



AGENDA REQUEST

<u>AGENDA HEADING:</u> Legislative Public Hearings	<u>COMMISSION MEETING DATE:</u> May 1, 2017	<u>AGENDA ITEM NO:</u> XII.A.3.		
BY City Attorney	Robert Fournier	Deputy City Attorney Connolly		
<u>Originating Department</u>	<u>Department Head</u>	<u>Presenter</u>		
<u>SUBJECT:</u> Public Hearing Re: Ordinance No. 17-5214 to amend the Sarasota City Code, Chapter 25, Planning, Article II, Multimodal Transportation Impact Fee, Division 1, Procedural and Administrative Requirements, Section 25-24, Credits, by deleting therefrom Subsection (c) which provides for a credit against multimodal impact fees upon the development of vacant land for the trip generation of a previously existing building or structure.				
<u>COMMISSION PRIORITIES:</u> Quality of Life				
<u>EXPLANATION:</u> (see next page for additional explanation) On June 16, 2014 the City Commission passed on second reading and finally adopted Ordinance No. 14-5090 which assessed certain multimodal impact fees. Through Ordinance No. 14-5090, the City Commission created Section 25-24, Sarasota City Code, which provided the availability of certain credits against the levying of multimodal impact fees. Included within said credits was Subsection (c) of Section 25-24 which provides for the availability of a credit against impact fees on the development of a vacant parcel based upon the trip generation of the highest intensity building or structure previously constructed upon the vacant parcel. The credit is available no matter how long the parcel has been vacant because the credit is open-ended as related to time. On March 20, 2017 the City Commission passed on second reading and finally adopted Ordinance No. 17-5202 which increased multimodal transportation impact fees set forth within the City Code.				
<u>ADMINISTRATION'S RECOMMENDATION:</u> This Ordinance has been prepared and scheduled for public hearing at the direction of the City Commission. The City Commission may pass Ordinance No. 17-5214 on first reading; pass Ordinance No. 17-5214 on first reading with instructions for modifications before second reading; or reject Ordinance No. 17-5214.				
<u>APPROVAL SUMMARY:</u>				
Approval	Required	Date Completed	Completed By	Status
Department Head Approval	Y	04/20/2017	Robert Fournier	APPROVED
City Auditor and Clerk Approval	Y	04/20/2017	Pamela Nadalini	APPROVED



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ADDITIONAL EXPLANATION:

Through the public hearing process relating to Ordinance No. 17-5202, the City Commission became aware of concerns in the community regarding the appropriateness of the vacant parcel impact fee credit available through Section 25-24(c), Sarasota City Code. Consequently, on March 20, 2017, the City Commission directed staff to prepare an Ordinance and schedule a public hearing regarding the proposed repeal of Section 25-24(c), Sarasota City Code. Pursuant to this instruction, staff has prepared Ordinance No. 17-5214 and scheduled this legislative public hearing.

The advertisement for this public hearing provides notice of an Ordinance which would completely repeal Section 25-24(c), Sarasota City Code. If desired, based upon comments received during the public hearing, the City Commission has the discretion to modify Ordinance No. 17-5214 so as to limit the vacant land credit, as opposed to a complete repealing thereof. For example, the City Commission would have the discretion to modify Section 25-24(c) so as to limit the vacant land credit to those situations in which a previously existing building or structure was located upon the subject property within 24 months previous to the credit application.

ADDITIONAL ADMIN RECOMMENDATION:

FUNDING SOURCE:

AMOUNT:

HOUSING IMPACT (Per House):

NEW CONSTRUCTION:

REHABILITATION:

\$ 0

\$ 0

SUPPORT DEPARTMENTS:

City Attorney - Robert Fournier

AGENDA DISPOSITION

COMMISSION ACTION:

Final Action Motion: _____

Motion By: _____ Second By: _____

Vote: _____

ORDINANCE 17-5214

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE SARASOTA CITY CODE, CHAPTER 25, PLANNING, ARTICLE II, MULTIMODAL TRANSPORTATION IMPACT FEE, DIVISION 1, PROCEDURAL AND ADMINISTRATIVE REQUIREMENTS, SECTION 25-24, CREDITS, BY DELETING THEREFROM SUBSECTION (C) WHICH PROVIDES FOR A CREDIT AGAINST MULTIMODAL IMPACT FEES UPON THE DEVELOPMENT OF VACANT LAND FOR THE TRIP GENERATION OF A PREVIOUSLY EXISTING BUILDING OR STRUCTURE; 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, on June 16, 2014 the City Commission passed on second reading and finally adopted Ordinance No. 14-5090 which assessed certain multimodal impact fees; and

WHEREAS, through Ordinance No. 14-5090 the City Commission created Section 25-24, Sarasota City Code, which provided the availability of certain credits against the levying of multimodal impact fees; and

WHEREAS, included within said credits was Subsection (c) of Section 25-24 which provides for the availability of a credit against impact fees upon the development of a vacant parcel based upon the trip generation of any previously existing building or structure upon said vacant parcel; and

WHEREAS, on March 20, 2017 the City Commission passed on second reading and finally adopted Ordinance No. 17-5202 which increased multimodal transportation impact fees set forth in the City Code; and

WHEREAS, through the public hearing process relating to Ordinance No. 17-5202 the City Commission became aware of concerns regarding the appropriateness of the vacant parcel impact fee credit available through Section 25-24(c); and

WHEREAS, on March 20, 2017 the City Commission directed staff to prepare an Ordinance and schedule a public hearing regarding the proposed repeal of Section 25-24(c), Sarasota City Code; and

WHEREAS, the City Commission hereby finds that the public health, safety and welfare would be furthered by the repeal of Section 25-24(c), Sarasota City Code, as set forth in this Ordinance No. 17-5214.

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

SECTION 1. The Sarasota City Code, Chapter 25, Planning, Article II, Multimodal Transportation Impact Fee, Division 1, Procedural and Administrative Requirements, Section 25-24, Credits, is hereby amended by the deletion therefrom of Subsection (c) regarding the availability of a vacant land impact fee credit. As amended, said Section 25-24 shall provide as follows:

“Sec. 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)~~ (c)

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) ~~(d)~~

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) ~~(e)~~
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)~~ ~~(f)~~
Within ten (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) ~~(g)~~
Once the director determines the credit agreement is complete, he or she shall review it within thirty (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) ~~(h)~~
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) ~~(i)~~
Within ten (10) business days after execution by the city, the credit agreement shall be recorded with the Sarasota County Clerk of the Court."

[Additions to text are shown by underline; deletions from text are shown by ~~strike~~through.]

SECTION 2. 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.



NOTICE OF PUBLIC HEARING

Notice is hereby given that the **CITY COMMISSION** of the City of Sarasota, Florida will meet on **Monday, May 1, 2017, at 6:00 p.m.** in the Commission Chambers, City Hall, 1565 First Street, Sarasota, Florida. **Starting at 6:00 p.m. or as soon thereafter as possible, the Commission will open the scheduled Public Hearings in the order they appear on the Agenda.** The following ordinance will be considered at the above scheduled meeting:

ORDINANCE 17-5214

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE SARASOTA CITY CODE, CHAPTER 25, PLANNING, ARTICLE II, MULTIMODAL TRANSPORTATION IMPACT FEE, DIVISION 1, PROCEDURAL AND ADMINISTRATIVE REQUIREMENTS, SECTION 25-24, CREDITS, BY DELETING THEREFROM SUBSECTION (C) WHICH PROVIDES FOR A CREDIT AGAINST MULTIMODAL IMPACT FEES UPON THE DEVELOPMENT OF VACANT LAND FOR THE TRIP GENERATION OF A PREVIOUSLY EXISTING BUILDING OR STRUCTURE; 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.

Said proposed ordinance is on file in the Office of the City Auditor and Clerk at City Hall at the above address for public inspection from 8:00 a.m. to 5:00 p.m. Monday through Friday.

Interested persons are welcome to attend and may register to speak in respect to the above-proposed ordinance.

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990 and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in such public hearing should contact the Office of the City Auditor and Clerk at (941) 954-4160 at least two (2) business days prior to the date of the public hearing as to the nature of the aid and/or service desired. Reasonable auxiliary aids and services will be made available to qualified disabled individuals to the extent that no undue financial or administrative burden results. For the benefit of individuals utilizing hearing aids with a T-coil, the City Commission Chambers and SRQ Media Studio are outfitted with a Hearing Induction Loop for enhanced hearing assistance.

CITY OF SARASOTA

By: Pamela M. Nadalini, MBA, BBA, CMC
City Auditor and Clerk / Chief Audit Executive

Legal Date: April 21, 2017