ORDINANCE NO. 2024-048

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE II, "SUBDIVISION REGULATIONS," DIVISION 2, "SUBDIVISION PLAT REQUIREMENTS," SECTION 13-169, "WATER AND WASTEWATER EXTENSION REGULATIONS," IN ORDER TO PROVIDE FOR FUTURE CONNECTIONS TO ADJACENT LOT(S) AND OR TRACT(S); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Code of Ordinances Section 13-169, "Water and wastewater extension regulations," sets forth provisions pertaining to the installation of water and wastewater service facilities and the execution of the water and wastewater agreement with the City; and

WHEREAS, property owners, within the City's utility service area, who wish to develop or redevelop their property, are subject to these provisions; and

WHEREAS, such property owners shall be required to extend the City's water and wastewater utilities infrastructure to their property line(s) for adjacent property(ies) access; and

WHEREAS, exceptions to the adjacent property(ies) access will be considered by the City Engineer, or designee, if the real property owner can demonstrate an unfair, disproportionate, or inordinate burden upon the individual's property; and

WHEREAS, it is necessary to add provisions to Section 13-169 to provide utility connections to adjacent unserved lot(s) or tract(s), and the costs for this extension will be borne by the property owners.

CODING: Words in ~~struck through~~ type are deletions from existing text.   1
            Words in <u>underscored</u> type are additions to existing text.
            A line of *** indicates existing text not shown.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: <u>Ratification.</u> That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: <u>Amendment.</u> That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 13, "Land Development Code," Article II, "Subdivision Regulations," Division 2, "Subdivision Plat Requirements," Section 13-169, " Water and wastewater extension regulations," to read as follows:

Chapter 13 – LAND DEVELOPMENT CODE

****

ARTICLE II.- SUBDIVISION REGULATIONS

****

DIVISION 2.- SUBDIVISION PLAT REQUIREMENTS

****

Sec. 13-169. - Water and wastewater extension regulations.

****

<u>(c) *General requirements*. The City hereby adopts this regulation regarding the extension of all water and wastewater facilities within its Service Area, as further defined in Section 13-169.1, "Definitions." In addition to the other provisions set forth herein, a real property owner who plans to extend the City's water and/or wastewater infrastructure must, at a minimum and at his/her/its sole expense:</u>

1. <u>Build infrastructure that meets all standards and specifications described herein, and in accordance with engineering plans that have been prepared by a Florida registered professional engineer and previously approved by all federal, state, or county regulatory agencies prior to submitting an application for a City Engineering permit to the City pursuant to Section 13-40, "Engineering permits," as may be amended;</u>
2. <u>Build any supporting infrastructure, to ensure that water quality standards are met, or to ensure compatibility for connection to then-existing City-owned facilities, as deemed necessary by the City Engineer, or designee, in his/her sole discretion based on the standards and specifications described herein;</u>
3. <u>Build infrastructure terminus that provide ready access to each individual adjacent lot or tract of land, as described herein. The access point must be provided at the property line(s) of the unserved adjacent lot(s) or tract(s), as determined by the City Engineer, or designee, based on the surrounding conditions. As such, no partial or halfway installations will be permitted. New development extending water and/or wastewater facilities must provide adequate assurance to the City that unserved adjacent lots or tracts will have access to infrastructure for purposes of extension; and</u>

CODING: Words in ~~strike through~~ type are deletions from existing text.   2
Words in <u>underline</u> type are additions to existing text.
Asterisks (***) indicate existing text not shown.

4. Restore any disturbed lands as required by the City, the City of Parkland, or unincorporated Broward County based on having concurrent jurisdiction within the City's Service Area.
5. Enter into a Water and Wastewater agreement with the City pursuant to subsection 13-169(a).

(d) *Exceptions to adjacent property access required under subsection 13-169(c)3 herein.* To the extent that a real property owner can demonstrate that the City's mandatory adjacent property access requirement, as applied to the real property owner's land, will cause an unfair, disproportionate, or inordinate burden upon the individual's property, the City Engineer, or designee, may grant appropriate relief consistent with the provisions herein. Evidence of expenses or costs, without consideration of the totality of the circumstances, will not be sufficient to show an unfair, disproportionate, or inordinate burden as required by this subsection.
1. To prove unfair, disproportionate, or inordinate burden, the property owner must have standing to challenge the regulation and has the initial burden of:
   a. Showing the degree of burden suffered by the property owner;
   b. Identifying and resolving any specific environmental, public health, and safety concerns that may arise if the regulation is not applied;
   c. Providing justification for why the extension is not needed; and
   d. Indicating the specific relief sought.
2. The City Engineer, or designee, will determine if the property owner has met the burden of demonstrating sufficient facts to support an exception. The decision to grant relief pursuant to this section rests in the sound discretion of the City Engineer, or designee, in the exercise of his/her professional expertise and accepted industry practices. The relief granted must be based on the following factors:
   a. The degree of burden (or potential burden) suffered by the property owner;
   b. The nature and significance of the public interest that is served by the application of the regulation to the property;
   c. The purposes that the extension regulations are intended to serve;
   d. The burden (or potential burden) carried by other property owners who are similarly situated, if any; and
   e. The burden that will be carried by other property owners if the waiver is granted.
3. Resolution of Extension of Facilities Disputes. The decision of the City Engineer may be appealed pursuant to Section 13-34, "Appeals."

****

Section 3: **Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: **Severability.** That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court

CODING: Words in ~~strike through~~ type are deletions from existing text.   3
Words in underline type are additions to existing text.
Asterisks (***) indicate existing text not shown.

of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: **Codification.** That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: **Effective Date.** That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS _____ DAY OF _____, 2024.

PASSED SECOND READING THIS _____ DAY OF _____, 2024.

_____
Sandra L. Welch, Mayor

Attest:

_____
Joseph J. Kavanagh, City Clerk

	1st	2nd
Welch	_____	_____
Railey	_____	_____
Rydell	_____	_____
Brodie	_____	_____
Wasserman	_____	_____

File Path: O:\Utilities and Engineering Common\Division - Engineering\Admin\Commission Items\2024\Water and Wastewater Extension Policy

CODING: Words in ~~strike through~~ type are deletions from existing text.   4
                    Words in <u>underline</u> type are additions to existing text.
                    Asterisks (***) indicate existing text not shown.