

**ORDINANCE 18-07**

**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.**

**WHEREAS**, pursuant to Ordinance No. 15-43, codified as Chapter 11 of the Land Development Code (the “Impact Fee Ordinance”), the County has established a system of impact fees to fund capital facilities needed to accommodate new development, based upon an impact fee study and other testimony, and evidence entered into the record at the public hearings held for the adoption of the Impact Fee Ordinance; and

**WHEREAS**, Section 1102.3.A of the Impact Fee Ordinance provides for a gradual phase in of impact fees, currently setting impact fees at ninety percent (90%) of the impact fees set forth in the adopted Impact Fee Schedule, and automatically increasing impact fees, effective on April 18, 2018, to one hundred percent (100%) of the impact fees set forth in the adopted Impact Fee Schedule; and

**WHEREAS**, it is in best interest of the public health, safety and welfare of Manatee County to amend Section 1102.3.A of the Impact Fee Ordinance to cap impact fees at the current level of ninety percent (90%) of the impact fees set forth in the adopted Impact Fee Schedule to facilitate a strong economic climate in the County and to assure the continued legal defensibility of the County’s Impact Fee Ordinance and impact fees, while also providing sufficient funding of capital facilities needed to accommodate new development.

**BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163, *Florida Statutes*, and Chapter 125, *Florida Statutes*, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

- A. The statements set forth in the above recitals to this Ordinance are true and correct;

- B. The amendments to the Land Development Code set forth herein are necessary to fund capital facilities needed to accommodate new development;
- C. The Manatee County Board of County Commissioners (the “Board”) retained the firm of TischlerBise to study the need to update the County’s existing impact fees for transportation and multimodal facilities, law enforcement facilities, parks and natural resource facilities and public safety facilities, to evaluate the need for library facilities, and to establish the proportionate share of new development’s demand for capital improvements to these facilities;
- D. TischlerBise prepared and presented to the Board a report titled, “Manatee County 2015 Impact Fee Update Study,” dated December 3, 2015 (the “Impact Fee Study”);
- E. The Impact Fee Study establishes the proportionate share costs necessitated by new development’s impacts on capital improvements for transportation and multimodal facilities, law enforcement facilities, parks and natural resource facilities, public safety facilities, and library facilities in unincorporated Manatee County, in compliance with Florida case law and legislation;
- F. Pursuant to this Ordinance, the County has elected to set the impact fees at levels substantially lower than the Impact Fee Study would support, such that the impact fees set pursuant to this Ordinance do not result in the increase of County impact fees or creation of new County impact fees for purposes of Section 163.31801, *Florida Statutes*.
- G. Based upon the impact fee study and other testimony and evidence entered into the record at the public hearings held for the adoption of this Ordinance, the impact fees levied pursuant to the Land Development Code, as amended hereby, are fair, reasonable and roughly proportionate to the capital needs generated by the new development for which such fees shall be levied and do not exceed the costs incurred by the County to accommodate the new development that will pay the impact fees.
- H. The terms and provisions of this Ordinance are consistent with the Manatee County Comprehensive Plan.
- I. The Planning Commission as the County’s local planning agency held a duly noticed public hearing on February 8, 2018, to review this Ordinance, and adopted a motion finding this proposed Ordinance consistent with the Comprehensive Plan and recommending its adoption to the Board of County Commissioners.
- J. The Board of County Commissioners held a duly noticed public hearing on March 1, 2018, on this Ordinance to receive public comment and review and consider the Staff Report and the report of the Planning Commission on this Ordinance.
- K. The Board of County Commissioners after considering public comment, the recommendations of the Planning Commission and Planning staff, has found this

Ordinance to be consistent with the Comprehensive Plan and in furtherance of the public health, safety and welfare, and has adopted this Ordinance as set forth herein.

Section 3. Amendment of Section 1102.3.A of the Land Development Code. Section 1102.3.A of the Manatee County Land Development Code is hereby amended as follows (underlined language added, strike-through language deleted):

A. 1102.3. Calculation of Amount of Impact Fees

The amount of Impact Fees due shall be determined pursuant to the provisions of this subsection by the County Impact Fee Administrator, as specified below.

A. Fee Schedule - The Impact Fee Schedule is included in this chapter as Exhibit 11-1: Impact Fee Schedule, and incorporated herein by reference.

1. During the time period commencing on April 18, 2016 and ending on April 17, 2017, the impact fee shall be eighty percent (80%) of the amount set forth in the above schedule.
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.~~

Section 4. Applicability. The amendment set forth in Section 3 of this Ordinance shall apply to any Impact-Generating Land Development for which a building permit application is filed on or after January 1, 2018, and for which a certificate of occupancy is issued on or after January 1, 2018.

Section 5. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this ordinance into the Land Development Code.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective as provided by law. Because this Ordinance does not impose a new or increased impact fee within the meaning of Florida Statute 163.31801(3)(d), no additional notice is required for its effectiveness.

[SIGNATURE PAGE FOLLOWS]

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the \_\_\_\_ day of \_\_\_\_\_, 2018.

**BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
**Chairperson**

**ATTEST: ANGELINA COLONNESO**  
**Clerk of the Circuit Court**

By: \_\_\_\_\_  
**Deputy Clerk**