

ORDINANCE NO. 2006 - 086

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, RELATING TO IMPACT FEES FOR PARK FACILITIES, AMENDING ORDINANCE NO. 89-99, AS AMENDED, AS CODIFIED IN CHAPTER 70, ARTICLE V OF THE SARASOTA COUNTY CODE; AMENDING SECTION 70-172 RELATING TO FINDINGS; AMENDING SECTION 70-173 RELATING TO INTENT; AMENDING SECTION 70-175 RELATING TO THE DEFINITIONS; AMENDING SECTION 70-179 RELATING TO CALCULATION OF IMPACT FEE; AMENDING SECTION 70-184 RELATING TO ANNUAL REVIEW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BOARD RECORDS
FILED FOR RECORD
MAY 28 AM 9:10

WHEREAS, Sarasota County established a system of Park impact fees pursuant to Ordinance No. 89-99, as amended, which park 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 Park 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. 89-99, as amended, pursuant to Section 13 of the Interlocal Agreement between Sarasota County and the City of Sarasota and Section 12 of the Interlocal Agreement between Sarasota County and the City of Venice.

WHEREAS, the Board has determined that it is advisable and in the public interest to adopt and implement the proposed amendments to Ordinance No. 89-99, 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. 89-99, as amended, as codified in Chapter 70, Article V of the Sarasota County Code.

Section 2. Subsections 70-172(2), (6), (7), (8), 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 rate through the year 2020 and will place significant Demands on the County to provide park facilities to

accommodate new residential development at the level of park service specified in the Comprehensive Plan.

- (6) The five-year Capital Improvements Program, as developed based on the CIE, includes fiscal proposals for the expenditure of public funds for capital improvements, revenue sources, cost estimates, priority ranking of improvements, and the timing and sequencing of improvements. These specific improvements serve to assist in the implementation of the functional chapters of the plan, including Chapter 3 (Parks and Recreation), in conformity with the population and land use projections contained within the Comprehensive Plan.
- (7) 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.
- (8) The Capital Improvement Program (CIP) includes Park Facility Projects necessary to rehabilitate and replace existing facilities as well as Park Facility Projects whose need is attributable to anticipated new growth and development. Park projects necessary to rehabilitate and replace existing facilities will be provided pursuant to appropriate development approval conditions or by the County and other governmental entities with funding financed by revenue sources other than fees paid under this article.
- (13) 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 park Impact Fees is supported in the Comprehensive Plan and is specifically addressed in the Capital Improvements chapter, Objective 1.3, Policy 1.32. The Board hereby finds that the park Impact Fees imposed by this article, as amended from time to time, are consistent with and further the purposes of the Comprehensive Plan.

Section 3. Subsections 70-173(a) and (b) are amended as follows:

- (a) This article is intended to impose a fee, payable at the time of Certificate of Occupancy issuance, in an amount based upon the amount of new park facility Demand attributable to new residential development and the cost of providing the additional park facilities needed to serve the new residents at the existing level of service. This article shall not be construed to authorize imposition of fees related to park improvement needs attributable to existing development. This article is intended to allow new development in compliance with the Comprehensive Plan and to provide for such development to share in the burdens of growth. New development shares in this burden by paying a pro rata share for the reasonably anticipated average costs of park facilities needed to accommodate the park facility Demands created by new residential development at the existing level of

service as well as by complying with other appropriate development approval conditions. This article is intended to provide flexibility to address the needs of individual developments that, because of location, timing, or other characteristics, require different treatment in the form of reduced fees or supplemental requirements.

- (b) Toward this end, the Impact Fees adopted pursuant to Ordinance No. 89-99 are based upon the calculation methodology incorporated in "Technical Report on the Calculation of Park Facility Impact Fees," Sarasota County Planning Department, September 1989. Impact fees adopted pursuant to Ordinance No. 94-040 are based on the calculation methodology and data incorporated in the "Sarasota County Park Impact Fee Ordinance Technical Report," October 5, 1993. Impact Fees adopted pursuant to Ordinance No. 99-039 are based upon the calculation methodology and data incorporated in the "1999 Sarasota County Park Impact Fee Technical Report." 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 70-175 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.

Demand shall mean the average park acreage and facility capacity that a principal use would consume (measured in developed park acreage per 1,000 population) and the average cost associated with providing the additional park acreage and facilities necessary to accommodate that population while maintaining the existing level of service.

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.

Municipality shall mean one of the following: the City of Sarasota, the City of Venice, the City of North Port, or the Town of Longboat Key, all political subdivisions of the State of Florida.

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, Recreation and Open Space 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.

Section 5. Subsection 70-179(b)(4) is amended and Section 70-179(b)(5) is added as follows:

- (4) *1999 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 28, 1999, but before June 18, 2007.
- (5) *2006 fee schedule.* The fee schedule in this subsection (b) (5) 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: \$1,240 per Dwelling Unit.
 - b. Single-family or multifamily, 500 to 749 square feet of Living Area: \$1,465 per Dwelling Unit.
 - c. Single-family or multifamily, 750 to 999 square feet of Living Area: \$1,644 per Dwelling Unit.
 - d. Single-family or multifamily, 1,000 to 1,249 square feet of Living Area: \$1,794 per Dwelling Unit.
 - e. Single-family or multifamily, 1,250 to 1,499 square feet of Living Area: \$1,916 per Dwelling Unit.
 - f. Single-family or multifamily, 1,500 to 1,999 square feet of Living Area: \$2,085 per Dwelling Unit.
 - g. Single-family or multifamily, 2,000 to 2,999 square feet of Living Area: \$2,348 per Dwelling Unit.
 - h. Single-family or multifamily, 3,000 to 3,999 square feet of Living Area: \$2,630 per Dwelling Unit.
 - i. Single-family or multifamily, 4,000 or more square feet of Living Area: \$2,865 per Dwelling Unit.
 - j. Mobile Home/RV Park: \$1,559 per mobile home/recreational vehicle space.

Section 6. Subsections 70-184(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, by Park Facilities Service District, if feasible;
- (4) A statement from the Planning & Development Services Business Center that the Park Facility Projects constructed with Impact Fee funds are consistent with the adopted CIE 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: *Nana Pattinson*
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: *Spang Dickson*
Deputy Clerk