

AGENDA ITEM SUMMARY**REQUESTED MOTION:**

Second reading and public hearing of the following Ordinance:

AN ORDINANCE PERTAINING TO IMPACT FEES IN BONITA SPRINGS, REDUCING THE RATE OF THE COLLECTION OF ROAD IMPACT FEES FOR HOTELS FOR THE DURATION OF TWO YEARS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

MEETING DATE: September 21, 2016

AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
	PRESENTATIONS	X STATUTE §163.31801 and §166.021	Audrey E. Vance City Attorney
	CONSENT	X ORDINANCE	
X	PUBLIC HEARING	ADMIN. CODE	
	APPEALS	OTHER	
	MAYOR AND COUNCIL MEMBER'S REPORTS		
	CITY ATTORNEY		
	CITY MANAGER		

BACKGROUND:

At the City Council meeting following the July 20, 2016 Council workshop, Council gave direction to prepare a draft ordinance for their consideration to reduce the hotel impact fee rate for a period of two years. Further direction on the draft was provided by Council on August 3, 2016. The Local Planning Agency on August 11, 2016 reviewed the revised draft ordinance for consistency with the comprehensive plan, and their comments were provided to Council at their August 17, 2016 meeting, who directed the City Attorney to go forward with the ordinance. On September 7, 2016, City Council held the first public hearing and moved the ordinance to a second and final public hearing. The ordinance can be summarized as follows:

1. Reduction applicable only to hotel road impact fees.
2. Reduction is for a period of two years, commencing on Friday, October 21, 2016 and ending on Sunday, October 21, 2018.
3. Road Impact Fees will be reduced from \$6,568.00 to \$3,745.00.
4. The fee payer will also pay the 3% administrative fee, in addition to remitting payment of Impact Fees for Schools, Community Park, Regional Park, EMS and for the respective fire district.
5. The old rate would still be used to calculate the net increase for change of use, for fee payers who currently have a pending development order application.

Attachment: Draft Ordinance

IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☐ YES ☒ NO

IF YES, WHICH STRATEGIC OBJECTIVE?

STAFF RECOMMENDATIONS:

If the ordinance meets Council's objectives, adopt the ordinance.

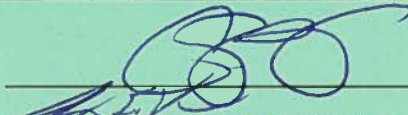
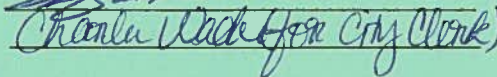
REVIEWED BY:

City Manager:

City Attorney:

City Clerk:

Department Director:



 Charles Wade (City Clerk)

COUNCIL ACTION:

- ☐ **APPROVED**
☐ **DENIED**
☐ **DEFERRED**
☐ **OTHER**

**CITY OF BONITA SPRINGS
ORDINANCE NO. 16 – __**

AN ORDINANCE PERTAINING TO IMPACT FEES IN BONITA SPRINGS, REDUCING THE RATE OF THE COLLECTION OF ROAD IMPACT FEES FOR HOTELS FOR THE DURATION OF TWO YEARS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

WHEREAS, Bonita Springs City Council on January 5, 2005 adopted in Chapter Two of the Land Development Code, an impact fee schedule as previously revised by City Council; and

WHEREAS, some of the impact fees were revised after local impact fee studies; and

WHEREAS, Florida Statutes §163.31801, adopted in 2006, permits the City of Bonita Springs to reduce impact fees; and

WHEREAS, Bonita Springs City Council in considering reducing road impact fees for hotels, so as to reflect a comparable rate to the impact fees collected for hotels in other local communities.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: REDUCTION ON THE RATE OF COLLECTION OF CERTAIN DEVELOPMENT IMPACT FEES

1. The collection rate for Road Impact Fees for Hotels is reduced as follows, for a period of two years, commencing on Friday, October 21, 2016 and ending on Sunday, October 21, 2018, without further action by City Council.

<u>Hotel Impact Fee Rate</u>	<u>Current Fee</u>	<u>Reduced Fee</u>
Road Impact Fees	\$6,568.00	<u>\$3,745.00</u>

2. In addition, an administrative fee of up to 3% will be collected to offset the costs in administering collection of the impact fees (\$3,857.35).
3. In addition to collection of these fees, the feepayer for hotel units is also responsible for remitting payment of Impact Fees for Schools, Community Park, Regional Park, EMS and for the respective fire district.

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4. Notwithstanding anything to the contrary contained in this ordinance, for purposes of calculating the net increase of any change of use, redevelopment or modification of an existing use as contemplated in LDC §2-193(b)(1), any applicant with a development order application pending review with the City as of the date this ordinance is adopted, such calculation shall be based on the road impact fee rate (\$6,568.00) for hotels in the fee schedule that was in existence immediately prior to the enactment of this ordinance.

SECTION TWO: CONFLICTS

Whenever the requirements or provisions of this amending ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

SECTION THREE: SEVERABILITY

If any part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reasons, such part, section, subsection, or other portion or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision or application.

SECTION FOUR: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the City Council for the City of Bonita Springs that the provisions of this ordinance shall become and be made a part of the Bonita Springs Land Development Code; and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION EIGHT: EFFECTIVE DATE

As set forth in the Bonita Springs City Charter §28(c), the effective date of this ordinance shall be thirty (30) days from its adoption date.

DRAFT FOR DISCUSSION PURPOSES

DATE PREPARED: August 8, 2016 2 OF 3

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DULY PASSED AND ENACTED by the City Council of the City of Bonita
Springs, Lee County, Florida, this ____ day of ____, 2016.

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:
DeWitt _____ Quaremba _____
Forbes _____ Simmons _____
Gibson _____ Slachta _____
O'Flinn _____

Date filed with City Clerk: _____