

ORDINANCE 17- 46

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING EDUCATIONAL FACILITIES; PROVIDING A STATEMENT OF PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING CHAPTER 29, ARTICLE VII OF THE MANATEE COUNTY CODE OF ORDINANCES (AS AMENDED); AND ADOPTING A NEW SCHEDULE OF EDUCATIONAL FACILITIES IMPACT FEES EFFECTIVE AS OF NOVEMBER 137, 2017, BASED ON THE MOST RECENT IMPACT FEE STUDY COMPLETED BY THE MANATEE COUNTY SCHOOL BOARD IN ACCORDANCE WITH THE FLORIDA IMPACT FEE ACT; PROVIDING FOR APPLICABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR STATUTORILY REQUIRED NOTICE AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 29, Article VII, Division II of the County’s Code of Ordinances (the “School Impact Fee Ordinance”), the County has established a system of impact fees to fund educational facilities needed in order 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 School Impact Fee Ordinance; and

**WHEREAS**, The School Impact Fee Ordinance and Section 163.31801, *Florida Statutes* (the “Florida Impact Fee Act” or “Act”), require that the County periodically restudy and revise its impact fees to assure that such impact fees are based upon the most recent and localized data as required pursuant to the Act, and

**WHEREAS**, Florida Statutes Section 163.3202(3) encourages the use of innovative land development regulations which include the use of impact fees to implement the goals, objectives and policies of the County’s Comprehensive Plan; and

**WHEREAS**, Policy 10.1.3.1 of the County’s Comprehensive Plan is to use impact fees as a means of meeting the demands for public facility capital improvements necessitated by new development; and

**WHEREAS**, Policy 10.1.4 and Policy 10.1.10.1 of the County’s Comprehensive Plan call upon the County to consider changes to the adopted School Impact Fee Ordinance pursuant to the annual reporting process and Growth Management public meeting process; and

**WHEREAS**, the ~~Manatee County Board of County Commissioners and the~~ Manatee County School Board retained the firm of TischlerBise to study the need to update county

educational facility impact fees and to establish new residential development's proportionate share demand for capital educational improvements needed to serve that new development; and

**WHEREAS**, TischlerBise has prepared and presented to the Board of County Commissioners and the Manatee County School Board a report titled, "Manatee County School Impact Fee Study," dated May 9, 2017 (the "Impact Fee Study"); and

**WHEREAS**, the Board of County Commissioners, in partnership with the Manatee County School Board, wishes to implement reasonable educational facilities impact fees (the "Impact Fees") to meet the proportionate demand new residential development will create for additional educational facilities, in accordance with the County's Comprehensive Plan goals, objectives, and policies; and

**WHEREAS**, the Impact Fee Study establishes the proportionate share costs necessitated by new development's impacts on capital improvements for educational facilities in Manatee County, in compliance with Florida case law and legislation; and

**WHEREAS**, the Manatee County School Board adopted and transmitted its Resolution No. 2017-05, adopting the discussion and analysis in the Impact Fee Study, and requesting and recommending that the Board of County Commissioners amend the School Impact Fee Ordinance to impose "the Maximum Supportable School Impact Fees shown in Figure 1 of the study at 100% levy and collection."

**WHEREAS**, pursuant to § 163.31801, Fla. Stat.:

- (a) the Impact Fee Study, and the Impact Fees recommended therein, are based on the most recent and localized data;
- (b) this Ordinance includes procedures for accounting and reporting of Impact Fee collections and expenditures in order to assure compliance with applicable legal standards;
- (c) this Ordinance includes separate accounting funds for educational facilities;
- (d) administrative fees charged pursuant to this Ordinance for the collection of Impact Fees are limited to actual costs;
- (e) the County provided notice at least ninety (90) days prior to the effective date of this Ordinance; and
- (f) this Ordinance requires reported data and information from the School District such that the County's chief financial officer may confirm the auditing requirements of § 163.31801, Fla. Stat. have been complied with; and

**WHEREAS**, the Impact Fees assessed pursuant to this Ordinance are necessary to ensure the public health, safety, and welfare of the residents of Manatee County.

**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 County’s Code of Ordinances (“Code”) set forth herein are necessary to fund capital facilities needed in order to accommodate new development.
- C. Based on forecasts in the Manatee County Comprehensive Plan, new growth and development in the County are expected to continue into the foreseeable future, placing ever-increasing demands on educational facilities (“Educational Facilities”) of the Manatee County School Board (“School Board”), requiring expansion of these Educational Facilities to accommodate new growth and development.
- D. Educational Facilities are provided by the School Board to serve the residents of the County.
- E. The adoption of Educational Facilities Impact Fees that impose a proportionate share of the costs the School Board will incur in providing for the expansion of Educational Facilities ensures new growth and development pays a fair share of the costs the School Board will incur in accommodating it.
- F. Pursuant to Article VII, Division II, of Chapter 2-29 of the Code, the County levies Educational Facilities Impact Fees to fund the cost of providing Educational Facilities to accommodate new growth and development.
- G. Historically, Educational Facilities Impact Fees have been based on the most recent and localized data, established by an impact fee study, and therefore have not exceeded the costs incurred by the School Board to accommodate the new development that will pay the Educational Facilities Impact Fees.
- H. The School Board retained TischlerBise to prepare the Impact Fee Study which is incorporated herein by reference.
- I. The Impact Fee Study sets forth reasonable methodologies and analyses for determining the impacts of new development on Educational Facilities.
- J. On May 23, 2017, the School Board adopted Resolution 2017-05, accepting the Impact Fee Study and transmitting to the Board a request to implement the Impact Fee as provided in this Ordinance.

- K. 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 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 School Board to accommodate the new development that will pay the Impact Fees.
- L. The adoption of Impact Fees that impose a proportionate share of the costs the School Board will incur in providing for the expansion of Educational Facilities implements the Manatee County Comprehensive Plan and ensures new growth and development pays a fair share of the costs the School Board will incur in accommodating it.
- M. There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this Ordinance and the Impact Fees that such development will be required to pay.
- N. The School Impact Fee Ordinance creates a system by which Impact Fees paid by new development will be used to finance, defray, or reimburse all or a portion of the costs incurred by the School Board for Educational Facilities in ways that benefit the development that paid each Impact Fee within a reasonable period of time after the Impact Fee is paid.
- O. The School Impact Fee Ordinance creates a system under which Impact Fees shall not be used to replace or rehabilitate existing Educational Facilities.
- P. The standards, assumptions, and Capital Facility Standards in the Impact Fee Study, and the terms and provisions of this Ordinance, are consistent with the Manatee County Comprehensive Plan.
- Q. The Planning Commission as the County's local planning agency held a duly noticed public hearing on July 13, 2017, 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.
- R. The Board of County Commissioners held a duly noticed public hearing on August 3, 2017, on this Ordinance to receive public comment and review and consider the Staff Report and the report of the Planning Commission on this Ordinance.
- S. 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 ~~Chapter 29, Article VII~~ Sections 2-29-82 & 2-29-85, of the Code. ~~Chapter 29, Article VII, Sections 2-29-82 and 2-29-85-~~ of the Code ~~is~~are hereby amended as set forth in Exhibit "A" to this Ordinance.

Section 4. Applicability. The amendments set forth in Section 3 of this Ordinance shall apply to any Impact-Generating Residential Land Development for which a building permit application is filed on or after November 137, 2017, ~~and for which a certificate of occupancy is issued on or after November 7, 2017.~~

Section 5. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the 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. Statutory Notice Requirement. Notice of the new and amended impact fees established pursuant to this Ordinance shall be provided in accordance with the requirements of the Florida Impact Fee Act on or before August 107, 2017.

Section 8. Effective Date. This Ordinance shall become effective November 137, 2017.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 3th day of August, 2017.

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

By: \_\_\_\_\_  
ChairmanChairperson

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

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

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**ORDINANCE EXHIBIT "A"**  
**AMENDMENTS TO SECTIONS 2-29-82 & 2-29-85,**  
**MANATEE COUNTY CODE OF ORDINANCES**  
**(underlined language added, strike-through language deleted)**

Sec. 2-29-82. - Legislative findings, and reliance upon the impact fee study.

The "whereas clauses" and findings set forth in Ordinance No. ~~16-03~~ 17-46 are hereby adopted as legislative findings. Further, the Board of County Commissioners of Manatee County hereby relies upon the "Manatee County School Impact Fee Study" dated ~~November 3, 2015~~ May 9, 2017 in the adoption of Ordinance No. ~~16-03~~ 17-46.

Sec. 2-29-85. - Determination of the amount of impact fee.

(a) The educational facilities impact fee shall be the amount calculated as set forth below, based upon the date of impact fee determination:

Maximum Supportable School Impact Fees	
Single-Family- <del>Detached</del>	<del>\$6,475-6,127</del>
Townhouse/Duplex	<del>\$6,848-6,471</del>
Multifamily/ <del>Other</del>	<del>\$3,525-3,502</del>
Manufactured Home	<del>\$1,478-1,971</del>

- ~~(1) During the time period commencing on April 18, 2016 and ending on April 17, 2017, the impact fee shall be fifty (50) per cent 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, the impact fee shall be seventy five (75) per cent of the amount set forth in the above schedule.~~
- ~~(3) During the time period commencing on April 18, 2018 and until such time as a new Impact Fee Study is completed, the impact fee shall be one hundred (100) per cent of the amount set forth in the above schedule.~~