

ORDINANCE 2025-07

AN ORDINANCE OF THE CITY OF MINNEOLA, FLORIDA REGULATING CITY OF MINNEOLA WATER AND WASTEWATER CONNECTION FEES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; ADOPTING A WATER AND WASTEWATER FINAL CAPACITY FEE STUDY DATED MARCH 31, 2025, AS AMENDED; AMENDING CHAPTER 42 – ‘IMPACT FEES’ OF THE CODE OF ORDINANCES RELATING TO WATER AND WASTEWATER UTILITY IMPACT FEES; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to §163.31801, *Florida Statutes*, and applicable case law, the City of Minneola may impose fees to ensure the new development contributes its proportional share of costs of capital facilities required to support such development; and

WHEREAS, the City Council has examined the necessity and implications of updating water and wastewater connection fees and retained a professional consulting firm to prepare a Water and Wastewater Final Capacity Fee Study (the “Study”) to evaluate the demand by new development for additional infrastructure; and

WHEREAS, the Study, dated March 31, 2025, as amended, was presented to and reviewed by the City Council, which has been determined: (1) Water and wastewater connection fees are necessary to offset the costs associated with meeting future demands for the City's water and wastewater facilities pursuant to the projections set forth in the Study; (2) that the water and wastewater connection fees bear a reasonable relationship to the burden imposed upon the City to provide water and wastewater facilities to new City residents; (3) water and wastewater connection fee revenues will provide a direct benefit to such new City residents reasonably related to the fees assessed; (4) that an essential nexus exists between projected new development and the need for additional water and wastewater facilities to be funded with water and wastewater connection fees and the benefits that accrue to new development paying the fees; (5) that the amount of the water and wastewater connection fees are roughly proportional to the *pro rata* share of the additional water and wastewater facilities needed to serve new development; and

WHEREAS, the costs of real property for use in water and wastewater facilities development and costs of various facilities equipment have been used by the City's consultant in developing a development impact cost per property use as set forth in the Study; and

WHEREAS, the decisions of the City Council as set forth herein are reasonable and prudent steps pertaining to sound growth management which have been taken for the benefit of the citizens of the City, both present and future; and

WHEREAS, the City is projected to significantly grow in population and further economically develop in the future; and

WHEREAS, the City Council finds that extraordinary circumstances exist within the meaning of § 163.31801(6)(g), Florida Statutes, to support the adjustment of water and wastewater connection fees adopted by this Ordinance, including, but not limited to, the following: (1) significant and sustained increases in construction costs and materials, as documented in the Water and Wastewater Final Capacity Fee Study dated March 31, 2025, as amended, and as reflected in the Engineering News Record (ENR) Construction Cost Index; (2) rapid population growth and increased demand for water and wastewater services within the City of Minneola, which has accelerated the timeline and cost of capital improvements needed to maintain adequate service levels; and (3) rising costs associated with securing real property and developing utility infrastructure due to regional growth pressures and inflationary trends. The City Council finds these combined factors to constitute extraordinary circumstances under Florida law, justifying the increased fees adopted herein; and

WHEREAS, this Ordinance contains an administrative framework to ensure that the benefit of sewer facilities funded with sewer connection fees will accrue proportionately to new development paying the fees; and

WHEREAS, Section 163.3202(3), *Florida Statutes*, encourages the use of innovative land use regulations and impact fees by local governments to manage growth and to provide the necessary public facilities and for the imposition by local governments of impact fees on development to fund the capital cost of facilities necessitated by such development; and

WHEREAS, requiring future growth to contribute its fair share of the costs necessary to fund required capital improvements and additions is an integral and vital part of the regulatory plan of growth management in the City and is a practice consistent with sound and generally accepted growth management, fiscal and public administration practices, and principles; and

WHEREAS, accordingly, the City of Council of the City of Minneola finds this ordinance to be in the best interests of the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA:

Section 1. Recitals. The recitals set forth above are hereby adopted as the City Council's legislative findings and incorporated herein by reference.

Section 2. Amendment. Chapter 42 - 'Impact Fees,' Article II - 'Wastewater System,' Section 42-37, 'Imposition of wastewater facilities capital recovery fee' of the City of Minneola Code of Ordinances is hereby amended as follows:

Note: Underlined words of this constitute the new text of the City of Minneola Code of

Ordinances, asterisks (***) indicate an omission from the original text of the Code of Ordinances, City of Minneola, which is intended to remain unchanged, and strikethrough constitutes deletions from the original Code of Ordinances.

Sec. 42-37 - Imposition of wastewater facilities capital recovery fee.

Any person who, after the effective date of this section [~~April 25, 2006~~September 29, 2025], seeks to connect to the city wastewater system is hereby required to pay a water facilities capital recovery fee in the ~~manner and amount set forth in this article~~ of \$8,560.00 per ERU

~~In the event the city, by resolution of city council, does not modify the amount of the capital recovery fees to the contrary, the capital recovery fee for phase I and phase II of the proposed wastewater system will be \$4,600.00 per ERU. Wastewater capital recovery fees shall be indexed to inflation and adjusted effective October 1 of each year. The inflation index for these adjustments shall be the Engineering News Record (ENR) construction cost index for the preceding 12 months or such other index as deemed appropriate by the city council. The city manager shall document the adjusted rate each year subject to review by the city council. Otherwise, the city council may by resolution adjust the wastewater capital recovery fee as deemed appropriate.~~

Section 3. Amendment. Chapter 42 - 'Impact Fees,' Article III - 'Water Facilities,' Section 42-96 - 'Imposition of water facilities impact fee' of the City of Minneola Code of Ordinances is hereby amended as follows:

Note: Underlined words of this constitute the new text of the City of Minneola Code of Ordinances, asterisks (***) indicate an omission from the original text of the Code of Ordinances, City of Minneola, which is intended to remain unchanged, and strikethrough constitutes deletions from the original Code of Ordinances.

Sec. 42-96. - Imposition of water facilities impact fee.

Any person who, after the effective date of this section [~~April 25, 2006~~September 29, 2025], seeks to connect to the city water system is hereby required to pay a water facilities capital recovery fee (a/k/a impact fee) in the amount of \$7,060.00 per ERU. ~~manner and amount set forth in this section.~~

~~In the event the city, by resolution or ordinance of the city council, does not modify the amount of the impact fees to the contrary, the impact fee for the water system will be \$2,429.00 \$7,060.00 per ERU. Water impact fees shall be indexed to inflation and adjusted effective October 1 of each year. The inflation index for these adjustments shall be the Engineering News Record (ENR) construction cost index for the preceding 12 months or such other index as deemed appropriate by the city council. The city manager shall document the~~

~~adjusted rate each year subject to approval by the city council. Otherwise, the city council may by resolution or ordinance adjust the water facilities capital recovery fee (a/k/a impact fee) as deemed appropriate.~~

Section 4. Codification and Scrivener's Errors. The revisions to Chapter 42, City of Minneola Code of Ordinances, as set forth in Sections 2 and 3 of this Ordinance shall be codified in the City of Minneola Code of Ordinances. The sections, divisions and provisions of this Ordinance may be renumbered or re- lettered as deemed appropriate by the codifier of the City of Minneola Code of Ordinances. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 5. Savings Clause. All prior actions of the City pertaining to the City of Minneola Code of Ordinances, Chapter 42 – Impact Fees,' as well as any and all other applicable matters set forth herein, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

Section 6. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 7. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

Section 8. Effective Date. This Ordinance shall become effective on September 29, 2025, which is ninety (90) days from the date of adoption of this Ordinance, pursuant to §163.31801, Florida Statutes.

PASSED AND ORDAINED this 1st day of July 2025, by the City Council of the City of Minneola, Florida.


Pat Kelley, Mayor

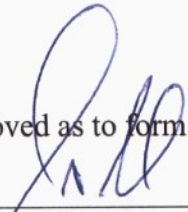
ATTEST:



Kristine Thompson, City Clerk



Approved as to form:



Scott A. Gerken, City Attorney