

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20061363

1. ACTION REQUESTED/PURPOSE: Conduct first public hearing to amend the Land Development Code (LDC) to replace references to the Dunbar Enterprise Zone with the Fort Myers/Lee County Enterprise Zone and to amend the description and sketch located in Appendix J for the subject Enterprise Zone. At the conclusion of the hearing, direct proposed amendments to second public hearing on November 14, 2006 at 5:05 p.m.

2. WHAT ACTION ACCOMPLISHES: a) Updates name and description of the Dunbar Enterprise Zone to the Fort Myers/Lee County Enterprise Zone; and, b) replaces all references to the Dunbar Enterprise Zone throughout the LDC; and, c) allows for exemptions from roads, regional parks, community parks, and fire/EMS impact fees for residential development within the boundaries of the Fort Myers/Lee County Enterprise Zone.

3. MANAGEMENT RECOMMENDATION: Direct to second public hearing on November 14, 2006, at 5:05 p.m.

4. Departmental Category: 5:05 #3 **5. Meeting Date:** 10-24-06 @ 5:05 p.m.

6. Agenda:		7. Requirement/Purpose: (specify)		8. Request Initiated:	
<input type="checkbox"/> Consent	<input type="checkbox"/> Statute	<input type="checkbox"/> Ordinance	<input type="checkbox"/> LDC	Commissioner	<input type="checkbox"/> County Attorney
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Admin. Code	<input type="checkbox"/> Other	Department	<input type="checkbox"/> Land Use
<input type="checkbox"/> Appeals				Division	
<input checked="" type="checkbox"/> Public				By: <i>Donna Marie Collins</i>	
<input type="checkbox"/> Walk-On				Donna Marie Collins	

9. Background:
In November 2005, the City of Fort Myers and Lee County jointly applied to the State of Florida to expand the boundaries of the Fort Myers/Lee County Enterprise Zone (formerly known as the Dunbar Enterprise Zone). The application was subsequently accepted by the State resulting in the expansion of the boundaries of the Enterprise Zone.

The proposed amendment to the LDC will replace references to the Dunbar Enterprise Zone with the renamed Fort Myers/Lee County Enterprise Zone. In addition, Appendix J of the Code will be revised to reflect the new description and include a sketch depicting the area of the Enterprise Zone.

Second Public Hearing date is November 14, 2006, at 5:05 a.m.

- Attachments: a) Draft Ordinance dated 10/2/06
b) FAIS

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

- 11. Commission Action:**
- Approved
 - Deferred
 - Denied
 - Other

RECEIVED BY COUNTY ADMIN:
10/10/06 12:50 mp.
COUNTY ADMIN FORWARDED TO: *[Signature]*
10/10/06
9:30 AM

CO. ATTY. FORWARDED TO CO. ADMIN.
10/10/06 11:45

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
PROPOSED COUNTY ORDINANCE**

**NAME OF ORDINANCE: Amendment to LDC Chapter 2 and Appendix J
Fort Myers/Lee County Enterprise Zone**

I. DESCRIPTION OF ORDINANCE

A. Statement of Purpose

Amend Lee County Land Development Code to reflect the renaming of the Dunbar Enterprise Zone to the Fort Myers/Lee County Enterprise Zone. Replace description and sketch of land area in Appendix J in the Land Development Code.

B. Narrative Summary of Ordinance (Several Sentence Summary)

- 1) The Ordinance updates references to the Dunbar Enterprise Zone with the new name for the Enterprise Zone; and,
- 2) Replaces the description and sketch of the Enterprise Zone in Appendix J of the LDC to reflect the expanded boundaries of the Zone.

C. Principal Division(s) or Department(s) Affected (List)

Department of Community Development

**LEE COUNTY, FLORIDA
 FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
 PROPOSED COUNTY ORDINANCE:
 Fort Myers/Lee County Enterprise Zone**

I. FISCAL IMPACT ON COUNTY AGENCIES/COUNTY FUNDS.

A. What is estimated Demand? (Develop Indicators) N/A

B. What is estimated Workload? (Develop Indicators) N/A

C. What are estimated costs?

	<u>1st Year \$'s</u>		<u>2nd Year \$'s</u>	
	<u>Existing</u>	<u>New</u>	<u>Existing</u>	<u>New</u>
Personnel				
Fringe	N/A		N/A	
Operating				
Capital Outlay				
Total				

D. List the anticipated revenues to cover costs identified in II., C., above. If a fee is to be charged, answer the following:

1. What is the basis (rationale) for the fee? N/A
2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered? N/A

E. Give a brief narrative analysis of the information contained in II., A. through D., above.

No financial impact. Approximately one year ago, the City of Fort Myers and Lee County jointly applied to the state to expand the boundary of what was formerly known as the Dunbar Enterprise Zone. (All Impact fees other than school impact fees are waived within enterprise zones for residential development.)

This amendment simply updates the code to reflect the new name of the enterprise zone (Lee County Enterprise Zone) and to reflect the new boundary of the renamed zone.

LEE COUNTY ORDINANCE 06-_____

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTER 2 (ADMINISTRATION), ARTICLE VI (IMPACT FEES), DIVISION 2 (ROADS IMPACT FEE); EXEMPTIONS (SECTION 2-274); DIVISION 3 (REGIONAL PARKS IMPACT FEE); EXEMPTIONS AND CREDITS (SECTION 2-312); DIVISION 4 (COMMUNITY PARKS IMPACT FEE); EXEMPTIONS AND CREDITS (SECTION 2-352); DIVISION 5 (FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES IMPACT FEE); EXEMPTIONS (SECTION 2-394); APPENDIX J (DESCRIPTION OF ENTERPRISE ZONES); PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Goal 39 of the Lee Plan mandates that the County maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities; 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, 163, and 380; and,

WHEREAS, Lee Plan Policy 135.1.5. requires the County to provide financial and technical support, including the payment, waiver, or reduction of the impact fees for affordable housing; and,

WHEREAS, the Board of County Commissioners has entered into interlocal agreements with the City of Fort Myers waiving impact fees within Enterprise Zone areas; and,

WHEREAS, in 2005, the Board of County Commissioners and the Council for the City of Fort Myers jointly applied for the expansion of the Fort Myers/Lee County Enterprise Zone, formerly known as the Dunbar Enterprise Zone; and,

WHEREAS, through an interlocal agreement, the City and the County have expressed a desire to provide for impact fee exemptions on residential development within the expanded boundaries of the Fort Myers/Lee County Enterprise Zone.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Lee County, Florida:

SECTION ONE: AMENDMENT TO LAND DEVELOPMENT CODE, CHAPTER 2, ARTICLE VI.

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

DIVISION 2: ROADS IMPACT FEE

Sec. 2-274. Exemptions.

....

- (9) A building permit for residential construction in Harlem Heights, Charleston Park, and the ~~Dunbar~~ Fort Myers/Lee County Enterprise Zone, as those areas are described in Appendix J.

Note: Remainder of section unchanged.

DIVISION 3: REGIONAL PARKS IMPACT FEE.

Sec. 2-312. Exemptions and credits.

....

- (9) A building permit for residential construction in Harlem Heights, Charleston Park, or the ~~Dunbar~~ Fort Myers/Lee County Enterprise Zone, as those areas are described in Appendix J.

Note: Remainder of section unchanged.

DIVISION 4: COMMUNITY PARKS IMPACT FEE.

Sec. 2-352. Exemptions and credits.

....

- (9) A building permit for residential construction in Harlem Heights, Charleston Park, or the ~~Dunbar~~ Fort Myers/Lee County Enterprise Zone, as those areas are described in Appendix J.

Note: Remainder of section unchanged.

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

Sec. 2-394. Exemptions.

(a) The following are exempted from payment of the fire and EMS impact fees:

....

- (9) A building permit for residential construction in Harlem Heights, Charleston Park, or the ~~Dunbar~~ Fort Myers/ Lee County Enterprise Zone, as those areas are described in Appendix J.

Note: Remainder of section unchanged.

SECTION TWO: AMENDMENT TO LAND DEVELOPMENT CODE APPENDIX J.

Lee County Land Development Code, Appendix J, is amended to read as follows, with "strikethrough" identifying deleted language and "underline" identifying new language:

APPENDIX J
DESCRIPTION OF HARLEM HEIGHTS, CHARLESTON PARK, AND THE ~~DUNBAR~~
FORT MYERS/ LEE COUNTY ENTERPRISE ZONE*

....

*~~Dunbar~~ Fort Myers/ Lee County Enterprise Zone
See attached map description and sketch in Appendix J

SECTION THREE: 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 FOUR: 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 FIVE: 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 SIX: EFFECTIVE DATE

The ordinance will take effect on _____, 2006.

Commissioner _____ made a motion to adopt the foregoing resolution, seconded by Commissioner _____. The vote was as follows:

Robert P. Janes
Douglas St. Cerny
Ray Judah
Tammara Hall
John Albion

DONE AND ADOPTED this ____ of _____ 2006.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Tammara Hall, Chairwoman

DATE: _____

Approved as to form by:

Donna Marie Collins
County Attorney's Office

Exhibit A: Appendix J: Description and Sketch of Fort Myers/ Lee County Enterprise Zone