

LEE COUNTY ORDINANCE NO. 01-02

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTER 2 (ADMINISTRATION); AMENDING COMPUTATION OF AMOUNT (§2-386); AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida has adopted a comprehensive Land Development Code; and

WHEREAS, the Board of County Commissioners has the authority to adopt this division pursuant to Article VIII of the Constitution of the State, F.S. Ch. 125 and F.S. §§ 163.3201, 163.3202 and 380.06(16); and

WHEREAS, Goal 24 of the Lee County Comprehensive Land Use Plan (Lee Plan) mandates that the county maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts, yet function in a streamlined manner; and

WHEREAS, the Board initially adopted Emergency Medical Service (EMS) impact regulations and an impact fee schedule in 1989 based upon the best information available at that time; and

WHEREAS, in 2000, the Board, recognizing that the EMS fee schedule has not been updated since originally adopted, approved a contract with Duncan Associates for the review and updating of EMS impact fee regulations; and

WHEREAS, the *EMS Impact Fee Update prepared for Lee County, Florida* by Duncan Associates, dated January, 2001, forms the basis of the proposed amendments; and

WHEREAS, the EMS impact fee study generated better and more competent data allowing the use of a more sophisticated methodology to determine the impacts of development and to evaluate and establish appropriate impact fees; and

WHEREAS, the Land Development Code Advisory Committee has reviewed and endorsed the proposed amendments to Land Development Code Chapter 2 regarding EMS impact fees; and

WHEREAS, the Executive Regulatory Oversight Committee reviewed and endorsed the proposed amendments to the Land Development Code on January 10, 2001; and

WHEREAS, the Local Planning Agency reviewed the proposed amendments on January 22, 2001, and found them consistent with the Lee Plan.

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

SECTION ONE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 2

Lee County Land Development Code Chapter 2, Article VI, Division 5 is amended to read as follows with strike through identifying deleted language and underline identifying new language:

CHAPTER 2

ARTICLE VI. IMPACT FEES

DIVISION 5. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES IMPACT FEE

Sec. 2-386. Computation of amount.

No Change to subsection (a) or TABLES 1 thru 18.

TABLE 19. EMS IMPACT FEE SCHEDULE FOR LEE COUNTY EMS SERVICE AREA

Land Use Type (unit)	EMS Impact Fee Due at 90% of Actual Full Cost
Living units:	
Single family residence	\$ 9.90 per unit
Multiple family building, duplex, two family attached or townhouse	6.30 per unit
Mobile home	9.00 per unit
Timeshare	0.00 per unit
Hotel/motel room	0.00 per unit
Recreational vehicle site	0.00 per unit
Industrial:	
Public or private warehouse	0.00 per 1,000 sq. ft.
General industrial	0.00 per 1,000 sq. ft.
Office:	
General office:	
Under 100,000 sq. ft.	4.50 per 1,000 sq. ft.
100,000 sq. ft. and over	2.70 per 1,000 sq. ft.
Medical office	12.60 per 1,000 sq. ft.
Retail:	
Under 100,000 sq. ft.	33.30 per 1,000 sq. ft.
100,000 sq. ft. and over	17.10 per 1,000 sq. ft.

<u>Land Use</u>	<u>Development Unit</u>	<u>EMS Impact Fee Per Unit</u>
<u>Single-family residence or mobile home on individual lot</u>	<u>Dwelling</u>	<u>\$ 27.00</u>
<u>Multi-family [includes timeshare]</u>	<u>Dwelling</u>	<u>21.00</u>
<u>Mobile home or recreational vehicle in mobile home/RV park Space</u>		<u>21.00</u>
<u>Hotel/motel</u>	<u>Room</u>	<u>17.00</u>
<u>Retail</u>	<u>1,000 sq. ft.</u>	<u>52.00</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>52.00</u>
<u>Public or institutional use</u>	<u>1,000 sq. ft.</u>	<u>5.00</u>
<u>General industrial</u>	<u>1,000 sq. ft.</u>	<u>5.00</u>
<u>Public or private warehouse</u>	<u>1,000 sq. ft.</u>	<u>5.00</u>

No changes to subsections (b) thru (f).

SECTION TWO: CONFLICTS OF LAW

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

SECTION THREE: SEVERABILITY

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such invalid or unconstitutional provision was not included.

SECTION FOUR: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager, or his designee, without the need for a public hearing.

SECTION FIVE: EFFECTIVE DATE

The ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

THE FOREGOING ORDINANCE was offered by Commissioner Ray Judah, who moved its adoption. The motion was seconded by Commissioner Andrew W. Coy and, being put to a vote, the vote was as follows:

ROBERT P. JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW W. COY	<u>AYE</u>
JOHN E. ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED THIS 27th day of February, 2001.

ATTEST:
CHARLIE GREEN, CLERK

By: *Charlie Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: *[Signature]*
Chairman

APPROVED AS TO FORM:

By: *[Signature]*
Office of County Attorney