

ORDINANCE NO. 13-06

AN ORDINANCE PERTAINING TO IMPACT FEES IN LEE COUNTY, REDUCING THE RATE OF THE COLLECTION OF ROAD, COMMUNITY PARK, REGIONAL PARK, AND SCHOOL IMPACT FEES BY 80% FOR TWO YEARS, AUTHORIZING THE GRANT OF ROAD IMPACT FEE CREDITS TO DEVELOPERS OF DEVELOPMENTS OF REGIONAL IMPACT WITH PREPAID PROPORTIONATE SHARE ASSESSMENTS, EXTENDING THE CREDITS FOR THE DURATION OF TWO YEARS, CLARIFYING THE POLICY ON REFUNDS OF FEES PAID, REQUIRES COUNTY ADMINISTRATION TO UPDATE THE BOARD ON DEVELOPMENT PERMITTING ACTIVITY AT THE END OF THE FIRST YEAR OF THE REDUCTION PERIOD; THIS ORDINANCE IS APPLICABLE WITHIN BOTH THE INCORPORATED AND UNINCORPORATED AREAS OF LEE COUNTY AS TO THE COLLECTION OF SCHOOL IMPACT FEES.

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

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

WHEREAS, the recent economic downturn has resulted in an unprecedented decline in new residential and commercial building construction activity in Lee County; and,

WHEREAS, in recognition of the downturn in the U.S. economy, the Board has implemented measures to provide temporary relief to the building and construction industry; and,

WHEREAS, the Board desires to temporarily reduce the rate of collection of development impact fees in an effort to stimulate economic development and the pursuit of construction activity; and,

WHEREAS, the Board has determined that a two-year reduction on the rate of collection of Road, Community Parks, Regional Parks, and School impact fees will further the desired purpose of stimulating economic development in Lee County; and,

WHEREAS, the Board has determined that Fire and EMS Impact Fees would not be subject to reduction for public safety reasons; and

WHEREAS, the Board desires an update from County Administration on development permitting activity after the first year of the suspension to gauge the effect of the reduction; and

WHEREAS, on January 28, 2013 the Local Planning Agency (LPA) concluded the Board's initial proposal to temporarily suspend impacts fees for two years was inconsistent with the Lee Plan unless the suspension included direction to administrative staff to replace

impact fee revenue from other sources. The LPA recommended that the Board pursue discussions with the School Board and Fire Districts to determine their continued need for impact fees at some level.

WHEREAS, this ordinance is intended to be effective in unincorporated Lee County as to Roads, Community and Regional Parks Impact Fees. It is intended to apply countywide as to School Impact Fees.

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

SECTION ONE: REDUCTION ON THE RATE OF COLLECTION OF DEVELOPMENT IMPACT FEES IN THE UNINCORPORATED AREAS OF THE COUNTY

The collection rate for Road, Community Park and Regional Park impact fees set forth in Chapter 2 of the Land Development Code is reduced by 80% for two-years commencing on, Wednesday, March 13, 2013 and ending on Friday, March 13, 2015, without further action by the Board. The reduction to these fees is applicable in unincorporated Lee County only.

SECTION TWO: REDUCTION OF THE COLLECTION RATE FOR SCHOOL IMPACT FEES COUNTYWIDE

The collection rate for school impact fees set forth in Chapter 2 of the Land Development Code is reduced by 80% countywide for two-years, commencing on, Wednesday, March 13, 2013 and ending on Friday, March 13, 2015, without further action by the Board.

SECTION THREE: DEVELOPMENTS OF REGIONAL IMPACT

Developments of Regional Impact in unincorporated Lee County that have prepaid the transportation proportionate share assessment in full, may receive road impact fee credits for permits obtained during the reduction time frame equal to the difference between the actual fee collected and the fee set forth in the schedule in the Land Development Code. The road impact fee credits issued pursuant to this provision will be available for use in the road impact fee district of the Development of Regional Impact.

SECTION FOUR: EXTENSION OF IMPACT FEE CREDITS

Road, School, Community and Regional Park impact fee credits issued or recognized by the County that are existing on March 12, 2013 will be extended for a period of two years in recognition of the two-year reduction on the collection of impact fees adopted by the Board by Ordinance 13-06.

SECTION FIVE: REFUNDS

Refunds of impact fees paid prior to March 13, 2013 will be issued only in accordance with Chapter 2 of the Land Development Code.

SECTION SIX: REPORT ON PERMITTING ACTIVITY

County Administration will collect data during the two year reduction period and will update the Board on various economic indicators, including, but not limited to, employment, taxable sales, and permitting activity at the end of the first year.

SECTION SEVEN: CONFLICTS OF LAW

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

SECTION EIGHT: SEVERABILITY

If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, it is the Board's intention that such portion will become a separate provision and will not affect the remaining provisions of the ordinance. The Board further declares that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION NINE: CODIFICATION AND SCRIVENER'S ERRORS

The Board intends 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 TEN: EFFECTIVE DATE

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

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

John E. Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Tammara Hall	Aye
Frank Mann	Nay

DONE AND ADOPTED this 12th day of March 2013.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: Cecil L Pendergrass
Cecil L Pendergrass, Chairman

Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 18, 2013

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

Attention: Ms. Marcia Wilson, Deputy Clerk

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 14, 2013 and copy of Lee County Ordinance No. 13-06, which was filed in this office on March 15, 2013.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

