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SARASOTA COUNTY, FLORIDA

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INITIAL STORMWATER SERVICE ASSESSMENT RESOLUTION

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SARASOTA COUNTY, FL

ADOPTED: July ~~13~~¹⁸, 1995

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APPENDIX A SARASOTA COUNTY STORMWATER UTILITY MITIGATION
CREDIT POLICY

RESOLUTION NO. 95-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, ESTIMATING THE COST OF CUSTOMER SERVICES, UTILITY-WIDE OPERATIONS AND MAINTENANCE SERVICES PROVIDED BY THE STORMWATER ENVIRONMENTAL UTILITY; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE SERVICES PROVIDED BY THE STORMWATER ENVIRONMENTAL UTILITY; ESTABLISHING THE METHOD OF ASSESSING THE COST OF SERVICES PROVIDED BY THE STORMWATER ENVIRONMENTAL UTILITY AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; DIRECTING THE STORMWATER PROGRAM DIRECTOR TO PREPARE OR DIRECT THE PREPARATION OF A TENTATIVE STORMWATER SERVICE ASSESSMENT ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING FOR THE PROPOSED STORMWATER SERVICE 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.

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

"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.

"Customer Service Cost" means all expenses that are properly attributable to Customer Services, including, without limiting the generality of the foregoing, (A) any debt

service, lease payment or other similar expense incurred by the County for land and buildings utilized for Customer Services, (B) reimbursement to the County for any moneys advanced for Customer Services, and (C) interest on any interfund loan for such purposes.

"Customer Services" means (A) parcel identification and review, (B) billing and collection of the Stormwater Service Assessments, and (C) related customer information services.

"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.

"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 Service 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 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.

"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.

"Maintenance Service Cost" means all expenses that are properly attributable to Maintenance Services under generally accepted accounting principles, including, without

limiting the generality of the foregoing, (A) any debt service, lease payment or other similar expense incurred by the County for land and buildings utilized for Maintenance Services, (B) reimbursement to the County for any moneys advanced for Maintenance Services, and (C) interest on any interfund loan for such purposes.

"Maintenance Services" means operating and maintaining the County's capital facilities for Stormwater management, including extraordinary maintenance.

"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 3.11 and 3.12 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.

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

"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.

"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 Service 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

"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 water to a drainage system, consisting of a surface stream or body of impounded surface water, together with all tributary natural or artificial surface streams and bodies of impounded surface water.

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

"Stormwater Maintenance Area" means the following Stormwater Basins, or portions thereof, in which the County provides Maintenance Services: Whitaker Basin, Business District Basin, Hudson Basin, Phillipi Basin, Mathemy Basin, Eiligrav Basin, Holiday Basin, Clowers Basin, Cattfish Basin, North Creek Basin, South Creek Basin, Shakett Creek Basin, Curry Creek Basin, Hatchett Creek Basin, Alligator Creek Basin, Woodmere Basin, Forked Creek Basin, Godfrey Creek Basin, Ainger Creek Basin, Cow Pen Slough Basin, Braden River Basin, and that portion of the Myakka River Basin located within the Myakka Valley Ranch Subdivision.

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

"Stormwater Service Assessment" means an annual special assessment imposed upon each benefited parcel within the Stormwater Utility Area to fund Customer Services, Utility-Wide Operations and Maintenance Services.

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

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

"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.

"Utility-Wide Operating Cost" means all expenses that are properly attributable to Utility-Wide Operations under generally accepted accounting principles, including, without limiting the generality of the foregoing, (A) any debt service, lease payment or other similar expense incurred by the County for land and buildings utilized for Utility-Wide Operations, (B) reimbursement to the County for any moneys advanced for Utility-Wide Operations, and (C) interest on any interfund loan for such purposes.

"Utility-Wide Operations" means (A) general management and administration; (B) general system engineering; (C) plan review and inspections; (D) basin planning; (E) capital improvement plan development; and (F) legal and other consultant services.

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 SERVICE ASSESSMENTS

SECTION 2.01. COMPUTATION. Stormwater Service Assessments will be computed for each Tax Parcel located within the Stormwater Utility Area as follows:

(A) The estimated Customer Service Cost will be allocated among all Tax Parcels located within the Stormwater Utility Area, in the manner described in Section 2.02 hereof.

(B) The estimated Utility-Wide Operating Cost will be allocated among all Tax Parcels located within the Stormwater Utility Area, in the manner described in Section 2.03 hereof.

(C) The estimated Maintenance Service Cost will be allocated among all Tax Parcels located within the Stormwater Maintenance Area, in the manner described in Section 2.04 hereof.

(D) The Stormwater Service Assessment for each Tax Parcel will be computed as the sum of (1) the estimated Customer Service Cost, Utility-Wide Operating Cost and Maintenance Service Cost, if any, allocated to such Tax Parcel in accordance with Sections 2.02, 2.03 and 2.04 hereof, respectively, and (2) an amount equal to the maximum discount allowed for early payment thereof under the Uniform Assessment Collection Act.

SECTION 2.02. CUSTOMER SERVICE COST.

(A) The estimated Customer Service Cost will be allocated among all Tax Parcels located within the Stormwater Utility Area. The estimated Customer Service Cost for the Fiscal Year ending September 30, 1996 is \$491,967.

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

(1) Each Tax Parcel located within the Stormwater Utility Area is specially benefited by the Customer Services provided by the Stormwater Environmental Utility.

(2) The benefit received from Customer Services provided by the Stormwater Environmental Utility is consistent among all Tax Parcels.

(C) The Customer Service Cost allocable to each Tax Parcel shall be calculated by dividing the total estimated Customer Service Cost by the total number of Tax Parcels located within the Stormwater Utility Area.

SECTION 2.03. UTILITY-WIDE OPERATING COST.

(A) The estimated Utility-Wide Operating Cost will be allocated among all Tax Parcels located within the Stormwater Utility Area. The estimated Utility-Wide Operating Cost for the Fiscal Year ending September 30, 1996 is \$1,242,980.

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

(1) Each Tax Parcel located within the Stormwater Utility Area is specially benefited by the Utility-Wide Operations of the Stormwater Environmental Utility.

(2) The benefit received by each Tax Parcel is generally proportional to the number of ESUs attributed to such Tax Parcel; provided however, that the

services included in the Utility-Wide Operations provide a fundamental benefit to all Tax Parcels, regardless of the number of ESUs attributable to such Tax Parcels.

(3) It is fair and reasonable to recognize the fundamental benefit provided by the services included in the Utility-Wide Operations by attributing a minimum of 0.5 ESUs to each Tax Parcel for purposes of allocating the Utility-Wide Operating Cost.

(C) The Utility-Wide Operating Cost allocable to each Tax Parcel shall be calculated by dividing the total estimated Utility-Wide Operating Cost by the total number of ESUs attributable to Tax Parcels located within the Stormwater Utility Area, and multiplying the result by the number of ESUs attributed to such Tax Parcel. For purposes of allocating Utility-Wide Operating Cost only, a minimum of 0.5 ESUs shall be attributed to each Tax Parcel.

SECTION 2.04. MAINTENANCE SERVICE COST.

(A) The estimated Maintenance Service Cost will be allocated among all Tax Parcels located within the Stormwater Maintenance Area. The estimated Maintenance Service Cost for the Fiscal Year ending September 30, 1996 is \$5,990,942.

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

(1) Each Tax Parcel located within the Stormwater Maintenance Area is specially benefited by the Maintenance Service provided by the Stormwater Environmental Utility.

(2) The benefit received by each Tax Parcel from the Maintenance Service provided by the Stormwater Environmental Utility is proportional to the number of ESUs attributed to such Tax Parcel.

(C) The Maintenance Service Cost allocable to each Tax Parcel shall be calculated by dividing the total estimated Maintenance Service Cost by the total number of ESUs attributable to Tax Parcels located within the Stormwater Maintenance Area, and multiplying the result by the number of ESUs attributed to such Tax Parcel.

SECTION 2.05. STORMWATER SERVICE ASSESSMENT ROLL. The Stormwater Program Director is hereby directed to prepare, or direct the preparation of, final estimates of the Customer Service Cost, Utility-Wide Operating Cost and Maintenance Service Cost and to prepare, or cause the preparation of, the preliminary Stormwater Service Assessment Roll in the manner provided in the Ordinance. The Stormwater Program Director shall apportion the final estimated Customer Service Cost, Utility-Wide Operating Cost and Maintenance Service Cost in the manner set forth in this Resolution. A copy of this Resolution, the final estimates of Customer Service Cost, Utility-Wide Operating Cost and Maintenance Service Cost and the preliminary Stormwater Service 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 Service Assessment Roll be in printed form if the amount of the Stormwater Service Assessment for each Tax Parcel can be determined by use of a computer terminal.

SECTION 2.06. METHOD OF COLLECTION. The Stormwater Service 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 Service 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 Service 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 Service 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

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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. APPROVAL OF MITIGATION POLICY. The Board hereby approves the Mitigation Credit Policy.

SECTION 3.11. 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.

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 Service Assessments and collecting the Stormwater Service 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 Service Assessment or affect the amount of any discount for early payment. If the number of ESUs is adjusted for any Tax Parcel, the Stormwater Service Assessment shall be corrected in accordance with Section 3.11 of the Ordinance. If the Stormwater Service Assessment has been paid prior to adjustment of the number of ESUs, the Tax Collector shall refund the

amount by which the Stormwater Service 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 Service Assessment shall be corrected in accordance with Section 3.11 of the Ordinance. In such event, if the Stormwater Service Assessment has been paid prior to adjustment of the number of ESUs, the Tax Collector shall refund the amount by which the Stormwater Service 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 Service 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 ~~xx~~¹⁸th day of July, 1995.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

(SEAL)

By: David R. Mills
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: Jane W. Owens
Deputy Clerk

