

ORDINANCE NO. 2016-____

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, RELATING TO IMPACT FEES FOR PARK FACILITIES, AMENDING CHAPTER 70, ARTICLE V OF THE SARASOTA COUNTY CODE; RELATING TO AUTHORITY TO LEVY AND COLLECT IMPACT FEES; AMENDING SECTION 70-172 RELATING TO FINDINGS; AMENDING SECTION 70-173 RELATED TO INTENT; AMENDING SECTION 70-174 RELATED TO AUTHORITY; AMENDING SECTION 70-175 RELATED TO DEFINITIONS; AMENDING 70-176 RELATED TO APPLICABILITY; AMENDING SECTION 70-178 RELATED TO IMPOSITION OF PARK IMPACT FEES; AMENDING SECTION 70-179 RELATED TO THE CALCULATION OF PARK IMPACT FEES; AMENDING SECTION 70-180 RELATED TO THE ADMINISTRATION OF PARK IMPACT FEES; DELETING SECTION 70-181 RELATED TO SERVICE CHARGE; DELETING SECTION 70-182 RELATED TO REFUNDS; DELETING SECTION 70-183 RELATED TO CREDITS; DELETING SECTION 70-184 RELATED TO ANNUAL REVIEW; DELETING SECTION 70-185 RELATED TO APPEALS; DELETING SECTION 70-186 RELATED TO THE EFFECT OF IMPACT FEES ON ZONING AND SUBDIVISION REGULATIONS; DELETING SECTION 70-187 RELATED TO IMPACT FEES AS ADDITIONAL OR SUPPLEMENTAL REQUIREMENT; DELETING SECTION 70-188 RELATED TO LIBERAL CONSTRUCTION; DELETING SECTION 70-189 RELATED TO SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Sarasota County's overall county growth management program includes the County's intent to adopt Impact Fees, as set forth in policies of the Capital Improvements Chapter of the County Comprehensive Plan; and

WHEREAS, the Sarasota County Commission (Board) has considered the recommendations of the Public Facilities Financing Advisory Board (PFFAB), Impact Fee Update report prepared by Duncan Associates dated April 2016, and comments from the public and other interested parties; and

WHEREAS, the Board has provided the City of North Port, City of Sarasota, City of Venice, and the Town of Longboat Key with adequate notice and time for review, comment and public hearings regarding adoption of this Ordinance; and

WHEREAS, the Board has determined that it is advisable and in the public interest to adopt and implement this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

SECTION 1. This Ordinance hereby amends Ordinance 1989-099, as amended and codified in Chapter 70 of the Sarasota County Code of Ordinances.

SECTION 2. Section 70-172 of the Sarasota County Code is hereby deleted in its entirety and replaced with the following:

Section 70-172. - Findings.

The Board of County Commissioners of Sarasota County, Florida (Board) hereby finds and declares the findings as set forth within Section 70-2 of Article I, and that:

- (a) Sarasota County Government (County), a political subdivision of the State of Florida and a Home Rule Charter County, provides Park Facilities to residents of the unincorporated area and to residents of the municipalities in the County.
- (b) The County Park system locates facilities to provide convenient access that benefit all County residents and operates as a unified system throughout the County.
- (c) Florida law gives the authority and responsibility for the planning, acquisition, development and maintenance of County parks exclusively to the County, even where such parks are located in Municipalities.
- (d) The Parks and Recreation chapter of the Comprehensive Plan includes adopted recreation Levels of Service. These Levels of Service are applicable to existing and new development. The park impact fees have been calculated based on the existing level of service, defined in terms of the ratio of the total replacement value of existing facilities to the amount of existing residential development served by the facilities, provided to existing development.

SECTION 3. Section 70-173 of the Sarasota County Code is hereby deleted in its entirety and replaced with the following:

Section 70-173. - Intent.

The intent of this article is, as set forth within Section 70-3 of Article I, to meet the demands created by growth and new development/redevelopment by establishing a Park Impact Fee as determined within the 2015 Sarasota County Impact Fee Update report prepared by Duncan Associates dated April 2016. Impact Fees adopted pursuant to Ordinance No. 2006-086 are based upon the

calculation methodology and data incorporated in the "Road, Park and Library Impact Fee Study for Sarasota County, Florida," September 2006.

SECTION 4. Section 70-174 of the Sarasota County Code is hereby deleted in its entirety and replaced with the following:

Section 70-174. - Authority.

The authority for establishment and implementation of this article is as set forth within Section 70-4 of Article I.

SECTION 5. Section 70-175 of the Sarasota County Code is hereby deleted in its entirety and replaced with the following:

Section 70-175. - Definitions.

As applied in this article, certain words and terms used shall have the meanings as set forth within Section 70-5 of Article I and the following meanings, unless another meaning is clearly intended:

Map shall mean and refer to the Map titled "Park Facility Service District Boundaries" which is on file in the office of the Clerk and which defines the geographical extent of the Park Facility Service Districts. Said Map shall be identified by the signature of the Chairman of the Board of County Commissioners and shall bear the seal of the County under these words: "This is to certify that this is the official copy of the Maps defining the geographical extent of the Park Facility Service Districts prescribed by Sarasota County Ordinance No. 89-99, as amended".

Park Facility Project shall mean and include the acquisition of land for and construction of recreational improvements in public access, neighborhood, community, metropolitan, highly specialized and regional parks, excluding public conservation lands or other environmentally sensitive lands, as defined in the Sarasota County Comprehensive Plan, Parks and Recreation chapter, to increase the capacity of the County's park system. Such costs include land, park design and construction cost and associated Project Costs in accordance with the County's adopted Capital Improvement Program.

Park Facility Service District shall mean a district established pursuant to Section 70-178.

SECTION 6. Section 70-176 of the Sarasota County Code is hereby deleted in its entirety and replaced with the following:

Section 70-176. - Applicability.

This article shall be applicable as set forth within Section 70-6 of Article I.

SECTION 7. Section 70-178 of the Sarasota County Code is hereby deleted in its entirety and replaced with the following:

Section 70-178. - Imposition of Impact Fee and Service Charge.

The Board hereby imposes a Park Impact Fee and Service Charge as set forth within Section 70-8 of Article I.

SECTION 8. Section 70-179 of the Sarasota County Code is hereby deleted in its entirety and replaced with the following

Section 70-179. - Calculation of Impact Fees.

- (a) The Park Impact Fee imposed for all permit applications submitted to and accepted by the County or Municipality on or after June 18, 2007 and prior to January 1, 2017 for residential land uses shall be as follows, provided the application proceeds to issuance of a Certificate of Occupancy through an Un-interrupted Issuance Process:
- Single-family or multifamily, less than 500 square feet of Living Area: \$1,240.00 per Dwelling Unit.
 - Single-family or multifamily, 500 to 749 square feet of Living Area: \$1,465.00 per Dwelling Unit.
 - Single-family or multifamily, 750 to 999 square feet of Living Area: \$1,644.00 per Dwelling Unit.
 - Single-family or multifamily, 1,000 to 1,249 square feet of Living Area: \$1,794.00 per Dwelling Unit.
 - Single-family or multifamily, 1,250 to 1,499 square feet of Living Area: \$1,916.00 per Dwelling Unit.
 - Single-family or multifamily, 1,500 to 1,999 square feet of Living Area: \$2,085.00 per Dwelling Unit.
 - Single-family or multifamily, 2,000 to 2,999 square feet of Living Area: \$2,348.00 per Dwelling Unit.
 - Single-family or multifamily, 3,000 to 3,999 square feet of Living Area: \$2,630.00 per Dwelling Unit.
 - Single-family or multifamily, 4,000 or more square feet of Living Area: \$2,865.00 per Dwelling Unit.
 - Mobile home/RV park: \$1,559.00 per mobile home/recreational vehicle space.

(b) The Park Impact Fee imposed for all permit applications submitted to and accepted by the County or Municipality on or after January 1, 2017 for residential land uses shall be as follows:

- Single-family Detached less than 1500 square feet of Living Area: \$2,439.00 per Dwelling Unit.
- Single-family Detached 1500 to 3500 square feet of Living Area: \$2,742.00 per Dwelling Unit.
- Single-family Detached more than 3500 square feet of Living Area: \$3,077.00 per Dwelling Unit.
- Multifamily: \$1,992.00 per Dwelling Unit.
- Mobile Home/RV Park: \$1,880.00 per Mobile Home Unit Space.

SECTION 9. Section 70-180 of the Sarasota County Code is hereby deleted in its entirety and replaced with the following:

Section 70-180. – Park Impact Fee Administration.

Administration of the Park Impact Fee Ordinance shall be as set forth within Section 70 Article I, including Management of Impact Fee and Service Charge funds, Refunds, Credits, Annual review, and Appeals.

SECTION 10. Section 70-181 of the Sarasota County Code is hereby deleted in its entirety.

SECTION 11. Section 70-182 of the Sarasota County Code is hereby deleted in its entirety.

SECTION 12. Section 70-183 of the Sarasota County Code is hereby deleted in its entirety.

SECTION 13. Section 70-184 of the Sarasota County Code is hereby deleted in its entirety.

SECTION 14. Section 70-185 of the Sarasota County Code is hereby deleted in its entirety.

SECTION 15. Section 70-186 of the Sarasota County Code is hereby deleted in its entirety.

SECTION 16. Section 70-187 of the Sarasota County Code is hereby deleted in its entirety.

SECTION 17. Section 70-188 of the Sarasota County Code is hereby deleted in its entirety.

SECTION 18. Section 70-189 of the Sarasota County Code is hereby deleted in its entirety.

SECTION 19. Severability. Should any sentence, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part declared to be invalid.

ARTICLE V. - PARK IMPACT FEE

SECTION 20. Effective date. This Ordinance shall take effect immediately upon filing with the Office of the Secretary of the State of Florida.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA this ____day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

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