



ORDINANCE NO. 2009- 14

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING CHAPTER 74 OF THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES, THAT ORDINANCE BEING THE COLLIER COUNTY CONSOLIDATED IMPACT FEE ORDINANCE, NO. 2001-13, AS AMENDED, PROVIDING FOR CHANGES TO THE REQUIREMENTS FOR THE ASSESSMENT OF IMPACT FEES FOR CHANGES OF USE IN EXISTING BUILDINGS THROUGH THE IMPLEMENTATION OF THE "IMPACT FEE PROGRAM FOR EXISTING COMMERCIAL REDEVELOPMENT"; ESTABLISHING A SUNSET DATE FOR THE PROGRAM UNLESS OFFICIALLY EXTENDED BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

CLERK OF THE BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

2009 MAR 30 AM 11:31

FILED

**WHEREAS**, Collier County has used impact fees as a funding source for growth-related capital improvements for various facilities since 1978; and

**WHEREAS**, on March 13, 2001, the Board of County Commissioners adopted Ordinance No. 2001-13, the Collier County Consolidated Impact Fee Ordinance, repealing and superseding all of the County's then existing impact fee regulations, and consolidating all of the County's impact fee regulations into that one Ordinance, codified in Chapter 74 of the Collier County Code of Laws and Ordinances (the "Code"); and

**WHEREAS**, on February 24, 2009, the Board of County Commissioners directed that the provisions related to the requirements for the assessment of impact fees for "changes of use" in existing buildings be amended through the implementation of the "Impact Fee Program for Existing Commercial Redevelopment;" and

**WHEREAS**, the adoption of this Ordinance incorporates provisions that amend Section 74-201(c) of the Collier County Code of Laws and Ordinances related to change of size or use by establishing a program through which development shall not be assessed additional impact fees related to changes of use within an existing building, provided it meets the specified criteria; and

**WHEREAS**, this Ordinance specifies that this program shall not apply to assessments for Water and Wastewater Impact Fees.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:**

**SECTION ONE.** Article II, *Impact Fees*, Section 74-201, *Imposition of impact fees*, subsection (c) of the Collier County Code of Laws and Ordinances is hereby amended to read as follows:

**Section 74-201. Imposition of impact fees.**

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(c) *Change of size or use.*

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(5) Impact Fee Program for Existing Commercial Redevelopment. Proposed developments which meet the criteria set forth below shall not be assessed additional impact fees related to changes of use within the existing buildings, except for water and wastewater impact fee assessments which are exempt from this program. This program will officially sunset two years from the date of adoption unless continued by a resolution of the Board of County Commissioners prior to this date.

a. Development is proposed within a lawfully existing building which has had a Certificate of Occupancy issued for at least 5 years prior to the commencement of this program. Impact fees for the existing building must have been paid the then applicable impact fees at time of construction; and

b. Proposed development is solely within the existing building and does not include the addition of any new square footage.

c. Demolition and reconstruction projects are not eligible for this program.

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**SECTION TWO. CONFLICT AND SEVERABILITY.**

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

**SECTION THREE. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

The provisions of this Ordinance shall be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-

lettered and internal cross-references amended throughout to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION FOUR. EFFECTIVE DATE.**

This Ordinance shall become effective upon filing with the Secretary of State.

**PASSED AND DULY ADOPTED** by the Board of County Commissioners of Collier County, Florida this 24<sup>th</sup> day of March, 2009.

ATTEST  
Dwight E. Brock, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF COLLIER COUNTY, FLORIDA

By: *[Signature]*  
Attest, as to ~~Confirmation~~ Deputy Clerk  
signature only

By: *[Signature]*  
DONNA FIALA, CHAIRMAN

Approved as to form  
and legal sufficiency:

*[Signature]*  
Jeffrey A. Klatzkow  
County Attorney

This ordinance filed with the  
Secretary of State's Office the  
30 day of March 2009  
and acknowledgement of that  
filing received this 3<sup>rd</sup> day  
of April, 2009  
By: *[Signature]* DC  
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

**ORDINANCE 2009-14**

Which was adopted by the Board of County Commissioners on the 24th day of March, 2009, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 26th day of March, 2009.

DWIGHT E. BROCK  
Clerk of Courts and Clerk  
Ex-officio to Board of  
County Commissioners



By: Teresa Polaski,  
Deputy Clerk