ii) dividing the result by the total number of Condominium Residential Unit Parcels located on such Tax Parcel, by (b) the appropriate Mitigation Credit Factor; and

(2) the amount computed by multiplying (a) the amount computed by (i) dividing the Effective Impervious Area of each Condominium Common Area Parcel

appurtenant to the Condominium Residential Unit Parcel by the ESU Value (3,153 square feet), and (ii) dividing the result by the total number of Condominium Residential Unit Parcels to which the Condominium Common Area Parcel is appurtenant, by (b) the appropriate Mitigation Credit Factor.

(C) Notwithstanding the foregoing, not more than 1.7 ESUs shall be attributed to any Condominium Residential Unit Parcel.

**SECTION 3.07. NONRESIDENTIAL CONDOMINIUM PARCELS.**

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

(1) A nonresidential Condominium constitutes a unique form of real property ownership comprised of Condominium Nonresidential Unit Parcels, to which there may be an appurtenant undivided share in Condominium Common Area Parcels.

(2) It is fair and reasonable to attribute the Effective Impervious Area of Condominium Common Area Parcels to the Condominium Nonresidential Unit Parcels to which such Condominium Common Area Parcels are appurtenant.

(B) The number of ESUs attributable to each Condominium Nonresidential Unit Parcel in a nonresidential Condominium shall be equal to the sum of the following:

(1) the amount computed by (a) dividing the Effective Impervious Area of the Tax Parcel on which the Condominium Nonresidential Unit Parcel is located by the ESU Value (3,153 square feet), (b) dividing the result by the total floor area of all Condominium Nonresidential Unit Parcels located on the Tax Parcel, (c)

multiplying the result by the floor area of the Condominium Nonresidential Unit Parcel, and (d) multiplying the result by the appropriate Mitigation Credit Factor; and

(2) the amount computed by (a) dividing the Effective Impervious Area of each Condominium Common Area Parcel appurtenant to the Condominium Nonresidential Unit Parcel by the ESU Value (3,153 square feet), (b) dividing the result by the total floor area of all Condominium Nonresidential Unit Parcels to which the Condominium Common Area Parcel is appurtenant, (c) multiplying the result by the floor area of the Condominium Nonresidential Unit Parcel, and (d) multiplying the result by the appropriate Mitigation Credit Factor.

### **SECTION 3.08. MIXED USE CONDOMINIUM PARCELS.**

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

(1) A mixed use Condominium constitutes a unique form of real property ownership comprised of Condominium Residential Unit Parcels and Condominium Nonresidential Unit Parcels, to which there may be an appurtenant undivided share in Condominium Common Area Parcels.

(2) It is fair and reasonable to attribute the Effective Impervious Area of Condominium Common Area Parcels to the Condominium Residential Unit Parcels and Condominium Nonresidential Unit Parcels to which such Condominium Common Area Parcels are appurtenant in the manner hereinbelow set forth.

(3) To be consistent with the maximum number of ESUs assigned to a Single Family Developed Parcel, it is fair and reasonable to limit the number of ESUs attributable to a Condominium Residential Unit Parcel utilized for residential

purposes to the number of ESUs attributed to a Large Single Family Developed Parcel.

(B) The Effective Impervious Area of Condominium Common Area Parcels shall be divided between the Condominium Residential Unit Parcels and the Condominium Nonresidential Unit Parcels to which such Condominium Common Area Parcels are appurtenant based upon the aggregate floor area of the Condominium Residential Unit Parcels and Condominium Nonresidential Unit Parcels.

(C) The number of ESUs attributable to each Condominium Residential Unit Parcel in a mixed use Condominium shall be equal to the sum of the following:

(1) the amount computed by multiplying (a) the amount calculated by (i) dividing the Effective Impervious Area of the Tax Parcel on which the Condominium Residential Unit Parcel is located by the ESU Value (3,153 square feet), and (ii) dividing the result by the total number of Condominium Residential Unit Parcels located on such Tax Parcel, by (b) the appropriate Mitigation Credit Factor; and

(2) the amount computed by multiplying (a) the amount calculated by (i) dividing that portion Effective Impervious Area of each Condominium Common Area Parcel appurtenant to the Condominium Residential Unit Parcel that is allocated to Condominium Residential Unit Parcels pursuant to Section 3.08(B) hereof by the ESU Value (3,153 square feet), and (ii) dividing the result by the total number of Condominium Residential Unit Parcels to which the Condominium Common Area Parcel is appurtenant, by (b) the appropriate Mitigation Credit Factor.

(D) Notwithstanding the foregoing, not more than 1.7 ESUs shall be attributed to any Condominium Residential Unit Parcel.

(E) The number of ESUs attributable to each Condominium Nonresidential Unit Parcel in a mixed use Condominium shall be equal to the sum of the following:

(1) the amount computed by (a) dividing the Effective Impervious Area of the Tax Parcel on which the Condominium Nonresidential Unit Parcel is located by the ESU Value (3,153 square feet), (b) dividing the result by the total floor area of all Condominium Nonresidential Unit Parcels located on the Tax Parcel, (c) multiplying the result by the floor area of the Condominium Nonresidential Unit Parcel, and (d) multiplying the result by the appropriate Mitigation Credit Factor; and

(2) the amount computed by (a) dividing that portion Effective Impervious Area of each Condominium Common Area Parcel appurtenant to the Condominium Nonresidential Unit Parcel that is allocated to Condominium Nonresidential Unit Parcels pursuant to Section 3.08(B) hereof by the ESU Value (3,153 square feet), (b) dividing the result by the total floor area of all Condominium Nonresidential Unit Parcels to which the Condominium Common Area Parcel is appurtenant, (c) multiplying the result by the floor area of the Condominium Nonresidential Unit Parcel, and (d) multiplying the result by the appropriate Mitigation Credit Factor.

**SECTION 3.09. GENERAL PARCELS.** The number of ESUs attributable to each General Parcel shall be determined by (1) dividing the Effective Impervious Area of the General Parcel by the ESU Value (3,153 square feet), and (2) multiplying the result by the appropriate Mitigation Credit Factor.

**SECTION 3.10. PRIVATE STORMWATER MANAGEMENT FACILITIES.**

(A) The Board 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 ESUs otherwise attributable to such property shall be adjusted by a Mitigation Credit determined in accordance with the Mitigation Credit Policy.

(B) In order to receive a Mitigation Credit for which property is eligible, a property owner may be required to provide the Stormwater Program Director with "as built" drawings of the Stormwater management facility sealed by a Florida registered professional engineer, a certification from a Florida registered professional engineer as to the standards of retention and detention achieved by the facility, and such other reasonable requirements as may be necessary to effectuate the purposes of this Section.

(C) No Mitigation Credit shall be applied for service provided to property by a Stormwater management facility constructed with public funds. However, a Mitigation Credit shall be applied for service provided to property by a regional Stormwater management facility if the developer of the property provided a capital contribution to the regional facility in lieu of constructing on-site facilities.

(D) No Mitigation Credit shall be applied for any Exempt Area of a General Parcel.

**SECTION 3.11. AGRICULTURAL MANAGEMENT PRACTICES.** The Board recognizes the benefits resulting from the application of best Stormwater management practices to agricultural activities. Properties subject to best Stormwater management

practices should be credited with a reduction in the Stormwater burden. Accordingly, the number of ESUs otherwise attributable to such property shall be adjusted by the Mitigation Credit determined in accordance with the Mitigation Credit Policy.

## ARTICLE IV

### NOTICE AND PUBLIC HEARING

**SECTION 4.01. PUBLIC HEARING.** A public hearing will be conducted by the Board to consider imposing the Stormwater Improvement Assessments and collecting the Stormwater Improvement Assessments pursuant to the Uniform Assessment Collection Act. The County Administrator is hereby authorized to establish the time, date and location of the hearing.

**SECTION 4.02. NOTICE BY PUBLICATION.** The Stormwater Program Director shall publish a notice of the public hearing authorized by Section 4.01 hereof in the manner and the time provided in Section 3.04 of the Ordinance.

**SECTION 4.03. NOTICE BY MAIL.** The Stormwater Program Director shall, at the time and in the manner specified in Section 3.05 of the Ordinance, 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.

## ARTICLE V

### GENERAL PROVISIONS

#### SECTION 5.01. ADJUSTMENT OF ESUs.

(A) Petitions for review of the number of ESUs attributed to any Tax Parcel shall be submitted to the Stormwater Program Director, who shall have authority to correct any errors made in applying the provisions of Article III hereof to the Tax Parcel. The following procedures shall apply to all petitions.

(1) Each petition shall be made to the Stormwater Program Director by the owner of the Tax Parcel or such owner's authorized agent.

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

(3) The petition must be filed with the Stormwater Program Director within thirty days of the notice required by Section 3.05 of the Ordinance and shall be reviewed within thirty days of the filing date. Filing of a petition shall not extend the time for payment of any Stormwater Improvement Assessment or affect the amount of any discount for early payment. If the number of ESUs is adjusted for any Tax Parcel, the Stormwater Improvement Assessment shall be corrected in accordance with Section 3.11 of the Ordinance. If the Stormwater Improvement Assessment has been paid prior to adjustment of the number of ESUs, the Tax Collector shall

refund the amount by which the Stormwater Improvement Assessment has been reduced, adjusted for any early payment discount taken by the owner.

(4) The petitioner may be required, at petitioner's own cost, to provide supplemental information to the Stormwater Program Director including, but not limited to, survey data approved by a professional land surveyor and/or engineering reports approved by a professional engineer. Failure to provide such information may result in the denial of the petition.

(5) The Stormwater Program Director shall respond to each petition in writing.

(B) The Stormwater Program Director may initiate adjustments to the number of ESUs attributed to any Tax Parcel. If the number of ESUs is reduced for any Tax Parcel, the Stormwater Improvement Assessment shall be corrected in accordance with Section 3.11 of the Ordinance. In such event, if the Stormwater Improvement Assessment has been paid prior to adjustment of the number of ESUs, the Tax Collector shall refund the amount by which the Stormwater Improvement Assessment has been reduced, adjusted for any early payment discount taken by the owner. If the number of ESUs is increased for any Tax Parcel, the adjustment shall become effective for Stormwater Improvement Assessments in subsequent Fiscal Years.

(C) If at a future date, the County enacts an ordinance specifying uniform procedures for appealing and adjusting non-ad valorem assessments, the petitions authorized in this Section 5.01 shall be filed and reviewed in accordance with the provisions of such ordinance.

**SECTION 5.02. SEVERABILITY.** 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 5.03. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption..

**PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 11th day of July, 1995.**

**BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA**

(SEAL)

By: \_\_\_\_\_  
Chairman

ATTEST:

KAREN E. RUSHING, Clerk of the  
Circuit Court and Ex-Officio Clerk  
of the Board of County Commissioners  
of Sarasota County, Florida

By: \_\_\_\_\_  
Deputy Clerk