

ORDINANCE NO. 2021-38

AN ORDINANCE OF THE CITY OF LARGO, FLORIDA, AMENDING CHAPTER 23, ARTICLE III, STORMWATER UTILITY, OF THE CITY OF LARGO CODE OF ORDINANCES BY AMENDING THE DEFINITION OF EQUIVALENT RESIDENTIAL UNIT (ERU) BY INCREASING THE SQUARE FOOTAGE EQUAL TO ONE ERU; BY AMENDING THE METHOD OF CALCULATING THE STORMWATER UTILITY FEES FOR HIGH DENSITY RESIDENTIAL USES; AND BY INCREASING THE RATE CHARGED PER ERU FOR CALCULATING STORMWATER UTILITY FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Largo constructed, maintains and operates a stormwater management system to benefit and serve the interest of public health and safety; and

WHEREAS, a stormwater utility fee was created as a financing mechanism to provide a stable and dedicated funding source to pay for routine operating costs and minor improvement projects of the City of Largo's stormwater management system; and

WHEREAS, the City of Largo has prepared a study that determined a need to change the Equivalent Residential Unit (ERU) impervious area to reflect a newly calculated amount; and

WHEREAS, the City of Largo desires to change the method of charging high-density residential customers from a percentage of one ERU method to a method based on actual impervious area to achieve great equity between customers, and

WHEREAS, the City of Largo has prepared a study that calculated the actual impervious area of all multi-family/high-density customers in the system; and

WHEREAS, the City of Largo has prepared a study that determined an increase in the stormwater utility fee is required to implement the two changes above and to cover the increased costs of effectively maintaining and operating the City of Largo's stormwater management system.

NOW, THEREFORE, the City Commission of the City of Largo hereby ordains:

Section 1. That the above recitals are true and correct and are incorporated by reference as the findings of the City Commission.

Section 2. That Section 23-153 of the City of Largo Code of Ordinances is amended to read as follows:

Sec. 23-153. Definitions and rules of construction.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

Developed property means property which has been altered from its natural state by clearing, excavation, change of grade or landscaping or by the addition of any improvements such as a building, structure or impervious surface. For new construction, a property shall be considered developed pursuant to this article upon issuance of a certificate of occupancy or upon completion of construction or final inspection if no such certificate is issued, or where construction is at least 50 percent complete and construction is halted for a period of three months.

Equivalent residential unit (ERU) means the average impervious area in square feet of a residential unit within the city. For the purposes of this definition, one ERU shall equal 3,000 square feet. The value of one ERU in square feet shall be set by the city commission.

Nonresidential property means any lot or parcel of land not exclusively residential, as defined herein, including transient rentals such as hotels, motels and travel trailer parks, but excluding mixed-use property, as defined herein.

Residential property means any lot or parcel of land developed and designated exclusively for residential purposes, including single-family homes, manufactured homes, duplexes, triplexes, quadplexes, town-homes, single-story apartment buildings and single-story condominiums.

High-density residential property means any lot or parcel of land developed and designated exclusively for high-density residential purposes, including multistory apartment buildings and multistory condominiums.

Mixed-use property means any lot or parcel of land developed and that is not designated exclusively for nonresidential, residential or high-density residential purposes.

Section 3. That Section 23-155 of the City of Largo Code of Ordinances is amended to read as follows:

Sec. 23-155. Rates and charges.

The rate to be charged per ERU shall be \$8.91 per month. The rate shall be reviewed and, if necessary, adjusted annually in accordance with this article.

Section 4. That Section 23-157 of the City of Largo Code of Ordinances is amended to read as follows:

Sec. 23-157. - Same—Nonresidential property, high-density residential property, and mixed-use property.

The fee imposed for nonresidential properties, high-density residential properties, and mixed-use properties as defined herein shall be the rate for one ERU multiplied by the numerical factor obtained by dividing the total impervious area of a nonresidential property, high-density residential property or mixed-use property by the ERU:

ERU rate × (total impervious area/ERU square footage)

The City Manager or his/her designee shall be responsible for determination of the impervious area based on data supplied by the county property appraiser or by the property owner, tenant or developer if such information is unavailable. The City Manager or his/her designee may require additional information as necessary to make the determination.

Section 5. That Section 23-158 of the City of Largo Code of Ordinances is repealed.

Section 6. That all ordinances or parts thereof inconsistent herewith are hereby repealed and superseded.

Section 7. That it is the intention of the City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

Section 8. That the provisions of this ordinance shall become effective on April 1, 2021, or as soon as possible thereafter, subject to the ability of the City's utility billing provider to implement the changes.

APPROVED ON FIRST READING _____

PASSED AND ADOPTED ON
SECOND AND FINAL READING _____

ATTEST:

CITY OF LARGO, FLORIDA

Diane Bruner, City Clerk

Louis ("Woody") L. Brown, Mayor

REVIEWED AND APPROVED:

Alan, Zimmet, City Attorney