

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

Blue Sheet No. 20061224

1. ACTION REQUESTED/PURPOSE: Approve recommended hearing dates for proposed amendments to Chapter 2 of the Land Development Code pertaining to the County's Concurrency Management System and the adoption of the Proportionate Fair Share Program mandated by Florida Statutes. Public hearing dates are as follows: First Public Hearing 10/10/06 at 5:05 p.m., Second Public Hearing 10/24/06 at 5:05 p.m.

2. WHAT ACTION ACCOMPLISHES: Allows for public comment on the proposed amendments to the Concurrency Management System and the adoption of the Proportionate Fair Share Program mandated by Florida Statutes.

3. MANAGEMENT RECOMMENDATION: Direct to two public hearings in October as set forth above.

4. Departmental Category: C12D

5. Meeting Date: 9-26-06

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

Consent
 Administrative
 Appeals
 Public
 Walk-On

Statute 163.3180(16)
 Ordinance
 Admin. Code
 Other

Commissioner
Department County Attorney
Division Land Use
By: *Donna Marie Collins*
Donna Marie Collins

9. Background:

The Lee Plan mandates that the County utilize a Transportation Concurrency Management System consistent with the requires of Florida Statutes and the Florida Administrative Code. The County measures concurrency on all roads on a roadway segment-by-segment basis with the exception for constrained roads where alternatives have been established pursuant to Florida Statutes. The County annually updates roadway conditions and available capacity as part of its Concurrency Management Report.

Under the County's Concurrency Management System, all proposed development activity is reviewed against the available capacity identified in the Annual Concurrency Management Report based on existing conditions. The Concurrency Management System is intended to ensure that no development permits will be issued unless the established regulatory level of service requirements are met or will be met as needed to serve the proposed development.

(Continued on Page 2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mer.	
	N/A	N/A	N/A	<i>[Signature]</i>	RK9/13	9/13/06	9/27/06	9/13/06	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: 9/13/06 9:44 AM
COUNTY ADMIN FORWARDED TO: 9-14-06 11AM

CO. ATTY. FORWARDED TO CO. ADMIN. 9/13/06 9:15

Subject: Proportionate Fair Share Program

In 2005, the Florida Legislature amended the Growth Management Act directing local governments to enact ordinances by December 1, 2006, that would allow for "proportionate share" contributions from developers toward concurrency requirements. The intent of the Proportionate Fair Share Option is to provide developers an opportunity to proceed notwithstanding the failure of transportation concurrency, under certain conditions. This is accomplished by the developer contributing a fair share of the cost of improving the impacted transportation facility at issue. Under the proposed ordinance, the Proportionate Fair Share Program will not apply until a deficiency has been identified through the Concurrency Management System.

The proposed amendments to the Land Development Code amend the County's Concurrency Management Ordinance to recognize the statutorily mandated Proportionate Fair Share Program. In addition, the definition of "*de minimus impact*" is expanded and clarified consistent with the directives of the Florida Legislature.

The purpose of the Proportionate Fair Share Program is to establish a method whereby impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The intent is to maximize the use of public funds for adequate transportation facilities to serve future growth in the County. In some circumstances, the program will allow the County to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the Capital Improvement Element. Participating in the Proportionate Fair Share Program is optional on the part of the developer.

Staff recommends that the proposed amendments be directed to two public hearings on October 10th and 24th at 5:05 p.m. to allow for public comment and Board discussion.

Attachments: Proposed Ordinance draft dated _____.