

BOCC 3/01/2018

**ORDINANCE 18-07 - LAND DEVELOPMENT CODE TEXT AMENDMENT /
CONSIDERATION OF IMPACT FEES AT 90 PERCENT**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; PROVIDING A STATEMENT OF PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING CHAPTER 11 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 15-43, AS AMENDED); AMENDING SECTION 1102.3.A TO CAP IMPACT FEES AT NINETY PERCENT OF THOSE SET FORTH IN THE EXISTING COUNTY IMPACT FEE SCHEDULE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

P.C.: 02/08/2018

B.O.C.C.: 03/01/2018 and 3/20/2018

No action necessary; this is the first of two required public hearings. The second public hearing is scheduled for March 20, 2018.

PLANNING COMMISSION ACTION:

On February 8, 2018 by a vote of 5-1, the Planning Commission recommended approval. Mr. Rhoades was absent. Mr. Horrigan voted nay stating inconsistent with the Comprehensive Plan because more money is needed in the northeast district to build the Tara Bridge.

PUBLIC COMMENT AND CORRESPONDENCE:

February 8, 2018 Planning Commission:

Public Comments:

Ed Goff explained impact fees are authorized by the Florida Impact Fee Act, and inquired who would pay for infrastructure if impact fees are not collected at 100 percent. He suggested the Planning Commission deny Ordinance 18-07.

Jon Mast, Manasota Building Industry Association, suggested the Planning Commission vote in favor, because the Planning Commission is voting to see if the ordinance is consistent with the Land Development Code and the Comprehensive Plan. Manatee County impact fees are higher than impact fees for Hillsborough and Sarasota counties.

A public comment letter was entered into the record.

SUMMARY/BACKGROUND:

Impact fees are one-time fees assessed on new development in unincorporated Manatee County. The fees address new development's impact on infrastructure and services. For unincorporated Manatee County, this includes Public Safety, Law Enforcement, Multi-Modal Transportation, Parks, and Libraries.

The Comprehensive Plan has adopted Level of Service Standards (LOS) for infrastructure. Impact fees are used to improve infrastructure and services and maintain these LOS standards. Impact fees cannot be used to maintain or rehabilitate existing infrastructure. Impact fees have been used for the funding of capacity adding improvements for approximately 30 years.

In December 2015, the Board of County Commissioners adopted the *Manatee County 2015 Impact Fee Update Study*. This study provided a recommended impact fee schedule, which was adopted by the Board.

The Board adopted a phase-in schedule for the new fees. On April 18, 2016, the fees went into effect at 80% of those recommended by the study. On April 18, 2017, the fees increased to 90% of those recommended by the study. On April 18, 2018, the fees are scheduled to increase to 100% of those recommended by the study.

In April and May 2017, the Board of County Commissioners held work sessions on impact fees. The Board provided general direction to:

- 1) bring forward housekeeping updates to the Land Development Code based upon the Clerk's audit, clarify policies and move administrative details to the proposed Impact Fee Procedures Manual [completed & adopted by Board in Dec. 2017];
- 2) allow the expenditure of "old money" within cities [completed & adopted by Board in Dec. 2017]; and
- 3) bring forward item to allow consideration of County impact fees to continue at 90% of the schedule in the 2015 Impact Fee study instead of increasing to 100% in April 2018, amending the Land Development Code.

On September 18, 2017, the Board authorized staff to set public hearings on these Land Development Code Changes.

This item is limited to number 3 above - capping fees at 90% of the maximum. This change requires an amendment to language Chapter 11 in the Land Development Code.

The full 90% (current) and 100% Impact Fee Schedules are attached for comparison. As an example, for a new 2,000-square foot single-family detached residence in unincorporated Manatee County, the fee would be increased as follows:

Single-family detached residence (2,000 square feet)	NE District	NW District	SE District	SW District
Current 90% of Fee Schedule*	\$9,435	\$9,118	\$7,616	\$6,549
Scheduled 100% of Fee Schedule*	\$10,484	\$10,131	\$8,463	\$7,277
\$ Difference	+\$1,049	+\$1,013	+\$847	+\$728

*Does not include utility facility investment fees, fire district fees or school impact fees.

LAND DEVELOPMENT CODE CHANGES REQUESTED BY THE BOARD OF COUNTY COMMISSIONERS - LAND DEVELOPMENT CODE, CHAPTER 11 – IMPACT FEES

Implementation of the 90% cap is accomplished by amending Land Development Code Section 1102.3.A, subparagraphs 2 and 3, as indicated by the strikethroughs (deletions) and underlines (additions) below.

2. During the time period commencing on April 18, 2017 and ~~ending on April 17, 2018~~ continuing thereafter, the impact fee shall be ninety percent (90%) of the amount set forth in the above schedule.

~~3. During the time period commencing on April 18, 2018 and continuing thereafter, the impact fee shall be one hundred percent (100%) of the amount set forth in the above schedule.~~

CONSISTENCY WITH THE MANATEE COUNTY COMPREHENSIVE PLAN:

The Land Development Code is enacted pursuant to Section 163.3202 of the Florida Statutes and its purpose is to implement the Comprehensive Plan of the County by establishing regulations, procedures, and standards for review and approval of all development and use of land in the unincorporated portions of the County. In addition, the proposed amendments are consistent with and implement the related Goals, Objectives and Policies of the Manatee County Comprehensive Plan.

*Objective 10.1.3. - Non-Ad Valorem Funding Sources.
Maximum utilization of user fees, intergovernmental transfers, and other funding sources to limit reliance on local ad valorem revenues for funding capital improvements.*

Policy 10.1.3.1. Use impact fees as a means of establishing and paying for future development's proportionate cost of capital improvements for public facilities necessary to maintain adopted levels of service, where there is demonstrated nexus between impact of the future development and the capital facilities needed to address any such impact.

Manatee County has utilized impact fees for approximately 30 years and has ensured that the fees charged have been proportionate of the cost of capital improvements for public facilities to maintain the adopted level of service standards. Manatee County provides annual reporting on impact fee collections and expenditures. Staff has reviewed the changes to the Land Development Code requested by the Board to ensure the purpose and intent stated in the Code and the Goals, Objectives and Policies of the Comprehensive Plan will continue to be met.

RECOMMENDATION

In December 2015, staff recommended the Board of County Commissioners adopt the *Manatee County 2015 Impact Fee Update Study* and impact fee schedule at 100%. The Board adopted an 80-90-100% phase-in schedule for the new fees. On April 18, 2018, the fees are scheduled to increase from 90% to 100% of those recommended by the study.

ATTACHMENTS:

- 1. Impact Fee Schedule at 90%**
- 2. Impact Fee Schedule at 100%**
- 3. Newspaper Advertising**
- 4. Ordinance No. 18-07**
- 5. Public Comments**