

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

ORDINANCE NO. 2022-071

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY FLORIDA AMENDING ARTICLE I OF CHAPTER 70 IMPACT FEE ADMINISTRATION, ARTICLE II OF CHAPTER 70 LIBRARY IMPACT FEE, ARTICLE V OF CHAPTER 70 PARK IMPACT FEE, AND ARTICLE XII OF CHAPTER 70 MOBILITY FEE OF THE SARASOTA COUNTY CODE, AMENDING SECTION 70-05 REGARDING DEFINITIONS; AMENDING SECTION 70-09 REGARDING CALCULATION OF IMPACT FEE; AMENDING SECTION 70-39 REGARDING CALCULATION OF IMPACT FEE; AMENDING SECTION 70-179 REGARDING CALCULATION OF IMPACT FEE; AMENDING SECTION 70-504 REGARDING DEFINITIONS; AMENDING SECTION 70-522 RELATING TO MOBILITY FEE RATE TABLES; PROVIDING FOR APPLICABILITY; FINDING THE AMENDMENTS CONSISTENT WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

**Section 1.** This Ordinance amends Articles I, II, V, and XII of Chapter 70 of the Sarasota County Code. In this ordinance, new text is underlined and deleted text is indicated by ~~strikethrough~~.

**Section 2.** Section 70-05 Definitions – of the Sarasota County Code is amended to read as follows:

Affordable Housing shall mean multi-family housing offered with a maximum mortgage or rent price including HOA fees, utilities, and other non-negotiable housing fees associated with the unit at or below the 120% AMI value listed on the latest annually updated Area Median Income Maximum Mortgage and Rent Table for the North Port-Sarasota-Bradenton Area produced by Sarasota County Government, which shall be updated annually, and which otherwise meets the definition of affordable as defined in Section 420.9071, Florida Statutes.

**Section 4.** Section 70-09 Calculation of Impact Fee – of the Sarasota County Code is amended to read as follows:

(4) Eligibility for the impact fee reduction shall be determined by the Impact Fee Administrator. Applicants wishing to qualify for an affordable housing impact fee reduction for Library, Park, or Mobility

impact fees are required to submit a written application to the Impact Fee Administrator. The application should contain the following information:

- a. The name and address of the owner and the person seeking the affordable housing exception;
- b. The legal description of the Principal Residential Use; and
- c. The proposed maximum mortgage of the unit(s) or total rental price(s) to include HOA fees, utilities, and other non-negotiable housing fees associated with the unit meeting the amounts specified in the latest Area Median Income Maximum Mortgage and Rent Table for the North Port-Sarasota-Bradenton Area produced by Sarasota County Government and updated annually.

**Section 5.** Section 70-39 Calculation of Impact Fee – of the Sarasota County Code is amended to read as follows:

(c) The Library Impact Fee imposed for all complete building permit applications qualifying as an affordable housing project as set forth within Section 70-9 of Article I submitted to and accepted by the County or Municipality on or after March 1, 2023, for residential land uses shall be subject to the following fee reductions:

- Multi-Family Housing offered at 60% AMI or below will pay 0% impact fees;
- Multi-Family Housing offered above 60% and up to 80% AMI will pay 50% impact fees;
- Multi-Family Housing offered above 80% and up to 120% AMI will pay 75% impact fees;  
and
- Multi-Family Housing offered above 120% AMI will pay 100% impact fees.

**Section 6.** Section 70-179 Calculation of Impact Fee – of the Sarasota County Code is amended to read as follows:

(c) The Park Impact Fee imposed for all complete building permit applications qualifying as an affordable housing project as set forth within Section 70-9 of Article I submitted to and accepted by the County or Municipality on or after March 1, 2023, for residential land uses shall be subject to the following fee reductions:

- Multi-Family Housing offered at 60% AMI or below will pay 0% impact fees;
- Multi-Family Housing offered above 60% and up to 80% AMI will pay 50% impact fees;
- Multi-Family Housing offered above 80% and up to 120% AMI will pay 75% impact fees;  
and
- Multi-Family Housing offered above 120% AMI will pay 100% impact fees.

**Section 7.** Section 70-504 Definitions – of the Sarasota County Code is amended to read as follows:

Affordable Housing shall mean multi-family housing offered with a maximum mortgage or rent price including HOA fees, utilities, and other non-negotiable housing fees associated with the unit at or below the 60% AMI value listed on the latest Area Median Income Maximum Mortgage and Rent Table for the North Port-Sarasota-Bradenton Area produced by Sarasota County Government which shall be updated annually, and which otherwise meets the definition of affordable as defined in Section 420.9071, Florida Statutes.

*Affordable, Attainable, or Workforce Residential* shall mean a multi-family dwelling unit and shall include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 200, except for Land Use Codes 240, 253, 254, and 255. ~~Residential includes accessory dwelling units, dormitories, and tiny homes. Sarasota County, the City of Venice, or the Town of Longboat Key may elect to establish a program that establishes criteria to qualify as affordable, attainable or workforce housing. Until the County, City, or Town establishes a program, and an applicant receives formal approval, the affordable, attainable or workforce housing mobility fee rate would not be applicable. Housing offered within unincorporated Sarasota County, including the City of Venice and the Town of Longboat Key, with a maximum mortgage or rent price including HOA fees, utilities, and other non-negotiable housing fees associated with the unit above the 60% AMI value and at or below the 80% AMI value as listed on the latest Area Median Income Maximum Mortgage and Rent Table for the North Port-Sarasota-Bradenton Area produced by Sarasota County Government and updated annually.~~

**Section 8.** Section 70-522 Mobility Fee Rate Tables – of the Sarasota County Code is amended to read as follows:

Use Categories, Use Classifications, and Representative Uses	Unit of Measure	Mobility Fee Urban Infill	Mobility Fee West of 75	Mobility Fee East of 75	Mixed-Use <sup>1</sup> Mobility Fee Urban Infill	Mixed-Use <sup>1</sup> Mobility Fee West of 75	Mixed-Use <sup>1</sup> Mobility Fee East of 75
<b>Residential/Lodging Uses</b>							
<u>Affordable Housing</u> <sup>2,3</sup>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
Affordable, Attainable or Workforce Residential <sup>2,3</sup>	per sq. ft.	\$ 0.489	\$ 0.795	\$ 1.093	\$ 0.367	\$ 0.596	\$ 0.820
Residential (Maximum 3,500 sq. ft.) <sup>3</sup>	per sq. ft.	\$ 0.977	\$ 1.589	\$ 2.185	\$ 0.733	\$ 1.192	\$ 1.639
Overnight Lodging (Hotel, Inn, Motel, Resort) <sup>4</sup>	per room	\$ 1,284	\$ 2,087	\$ 2,870	\$ 963	\$ 1,566	\$ 2,153
Mobile Residence (Mobile Home, Recreational Vehicle, Travel Trailer) <sup>4</sup>	per space or lot	\$ 691	\$ 1,124	\$ 1,545	\$ 518	\$ 843	\$ 1,159

Institutional Uses							
Community Serving (Civic, Museum, Performing Arts, Place of Assembly or Worship)	per sq. ft.	\$ 1.892	\$ 3.090	\$ 4.221	\$ 1.419	\$ 2.317	\$ 3.166
Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)	per sq. ft.	\$ 1.066	\$ 1.734	\$ 2.171	\$ 0.800	\$ 1.300	\$ 1.628
Private Education (Day Care, Private Primary School, Pre-K)	per sq. ft.	\$ 2.154	\$ 3.518	\$ 4.807	\$ 1.616	\$ 2.639	\$ 3.605
Industrial Uses							
Industrial (Assembly, Brewing, Distilling, Distribution, Fabrication, Flex Space, Manufacturing, Nursery, Outdoor Storage, Processing, Trades, Warehouse, Utilities) <sup>5</sup>	per sq. ft.	\$ 0.661	\$ 1.095	\$ 1.637	\$ 0.495	\$ 0.821	\$ 1.228
Recreational Uses							
Marina (Including dry storage) <sup>4</sup>	per berth	\$ 348	\$ 642	\$ 949	\$ 261	\$ 482	\$ 712
Outdoor Commercial	per acre	\$ 1,980	\$ 3,655	\$ 5,399	\$ 1,485	\$ 2,741	\$ 4,049

Recreation (Amusement, Golf, Multi- Purpose, Parks, Sports, Tennis) <sup>4</sup>							
Indoor Commercial Recreation (Dance, Gym, Fitness, Indoor Sports, Kids Activities, Yoga)	per sq. ft.	\$ 2.498	\$ 4.611	\$ 6.812	\$ 1.873	\$ 3.458	\$ 5.109
Office Uses							
Office (Bank, Dental, General, Higher Education, Hospital, Medical, Professional)	per sq. ft.	\$ 1.843	\$ 3.054	\$ 4.567	\$ 1.382	\$ 2.291	\$ 3.425
Free- Standing Medical Office (Clinic, Dental, Emergency Care, Medical, Veterinary) <sup>6</sup>	per sq. ft.	\$ 2.609	\$ 4.325	\$ 6.466	\$ 1.957	\$ 3.244	\$ 4.850
Commercial & Retail Uses							
Small Retail Business (Entertainme nt, Restaurant, Retail, Services) <sup>7</sup>	per sq. ft.	\$ 2.105	\$ 3.286	\$ 4.214	\$ 1.579	\$ 2.465	\$ 3.160
Retail (Entertainme nt, Restaurant,	per sq. ft.	\$ 4.210	\$ 6.572	\$ 8.428	\$ 3.158	\$ 4.929	\$ 6.321

Retail, Services) <sup>8</sup>							
Free-Standing Retail (Entertainment, Restaurant, Retail, Services) <sup>9</sup>	per sq. ft.	\$ 5.750	\$ 8.976	\$ 11.511	\$ 4.313	\$ 6.732	\$ 8.633
Additive Fees for Commercial Services & Retail Uses <sup>10</sup>							
Bank Drive-Thru Lane or Free-Standing ATM <sup>11</sup>	per lane or ATM	\$ 8,870	\$ 12,448	\$ 15,405	\$ 6,652	\$ 9,336	\$ 11,554
Motor Vehicle & Boat Cleaning (Detailing, Wash, Wax) <sup>12</sup>	per lane or stall	\$ 5,703	\$ 8,004	\$ 9,905	\$ 4,277	\$ 6,003	\$ 7,429
Motor Vehicle Charging or Fueling <sup>13</sup>	per charging or fueling position	\$ 9,052	\$ 12,704	\$ 15,722	\$ 6,789	\$ 9,528	\$ 11,792
Pharmacy Drive-Thru <sup>14</sup>	per lane	\$ 4,836	\$ 6,786	\$ 8,399	\$ 3,627	\$ 5,090	\$ 6,299
Quick Service Restaurant Drive-Thru <sup>15</sup>	per lane	\$ 10,817	\$ 17,532	\$ 22,463	\$ 8,113	\$ 13,149	\$ 16,847

<sup>1</sup> Mixed-Use includes: (1) vertically mixed buildings with retail uses on the 1st floor and office and / or residential uses on floors above the 1st floor; (2) approved special area plans that have conditions requiring a mixture of retail, office, and residential uses and that requires Form Based Code Design; (3) compact developments of 1/4 mile or less in radius measured from the center of the development that feature a mixture of retail, office, and residential uses, a gridded street network with speed limits of 25 MPH or less, sidewalks along both sides of streets, and no roads functionally classified as an arterial or major collector internal to the development; or (4) Traditional Neighborhood Developments (TNDs), Transit Oriented Developments (TODs), Multimodal Oriented Developments (MODs), or similar mixed-use and

multimodal supportive developments that meet criteria established by Sarasota County, the City of Venice, or the Town of Longboat Key.

~~<sup>2</sup> Sarasota County, City of Venice, or the Town of Longboat Key may elect to establish a program that establishes criteria to qualify as affordable, attainable or workforce housing. Until the County, City, or Town establishes a program, and an applicant receives formal approval, the affordable, attainable or workforce housing mobility fee rate would not be applicable. Housing offered within unincorporated Sarasota County with a maximum mortgage or rent price including HOA fees, utilities, and other non-negotiable housing fees associated with the unit at or below the applicable values listed on the latest Area Median Income Maximum Mortgage and Rent Table for the North Port-Sarasota-Bradenton Area produced by Sarasota County Government and updated annually.~~

Affordable housing offered at or below the 60% AMI value, as listed on the latest Area Median Income Maximum Mortgage and Rent Table for the North Port-Sarasota-Bradenton Area produced by Sarasota County Government and updated annually, will pay 0% mobility fees per Section 163.31801, F.S.; and

- Affordable, Attainable or Workforce Residential housing offered above 60% and up to 80% AMI will pay 50% impact fees per the Mobility Fee Code based on the analysis in the Mobility Fee Report.

<sup>3</sup> Residential square feet is the sum of the area (in square feet) of each dwelling unit measured from the exterior surface of the exterior walls or walls adjoining public spaces such as multifamily or dormitory hallways, or the centerline of common walls shared with other dwelling units. Square feet include all livable, habitable, and temperature controlled enclosed spaces (enclosed by doors, windows, or walls). This square footage does not include unconditioned garages or unenclosed areas under roof. For multifamily and dormitory uses, common hallways, lobbies, leasing offices, and residential amenities not accessible to the public are not included in the square feet calculation, unless that space is leased to a third-party use and provides drinks, food, goods, or services to the public or paid memberships available to individuals that do not reside in a dwelling unit.

<sup>4</sup> Any space that is leased to a third-party use or provides drinks, food, goods, or services to the public shall be required to pay the applicable mobility fee per the individual uses identified in the mobility fee schedule.

<sup>5</sup> Acreage for any unenclosed material and vehicle storage, including but not limited to boats, commercial vehicles, recreational vehicles (RV), and trailers, sales and display shall be converted to square footage.

<sup>6</sup> Free-standing medical means a single building where any single use under a common lease or ownership exceeds 75% of the total square footage of the building. Free-standing medical uses have direct access to an arterial or collector road, feature their own circulation, parking, and stormwater.

<sup>7</sup> Sarasota County, City of Venice, or the Town of Longboat Key may elect to establish a program that establishes criteria to qualify as a small retail business. Until the County, City, or Town establishes a program and an applicant receives formal approval, the small retail business mobility fee rate would not be applicable.

<sup>8</sup> Retail include multi-tenant buildings where any single use under a common lease or ownership is 75% or less of the total square footage of the building or the retail use is part of a unified Planned Development or Master Plan and shares access, circulation, parking, stormwater, and utilities with other retail uses. This would include outparcels if they do not have a direct access connection to an arterial or collector road. Outparcels with a direct access connection to an arterial or collector that are not multi-tenant buildings would be considered free-standing retail.

<sup>9</sup> Free-standing Retail means a single building where any single use under a common lease or ownership exceeds 75% of the total square footage of the building and the use has direct access to an arterial or collector road, features its own circulation, parking, and stormwater.

<sup>10</sup> Additive mobility fees are assessed in addition to the mobility fee assessed with the square footage of the building.

<sup>11</sup> Bank shall pay the office rate for the square footage of the building. Drive-thru lanes, Free Standing ATM's and Drive-thru lanes with ATM's are assessed a separate fee per lane or per ATM and are added to any mobility fee associated with a bank building. The free-standing ATM is for an ATM only and not an ATM within or part of another non-financial building, such as an ATM within a grocery store.

<sup>12</sup> Motor Vehicle or Boat cleaning shall mean any car wash, wax, or detail where a third party or automatic system performs the cleaning service. Mobility Fee are assessed per lane, stall, or cleaning and wash station, plus a retail rate associated with any additional building square footage.

<sup>13</sup> Rates per vehicle charging or fueling position apply to a convenience store, gas station, general store, grocery store, supermarket, superstore, variety store, wholesale club or service stations with fuel pumps. In addition, there shall be a separate mobility fee for the square footage of any retail building per the applicable mobility fee rate. The number of charging or fueling positions is based on the maximum number of vehicles that could be charged or fueled at one time. Non-commercial vehicle charging stations associated with residential or non-residential uses shall not be assessed a mobility fee, unless there is cost or payment required to charge an electric vehicle.

<sup>14</sup> Any drive-thru associated with a pharmacy will be an additive fee in addition to the applicable retail mobility fee per square foot of the building. The number of drive-thru lanes will be based on the number of lanes present when an individual places or pick-up a prescription or item. This includes any pharmacies located within a dispensary, grocery store, super market, variety store, or wholesale club.

<sup>15</sup> Any drive-thru associated with a quick service restaurant will be an additive fee in addition to the applicable retail mobility fee per square foot of the building. The number of drive-thru lanes will be based on the number of lanes present when an individual places an order or picks up an order, whichever is greater. Quick service restaurants include those in convenience stores or multi-tenant buildings.



**Section 9. Applicability.**

This ordinance shall be effective throughout the Library Fee Districts, Parks Fee Districts, and Mobility Fee Districts including the unincorporated area of the County and all Municipalities within the foregoing referenced Districts.

**Section 10. Findings of Consistency with the Comprehensive Plan.**

The Board of County Commissioners, sitting as the Land Development Regulation Commission, has reviewed the amendments enumerated herein and has found them consistent with the Sarasota County Comprehensive Plan.

**Section 11. Severability.**

Should any sentence, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

**Section 12. Effective Date.**

This Ordinance shall take effect immediately upon filing with the Office of the Secretary of the State of Florida.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

By: \_\_\_\_\_  
CHAIRMAN

ATTEST:

KAREN E. RUSHING, Clerk of  
The Circuit Court and Ex-Officio  
Clerk of the Board of County  
Commissioners of Sarasota County, Florida

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