

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20061445

1. ACTION REQUESTED/PURPOSE: Conduct second public hearing on proposed amendments to 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 to the LDC which sets forth the descriptions and sketches for the various Enterprise Zones within the County.

2. WHAT ACTION ACCOMPLISHES: a) Updates LDC to reflect the renaming and expansion of Dunbar Enterprise Zone; 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 Enterprise Zone.

3. MANAGEMENT RECOMMENDATION: Adopt ordinance.

4. Departmental Category: *12 5:05 PM PH 1*

5. Meeting Date: 11-14-06 @ 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"/>	Department	<input type="checkbox"/> Land Use
<input type="checkbox"/> Appeals	<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	Division	<input type="checkbox"/>
<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 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.

Staff recommends that the Board adopt the Ordinance.

- Attachments: a) Ordinance
 b) FAIS
 c) Committee Synopsis

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.	
	N/A	N/A	N/A	<i>[Signature]</i>	<i>10/25/06</i>	<i>10/25/06</i>	<i>10/26/06</i>	<i>10/26/06</i>	<i>[Signature]</i>

11. Commission Action:
 Approved
 Deferred
 Denied
 Other

RECEIVED BY
 COUNTY ADMIN:
 10/25/06
 10:30 AM
 COUNTY ADMIN
 FORWARDED TO:
 10/26/06
 10 AM

CO. ATTY.
 FORWARDED TO:
 A.D.H.A.
 10/25/06 10:05

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 repeal the description and map for the Dunbar Enterprise Zone and replace them with the description and map of the Fort Myers/Lee County Enterprise Zone set forth in Exhibit A to this ordinance.

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

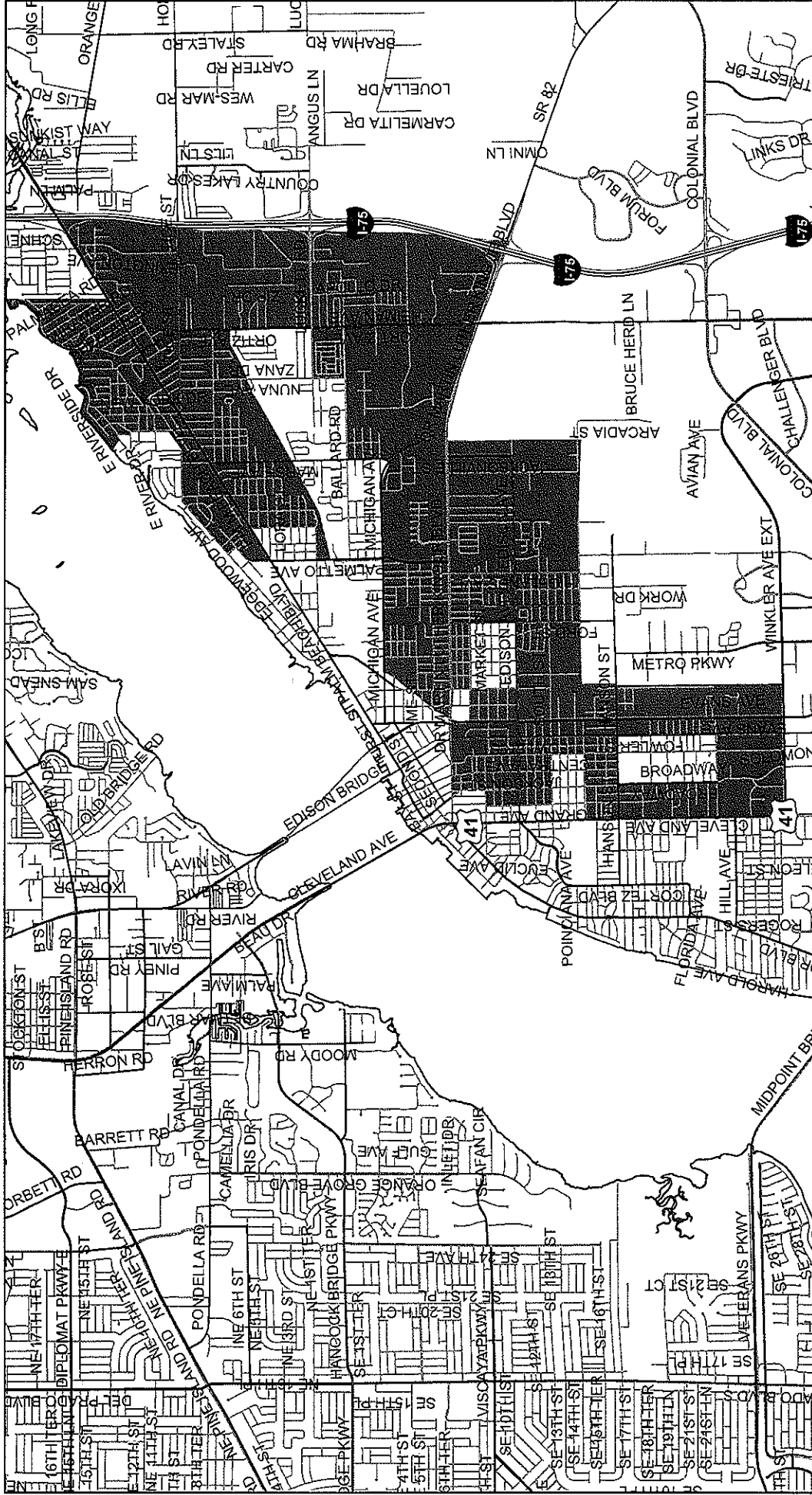
Exhibit "A"
Page 1 of 2
Description
Fort Myers/Lee County Enterprise Zone
(formerly the Dunbar Enterprise Zone)

The Fort Myers/Lee County Enterprise Zone Program Area includes the entire geographic area of Census Block Groups Numbered: 0003013, 0003022, 0003023, 0003024, 0004013, 0005021, 0005022, 0005023, 0005024, 0005026, 0005041, 0005042, 0005043, 0006001, 0006003, 0006004, 0007002, 0007003, 0011001, 0011002, 0011004, 0011005.

The Area includes that portion of Census Block Group Numbered 0003014 from Palm Beach Boulevard to the southern bank of the Caloosahatchee River.

The Area includes that portion of Census Block Group Numbered 0004011 from Palm Beach Boulevard to the southern bank of the Caloosahatchee River.

Enterprise Zone Boundary 2006 Street Map



Legend

- Road Centerline
- 2006 Boundary



LEE COUNTY
SOUTH WEST FLORIDA
Economic Development Office



**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.

COMMITTEE REVIEW CHART FOR PROPOSED ORDINANCE
City of Fort Myers/Lee County Enterprise Zone

Land Development Code Advisory Committee	Committee review waived by BOCC on October 10, 2006.
Executive Regulatory Oversight Committee	Committee review waived by BOCC on October 10, 2006.
Affordable Housing Committee	Committee review waived by BOCC on October 10, 2006.
Local Planning Agency 10/23/06	Found consistent with the Lee Plan (5-0).