

LEE COUNTY ORDINANCE 01-22

AN EMERGENCY ORDINANCE AMENDING CHAPTER 2 OF THE LEE COUNTY LAND DEVELOPMENT CODE, ARTICLE VI (IMPACT FEES) TO REVISE THE IMPLEMENTATION DATE FOR THE IMPOSITION OF SCHOOL IMPACT FEES COUNTYWIDE; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENERS ERRORS, AND EFFECTIVE DATE.

WHEREAS, pursuant to Florida Statutes section 125.66(3), the Board of County Commissioners, at any regular or special meeting, may enact or amend any ordinance with a waiver of the notice requirements of Section 125.66(2) by a four-fifths vote of the membership;

WHEREAS, an emergency exists and the immediate enactment of this ordinance amending Chapter Two of the Lee County Land Development Code is necessary to provide relief to persons who filed residential building permit applications before December 1, 2001.

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

SECTION ONE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 2

Lee County Land Development Code Chapter 2, Article VI, is amended to revise the language in section 2-407 as follows:

**CHAPTER 2
ARTICLE VI. IMPACT FEES
DIVISION 6. SCHOOL IMPACT FEES**

Sec. 2-407. Payment.

- (a) The Feepayer must pay the school impact fee required by this division to the building official prior to the issuance of the building permit, mobile home move-on permit, or mobile home park development order for which the fee is imposed, except as provided in section 2-412. No building permit, mobile home move-on permit or mobile home park development order may be issued by the county or by any municipality until the impact fee has been paid, except as provided in section 2-412.

NOTE: Building permit applications, mobile home move-on permit applications, or mobile home park development order applications submitted on or after December 1, 2001 will be subject to the school impact fee schedule. On those applications, school impact fees are due and payable at the time of permit issuance.

Building permit or mobile home move-on permit or mobile home park development order applications submitted before December 1, 2001 will not be assessed school impact fees if the

building permit, mobile home move-on permit or mobile home park development order is issued on or before March 1, 2002.

All permits and development orders issued after March 1, 2002 will be assessed impact fees in accordance with the school impact fee schedule regardless of when the application was submitted to the county.

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 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 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 re-lettered 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 re-lettered 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: EFFECTIVE DATE

The ordinance will take effect when a copy has been accepted by the postal authorities of the Government of the United States for special delivery by certified mail to the Florida Department of State.

THE FOREGOING ORDINANCE was offered by Commissioner Coy, who moved its adoption. The motion was seconded by Commissioner St. Cerny, and, being put to a vote, the vote was as follows:

Robert P. Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED This 4th day of December 2001.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Michele B. Leisner
Deputy Clerk

By: [Signature]

APPROVED AS TO FORM:

By: [Signature]
Donna Marie Collins
Office of County Attorney

School Impact Fee Ordinance - Emergency Ordinance

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RINGLING MUSEUM OF ART

December 7, 2001

Honorable Charlie Green
Clerk of Circuit Court
Lee County
Post Office Box 2469
Ft. Myers, Florida 33902-2469

Attention: Ruth Frymier, Deputy Clerk

Dear Mr. Green:

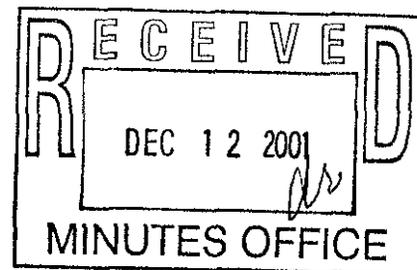
Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated November 30 and December 4, 2001 and copies of Lee County Ordinance No. 01-22 and Resolution 01-11-28, which were filed in this office on December 6, 2001.

Sincerely,

Liz Cloud, Chief

Bureau of Administrative Code

LC/mp



BUREAU OF ADMINISTRATIVE CODE

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