

ORDINANCE NO. 2006 - 087

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, RELATING TO IMPACT FEES FOR LIBRARY FACILITIES, AMENDING ORDINANCE NO 91-068, AS AMENDED, AS CODIFIED IN CHAPTER 70, ARTICLE II OF THE SARASOTA COUNTY CODE; AMENDING SECTION 70-32 RELATING TO FINDINGS; AMENDING SECTION 70-33 RELATING TO INTENT; AMENDING SECTION 70-35 RELATING TO DEFINITIONS; AMENDING SECTION 70-39 RELATING TO CALCULATION OF IMPACT FEE; AMENDING SECTION 70-44 RELATING TO ANNUAL REVIEW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

2007 MAR 28 AM 9:10

BOARD RECORDS
FILED FOR REVIEW

WHEREAS, Sarasota County established a system of library impact fees pursuant to Ordinance No. 91-068, as amended, which library impact fees are one part of an overall County growth management program as set forth in the County Comprehensive Plan.

WHEREAS, the Board has considered the August 16, 18, 28 and September 8, 2006 recommendations of the Public Facilities Financing Advisory Board (PFFAB), the Fiscal Year 2005 Annual Report on Library Impact Fees, and comments from the public and other interested parties.

WHEREAS, the Board has provided the City of North Port, City of Sarasota, the City of Venice, and the Town of Longboat Key with adequate notice and time for review, comment and public hearings regarding amendment of Ordinance No. 91-068, as amended.

WHEREAS, the Board has determined that it is advisable and in the public interest to adopt and implement the proposed amendments to Ordinance No. 91-068, as amended.

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

Section 1. This Ordinance hereby amends Ordinance No. 91-068, as amended, as codified in Chapter 70, Article II of the Sarasota County Code.

Section 2. Subsections 70-32(2), (7), (8), (9), (10), (11), (12), and (13) are amended as follows:

- (2) The Comprehensive Plan for the County, as adopted and amended by the Board of County Commissioners, and further census and population studies to date, indicate that this growth will continue at a substantial rate through the year 2020 and will create significant Demands for Library facilities to accommodate new residential development at the level of library service specified in this article.
- (7) The library level of service adopted in the Sarasota County Comprehensive Plan is a desired level of service and is not a regulatory level of service for concurrency purposes. Library Impact Fee funds will be needed to provide facilities needed to serve new development at the existing level of service as used in the calculation of library Impact Fees, and other County funds will be needed to achieve the desired level of service.
- (8) It is the intent of this article that, by the establishment of library Impact Fees, new residential growth and development in the County will pay no more than a proportionate share of the average Library Facility costs related to the provision of Library Facilities in the Sarasota County library system needed to provide additional capacity to accommodate new development.
- (9) It is the intent of this article that the Library Facilities financed through the Impact Fees established hereby be based, when applicable, upon the County and municipal Capital Improvements Programs and be consistent therewith.
- (10) It is the intent of the Board that this article be one technique within an overall County growth management program as set forth in the County Comprehensive Plan. The use of library Impact Fees is supported in the Comprehensive Plan, and is specifically addressed in the Capital Improvements chapter, Objective 1.3, Policy 1.3.6. The Board hereby finds that the library Impact Fees imposed by this article, as amended from time to time, are consistent with and further the purposes of the Comprehensive Plan.
- (11) The Board has considered the matter of financing of additional Library Facilities, the need for which is reasonably related to new residential development. The Board hereby finds and declares that an Impact Fee imposed upon residential development to finance County Library Facility projects, the need for which is reasonably related to new residential development, furthers the public health, safety and welfare of Sarasota County. Therefore, the Board deems it advisable to adopt this article as hereinafter set forth.

- (12) The Board sitting as the Sarasota County Land Development Regulation Commission has reviewed proposed Ordinance No. 2006-087 and has found that it is consistent with the Sarasota County Comprehensive Plan.

Section 3. Subsection 70-33(b) is amended as follows:

- (b) Towards this end, the Impact Fees adopted pursuant to Ordinance No. 91-068 are based upon the calculation methodology incorporated in the "Library Impact Fee Technical Report" (May 17, 1991). Library Impact Fees adopted pursuant to Ordinance No. 99-040 are based upon the calculation methodology and data incorporated in the "Library Impact Fee Technical Report—1999." Library Impact Fees adopted pursuant to Ordinance No. 2006-087 are based upon the calculation methodology and data incorporated in the "Road, Park and Library Impact Fee Study," 2006.

Section 4. Section 70-35 is amended as follows:

(All other definitions remain unchanged)

Comprehensive Plan shall mean the Plan adopted by the Board of County Commissioners pursuant to Ordinance No. 89-18, as amended, as the Sarasota County Comprehensive Plan as required by F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.), or the Comprehensive Plan adopted by the City Council of a Municipality.

Living Area shall mean the sum of the area (in square feet) of each floor of the Dwelling Unit, measured from the exterior surface of the exterior walls or walls adjoining public spaces such as apartment hallways, or the centerline of common walls shared with other Dwelling Units. This square footage does not include garages or unenclosed porches.

Section 5. Subsections 70-39(b)(2) and (b)(3) are amended and Subsection 70-39(b)(4) is added as follows:

- (2) *1991 fee schedule.* The fee schedule in this subsection (b)(2) shall, unless otherwise provided for under this section, determine the applicable fee for Certificates of Occupancy for Principal Residential Uses where an application for the corresponding Building Permit was submitted to and accepted by the County or Municipality on or after December 12, 1991, but prior to June 28, 1999; provided, however, that the Applicant proceeds to issuance of a Certificate of Occupancy without invalidation, suspension or abandonment of the corresponding Building Permit.
- a. Single-family: \$157.00 per Dwelling Unit
 - b. Multifamily: \$113.00 per Dwelling Unit
 - c. Mobile Home: \$107.00 per Dwelling Unit

(3) *1999 fee schedule.* The fee schedule in this subsection (b)(3) is applicable to Principal Residential Uses for Certificates of Occupancy issued on or after June 28, 1999, but prior to June 18, 2007:

- a. Single-family: \$217.21 per Dwelling Unit
- b. Multifamily: \$160.86 per Dwelling Unit
- c. Mobile Home: \$150.87 per Dwelling Unit

(4) *2006 fee schedule.* The fee schedule in this subsection (b)(4) is applicable to Principal Residential Uses for Certificates of Occupancy issued on or after June 18, 2007:

- a. Single-family or multifamily, less than 500 square feet of Living Area: \$201 per Dwelling Unit.
- b. Single-family or multifamily, 500 to 749 square feet of Living Area: \$237 per Dwelling Unit.
- c. Single-family or multifamily, 750 to 999 square feet of Living Area: \$266 per Dwelling Unit.
- d. Single-family or multifamily, 1,000 to 1,249 square feet of Living Area: \$291 per Dwelling Unit.
- e. Single-family or multifamily, 1,250 to 1,499 square feet of Living Area: \$310 per Dwelling Unit.
- f. Single-family or multifamily, 1,500 to 1,999 square feet of Living Area: \$338 per Dwelling Unit.
- g. Single-family or multifamily, 2,000 to 2,999 square feet of Living Area: \$380 per Dwelling Unit.
- h. Single-family or multifamily, 3,000 to 3,999 square feet of Living Area: \$426 per Dwelling Unit.
- i. Single-family or multifamily, 4,000 or more square feet of Living Area: \$464 per Dwelling Unit.
- j. Mobile Home/RV Park: \$253 per mobile home/recreational vehicle space

Section 6. Subsections 70-44(b)(3) and (b)(4) are amended as follows:

(3) A statement from the Planning & Development Services Business Center summarizing the Certificate of Occupancy issued, by type of Principal Residential Use, during the preceding fiscal year;

(4) A statement from the Planning & Development Services Business Center that the Library Facility projects undertaken with Impact Fee funds are consistent with the adopted CIP and Comprehensive Plan.

Section 7. 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 the Ordinance or Article as a whole, or any part thereof other than the part declared to be invalid.

Section 8. Effective Date. This Ordinance shall take effect on June 18, 2007.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, THIS 14th DAY OF MARCH, 2007.

**BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA**

By: *Nora Patterson*

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: *Spina Dickson*
Deputy Clerk