

**ORDINANCE 14-5090**

**AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE SARASOTA CITY CODE, CHAPTER 25, PLANNING, BY ADDING THERETO A NEW ARTICLE II, MULTIMODAL TRANSPORTATION IMPACT FEE THEREBY CREATING A MULTIMODAL TRANSPORTATION IMPACT FEE PROGRAM TO BE IMPOSED UPON NEW DEVELOPMENT SO AS TO ENSURE THAT THE CITY'S TRANSPORTATION SYSTEM WILL BE ADEQUATE TO ACCOMMODATE THE VEHICULAR, PEDESTRIAN, BICYCLE, MASS TRANSIT AND OTHER MODES OF TRAFFIC GENERATED BY SUCH NEW DEVELOPMENT AND TO ASSESS THE COST OF SUCH FACILITIES PRO RATA AGAINST THE NEW DEVELOPMENT IN PROPORTION TO THE NEEDS GENERATED BY SUCH NEW DEVELOPMENT; RECITING FINDINGS AND INTENT AS WELL AS THE AUTHORITY OF THE CITY OF SARASOTA TO ENACT A MULTIMODAL TRANSPORTATION IMPACT FEE ORDINANCE; PROVIDING FOR THE SEVERABILITY OF THE PARTS HEREOF IF DECLARED INVALID; PROVIDING FOR THE REPEALING OF ORDINANCES IN CONFLICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City Commission finds that new growth and development must be accompanied and supported by adequate multimodal transportation facilities in order to maintain the level of transportation services specified in the *Sarasota City Plan (2030)*; and

**WHEREAS,** the *Sarasota City Plan (2030)*, Capital Improvements Chapter, includes fiscal proposals for the expenditure of public funds for capital improvements, revenue sources, cost estimates and timing and sequencing of capital improvements; and

**WHEREAS,** the *Sarasota City Plan (2030)*, Capital Improvements Chapter, includes multimodal transportation facility projects necessary to correct existing deficiencies as well as projects whose need is attributable to anticipated new growth and development; and

**WHEREAS,** it is the intent of this Ordinance that, by establishment of multimodal transportation impact fees, new growth and development within the City will

pay its fair and equitable share of the additional multimodal transportation facility costs which such new growth and development contributes to the City; and

**WHEREAS**, the City Commission has considered the matter of financing new multimodal transportation facilities, the need for which is necessitated by new development. The City Commission hereby finds and declares that a multimodal transportation impact fee imposed upon residential and non-residential development to finance multimodal transportation projects, the need for which is reasonably related to new development, furthers the public health, safety and welfare of the City of Sarasota. Therefore, the City Commission deems it advisable to adopt a multimodal transportation impact fee; and

**WHEREAS**, the City retained the firm of Tindale-Oliver & Associates, Inc. to study the need to develop the City's multimodal transportation impact fee program; and

**WHEREAS**, Tindale-Oliver & Associates, Inc. has prepared and presented to the City Commission a report titled, "City of Sarasota Multimodal Fee Calculation Technical Report," dated November 2012 (referred to herein as the "Technical Report") which establishes the proportionate share of new development's impacts on the City's multimodal transportation system for which impact fees are collected pursuant to this Ordinance; and

**WHEREAS**, the Technical Report has been presented to and reviewed by the City Commission, which has determined: (1) that multimodal transportation impact fees are necessary to offset the costs to the City associated with meeting the necessary public service and facility demand created by projected new residential and non-residential development; (2) that the amount of the impact fees bears a reasonable relationship to the burden imposed upon the City to provide the new public facilities addressed in the Technical Report to new development, (3) the expenditure of impact fees, pursuant to the terms of this Ordinance, will result in a beneficial use to such new development reasonably related to the impact fees, per dwelling unit, by type and per increment of non-residential development; (4) that an "essential nexus" exists between the projected new development and the need for additional public facilities to be funded via the development fees; and (5) that the amount of the development fees is "roughly proportional" to the fair share of the additional public facilities needed to provide adequate service to new development; and,

**WHEREAS**, each year the City Commission will amend the *Sarasota City Plan (2030)*, Capital Improvements Chapter, to include public facility improvements to serve new development subject to the payment of impact fees, based on the Technical Report; and

**WHEREAS**, pursuant to § 163.31801, Fla. Stat.:

- (a) the Technical Report, and the impact fees recommended therein, are based on the most recent and localized data;
- (b) this Ordinance includes procedures for accounting and reporting of impact fee collections and expenditures in order to assure compliance with applicable legal standards;
- (c) this Ordinance provides for a separate accounting fund for multimodal transportation impact fees collected;
- (d) administrative fees charged pursuant to this Ordinance for the collection of impact fees are limited to actual costs;
- (e) the City has provided Sarasota County and the public adequate notice and time for review, comments and public hearings regarding the City's intent to implement a multimodal transportation impact fee program pursuant to the road impact fee regulations and the Interlocal Agreement between the City and the County. The City first provided the County written notice of its intent to terminate the current Road Impact Fee Interlocal Agreement and replace same with a new Multimodal Transportation Impact Fee pursuant to a letter from the City Manager to the County Administrator dated July 24, 2013. Furthermore, the City has published notice in the Sarasota Herald Tribune at least ten (10) days in advance of first reading and public hearing of this Ordinance No. 14-5090. Furthermore, the City has provided at least ninety (90) days notice to Sarasota County and the public prior to the effective date of this Ordinance by completing the second reading and final adoption of this Ordinance on June 16, 2014 with an effective date of October 1, 2014; and
- (f) this Ordinance requires audits of the City's financial statements to include an affidavit of the City's chief financial officer stating that the requirements of § 163.31801, Fla. Stat. have been complied with; and

**WHEREAS**, the Community Planning Act requires local governments to adopt, and the City has adopted, a Transportation Chapter of the *Sarasota City Plan (2030)* addressing multimodal issues and planning for a multimodal transportation system that emphasizes public transportation, where feasible; and

**WHEREAS**, Objective 3 of the Transportation Chapter of the *Sarasota City Plan (2030)* provides for continued support and promotion of a citywide multimodal transportation system; and

**WHEREAS**, the Community Planning Act encourages local governments to develop tools and techniques to complement the application of transportation concurrency, including those that assign secondary priority to vehicle mobility and primary priority "to ensuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit;" and

**WHEREAS**, the Community Planning Act further encourages local governments to establish “multimodal level of service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide adequate level of mobility;” and

**WHEREAS**, the impact fees assessed pursuant to this Ordinance are necessary to ensure the public health, safety, and welfare of the residents of the City of Sarasota.

**NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:**

**SECTION 1. LEGISLATIVE FINDINGS, NOTICE AND INTENT.** The City Commission of the City of Sarasota hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) to this Ordinance and the City staff reports relating to this Ordinance as the legislative findings and intent of the City Commission. Pursuant to Section 163.31801, Florida Statutes, on May 9, 2014 the City published notice of the scheduling of a public hearing on May 19, 2014 at which the City Commission would consider this Ordinance No. 14-5090 intending to impose a new impact fee. The specified effective date for this Ordinance No. 14-5090 is October 1, 2014 which is more than ninety (90) days after the date of said publication and public hearing for this Ordinance No. 14-5090. Furthermore, second reading and final adoption of this Ordinance No. 14-5090 occurred on June 16, 2014 which is also more than ninety (90) days prior to the October 1, 2014 effective date of this Ordinance No. 14-5090.

**SECTION 2.** The Sarasota City Code, Chapter 25, Planning, is hereby amended by the addition thereto of a new Article II, Multimodal Transportation Impact Fee. Said Article II shall provide as follows:

**ARTICLE I. In General.**

\* \* \*

**“ARTICLE II. Multimodal Transportation Impact Fee.**

**Division 1 – Procedural and Administrative Requirements.**

### **Section 25-16. Purpose and Authority**

- (a) The City Commission of the City of Sarasota recognizes the urban nature of the city and that growth and development in the city will require that the capacity of the City's multimodal transportation be expanded in order to maintain adequate levels of service and transportation choices, and that without a funded program for multimodal transportation improvements, new growth and development would have to be limited in order to protect the health, safety and welfare of the citizens of the City of Sarasota.
- (b) The City Commission has completed a study updating the type, amount and cost of projected multimodal transportation improvements needed to serve new growth and development.
- (c) The purpose of this Article is to ensure that new growth and development that is approved by the City pays a fair share of the costs of multimodal transportation facilities needed to serve new growth and development.
- (d) This Article, which requires new development to pay reasonable impact fees, requires new development to pay its pro rata share of the reasonably anticipated expansion costs of new multimodal transportation facilities created by new growth and development, which is the responsibility of the City in order to carry out the Sarasota City Plan, as amended, and adopted under Section 163.3161, et seq., Florida Statutes, and ensuing Capital Improvements Program is in the best interest of the public health, safety, and welfare.
- (e) The technical data, findings and conclusions herein are based on the report entitled "City of Sarasota Multimodal Fee Calculation Technical Report," prepared by Tindale-Oliver & Associates, and dated November 2012 (referred to herein as the "Technical Report").

### **25-17 Adoption of Technical Report as Basis of Impact Fees**

The City hereby adopts and incorporates by reference, the report entitled "City of Sarasota Multimodal Fee Calculation Technical Report," prepared by Tindale-Oliver & Associates, and dated November 2012 (referred to herein as the "Technical Report"), which, among other things, supports the rates and reasonableness of the impact fees imposed by this Article.

### **25-18 Interpretations of Article and Fee Schedule**

Interpretation of the provisions of this Article shall be made by the Director.

### **25-19 Effect on Other Regulations and Requirements**

- (a) This Article may not be construed to alter, amend, or modify any provision of the City's Zoning Code and City Code. Other provisions of the City's Zoning Code and City Code shall be operative and remain in full force and effect notwithstanding any contrary provisions, definitions, or intentions that are or may be expressed or implied in this Article.

- (b) The payment of impact fees shall not entitle the applicant to a certificate of occupancy unless all other applicable land use, land development, zoning, planning, concurrency, and other applicable requirements, standards, and conditions have been met. Such other requirements, standards, and conditions are independent of the requirement for payment of impact fees required by this Article.
- (c) This Article, including the specific impact fee ordinances for particular public facilities, shall not affect, in any manner, the permissible use of property, density or intensity of development, design and improvement standards, or other applicable standards or requirements of the Zoning Code.

### 25-20 Definitions

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City* means the City of Sarasota, Florida.

*Demand Component* of the impact fee means the vehicle miles traveled calculated for each land use, which is comprised of three components: the trip generation rate; trip length; and percent new trips. The demand component for each land use can be found in Appendix D of the technical report.

*Developer* For purposes of this Article, means a person, corporation, organization, or other legal entity undertaking development.

*Development* For purposes of this Article, means any construction or expansion of building(s) or structure(s), or any changes in the use of any building(s) or structure(s) or land use that will generate additional impact on the City's public facilities.

*Director* means the Director of the Neighborhood and Development Services Department of City or his designee.

*Encumbered* means legally obligated or otherwise committed to use by appropriation or contract.

*Essential public services* means services or buildings owned, managed, or operated by or in the interest of a governmental entity, which provides a function critical to the health, safety, and welfare of the public, but which is not proprietary in nature. Essential public services may specifically include, but not be limited to, public schools (including charter schools), water and sewer services, emergency services, publicly-owned housing, public safety facilities and services.

*Fair share* means that share or portion of the cost of public facility improvements which is reasonably attributable to or needed to serve a particular development.

*Fee payer* means a person undertaking development who pays a fair share impact fee in accordance with the terms of this Article.

*Impact fee* means a fee imposed pursuant to this Article.

*Impact fee account* means an account established by the City for the purpose of segregating multimodal transportation impact fee revenues from all other City funds. This fund account shall be titled Multimodal Transportation Impact Fee Fund.

*Level of service* is a measure of the availability and accessibility of public facilities in support of public facility services.

*Multimodal fee* means a fair share impact fee, imposed by this Article, necessary to mitigate the multimodal capital costs to the City to provide the multimodal facilities needed to offset the impacts of new residential and nonresidential growth in the city.

*Multimodal facilities* means transportation (roadway, bicycle, and pedestrian) and transit facilities, including land, that are planned and designed to provide off-site transportation capacity to new development, in contrast to "on-site" improvements, which are necessary to provide safe and/or efficient access to a particular development. The fact that either type of improvement may have incidental benefits of special or general character shall not be considered in determining which facilities are considered a multimodal facility. The character of the improvement shall control a determination of whether an improvement meets the definition of multimodal facility and the physical location of the improvement on or off-site shall not be considered determinative.

*Multimodal capital costs* include, but are not limited to, costs associated with the planning, design and construction of new or expanded roadway, bicycle, and pedestrian improvements to the City's classified road system and transit facilities which have a life expectancy of one or more years, and the land acquisition, land improvement, design, and engineering related thereto. Additionally, such assets must have an individual cost of more than Five Hundred Dollars (\$500.00) for tangible personal property or One Thousand Dollars (\$1,000.00) for buildings, improvements, infrastructure and utility systems. Such costs do not include routine and periodic maintenance expenditures or personnel, training, or other operating costs, but do include the following costs as they relate to the provision of multimodal improvements to the City's classified road system and transit facilities:

- (1) The cost of all labor and materials;
- (2) The cost of all lands, property, rights, easements and franchises acquired, including costs of acquisition or condemnation;

- (3) The cost of all plans and specifications;
- (4) The cost of all construction, including new through lanes, new turn lanes, new bridges, new drainage facilities in conjunction with roadway improvements which add capacity to the roadway system, new street lighting, new traffic signalization and landscaping, and new curbs, sidewalks, medians and shoulders, all in accordance with the *Sarasota City Plan (2030)* or the Zoning Code;
- (5) The costs of transit improvements, including bus shelters, bus stops, benches, transfer stations, and fleet vehicles;
- (6) The cost of bicycle facilities and pedestrian walkway improvements on the classified mobility network;
- (7) The cost of relocating utilities to accommodate new roadway construction;
- (8) The cost of planning, engineering and legal services;
- (9) The cost of all land surveying, and soils and materials testing; and
- (10) The cost of mitigating negative impacts of construction including natural resource impacts, environmental impacts, noise impacts, air quality impacts, and community impacts.

*Non-commencement* means the cancellation of construction activity making a material change in a structure, or the cancellation of any other development activity making a material change in the use or appearance of land.

*Person* means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having joint or common interest, or any other legal entity.

*Public facilities* means capacity-adding multimodal facilities for which impact fees are collected pursuant to this Article.

*Technical report* means the "City of Sarasota Multimodal Fee Calculation Technical Report," prepared by Tindale-Oliver & Associates, and dated November 2012.

*Temporary uses* means uses that are required in the construction phase of development or are uniquely seasonal in nature, including, but not limited to: contractor's project offices, project sales offices, seasonal sales of trees or farm produce, carnivals, and tent meetings.

#### **25-21 Applicability of this Article**

**(a) Affected area.**

This Article shall apply to all new development within the city.

**(b) Type of development affected.**

Except where specifically exempt by the provisions of this Article,

this Article shall apply to all new development.

(c) **Type of development not affected.**

The following types of development shall be exempt from the payment of impact fees pursuant to this Article:

- (1) Alterations or expansion of an existing dwelling unit where no additional units are created and the use is not changed;
  - (2) The construction of accessory buildings or structures which will not increase the traffic generation associated with the principal building or structure or the land;
  - (3) The replacement of a destroyed or partially destroyed building or structure, with a new building or structure of the same size and use;
  - (4) The construction of agricultural structures;
  - (5) Temporary uses; and
  - (6) Essential public services.
- (d) **Reductions.** Reductions from the requirement to pay impact fees pursuant to this Article shall be granted only as specifically provided in this Article.

**25-22 Collection of Impact Fees**

(a) *Collection.* Impact fees required by this Article shall be assessed against new development and collected in full prior to issuance of a certificate of occupancy by the City. The City may authorize the payment of impact fees at another point in the development of the property only pursuant to a fair share fee agreement as provided in this section. The City Commission may establish and collect an administrative charge to offset its actual costs of impact fee collection by adoption of a resolution.

(b) *Fair share fee agreements.* At any time prior to the issuance of a certificate of occupancy, the owner of property may enter into a fair share fee agreement with the City providing for payment of impact fees imposed by this Article.

### **25-23 Alternative Calculation of Impact Fees**

(a) Any person who initiates any development may choose to provide an alternative calculation of the public facilities impacts of the proposed development. The alternative calculation study may be used to determine whether a fair share of the public facilities costs necessitated by the proposed development should be less than the fees set forth in this Article or, if a particular use or combination of uses is not identified in this Article, what fee the use should pay. Only the demand component of the technical calculation of the impact fee can be challenged during the alternative calculation study. Technical details of approach, methodology, procedures and other matters relating to the alternative fee calculation shall be discussed with and approved by the Director prior to proceeding with the study.

### **25-24 Credits.**

(a) Any person who initiates any development may apply for a credit against the impact fees imposed by this Article for any contribution, payment, construction, or dedication of land accepted and received by the City for public facilities, not otherwise required in order to obtain development approval, consistent with the Capital Improvements Program, including all public facilities capital costs.

(b) Development agreements entered into prior to the adoption of this Article which contained public facility improvements may be entitled to a credit under the provisions of this section if the improvement is a public facility and is consistent with the Capital Improvements Program.

(c) A Developer may apply for a credit against the impact fees imposed by this Article upon development of a vacant parcel, whereby the new building(s) or structure(s) does not produce a higher trip generation rate than a previously existing building or structure on the subject parcel. It is the responsibility of the Developer to provide evidence to the Director as to the highest intensity building or structure previously constructed upon the parcel by which to calculate the reduction in the total amount of impact fees otherwise required for the subject parcel. In the event that this evidence cannot be ascertained, the City shall use the trip generation rate of the last known building or structure on the parcel to determine whether payment of additional impact fees apply. In the event the parcel to be developed has been, or may be, annexed into the City, this credit shall be based upon recognition of the trip generation of the highest intensity building or structure in existence prior to the annexation, at the time of annexation, or post-annexation.

(d) Except as limited above, if an applicant is entitled to a credit, such credit shall be equal to the dollar value of the cost of the public facilities contributed, paid for, constructed, or dedicated to the City, based on the following criteria:

- (1) The actual cost, or estimated cost of improvements based on recent bid sheet information of the City; and

- (2) A qualified appraisal of the fair market value of any land.
- (e) The property owner shall initiate a determination of entitlement to credit by submitting a proposed credit agreement to the Director. The credit agreement shall include the following information:
- (1) A proposed plan of specific public facility improvements, prepared and certified by a duly qualified and licensed Florida engineer; and
  - (2) The estimated costs for the suggested public facilities improvements consistent with the definition of public facilities capital costs, which shall be based on local information for similar public facilities improvements, along with a construction timetable for the completion of such improvements.
- (f) The proposed credit agreement shall be prepared by qualified professionals in the field of planning and engineering, impact analysis, and economics, as related to the particular impact fee to be credited.
- (g) Within 10 business days of receipt of the proposed credit agreement, the Director shall determine if the proposal is complete. If it is determined that the proposed credit agreement is not complete, the Director shall send a written statement to the applicant outlining the deficiencies. The Director shall take no further action on the proposed credit agreement until all deficiencies have been corrected or otherwise settled.
- (h) Once the Director determines the credit agreement is complete, he or she shall review it within 30 business days, and shall recommend to the City Commission that the proposed credit agreement be approved if it is determined that the proposed public facility improvement is consistent with the Capital Improvements Program, and the proposed costs for the suggested public facility improvement are professionally acceptable and fairly assess the cost for the capital improvement. If the Director determines that either the suggested public facilities improvement is not consistent with the Capital Improvements Program or that the proposed costs are not acceptable, he or she may propose a suggested public facility improvement similar to that proposed, but consistent with the provisions of this Article.
- (i) If the proposed credit agreement is approved by the City Commission, a credit agreement shall be prepared and signed by the applicant and the City. The credit agreement shall specifically outline the public facility improvement that will be constructed by the applicant, the time by which it shall be completed, and the dollar credit the applicant shall receive for construction of the public facilities improvement.
- (j) Within 10 business days after execution by the City, the credit agreement shall be recorded with the Sarasota County Clerk of the Court.

## **25-25 Use of Funds Collected; Impact Fee Accounts**

- (a) There is hereby established a separate trust fund account titled Multimodal Transportation Impact Fee Fund. Impact fees collected pursuant to this Article shall be used solely for the purpose of acquisition, expansion, and development of the public facilities identified in the Capital Improvements Program, the need for which results from and the provision of which will benefit new development paying impact fees. Allowable expenditures include, but are not limited to:
- (1) Public facilities and public facilities capital costs identified in the Capital Improvements Program;
  - (2) Repayment of monies transferred or borrowed from any budgetary fund of the City which were used to fund the acquisition, expense and development of the public facilities identified in the Capital Improvements Program;
  - (3) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide funds for acquisition, expansion and development of public facilities identified in the Capital Improvements Program;
  - (4) Administration of the City's impact fee program to the extent that such administration costs do not exceed actual costs.
- (b) Impact fees collected shall be encumbered for the construction of public facilities within seven (7) years of the date of collection.
- (c) In order to ensure that impact fee revenues are earmarked and spent solely for the expansion of public facilities necessary to offset the impacts of new development, the following provisions apply:
- (1) The City shall establish and maintain a separate impact fee account for which the impact fee is collected, in accordance with the provisions of this Article. This fund shall be the Multimodal Transportation Impact Fee Fund.
  - (2) Impact fees shall be spent solely for capacity-adding improvements to the City's multimodal transportation system.
  - (3) Any amounts in the Multimodal Transportation Impact Fee Fund not immediately necessary for expenditure shall be invested in an interest bearing account and all interest income derived from such investments shall be deposited in the Multimodal Transportation Impact Fee Fund.

- (d) Impact fee revenues shall remain segregated from other City funds and only impact fees and accrued interest shall be maintained in the Multimodal Transportation Impact Fee Fund.
- (e) Amounts withdrawn from the Multimodal Transportation Impact Fee Fund must be used solely in accordance with the provisions of this Article. Amounts on deposit in the Multimodal Transportation Impact Fee Fund shall not be used for any expenditure that would be classified as a maintenance, operations, or repair expense.

#### **25-26 Refunds**

- (a) In the absence of a fair share fee agreement and in the event impact fees are not encumbered within seven (7) years from the date of collection, the City shall refund the amount of the fee along with accrued interest to the owner of the land for which the fee was collected upon request by the owner of the land. For purposes of refunds, the owner of the land on which an impact fee was paid shall be the owner of record at the time that the refund is paid. The owner of the property on which an impact fee has been paid shall have standing to sue for a refund under the provisions of this section. No action shall be commenced after one year after the date of expiration of the required encumbrance date.
- (b) A refund application shall include the following information:
  - (1) A notarized sworn statement that the fee payer paid the impact fee for the property and the amount paid;
  - (2) A copy of the dated receipt issued by the City for payment of the fee;
  - (3) A certified copy of the latest recorded deed for the property; and
  - (4) A copy of the most recent ad valorem tax bill.
- (c) Within 10 business days of receipt of a refund application, the Director shall determine if it is complete. If the Director determines the refund application is not complete, he or she shall send a written statement specifying the deficiencies by mail to the person submitting the refund application. Unless the deficiencies are corrected, the Director shall take no further action on the refund application.
- (d) When the Director determines the refund application is complete, he or she shall review it within 10 business days, and shall approve the proposed refund if he or she determines that the City has not spent or encumbered an impact fee within seven (7) years from the date the fees were paid.
- (e) When the refund application is approved, the money shall be returned with interest actually accrued, less any administrative charges paid to offset the City's costs of collection.

- (f) Any fee payer may appeal the Director's decision regarding a refund application by filing a Notice of Appeal with the City Auditor and Clerk within 10 business days of the date of the Director's decision. The City Commission shall hold a de novo public hearing to consider the appeal and may affirm, affirm with conditions or reverse the decision of the Director.

#### **25-27 Updating, Annual Reporting, and Audits**

- (a) At least once every five years, the City shall update the technical report which provides the basis for the multimodal transportation impact fees imposed under this Article.
- (b) On an annual basis, a report to the City Commission shall be made on the following:
  - (1) The amount of impact fee revenues currently on account for which impact fees are collected;
  - (2) The amount and nature of any expenditure or encumbrance of impact fees since the prior annual report; and
  - (3) The amount and nature of any planned expenditures or encumbrances of impact fees prior to the next annual report.
- (c) Audits of the City's financial statements, which are performed by a certified public accountant pursuant to F.S. § 218.39, and submitted to the auditor general, must include an affidavit signed by the finance director, stating that the City has complied with the requirements of F.S. § 163.31801.
- (d) All updates and annual adjustments to this Article shall comply with statutory requirements for notice and publication.

#### **25-28 Appeals**

- (a) *Initiation.* A fee payer may appeal a final decision of the Director made pursuant to any provision of this Article to the City Commission, by filing an appeal, in writing, with the City Auditor and Clerk, within 10 business days of the decision. The appeal shall include a written notice stating and specifying briefly the grounds of the appeal. The City Auditor and Clerk shall place the appeal on the City Commission's agenda for a regularly scheduled meeting or a special meeting called for that purpose, and forward the record of the matter that is on appeal to the City Commission.
- (b) *Record.* The record considered by the City Commission shall be the record of the application associated with the final decision being appealed and any other documents related to the decision.
- (c) *Notice.* The City Auditor and Clerk shall provide the applicant at least 15 calendar days notice of the Appeal before the City Commission by mail or hand delivery.

- (d) *Hearing on Appeal.* At the hearing on the appeal, the City Commission shall provide the appellant an opportunity to identify the grounds for the appeal and the basis for the Director's alleged error on the decision, based on the record. To the extent relevant, the Director shall be allowed to respond, based on the record. After the presentations, the City Commission may hear from any other person(s) it deems appropriate, and then based on the testimony heard at the hearing and the record affirm, modify, or reverse the decision of the Director.
- (e) *Standards.* To reverse a decision of the Director, the City Commission must find that there is a clear and demonstrable error in the application of the facts in the record to the applicable standards set forth in this Article. If the City Commission reverses or modifies the decision, it shall provide the Director clear direction on the proper decision. In no case shall the City Commission have the authority to negotiate the amount of the impact fees or waive the impact fees otherwise specified in this Article. The decision of City Commission shall be final.
- (f) *Form of Decision.* The City Commission's decision on the appeal shall be in writing, and include findings of fact and the application of those facts to the relevant standards.

**Division 2 – MULTIMODAL TRANSPORTATION IMPACT FEES  
BY PUBLIC FACILITY**

**25-29 Multimodal Transportation Impact Fee Schedule**

- (a) *Multimodal fee schedule:* A multimodal fee shall be assessed and collected from new development, pursuant to all applicable provisions of this Article, in accordance with the following fee schedule:

| Units/yr             | Description  | Unit      | Value/yr |
|----------------------|--|-----------|----------|
| <b>RESIDENTIAL:</b>  |  |           |          |
| 210                  | Single Family (Detached)                                       | du        | \$2,887  |
| 220                  | Multi-Family (Apartment)                                       | du        | \$1,861  |
| 230                  | Residential Condominium/Townhouse                              | du        | \$1,628  |
| 240                  | Mobile Home Park/RV Park                                       | du        | \$1,059  |
| 251                  | Retirement Community/Age-Restricted Single-Family              | du        | \$576    |
| 253                  | Assisted Living Facility (ALF)/Congregate Care Facility        | du        | \$271    |
| <b>LODGING:</b>      |  |           |          |
| 310 / 320            | Hotel/Motel  | room      | \$1,026  |
| <b>RECREATION:</b>   |  |           |          |
| 420                  | Marina   | berth     | \$487    |
| 430                  | Golf Course  | acres     | \$830    |
| 443                  | Movie Theater w/o Matinee <sup>(2)</sup>                       | 1,000 sf  | \$3,055  |
| 495                  | Recreational/Community Center                                  | 1,000 sf  | \$3,769  |
| <b>INSTITUTIONS:</b> |  |           |          |
| 520 / 522            | Elementary/Middle School                                       | 1,000 sf  | \$2,292  |
| 530                  | High School  | 1,000 sf  | \$2,039  |
| 540                  | University/Junior College (7,500 or fewer students) (Private)  | student   | \$661    |
| 540                  | University/Junior College (more than 7,500 students) (Private) | student   | \$496    |
| 560                  | Church   | 1,000 sf  | \$1,742  |
| 565                  | Day Care   | 1,000 sf  | \$3,955  |
| 610                  | Hospital   | 1,000 sf  | \$3,769  |
| 620                  | Nursing Home   | 1,000 sf  | \$932    |
| <b>OFFICE:</b>       |  |           |          |
| 710                  | General Office 50,000 sf or less <sup>(3)</sup>                | 1,000 sf  | \$3,004  |
| 710                  | General Office 50,001-100,000 sf <sup>(3)</sup>                | 1,000 sf  | \$3,004  |
| 710                  | General Office 100,001-200,000 sf <sup>(3)</sup>               | 1,000 sf  | \$2,918  |
| 710                  | General Office 200,001-400,000 sf <sup>(3)</sup>               | 1,000 sf  | \$2,471  |
| 710                  | General Office greater than 400,000 sf <sup>(3)</sup>          | 1,000 sf  | \$2,242  |
| 720                  | Medical Office (0-10,000 sf)                                   | 1,000 sf  | \$3,004  |
| 720                  | Medical Office (>10,000 sf)                                    | 1,000 sf  | \$3,004  |
| 770                  | Business Park (Flex Space)                                     | 1,000 sf  | \$3,004  |
| <b>RETAIL:</b>       |  |           |          |
| 812                  | Building Materials / Lumber Store                              | 1,000 sf  | \$6,612  |
| 816                  | Hardware/Paint   | 1,000 sf  | \$2,752  |
| 820                  | Shopping Center 50,000 sf or less <sup>(3)</sup>               | 1,000 sf  | \$4,632  |
| 820                  | Shopping Center greater than 50,000 sf <sup>(3)</sup>          | 1,000 sf  | \$4,234  |
| 841                  | New/Used Auto Sales  | 1,000 sf  | \$2,685  |
| 848                  | Tire Store   | 1,000 sf  | \$3,527  |
| 850                  | Supermarket  | 1,000 sf  | \$5,659  |
| 853                  | Convenience Store w/Gas Pumps                                  | 1,000 sf  | \$10,806 |
| 862                  | Home Improvement Superstore                                    | 1,000 sf  | \$3,580  |
| 880 / 881            | Pharmacy/Drug Store with and without Drive-                    | 1,000 sf  | \$3,308  |
| 890                  | Furniture Store  | 1,000 sf  | \$741    |
| 912                  | Bank/Savings w/Drive-In  | 1,000 sf  | \$6,091  |
| 931                  | Sit-Down Restaurant  | 1,000 sf  | \$6,257  |
| 932                  | High-Turnover Restaurant                                       | 1,000 sf  | \$6,257  |
| 934                  | Fast Food Restaurant w/Drive-Thru                              | 1,000 sf  | \$13,621 |
| 941                  | Quick Lube   | bays      | \$5,659  |
| 942                  | Automobile Repair Shop   | 1,000 sf  | \$2,685  |
| 945                  | Gasoline/Service Station/Conv. Mart                            | fuel pos. | \$1,958  |
| 947                  | Self-Service Car Wash  | bays      | \$3,393  |
| n/a                  | Convenience/Gasoline/Fast Food Store                           | 1,000 sf  | \$10,806 |
| <b>INDUSTRIAL:</b>   |  |           |          |
| 110 / 130            | General Light Industrial / Industrial Park                     | 1,000 sf  | \$1,829  |
| 120                  | General Heavy Industrial                                       | 1,000 sf  | \$395    |
| 140                  | Manufacturing  | 1,000 sf  | \$1,000  |
| 150                  | Warehouse  | 1,000 sf  | \$929    |
| 151                  | Mini-Warehouse/Storage   | 1,000 sf  | \$325    |

(b) *Multimodal Transportation Impact Fee Account:* There is hereby established the Multimodal Transportation Impact Fee Fund into which all multimodal transportation impact fees collected shall be deposited. Multimodal transportation impact fee revenues shall be spent only on multimodal facilities and multimodal capital costs as provided in this Article.”

**SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS.** The City Manager shall have the power and authority to implement the provisions of this Ordinance by taking appropriate administrative actions to include, but not be limited to, the promulgation of appropriate administrative rules and forms.

**SECTION 4. CONFLICT.** To the extent of any conflict between any other City regulations and ordinances and this Ordinance, this Ordinance shall be deemed to control. Provided, however, that this Ordinance is not intended to amend or repeal any existing chapter or regulation, unless expressly set forth in this Ordinance.

**SECTION 5. SEVERABILITY.** It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance be deemed severable and if any phrase, clause, sentence, paragraph, or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraph or sections of this Ordinance.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective on October 1, 2014 so long as each of the following conditions precedent have occurred:

(a) The City of Sarasota and Sarasota County shall have entered into a First Amendment to Road Impact Fee Interlocal Agreement for the purpose of setting forth the procedures by which the funds existing in the City of Sarasota Road Facility Service District Fund on October 1, 2014 will be expended and providing for the complete termination of the Interlocal Agreement.

(b) The City and the County shall have completed the termination procedures set forth in Section 16 of the Road Impact Fee Interlocal Agreement dated July 3, 1990.

The following transitional rules shall apply with regard to the effective date of this Ordinance No. 14-5090. Where a building permit has been secured, a Certificate of Occupancy has been issued, and the permittee has paid the applicable Road Traffic Impact Fees all prior to October 1, 2014, the Sarasota County Road Impact Fee shall apply. Otherwise, the regulations set forth in this Ordinance No. 14-5090 shall apply to any application in which the building permit, Certificate of Occupancy or payment of Traffic Impact Fees occurs on or after October 1, 2014.

**PASSED** on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 19<sup>th</sup> day of May, 2014.

**PASSED** on second reading and finally adopted this 16<sup>th</sup> day of June, 2014.

  
Willie Charles Shaw, Mayor

**ATTEST:**

  
Pamela M. Nadalini, MBA, CMC  
City Auditor and Clerk

Yes Mayor Willie Charles Shaw  
No Vice Mayor Susan L. Chapman  
Yes Commissioner Suzanne Atwell  
Yes Commissioner Paul Caragiulo  
Yes Commissioner Shannon Snyder