

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

## Item Number: I- 1

### 1 DEPARTMENT MAKING REQUEST

Economic Development

### 2 MEETING DATE

6/24/2014 9:00:00 AM

### 3 REQUESTED MOTION/ACTION

Set a public hearing for July 22, 2014 at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance amending Chapter 2-5 of the County Code to expand the definition of "Developed Lots" in Community Redevelopment Areas.

### 4 AGENDA

Consent

### 5 IS THIS ITEM BUDGETED ( IF APPLICABLE ) - No

#### **Budget Action**

No action needed.

#### **Financial Impact Summary Statement**

The estimated actual cost of implementation of these changes is \$13,200.00 per year. This is based on the number of additional lots (approximately 20) presently meeting the proposed definition, the cost per mow, and allocation of 6 mows per year. The attached economic impact statement was prepared by the Community Development Department.

**Detailed Analysis Attached** - No

**Budget Officer-**

### 6 BACKGROUND ( Why is this Action Necessary, and What Action will be accomplished )

At its January 21, 2014 Parkside Public Workshop, the Board of County Commissioners directed staff to prepare an amendment to the County Code for its consideration.

Lots located within Community Redevelopment Areas that no longer contain a structure, but that contained a structure after the date the respective Community Redevelopment Plan was adopted or last amended, would be considered developed lots subject to the County Code's lot maintenance standards.

#### **ATTACHMENTS:**

Name:	Description:	Type:
<input type="checkbox"/> <a href="#">Ordinance.doc</a>	Ordinance	Cover Memo
<input type="checkbox"/> <a href="#">EIS_2-5_Changes.doc</a>	EIS	Cover Memo

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O R D I N A N C E  
NUMBER 2014 -

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 2-5 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA REGARDING LOT MAINTENANCE STANDARDS; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners of Charlotte County, Florida (the "Board"), pursuant to the provisions of Section 125.01, Florida Statutes, has the power to adopt ordinances and resolutions necessary for the exercise of its powers; and

WHEREAS, Chapter 2-5 of the Code of Laws and Ordinances of Charlotte County, Florida (the "Code") sets forth the lot maintenance standards for property located within the county; and

WHEREAS, it is in the public interest to improve conditions and maintain aesthetic appearance within community redevelopment areas.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

**Section 1.** Section 2-5-71, *Definitions*, of Article III, Chapter 2-5 of the Code of Laws and Ordinances of Charlotte County, Florida, is hereby amended as follows (underlined sections are additions; strikethrough sections are deletions throughout this Ordinance):

**Sec. 2-5-71. – Definitions.**

*Developed lot:* Property upon which any structure has been constructed or placed, regardless of whether such structure is used, completed, or occupied. Lots located within community redevelopment areas that no longer contain a structure, but that contained a structure after the date the relevant community redevelopment plan was adopted or last amended, whichever date is later as of the effective date of this

1 ordinance, shall be considered developed lots for purposes of this definition. A seawall  
2 shall not be considered a structure or improvement for purposes of this definition.

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4 **Section 2.** A certified copy of this ordinance shall be filed with the Department of  
5 State of the state of Florida within 10 days of enactment and shall take effect upon filing  
6 with said department.

7 PASSED AND DULY ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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10 BOARD OF COUNTY COMMISSIONERS  
11 OF CHARLOTTE COUNTY, FLORIDA  
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14 By: \_\_\_\_\_  
15 Kenneth W. Doherty, Chairman

16 ATTEST:  
17 Barbara T. Scott, Clerk of  
18 Circuit Court and Ex-Officio  
19 Clerk to the Board of County  
20 Commissioners

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22 By: \_\_\_\_\_  
23 Deputy Clerk

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25 APPROVED AS TO FORM  
26 AND LEGAL SUFFICIENCY:  
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29 By: \_\_\_\_\_  
30 Janette S. Knowlton, County Attorney  
31 LR2013-2514 \_\_\_\_\_  
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## ECONOMIC IMPACT STATEMENT

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 2-5 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA REGARDING LOT MAINTENANCE STANDARDS; AND PROVIDING FOR AN EFFECTIVE DATE.

PURPOSE: Analyze what the proposed ordinance is designed to accomplish.

*The proposed changes are to 2-5 of the Charlotte County Code. They are intended to ensure the County's code definition of a "developed lot" is redefined as follows: Lots located within community redevelopment areas that no longer contain a structure, but that contained a structure after the date the relevant community redevelopment plan was adopted or last amended, whichever date is later as of the effective date of this ordinance, shall be considered developed lots for purposes of this definition.*

IMPACT: Consider costs and benefits, both monetary and non-monetary for the private sector (non-governmental entities) and the public sector (governmental entities). In discussing costs and benefits, distinguish between those which are social (borne by society as a whole) and those which are private (accrue to certain individuals or groups). Identify the specific groups which will be impacted.

*The impact of the changes to the ordinance and altering the definition of a developed lot are listed below*

A. Cost of Implementation:

*Estimated actual costs of implementation of these changes is \$13,200 per year. This is based on the number of lots (approximately 20) presently meeting the required definition and the cost per grass cut and allowing for 6 cuts per year. However, this is purely direct expenses and does not reflect the additional burden on existing staff to manage this program. Existing Code Compliance staff are managing the volume of complaints received but are currently unable to work proactively – adding this program without amending staffing levels accordingly will have a negative impact on the service levels the department currently provides.*

B. Source of Funds/Ultimate Burden of Costs:

*Funding for this program would be directly from the General Fund. Although Code Compliance does bring in some revenue, it is not enough to cover annual operating expenses. Liens would be assessed to offset the cost of abatement*

*but historically, the collection rate for these liens is small as they are not primary liens. The vacant lots typically have a low valuation and other liens (such as taxes, mortgages and CCU liens) would be satisfied prior to any code enforcement liens.*

*The department does collect Vacant Property Registrations which are allocated to offset the abatement fund and funds exist in the abatement fund to cover the cost of the proposed abatement.*

C. Effect on Competition and the Employment Market:

*The effect of implementation of this ordinance change will be an increase in the number of parcels expected to be mowed by the contractor for Code Enforcement tall grass abatement*

D. Benefits/Risks of Implementation:

*This change will require certain lots within the community redevelopment areas to be better maintained, improving the overall appearance of these areas and further implement the redevelopment plans to revitalize these areas.*

*There may be concern that this program is only being offered within the Charlotte Harbor and Parkside CRA's without the same program implemented county wide. The issues that have impacted these CRA's are not exclusive to the CRA's. There are lots throughout the County that could fall into the proposed definition of a "developed lot" which under this proposed ordinance would not be given the same treatment as those within the CRA's.*