

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20130216

1. ACTION REQUESTED/PURPOSE: Conduct public hearing to adopt an ordinance reducing the collection rate for Road, Parks and School Impact Fees for two years.

2. FUNDING SOURCE: N/A

3. WHAT ACTION ACCOMPLISHES: Allows public input on the proposed ordinance prior to Board vote on proposed legislation.

4. MANAGEMENT RECOMMENDATION: Seeking Board direction.

5. Departmental Category:		6. Meeting Date: March 12, 2013
7. Agenda:	8. Requirement/Purpose: (specify)	9. Request Initiated:
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute 125.66(2)	Commissioner _____
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Ordinance LDC	Department County Attorney's Office
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code _____	Division _____
<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Other _____	By: Donna Marie Collins
<input type="checkbox"/> Walk-On		Chief Assistant County Attorney

10. Background: On January 22, 2013 the Board directed to public hearing, an ordinance suspending the collection of impact fees for two years. At the ordinance adoption hearing held on February 12, 2013, the Board deferred the item to the March 4th Management & Planning meeting to consider options other than suspension. The consensus of the Board was to pursue a reduction in the rate of collection of Road, Park and School impact fees for two-years. (Fire and EMS fees were excluded in the proposed reduction.)

The attached ordinance includes the following provisions:

- (1) Reduces the rate of collection of Road, Park, and School Impact Fees for two years commencing on March 13, 2013 and terminating on March 13, 2015.
- (2) Clarifies the refund policy on fees paid.
- (3) Requires County Administration to update the Board on various economic indicators, including employment, taxable sales, and development permitting activity at the end of the first year of the reduction period.

The LPA found a full suspension originally proposed to be inconsistent with the Lee Plan unless the Board replaces impact fee revenues with revenues from another source. The LPA recommended that the Board discuss a reduction of school and fire impact fees with the School Board and Fire Districts so that those entities could clarify the continued need for impact fees at the current or reduced level.

Attachments: Draft Ordinance dated March 5, 2013 (to follow)

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
					Analyst	Risk	Grants	Mgr.	

12. Commission Action:
 Approved
 Deferred
 Denied
 Other

ORDINANCE NO. 13-_____

AN ORDINANCE PERTAINING TO IMPACT FEES IN LEE COUNTY, REDUCING THE RATE OF THE COLLECTION OF CERTAIN IMPACT FEES FOR TWO YEARS, CLARIFYING THE POLICY ON REFUNDS OF FEES PAID, AND REQUIRES COUNTY ADMINISTRATION TO UPDATE THE BOARD ON DEVELOPMENT PERMITTING ACTIVITY AT THE END OF THE FIRST YEAR OF THE REDUCTION PERIOD; AS TO THE REDUCTION IN THE RATE OF COLLECTION OF SCHOOL IMPACT FEES ON RESIDENTIAL DEVELOPMENT, THE ORDINANCE IS APPLICABLE WITHIN THE INCORPORATED AND UNINCORPORATED AREAS OF LEE COUNTY

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.

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 _____% for two-years commencing on, Wednesday, March 13, 2013 and ending on Friday, March 13, 2015, without further action by the Board.

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 _____% 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: 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 FOUR: 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 FIVE: 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 SIX: 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 SEVEN: 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 EIGHT: EFFECTIVE DATE

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

Commissioner _____made a motion to adopt the foregoing ordinance. The motion was seconded by Commissioner _____. The vote was as follows:

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

DONE AND ADOPTED this 12th day of March 2013.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Cecil L Pendergrass, Chairman

Approved as to form by:

County Attorney’s Office