

**ORDINANCE NO. 18-07**

**AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE, CHAPTER 2, AMENDING IMPACT FEE BASE RATES, AN AMENDMENT TO UPDATE CYCLE, AN EXPANSION OF THE LIST OF LAND USE TYPES FOR ROAD IMPACT FEES, AND ADOPTION OF ROAD, PARKS, FIRE/EMS AND SCHOOL IMPACT FEE STUDIES. PROVIDING FOR CONFLICTS OF LAW, CODIFICATIONS AND SCRIVENER'S ERRORS, PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND AN EFFECTIVE DATE.**

WHEREAS, Florida Statutes Section 125.01(1)(t) authorizes counties to adopt ordinances for the exercise of its powers; and,

WHEREAS, the Board of County Commissioners adopted the Lee County Land Development Code (LCD) which contains regulations applicable to the development of land in Lee County; and,

WHEREAS, the Florida Legislature adopted the Florida Impact Fee Act finding that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth and further finding that impact fees are an outgrowth of the home rule power of local governments to provide certain services within its jurisdiction (Florida Statutes section 163.31801 et seq.); and

WHEREAS, the Board of County Commissioners has the authority to adopt impact fees pursuant to Article VIII of the Constitution of the State, Florida Statutes, Chapter 125 and Sections 163.3201, 163.3202, and 380.06(16); and,

WHEREAS, LDC, Chapter 2, Article VI, establishes Lee County's impact fee base rate schedules and regulations applicable to new development for Roads, Regional and Community Parks, Fire and Emergency Medical Services, and Schools; and,

WHEREAS, Florida Statutes section 163.31801(a) requires that the calculation of impact fees be based on the most recent and localized data; and,

WHEREAS, the Road and School impact fee schedules were last updated in 2015 and the Regional/Community Parks and Fire/EMS schedules were last updated in 2012; and,

WHEREAS, the Board of County Commissioners approved a contract with Duncan and Associates, Inc., to review and update the County's impact fee schedules; and,

WHEREAS, the studies prepared by Duncan and Associates, Inc., form the basis of the proposed amendments herein and are hereby adopted by the Board; and,

WHEREAS, the Duncan and Associates, Inc., studies and revised fee schedules relies upon the best available technical data at the time the study was prepared and the use of sophisticated methodology to determine the impacts of development in an effort to establish an appropriate level of impact fees based on most recent localized data; and,

WHEREAS, the LDCAC has reviewed the proposed amendments to the LDC on February 9, 2018, and recommended their adoption; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the LDC on February 26, 2018, and recommended their adoption; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments on February 26, 2018, and found them consistent with the Lee Plan, as indicated.

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

**SECTION ONE: AMENDMENT TO LDC CHAPTER 2- ADMINISTRATION**

Lee County Land Development Code Chapter 2 is amended as follows with strike through identifying deleted text and underline identifying new text.

**CHAPTER 2 ADMINISTRATION  
ARTICLE VI. IMPACT FEES  
DIVISION 2. ROADS IMPACT FEE**

**Sec. 2-264. – Definitions and rules of construction.**

Continuing care retirement community (CCRC) means a land use that provides multiple elements of senior adult living. CCRCs combine aspects of independent living with increased care, as lifestyle needs change with time. Housing options may include various combinations of senior adult (detached), senior adult (attached), congregate care, assisted living, and skilled nursing care— aimed at allowing the residents to live in one community as their medical needs change. The communities may also contain special services such as medical, dining, recreational, and some limited, supporting retail facilities. CCRCs are usually self-contained villages.

Gasoline/Service Station with Convenience Market means a land use that includes gasoline/service stations with convenience markets where the primary business is the fueling of motor vehicles. These service stations may also have ancillary facilities for servicing and repairing motor vehicles and may have a car wash. Some commonly sold convenience items are newspapers, coffee or other beverages, and snack items that are usually consumed in the car. The sites included in this land use category have the following two specific characteristics: (1) The gross floor area of the convenience market

is at least 3,000 gross square feet, and (2) The number of vehicle fueling positions is at least 10.

Restaurant, Fast Casual means a sit down restaurant with no wait staff or table service. Customers typically order off a menu board, pay for food before the food is prepared and seat themselves. The menu generally contains higher quality made to order food items with fewer frozen or processed ingredients than fast food restaurants.

Restaurant, Fast Food means an establishment whose principal business is the sale of food or beverages in a ready-to-consume state primarily for off-site consumption, and that may contain drive-through facilities.

Restaurant, High-Turnover (Sit Down) means a land use that consists of sit-down, full-service eating establishments with typical duration of stay of approximately one hour. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. These restaurants typically do not take reservations. Patrons commonly wait to be seated, are served by a waiter/waitress, order from menus and pay for their meal after they eat. Some facilities contained within this land use may also contain a bar area for serving food and alcoholic drinks.

Restaurant, Standard means an establishment whose principal business is the sale of food or beverages to customers in a ready-to-consume state, and principal method of operation includes one or both of the following characteristics: (1) Customers are served their foods and beverages by a restaurant employee at the same table or counter where food and beverages are consumed, and (2) A cafeteria-type operation is conducted where food and beverages generally are consumed within the restaurant building.

Senior adult housing consists of detached or attached independent living developments, including retirement communities, age-restricted housing, and active adult communities. These developments may include amenities such as golf courses, swimming pools, 24-hour security, transportation, and common recreational facilities. However, they generally lack centralized dining and on-site health facilities. Detached senior adult housing communities may or may not be gated. Residents in these communities are typically active (requiring little to no medical supervision).

Super Convenience Store w/Gas Sales means a land use that includes gasoline/service stations with convenience markets where there is significant business related to the sale of convenience items and the fueling of motor vehicles. Some commonly sold convenience items include newspapers, freshly brewed coffee, daily-made donuts, bakery items, hot and cold beverages, breakfast items, dairy items, fresh fruits, soups, light meals, ready-to-go and freshly made sandwiches and wraps, and ready-to-go salads. Stores typically also had automated teller machines (ATMs), and public restrooms. The sites included in this land use category have the following two specific

characteristics: (1) The gross floor area of the convenience market is at least 3,000 gross square feet, and (2) The number of vehicle fueling positions is at least 10.

**Sec. 2-266. - Computation of amount.**

(a) At the option of the feepayer, the amount of the roads impact fee may be determined by the schedule set forth in this subsection. The reference in the schedule to square feet refers to the gross square footage of each floor of a building measured to the exterior walls, and not usable, interior, rentable, noncommon or other forms of net square footage. The reference in the schedule to mobile home/RV park site refers to the number of mobile home or recreational vehicle sites permitted by the applicable final development order. The reference in the schedule to mine refers to the number of cubic yards excavated.

**ROADS IMPACT FEE SCHEDULE**

Land Use Type	Unit	Roads Impact Fee Due at 100% of Actual Full Cost
<b>Residential</b>		<b>Local Roads</b>
Single-family residence (Detached)	Dwelling unit	<del>\$6,458</del> <u>\$9,996</u>
Multiple family building, duplex, townhouse, two-family attached	Dwelling unit	<u>\$4,517</u>
Multi-Family, Low Rise (1-2 stories)	Dwelling unit	<u>\$7,750</u>
Multi-Family, Mid-Rise (3-10 stories)	Dwelling unit	<u>\$5,760</u>
Multi-Family, High-Rise (11+ stories)	Dwelling unit	<u>\$4,700</u>
Mobile home/RV park	Pad/park site	<del>\$3,301</del> <u>\$5,293</u>
Elderly/disabled housing	Dwelling unit	<u>\$2,333</u>
Senior Adult Housing, Detached	Dwelling unit	<u>\$4,511</u>
Senior Adult Housing, Attached	Dwelling unit	<u>\$3,918</u>
Adult Congregate Living facility (ACLF)	Dwelling unit	<del>\$1,369</del> <u>\$2,138</u>
Continuing Care Retirement Community	Dwelling unit	<u>\$2,540</u>
Hotel/motel or timeshare	Room/unit	<del>\$3,745</del> <u>\$4,947</u>
<b>Retail Commercial</b>		
Shopping center	1,000 sq. ft.	<del>\$7,648</del> <u>\$11,476</u>

Bank	1,000 sq. ft.	<del>\$16,666</del> <del>\$25,579</del>
Car wash, self-service	Stall	<del>\$3,685</del> <del>\$6,112</del>
<del>Convenience store w/gas sales</del>	<del>1,000 sq. ft.</del>	<del>\$28,228</del>
<del>Convenience store w/gas sales (&lt;10 fuel positions)</del>	<del>Fuel positions</del>	<del>\$18,979</del>
<del>Convenience store w/gas sales (10+ fuel positions)</del>	<del>Fuel positions</del>	<del>\$13,565</del>
Golf course (open to public)	Acre	<del>\$1,850</del> <del>\$2,277</del>
Movie theater	1,000 sq. ft.	<del>\$16,259</del> <del>\$26,985</del>
Restaurant, standard	1,000 sq. ft.	<del>\$14,240</del> <del>\$22,019</del>
<u>Restaurant, High-Turnover (Sit Down)</u>	<u>1,000 sq. ft.</u>	<u>\$27,912</u>
<u>Restaurant, Fast Casual</u>	<u>1,000 sq. ft.</u>	<u>\$39,277</u>
Restaurant, fast food	1,000 sq. ft.	<del>\$31,053</del> <del>\$48,912</del>
<b>Office/Institutional</b>		
Office	1,000 sq. ft.	<del>\$5,191</del> <del>\$7,614</del>
Hospital	1,000 sq. ft.	<del>\$5,887</del> <del>\$7,920</del>
Nursing home	1,000 sq. ft.	<del>\$3,384</del> <del>\$4,907</del>
Church	1,000 sq. ft.	<del>\$3,733</del> <del>\$4,712</del>
Day care center	1,000 sq. ft.	<del>\$9,699</del> <del>\$10,345</del>
Elementary/secondary school (private)	1,000 sq. ft.	<del>\$1,838</del> <del>\$3,893</del>
<b>Industrial</b>		
Industrial park or general industrial	1,000 sq. ft.	<del>\$4,407</del> <del>\$3,380</del>
Warehouse	1,000 sq. ft.	<del>\$2,294</del> <del>\$1,749</del>
Warehouse, High-Cube	1,000 sq. ft.	<del>\$1,083</del> <del>\$1,409</del>
Mini-warehouse	1,000 sq. ft.	<del>\$1,090</del> <del>\$1,085</del>
Mine	Cubic Yard	<del>\$.026</del> <del>\$.040</del>

Notes: (1) through (4) remain unchanged.

(h) The impact fee schedule set forth in section 2-266(a) will be administratively reviewed and re-analyzed every ~~three~~ five years. As a result of this review, county staff is authorized and directed to pursue amendments to the impact fee schedule supported by the review and re-analysis. ~~In accordance with this section, the first review of the roads impact fee schedule must be completed and any amendments to the schedule presented to the Board for adoption no later than May 1, 2003. Subsequent review dates will be calculated based upon the May 1, 2003 date.~~

### DIVISION 3. REGIONAL PARKS IMPACT FEE

#### Sec. 2-306. – Computation of amount.

(a) At the option of the feepayer, the amount of the regional parks impact fee may be determined by the schedule set forth in this subsection. The reference in the schedule to mobile home/RV park site refers to the number of mobile home or recreational vehicle sites permitted by the applicable final development order.

<b>Land Use Type</b>	<b><u>Unit</u></b>	<b>Regional Parks Impact Fee per Unit</b>
Single-family residence	<u>Dwelling unit</u>	<del>\$683.00</del> <u>\$651</u>
Multiple-family building, duplex, two-family attached or townhouse	<u>Dwelling unit</u>	<del>508.00</del> <u>\$493</u>
Mobile home not in mobile home park	<u>Dwelling unit</u>	<del>683.00</del> <u>\$651</u>
Timeshare	<u>Dwelling unit</u>	<del>508.00</del> <u>\$493</u>
Hotel/motel room	<u>Room</u>	<del>318.00</del> <u>\$311</u>
Mobile home/RV park site	<u>Pad/Park Site</u>	<del>474.00</del> <u>\$477</u>

(g) The impact fee schedule set forth in section 2-306(a) will be administratively reviewed and reanalyzed every ~~three~~ five years. As a result of this review, county staff is authorized and directed to pursue amendments to the impact fee schedule supported by the review and reanalysis.

#### **DIVISION 4. COMMUNITY PARKS IMPACT FEE**

##### **Sec. 2-346. - Computation of amount.**

(a) At the option of the feepayer, the amount of the community parks impact fee may be determined by the schedule set forth in this subsection. The reference in the schedule to mobile home/RV park site refers to the number of mobile home or recreational vehicle sites permitted by the applicable final development order.

<b>Land Use Type</b>	<b><u>Unit</u></b>	<b>Community Parks Impact Fee per Unit</b>
Single-family residence	<u>Dwelling unit</u>	<del>\$780</del> <u>\$884</u>
Multiple-family building, duplex, two-family attached or townhouse	<u>Dwelling unit</u>	<del>581</del> <u>\$669</u>
Mobile home not in mobile home park	<u>Dwelling unit</u>	<del>780</del> <u>\$884</u>
Timeshare	<u>Dwelling unit</u>	<del>581</del> <u>\$669</u>
Hotel/motel room	<u>Room</u>	<del>363</del> <u>\$423</u>
Mobile home/RV park site	<u>Pad/Park Site</u>	<del>541</del> <u>\$648</u>

(g) The impact fee schedule set forth in section 2-346(a) will be administratively reviewed and reanalyzed every ~~three~~ five years. As a result of this review, county staff is

authorized and directed to pursue amendments to the impact fee schedule supported by the review and reanalysis.

**DIVISION 5. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES IMPACT FEE**

**Sec. 2-386. - Computation of amount.**

(a) At the option of the feepayer, the amount of the fire and EMS impact fees may be determined by the schedules shown in this subsection. The reference in the schedules to square feet refers to the gross square footage of each floor of a building measured to the exterior walls, and not to usable, interior, rentable, non-common or other forms of net square footage. The reference in the schedules to recreational vehicles refers to the number of recreational vehicle sites permitted by the applicable final development order. If a building permit is requested for a building with mixed uses, as defined in section 2-384, then the fee will be determined according to the schedule by apportioning the total space within the building according to the space devoted to each principal use. If a permit application involves a type of development not specified on the schedule, then the county manager will use the fee applicable to the most nearly comparable type of land use on the schedule.

TABLE 1. FIRE IMPACT FEE SCHEDULE									
	Use and Development Unit								
FIRE DISTRICT	Single-Family Residence or Mobile Home on Individual Lot Per Dwelling	Multi-Family Per Dwelling	Mobile Home or Recreational Vehicle in Mobile Home/RV Park Per Space	Hotel/Motel Per Room	Retail Per 1,000 sq. ft.	Office Per 1,000 sq. ft.	Public or Institutional Use Per 1,000 sq. ft.	General Industrial Per 1,000 sq. ft.	Public or Private Warehouse Per 1,000 sq. ft.
Alva <sup>2</sup>	\$474 <u>\$766</u>	\$356 <u>\$582</u>	<del>\$327</del> - <u>\$559</u>	\$289 <u>\$368</u>	\$559 <u>\$820</u>	\$261 <u>\$398</u>	\$171 <u>\$237</u>	\$133 <u>\$146</u>	\$62 <u>\$84</u>
Bayshore <sup>2</sup>	\$474 <u>\$766</u>	\$356 <u>\$582</u>	<del>\$327</del> - <u>\$559</u>	\$289 <u>\$368</u>	\$559 <u>\$820</u>	\$261 <u>\$398</u>	\$171 <u>\$237</u>	\$133 <u>\$146</u>	\$62 <u>\$84</u>

Boca Grande	<del>\$474</del> <u>\$766</u>	<del>\$356</del> <u>\$582</u>	<del>\$327</del> <u>\$559</u>	<del>\$289</del> <u>\$368</u>	<del>\$559</del> <u>\$820</u>	<del>\$261</del> <u>\$398</u>	<del>\$171</del> <u>\$237</u>	<del>\$133</del> <u>\$146</u>	<del>\$62</del> <u>\$84</u>
Bonita Springs <sup>6</sup>	<del>\$474</del> <u>\$766</u>	<del>\$356</del> <u>\$582</u>	<del>\$327</del> <u>\$559</u>	<del>\$289</del> <u>\$368</u>	<del>\$559</del> <u>\$820</u>	<del>\$261</del> <u>\$398</u>	<del>\$171</del> <u>\$237</u>	<del>\$133</del> <u>\$146</u>	<del>\$62</del> <u>\$84</u>
Captiva Island <sup>3</sup>	<del>\$474</del> <u>\$766</u>	<del>\$356</del> <u>\$582</u>	<del>\$327</del> <u>\$559</u>	<del>\$289</del> <u>\$368</u>	<del>\$559</del> <u>\$820</u>	<del>\$261</del> <u>\$398</u>	<del>\$171</del> <u>\$237</u>	<del>\$133</del> <u>\$146</u>	<del>\$62</del> <u>\$84</u>
Estero <sup>2</sup>	<del>\$474</del> <u>\$766</u>	<del>\$356</del> <u>\$582</u>	<del>\$327</del> <u>\$559</u>	<del>\$289</del> <u>\$368</u>	<del>\$559</del> <u>\$820</u>	<del>\$261</del> <u>\$398</u>	<del>\$171</del> <u>\$237</u>	<del>\$133</del> <u>\$146</u>	<del>\$62</del> <u>\$84</u>
Fort Myers <sup>4</sup>	<del>321</del> <u>\$338</u>	<del>241</del> <u>\$257</u>	<del>221</del> <u>\$247</u>	<del>196</del> <u>\$162</u>	<del>379</del> <u>\$362</u>	<del>177</del> <u>\$176</u>	<del>116</del> <u>\$105</u>	<del>90</del> <u>\$64</u>	<del>42</del> <u>\$37</u>
Fort Myers Beach <sup>3</sup>	<del>\$474</del> <u>\$766</u>	<del>\$356</del> <u>\$582</u>	<del>\$327</del> <u>\$559</u>	<del>\$289</del> <u>\$368</u>	<del>\$559</del> <u>\$820</u>	<del>\$261</del> <u>\$398</u>	<del>\$171</del> <u>\$237</u>	<del>\$133</del> <u>\$146</u>	<del>\$62</del> <u>\$84</u>
Fort Myers Shores <sup>3</sup>	<del>\$474</del> <u>\$766</u>	<del>\$356</del> <u>\$582</u>	<del>\$327</del> <u>\$559</u>	<del>\$289</del> <u>\$368</u>	<del>\$559</del> <u>\$820</u>	<del>\$261</del> <u>\$398</u>	<del>\$171</del> <u>\$237</u>	<del>\$133</del> <u>\$146</u>	<del>\$62</del> <u>\$84</u>
Iona-McGregor <sup>2</sup>	<del>323</del> <u>\$626</u>	<del>242</del> <u>\$476</u>	<del>223</del> <u>\$457</u>	<del>197</del> <u>\$300</u>	<del>381</del> <u>\$670</u>	<del>177</del> <u>\$326</u>	<del>116</del> <u>\$194</u>	<del>91</del> <u>\$119</u>	<del>42</del> <u>\$69</u>
Lee County Airports <sup>5</sup>	<del>\$474</del> <u>\$766</u>	<del>\$356</del> <u>\$582</u>	<del>\$327</del> <u>\$559</u>	<del>\$289</del> <u>\$368</u>	<del>\$559</del> <u>\$820</u>	<del>\$261</del> <u>\$398</u>	<del>\$171</del> <u>\$237</u>	<del>\$133</del> <u>\$146</u>	<del>\$62</del> <u>\$84</u>
Lehigh Acres <sup>1</sup>	<del>307</del> <u>\$663</u>	<del>231</del> <u>\$504</u>	<del>212</del> <u>\$484</u>	<del>188</del> <u>\$318</u>	<del>363</del> <u>\$709</u>	<del>169</del> <u>\$345</u>	<del>110</del> <u>\$206</u>	<del>86</del> <u>\$126</u>	<del>40</del> <u>\$73</u>
Matlacha-Pine Island <sup>3</sup>	<del>\$474</del> <u>\$766</u>	<del>\$356</del> <u>\$582</u>	<del>\$327</del> <u>\$559</u>	<del>\$289</del> <u>\$368</u>	<del>\$559</del> <u>\$820</u>	<del>\$261</del> <u>\$398</u>	<del>\$171</del> <u>\$237</u>	<del>\$133</del> <u>\$146</u>	<del>\$62</del> <u>\$84</u>
North Fort Myers <sup>3</sup>	<del>203</del> <u>\$276</u>	<del>152</del> <u>\$210</u>	<del>140</del> <u>\$201</u>	<del>124</del> <u>\$132</u>	<del>240</del> <u>\$295</u>	<del>112</del> <u>\$144</u>	<del>73</del> <u>\$86</u>	<del>57</del> <u>\$52</u>	<del>26</del> <u>\$30</u>



San Carlos Park <sup>2</sup>	<del>\$474</del> <u>\$766</u>	<del>\$356</del> <u>\$582</u>	<del>\$327</del> <del>\$559</del>	<del>\$289</del> <u>\$368</u>	<del>\$559</del> <u>\$820</u>	<del>\$261</del> <u>\$398</u>	<del>\$171</del> <u>\$237</u>	<del>\$133</del> <u>\$146</u>	<del>\$62</del> <u>\$84</u>
Sanibel <sup>3</sup>	<del>\$474</del> <u>\$766</u>	<del>\$356</del> <u>\$582</u>	<del>\$327</del> <del>\$559</del>	<del>\$289</del> <u>\$368</u>	<del>\$559</del> <u>\$820</u>	<del>\$261</del> <u>\$398</u>	<del>\$171</del> <u>\$237</u>	<del>\$133</del> <u>\$146</u>	<del>\$62</del> <u>\$84</u>
South Trail <sup>2</sup>	271 <u>\$534</u>	203 <u>\$406</u>	188 <del>\$390</del>	165 <del>\$256</del>	320 <u>\$571</u>	149 <u>\$278</u>	97 <del>\$166</del>	76 <u>\$101</u>	35 <u>\$59</u>
Tice <sup>2</sup>	<del>\$474</del> <u>\$766</u>	<del>\$356</del> <u>\$582</u>	<del>\$327</del> <del>\$559</del>	<del>\$289</del> <u>\$368</u>	<del>\$559</del> <u>\$820</u>	<del>\$261</del> <u>\$398</u>	<del>\$171</del> <u>\$237</u>	<del>\$133</del> <u>\$146</u>	<del>\$62</del> <u>\$84</u>
Upper Captiva <sup>2</sup>	<del>\$474</del> <u>\$766</u>	<del>\$356</del> <u>\$582</u>	<del>\$327</del> <del>\$559</del>	<del>\$289</del> <u>\$368</u>	<del>\$559</del> <u>\$820</u>	<del>\$261</del> <u>\$398</u>	<del>\$171</del> <u>\$237</u>	<del>\$133</del> <u>\$146</u>	<del>\$62</del> <u>\$84</u>

Notes:

- <sup>1</sup> Fire Control and Rescue Service District
- <sup>2</sup> Fire Protection and Rescue Service District
- <sup>3</sup> Fire Control District
- <sup>4</sup> Municipality of Fort Myers
- <sup>5</sup> Fire Department
- <sup>6</sup> Fire Control and Rescue District

<b>TABLE 2. EMS IMPACT FEE SCHEDULE FOR LEE COUNTY EMS SERVICE AREA</b>		
<b>Land Use</b>	<b>Development Unit</b>	<b>EMS Impact Fee Per Unit</b>
Single-family residence or mobile home on individual lot	Dwelling	<del>\$50.00</del> <u>\$55</u>
Multi-family [includes timeshare]	Dwelling	<del>37.00</del> <u>\$42</u>
Mobile home or recreational vehicle in mobile home/RV park	Space	<del>34.00</del> <u>\$40</u>
Hotel/motel	Room	<del>30.00</del> <u>\$26</u>

Retail	1,000 sq. ft.	<del>58.00</del> <b>\$59</b>
Office	1,000 sq. ft.	<del>27.00</del> <b>\$29</b>
Public or institutional use	1,000 sq. ft.	<del>18.00</del> <b>\$17</b>
General industrial	1,000 sq. ft.	<del>14.00</del> <b>\$10</b>
Public or private warehouse	1,000 sq. ft.	<del>6.00</del> <b>\$6</b>

(f) The impact fee schedules set forth in section 2-386 will be reviewed every ~~three~~ **five** years beginning ~~January 1, 2000~~ and updated if necessary. At the county's request, all participating districts and municipalities will provide the documentation necessary to enable the county to properly review and update the fee schedules.

**DIVISION 6.SCHOOL IMPACT FEE**

**Sec. 2-405. - Computation of amount.**

(a) At the option of the ~~F~~-feepayer, the amount of the school impact fee may be determined by the schedule set forth in this subsection. The reference in the schedule to mobile home refers to the number of mobile homes or mobile home park sites that are permitted by the applicable final development order or mobile home move on permit as appropriate.

Land Use Type	School Impact Fee per Unit
Single-family residence	<del>\$4,540</del> <b>\$5,484</b>
Multiple-family building, duplex, two-family attached or townhouse	<del>\$1,354</del> <b>\$2,123</b>
Mobile home	<del>\$1,231</del> <b>\$1,182</b>

(d) 2-405 (d) The impact fee schedule set forth in subsection 2-405(a) will be administratively reviewed and re-analyzed every ~~three~~ **five** years. As a result of this review, county staff is authorized and directed to pursue amendments to the impact fee schedule consistent with the results of the review and re-analysis.

**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 become 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 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 Administrator, County Manager or his designee, without the need for a public hearing.

**SECTION FIVE: MODIFICATION**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

**SECTION SIX: EFFECTIVE DATE**

Except as provided below, this ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State. All increases in impact fee rates will become effective 90 days after adoption of this Ordinance. Reductions in impact fee rates will become effective on the effective date of this Ordinance.

Commissioner Kiker made a motion to adopt the foregoing ordinance, seconded by Commissioner Manning. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 6th day of March, 2018.

ATTEST:  
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Missy Flint  
Deputy Clerk

BY: Cecil Pendergrass  
Cecil Pendergrass, Chair



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

Lee County Attorney's Office  
Lee County Attorney's Office



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

March 9, 2018

Honorable Linda Doggett  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attention: Ms. Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 18-07, which was filed in this office on March 9, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb