

ORDINANCE NO. 2006 - 085

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, RELATING TO IMPACT FEES FOR ROAD FACILITIES, AMENDING ORDINANCE NO. 89-97, AS AMENDED, AS CODIFIED IN CHAPTER 70, ARTICLE III OF THE SARASOTA COUNTY CODE; AMENDING SECTION 70-92 RELATING TO FINDINGS; AMENDING SECTION 70-93 RELATING TO INTENT; AMENDING SECTION 70-95 RELATING TO DEFINITIONS; AMENDING SECTION 70-97 RELATING TO ESTABLISHMENT OF ROAD FACILITY SERVICE DISTRICTS; AMENDING SECTION 70-99 RELATING TO CALCULATION OF IMPACT FEE; AMENDING SECTION 70-102 RELATING TO REFUNDS; AMENDING SECTION 70-103 RELATING TO CREDITS; AMENDING SECTION 70-104 RELATING TO ANNUAL REVIEW; AMENDING SECTION 70-111 TO INCLUDE UPDATED IMPACT FEE RATES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

2006 MAR 28 AM 9:10

BOARD RECORDS
FILED FOR RECORD

WHEREAS, Sarasota County established a system of road impact fees pursuant to Ordinance No. 89-97, as amended, which road impact fees are one part of an overall County growth management program as set forth in the Sarasota County Comprehensive Plan.

WHEREAS, the Board has considered the September 15, 2006, recommendations report of the Public Facilities Financing Advisory Board (PFFAB), the Fiscal Year 2005 Annual Report on Road 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. 89-97, as amended, pursuant to Section 4(J) of the Interlocal Agreement between Sarasota County and the City of North Port, Section 13 of the Interlocal Agreement between Sarasota County and the City of Sarasota, Section 12 of the Interlocal Agreement between Sarasota County and the City of Venice, and Section 10 of the Interlocal Agreement between Sarasota County and the Town of Longboat Key.

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WHEREAS, the Board has determined that it is advisable and in the public interest to adopt and implement the proposed amendments to Ordinance No. 89-97, 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. 89-97, as amended and as codified in Chapter 70, Article III of the Sarasota County Code of Ordinances.

Section 2. Subsections 70-92(1) and (3) are amended as follows:

(1) Sarasota County established a system of road impact fees pursuant to Ordinance No. 89-97, as amended, which road impact fees are one part of an overall County growth management program as set forth in the County Comprehensive Plan.

(3) The Board has considered the August 16, 18, and 28, recommendations and September 8, 2006 recommendations of the Public Facilities Financing Advisory Board (PPFAB), the "Road, Park and Library Impact Fee Study," dated September 2006, and comments from the public and other interested parties.

Section 3. Subsections 70-93(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 average amount of new travel attributable to new development and the average cost of providing the road capacity needed to serve such new traffic. This article shall not be construed to authorize imposition of fees related to road 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 new development to share in the burdens of growth. New development shares in this burden by paying a pro rata share of the reasonably anticipated average costs of road facilities needed to accommodate the average traffic Demands created by new development 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) Towards this end, the Impact Fees adopted pursuant to Ordinance No. 89-97 are based upon the calculation methodology incorporated in "Technical Report on an Alternative Methodology For Use in the Calculation of Roadway Improvement Development Fees as part of the Sarasota County Public Facilities Financing Ordinance," Sarasota County Transportation Department, September 1989. Impact Fees adopted pursuant to Ordinance No. 91-66 are based upon the calculation methodology and data incorporated in the "Sarasota County Road Impact Fee Ordinance Technical Report, September 1991." Residential Impact Fees adopted pursuant to Ordinance No. 94-069 are based upon the calculation methodology and data incorporated in "Sarasota County Road Impact Fee Technical Report, June 1994."

Impact Fees adopted pursuant to Ordinance No. 96-053 are based upon the calculation methodology and data incorporated in "Sarasota County Road Impact Fee Technical Report—1996." Impact Fees adopted pursuant to Ordinance No. 98-069 are based upon the calculation methodology and data incorporated in "Sarasota County Road Impact Fee Technical Report—1998." Impact Fees adopted in Ordinance No. 99-038 are based upon the calculation methodology and data incorporated in the "Sarasota County Road Impact Fee Technical Report—1999." Impact fees adopted in Ordinance No. 2000-022 are based upon the calculation methodology and data incorporated in the "Sarasota County Road Impact Fee Technical Report—2000." Impact fees adopted in Ordinance No. 2004-044 are based upon the calculation methodology and data incorporated in the "Sarasota County Road Impact Fee Technical Report—2004." Impact fees adopted in Ordinance No. 2005-058 are based upon the calculation methodology and data incorporated in the "Sarasota County Road Impact Fee Technical Report—2005." Impact fees adopted in Ordinance No. 2006-085 are based upon the calculation methodology and data incorporated in the "Road, Park and Library Impact Fee Study, September, 2006.

Section 4. Section 70-95 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.

Gross Floor Area shall mean the sum (in square feet) of the area of each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (six feet six inches, minimum) regardless of their use. If a ground level area, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this GFA is considered part of the overall square footage of the building. However, unroofed areas and unenclosed roofed-over spaces, except those contained within the principal outside faces of exterior walls, should be excluded from the area calculations. For purposes of this ordinance, the GFA of any parking garages within the building shall not be included within the GFA of the entire building.

ITE Trip Generation Manual shall mean and refer to the report entitled "Trip Generation" (Seventh Edition, 2003) of the Institute of Transportation Engineers, and any official updates thereto, as approved by the Public Works Business Center.

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 areas.

Trip Generation Rate shall mean the rates for specific land uses as set forth in the ITE Trip Generation Manual or other appropriate source as may be approved by the County Public Works Business Center.

Section 5. Section 70-97 is amended as follows:

(a) In furtherance of the implementation of this article, the Board hereby establishes unincorporated area Road Facility Service Districts to be known as: the "North County Unincorporated Area Road Facility Service District," the "Central County Unincorporated Area Road Facility Service District," and the "South County Unincorporated Area Road Facility Service District"; and municipal Road Facility Service Districts to be known as: the "City of Sarasota Road Facility Service District," the "City of Venice Road Facility Service District," the "City of North Port Road Facility Service District" and the "Town of Longboat Key Road Facility Service District."

Section 6. Subsections 70-99(b)(1), (c), (d)(1) and (d)(4) are amended and Subsections 70-99(b)(11)(a) and (11)(b) are added, as follows:

(b) *Applicable Impact Fee schedule.*

(1) The following impact fee schedules, incorporated herein by reference as Attachment "A" (1989) adopted by Ordinance No. 89-97, Attachment "A" (1991) adopted by Ordinance No. 91-66, Attachment "A" (1994) adopted by Ordinance No. 94-069, Attachment "A" (1996) adopted by Ordinance No. 96-053, Attachment "A" (1998) adopted by Ordinance No. 98-069, Attachment "A" (1999) adopted by Ordinance No. 99-038, Attachment "A" (2000) adopted by Ordinance No. 2000-022, Attachment "A" (2004) adopted by Ordinance No. 2004-044, Attachment "A" (2005) adopted by Ordinance No. 2005-058, and Attachment "A" (2007) and Attachment "A" (2008) adopted by Ordinance No. 2006-085, are applicable to the land use types listed therein. The fee schedules may be attached in the order of most recently adopted first and the oldest schedule last.

(11) Attachment "A" (2007) shall, unless otherwise provided for under this subsection (11), determine the applicable fee per trip generation unit for Certificates of Occupancy for Principal Uses issued on or after June 18, 2007. In the event that the road impact fee for a Principal Use is a lesser amount under Attachment "A" (2005) than under Attachment "A" (2007), Attachment "A" (2005) shall determine the applicable fee per trip generation unit for Certificates of Occupancy for such Principal Uses issued on or after June 18, 2007, where the application for the corresponding Building Permit was submitted to and accepted by the County or municipality before June 18, 2007; provided, however the applicant proceeds to issuance of the Certificate of Occupancy without invalidation, suspension or abandonment of the corresponding Building Permit.

- (12) Attachment "A" (2008) shall, unless otherwise provided for under this subsection (12), determine the applicable fee per trip generation unit for Certificates of Occupancy for Principal Uses issued on or after June 16, 2008. In the event that the road impact fee for a Principal Use is a lesser amount under Attachment "A" (2007) than under Attachment "A" (2008), Attachment "A" (2007) shall determine the applicable fee per trip generation unit for Certificates of Occupancy for such Principal Uses issued on or after June 16, 2008, where the application for the corresponding Building Permit was submitted to and accepted by the County or municipality before June 16, 2008, provided, however the applicant proceeds to issuance of the Certificate of Occupancy without invalidation, suspension or abandonment of the corresponding Building Permit.
- (c) For Principal Uses not listed in Attachment A (Section 70-111) or for which no fee per Trip Generation Unit is listed, the County shall utilize the most similar land use in terms of trip generation characteristics as identified in the ITE Trip Generation Manual, as defined in this article. The Public Works Business Center is authorized to make the determination of the appropriate land use category, whether from Attachment A or the ITE Trip Generation Manual, based upon the predominant transportation characteristics of the proposed Principal Use. The Applicant, by filing a petition pursuant to subsection (d) of this section, or the County Public Works Business Center may elect to undertake and perform a special transportation study for such land use, which shall result in the identification of an appropriate Trip Generation Unit for such land use and the unit fee per Trip Generation Unit. If the study is limited in its applicability solely to the facts of a general Principal Use, due to unique and long term traffic-generating characteristics of the specific Principal Use, the study shall be performed by the Applicant and submitted to the County Public Works Business Center for its review and approval or disapproval. If the study is generally applicable to a land use type, the study may be performed either by the Applicant, or by the County Public Works Business Center, at its discretion. The resultant Trip Generation Unit and unit fee per Trip Generation Unit may be adopted by ordinance as an amendment to Attachment A and thereafter shall be applicable to all Principal Uses within such land use type.
- (d) (1) Any Applicant, prior to or in conjunction with the submission of an application for a Certificate of Occupancy, may petition the County Administrator for a determination that one or more of the following variables utilized in the Technical Report is inappropriate for the proposed Principal Use: Trip Generation Rate, average trip length, ~~or~~ capture and diversion rates. A local adjustment factor of 1.0 will be used in any special transportation study prepared for a specific Principal Use.
- (4) Within the ten days after receipt of a petition, the County Administrator shall forward the petition and supporting documentation to the County Public Works Business Center for review and recommendation. Following receipt of the Public Works Business Center's recommendations, the County Administrator shall, within 60 days following the filing of a complete petition, render a decision to: approve the petition if it is demonstrated that one or more of the variables identified in subsection (d)(1) of this section as used in the Technical Report is inappropriate based upon the standards incorporated in this section, or deny the petition. Upon agreement by the

County Administrator and the Applicant, the time limits established under this section may be waived. The filing of a petition shall stay action by the County on the application for a Certificate of Occupancy, or other County action related to the development activity, and the payment of the Impact Fee.

Section 7. Subsection 70-102(f) is added as follows:

- (f) Funds deposited in each account shall be deemed to have been expended on a first-in, first-out basis.

Section 8. Subsections 70-103(a), (b), and (c) are amended as follows:

- (a) Any applicant, as defined in this article, who elects to construct or dedicate all or a portion of a Road Facility Project, who escrows money with the Governing Body for the construction of a Road Facility Project, or who makes a proportionate fair share payment consistent with County regulations adopted pursuant to 163.3180(16), Florida Statutes, shall be eligible for a credit for such contribution against the impact fee otherwise due. The Applicant must, prior to the applicant's construction, dedication, or escrow, or proportionate fair share payment, submit a petition to the County Administrator and obtain a determination of credit eligibility and the amount of any credit. Any appeal of such determination under section 70-105 of this article must be filed and heard prior to the applicant's construction, dedication, or escrow for which credit is requested.
- (b) A credit shall be granted and the amount of the credit shall be determined by the County Administrator if it is determined that the Road Facility Project or comparable road improvement is in the Capital Improvements Program. The amount of the credit shall be based upon certified cost estimates submitted by the applicant and approved by the County Public Works Business Center. In no event shall the credit exceed the amount of the otherwise applicable impact fee nor shall the credit exceed the amount budgeted for that Road Facility Project in the Capital Improvements Program.
- (c) Within ten days after receipt of a petition, the County Administrator shall forward the petition and supporting documentation to the County Public Works Building Center for review and recommendation. The County Administrator shall approve or deny the petition and establish the amount of credit based on the standards in subsection (b) of this section within 60 days following the filing of a complete petition. Upon agreement by the County Administrator and the Applicant, the time limits established under this section may be waived.

Section 9. Subsections 70-104(b)(3) and (b)(4) are amended as follows:

- (b) (3) A statement from the County Planning & Development Services Business Center summarizing the Certificates of Occupancy issued, by type of Principal Use, during the preceding fiscal year, by Road Facility Service District, if feasible;

(4) A statement from the County Planning & Development Services Business Center that the Road Facility Projects constructed with Impact Fee funds are consistent with the adopted CIE and Comprehensive Plan.

Section 10. Section 70-111 of the Sarasota County Code is amended to include road impact fee rates of Attachment A (2007) and Attachment A (2008) as follows:

**ATTACHMENT A (2007)
ROAD IMPACT FEE SCHEDULE**

Land Use Code	Category	Land Use	Development Unit	Impact Fee per Development Unit
210/220	Residential	Single Family or Multi-Family Unit		
210/220	Residential	Less than 500 sq. ft. Living Area	1 Dwelling Unit	\$2,552
210/220	Residential	500 - 749 sq. ft. Living Area	1 Dwelling Unit	\$3,419
210/220	Residential	750 - 999 sq. ft. Living Area	1 Dwelling Unit	\$3,989
210/220	Residential	1,000 - 1,249 sq. ft. Living Area	1 Dwelling Unit	\$4,417
210/220	Residential	1,250 - 1,499 sq. ft. Living Area	1 Dwelling Unit	\$4,759
210/220	Residential	1,500 - 1,999 sq. ft. Living Area	1 Dwelling Unit	\$5,171
210/220	Residential	2,000 - 2,999 sq. ft. Living Area	1 Dwelling Unit	\$5,774
210/220	Residential	3,000 - 3,999 sq. ft. Living Area	1 Dwelling Unit	\$6,352
210/220	Residential	4,000 sq. ft. or more Living Area	1 Dwelling Unit	\$6,772
240	Residential	Mobile Home/RV Park	1 space	\$2,854
253	Residential	Adult Cong. Living Facility (ACLF)	1 Dwelling Unit	\$1,152
310/320	Commercial (Lodging)	Hotel/Motel	1 room	\$2,972
820	Commercial (Retail)	Shopping Center/General Retail	1,000 sq. ft.	\$11,319
841	Commercial (Retail)	Auto Sales/Repair	1,000 sq. ft.	\$5,370
912	Commercial (Retail)	Bank/Drive-Through	1,000 sq. ft.	\$12,183
812	Commercial (Retail)	Building Mat./Hardware/Nursery	1,000 sq. ft.	\$13,225
851	Commercial (Retail)	Convenience Market w/Gas	1,000 sq. ft.	\$21,612
890	Commercial (Retail)	Furniture Store	1,000 sq. ft.	\$1,483
450	Commercial (Recreational)	Golf Course (open to public)	1 acre	\$1,661
420	Commercial (Recreational)	Marina	1 berth	\$975
443	Commercial (Recreational)	Movie Theater	1,000 sq. ft.	\$25,720
495	Commercial (Recreational)	Recreational Community Center	1,000 sq. ft.	\$7,539
934	Commercial (Retail)	Restaurant, Fast Food	1,000 sq. ft.	\$27,243
931	Commercial (Retail)	Restaurant, Sit-Down	1,000 sq. ft.	\$12,514
946	Commercial (Retail)	Service Station	1 fuel position	\$3,917
710	Commercial (Office)	Office, General	1,000 sq. ft.	\$6,008
610	Commercial (Medical)	Hospital	1,000 sq. ft.	\$9,631
620	Commercial (Medical)	Nursing Home	1,000 sq. ft.	\$3,341
560	Commercial (Institutional)	Church/Synagogue	1,000 sq. ft.	\$3,755
565	Commercial (Institutional)	Day Care Center	1,000 sq. ft.	\$7,911
520	Commercial (Institutional)	Elementary School	1,000 sq. ft.	\$4,584
530	Commercial (Institutional)	High School	1,000 sq. ft.	\$4,078
130	Industrial	Industrial Park	1,000 sq. ft.	\$3,973
150	Industrial	Warehouse	1,000 sq. ft.	\$2,832
151	Industrial	Mini-Warehouse	1,000 sq. ft.	\$1,031

**ATTACHMENT A (2008)
ROAD IMPACT FEE SCHEDULE**

Land Use Code	Category	Land Use	Development Unit	Impact Fee per Development Unit
210/220	Residential	Single Family or Multi-Family Units		
210/220	Residential	Less than 500 sq. ft. Living Area	1 Dwelling Unit	\$3,762
210/220	Residential	500 – 749 sq. ft. Living Area	1 Dwelling Unit	\$5,040
210/220	Residential	750 – 999 sq. ft. Living Area	1 Dwelling Unit	\$5,881
210/220	Residential	1,000 – 1,249 sq. ft. Living Area	1 Dwelling Unit	\$6,512
210/220	Residential	1,250 – 1,499 sq. ft. Living Area	1 Dwelling Unit	\$7,016
210/220	Residential	1,500 – 1,999 sq. ft. Living Area	1 Dwelling Unit	\$7,623
210/220	Residential	2,000 – 2,999 sq. ft. Living Area	1 Dwelling Unit	\$8,512
210/220	Residential	3,000 – 3,999 sq. ft. Living Area	1 Dwelling Unit	\$9,365
210/220	Residential	4,000 sq. ft. or more Living Area	1 Dwelling Unit	\$9,984
240	Residential	Mobile Home/RV Park	1 space	\$4,207
253	Residential	Adult Cong. Living Facility (ACLF)	1 Dwelling Unit	\$1,698
310/320	Commercial (Lodging)	Hotel/Motel	1 room	\$4,381
820	Commercial (Retail)	Shopping Center/General Retail	1,000 sq. ft.	\$16,687
841	Commercial (Retail)	Auto Sales/Repair	1,000 sq. ft.	\$7,917
912	Commercial (Retail)	Bank/Drive-Through	1,000 sq. ft.	\$17,961
812	Commercial (Retail)	Building Mat./Hardware/Nursery	1,000 sq. ft.	\$19,497
831	Commercial (Retail)	Convenience Market w/Gas	1,000 sq. ft.	\$31,862
890	Commercial (Retail)	Furniture Store	1,000 sq. ft.	\$2,187
430	Commercial (Recreational)	Golf Course (open to public)	1 acre	\$2,449
420	Commercial (Recreational)	Marina	1 berth	\$1,437
443	Commercial (Recreational)	Movie Theater	1,000 sq. ft.	\$37,918
495	Commercial (Recreational)	Recreational Community Center	1,000 sq. ft.	\$11,113
934	Commercial (Retail)	Restaurant, Fast Food	1,000 sq. ft.	\$40,164
931	Commercial (Retail)	Restaurant, Sit-Down	1,000 sq. ft.	\$18,449
946	Commercial (Retail)	Service Station	1 fuel position	\$5,774
710	Commercial (Office)	Office, General	1,000 sq. ft.	\$8,857
610	Commercial (Medical)	Hospital	1,000 sq. ft.	\$14,199
620	Commercial (Medical)	Nursing Home	1,000 sq. ft.	\$4,925
560	Commercial (Institutional)	Church/Synagogue	1,000 sq. ft.	\$5,536
565	Commercial (Institutional)	Day Care Center	1,000 sq. ft.	\$11,663
520	Commercial (Institutional)	Elementary School	1,000 sq. ft.	\$6,758
530	Commercial (Institutional)	High School	1,000 sq. ft.	\$6,012
130	Industrial	Industrial Park	1,000 sq. ft.	\$5,857
150	Industrial	Warehouse	1,000 sq. ft.	\$4,175
151	Industrial	Mini-Warehouse	1,000 sq. ft.	\$1,520

Section 11. 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.

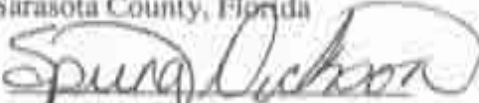
Section 12. Effective Date. This Ordinance shall take effect immediately upon receipt of official acknowledgement from the Office of the Secretary of State that this Ordinance has been filed with said office.

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: 
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