

**ORDINANCE NO. 18-08**

**AN ORDINANCE AMENDING LEE COUNTY ORDINANCE 15-04 (PERTAINING TO IMPACT FEE COLLECTION RATES FOR ROAD, COMMUNITY PARK, REGIONAL PARK, AND SCHOOL IMPACT FEES), AMENDING LEE COUNTY ORDINANCE 15-02, AMENDING LEE COUNTY ORDINANCE 13-06; TO EXTEND THE CURRENT FEE RATE FOR ROAD, COMMUNITY PARK, REGIONAL PARK, AND SCHOOL IMPACT FEES; THIS ORDINANCE IS APPLICABLE WITHIN BOTH THE INCORPORATED AND UNINCORPORATED AREAS OF LEE COUNTY AS TO THE COLLECTION OF SCHOOL IMPACT FEES; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING.**

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 regulations applicable to the collection of impact fees in Lee County; and,

WHEREAS, on March 12, 2013, the Board adopted Lee County Ordinance 13-06 which provided a two-year reduction in the collection rate of impact fees for Roads, Community Parks, Regional Parks, and School; and,

WHEREAS, on March 3, 2015, the Board adopted Lee County Ordinance 15-06 which provided a three-year reduction in the collection rate of impact fees for Roads, Community Parks, Regional Parks, and School; and,

WHEREAS, on March 16, 2018, without further action by the Board, the current Impact Fee collection rate will expire; and,

WHEREAS, the Board desires to extend the reduction of the collection rate established under Ordinance 15-04; and,

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: AMENDMENT TO ORDINANCE 15-04**

Sections One and Two of Ordinance Number 15-04 are hereby amended as follows with strike through identifying deleted text and underline identifying new text.

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

1. The collection rate for Road, Community Park and Regional Park impact fees set forth in Chapter 2 of the Land Development Code is reduced in accordance with the following schedule: ~~to 45% for three years commencing on March 16, 2015 and ending on March 16, 2018 without further action by the Board.~~

<u>Commencement Date</u>	<u>Expiration Date</u>
<u>45% March 7, 2018</u>	<u>March 6, 2019;</u>
<u>47.5% March 7, 2019</u>	<u>March 6, 2020;</u>
<u>50% March 7, 2020</u>	<u>March 8, 2021;</u>
<u>52.5% March 9, 2021</u>	<u>March 9, 2022;</u>
<u>55% March 10, 2022</u>	

The reduction in impact fee collection rates will continue from March 10, 2022 until further action by the Board. The reduction to these fees is applicable in unincorporated Lee County only.

2. A building permit, mobile home move-on permit, or recreational vehicle park development order application submitted on or before the close of business (4:30 pm) on ~~March 16, 2018~~ each Expiration Date provided above, must be issued ~~on or before the close of business on Friday, August 31, 2018~~ within 3 months of the Expiration Date in order to realize the ~~current,~~ reduced rate (45%) in effect at the time of application submittal.
3. A building permit, mobile home move-on permit, or recreational vehicle park development order application submitted on or before the close of business on ~~March 16, 2018~~ each Expiration Date provided above, but was not issued ~~by the close of business on Friday, August 31, 2018,~~ within 3 months of the Expiration Date shall be assessed impact fees applicable at the actual time of permit issuance.
4. ~~After the close of business on Friday, August 31, 2018~~ 3 months from the Expiration Date, the Director may accept payment according to the previous reduced fee schedule rate in effect ~~prior to March 16, 2018 at~~

the time of application submittal subject to the following conditions:

- a. The application for the building permit, mobile home move-on permit, or recreational vehicle park development order was properly submitted and sufficient for review on or before ~~March 16, 2018~~ the applicable Expiration Date;
- b. The sole grounds for accepting payment will be that a governmental action or failure to act in a timely manner caused the issuance of the building permit, mobile home move-on permit, or recreational vehicle park development order to be delayed beyond ~~August 31, 2018~~ 3 months; and,
- c. The applicant submits a written request to the Director specifying the reasons for the request.
- d. The Director's decision must be in writing and set forth the governmental action or failure to act that caused the delay in the issuance of the building permit, mobile home move-on permit, or recreational vehicle park development order.
- e. The ability and authority to accept such payments under subsection 4 will terminate ~~on September 28, 2018~~ six months after each applicable Expiration Date.
- f. The Director's decision to grant or deny a request for payment pursuant to subsection 4 is discretionary and not subject to appeal.

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

1. The collection rate for school impact fees set forth in Chapter 2 of the Land Development Code is reduced in accordance with the following schedule: ~~to 45% countywide for three years, commencing on March 16, 2015 and ending on March 16, 2018, without further action by the Board.~~

<u>Commencement Date</u>	<u>Expiration Date</u>
<u>45%</u>	<u>March 7, 2018</u>
<u>47.5%</u>	<u>March 7, 2019</u>
<u>50%</u>	<u>March 7, 2020</u>
<u>52.5%</u>	<u>March 9, 2021</u>
<u>55%</u>	<u>March 10, 2022</u>

The reduction in impact fee collection rates will continue from March 10, 2022 until further action by the Board. The reduction to these fees is applicable in unincorporated Lee County only.

2. A building permit, mobile home move-on permit, or recreational vehicle park development order application submitted on or before the close of business (4:30 pm) on ~~March 16, 2018~~ each Expiration Date provided above, must be issued ~~on or before the close of business on Friday, August 31, 2018~~ within 3 months of the Expiration Date in order to realize ~~the current, reduced rate (45%) in effect at the time of application~~ submittal.

3. A building permit, mobile home move-on permit, or recreational vehicle park development order application submitted on or before the close of business on ~~March 16, 2018~~ each Expiration Date provided above, but was not issued ~~by the close of business on Friday, August 31, 2018~~, within 3 months of the Expiration Date shall be assessed impact fees applicable at the actual time of permit issuance.

4. ~~After the close of business on Friday, August 31, 2018~~ 3 months from the Expiration Date, the Director may accept payment according to the previous reduced fee schedule rate in effect prior to March 16, 2018 at the time of application submittal subject to the following conditions:

a. The application for the building permit, mobile home move-on permit, or recreational vehicle park development order was properly submitted and sufficient for review on or before ~~March 16, 2018~~ the applicable Expiration Date;

b. The sole grounds for accepting payment will be that a governmental action or failure to act in a timely manner caused the issuance of the building permit, mobile home move-on permit, or recreational vehicle park development order to be delayed beyond ~~August 31, 2018~~ 3 months; and,

c. The applicant submits a written request to the Director specifying the reasons for the request.

d. The Director's decision must be in writing and set forth the governmental action or failure to act that caused the delay in the issuance of the building permit, mobile home move-on permit, or recreational vehicle park development order.

e. The ability and authority to accept such payments under subsection

4 will terminate on ~~September 28, 2018~~ six months after each applicable Expiration Date.

- f. The Director's decision to grant or deny a request for payment pursuant to subsection 4 is discretionary and not subject to appeal.

## **SECTION TWO: 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 THREE: 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 FOUR: 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 FIVE: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING**

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**

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
Brian Hamman	Aye
Frank Mann	Nay

DONE AND ADOPTED this 6th day of March, 2018.

ATTEST:  
LINDA DOGGETT, CLERK  
COMMISSIONERS

BY: Missy Flint  
Deputy Clerk

LEE COUNTY  
BOARD OF COUNTY

BY: Cecil L Pendergrass  
Commissioner Cecil L Pendergrass  
Lee County Board of County Commissioners  
District 2  
Cecil Pendergrass, Chairman



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY:

Richard M. ...  
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. 18-08, which was filed in this office on March 9, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb