

**LEE COUNTY ORDINANCE NO. 10-04**  
**(BIKEWAYS/WALKWAYS FACILITIES PLAN MAP 3D)**  
**(CPA2008-01)**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2008-01 (PERTAINING TO BIKEWAYS/WALKWAYS FACILITIES PLAN MAP 3D) APPROVED DURING THE COUNTY'S 2008-2009 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; AMENDMENTS TO ADOPTED MAPS; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code 13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on June 22, 2009.

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on September 23, 2009. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2008-01 pertaining to Bikeways/Walkways Facilities Plan Map 3D, to the Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the October 29, 2009 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on January 15, 2010; and,

WHEREAS, on March 3, 2010, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

## SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code 13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance is part of the 2008/2009 Regular Comprehensive Plan Amendment Cycle and pertains specifically to CPA2008-01 Bikeways/Walkways Facilities Plan Map 3D.**

## SECTION TWO: ADOPTION OF AMENDMENT TO MAP 3D

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on March 3, 2010, known as CPA2008-01. CPA2008-01 amends Lee Plan Map 3D, the Unincorporated Bikeways/Walkways Facilities Map by repealing the existing Map 3D, as amended through Ordinance 99-15, and replacing it with attached Map 3D(1) and Map 3D(2) regarding existing facilities.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

## SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

## SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

## SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Comprehensive Plan. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184(9), Florida Statutes, or until the Administrative Commission issues a final order determining the adopted amendment to be in compliance in accordance with 163.3184(10), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Commissioner Mann made a motion to adopt the foregoing ordinance, seconded by Commissioners Judah. The vote was as follows:

Robert P. Janes	Aye *
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 3<sup>rd</sup> day of March, 2010

\* By telephone

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson  
Deputy Clerk

BY: Tammara Hall  
Chairwoman

DATE: 3/3/10

Approved as to form by:

Dawn E. Perry-Lehnert  
Dawn E. Perry-Lehnert  
County Attorney's Office



EXHIBITS  
Map 3D-1 (Proposed Facilities)  
Map 3D-2 (Existing Facilities)

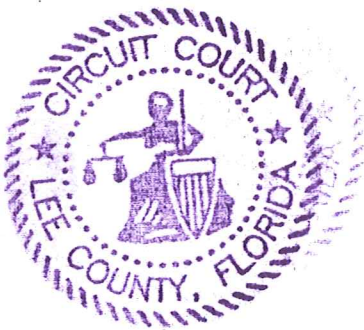
STATE OF FLORIDA

COUNTY OF LEE

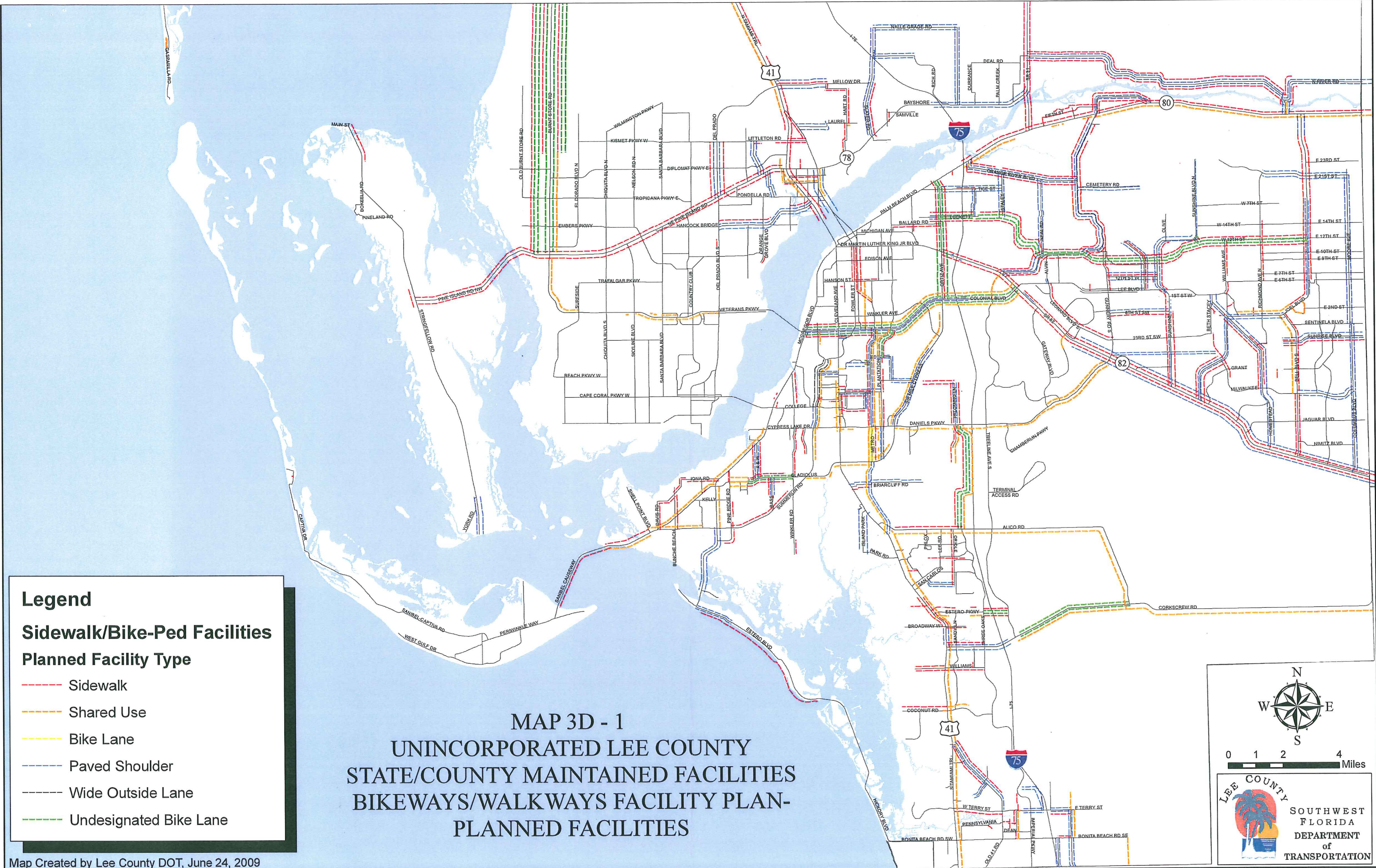
I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Ordinance 10-04, as approved by the Board of Lee County Commissioners in the Regular Meeting of March 03, 2010, and same filed in the Clerk of the Court's Office.

Given under my hand and seal, at Fort Myers, Florida, this 12<sup>th</sup> day of March, 2010.

CHARLIE GREEN,  
Clerk of Circuit Court  
Lee County, Florida



By: *Shirley Pierce*  
Deputy Clerk





**Legend**

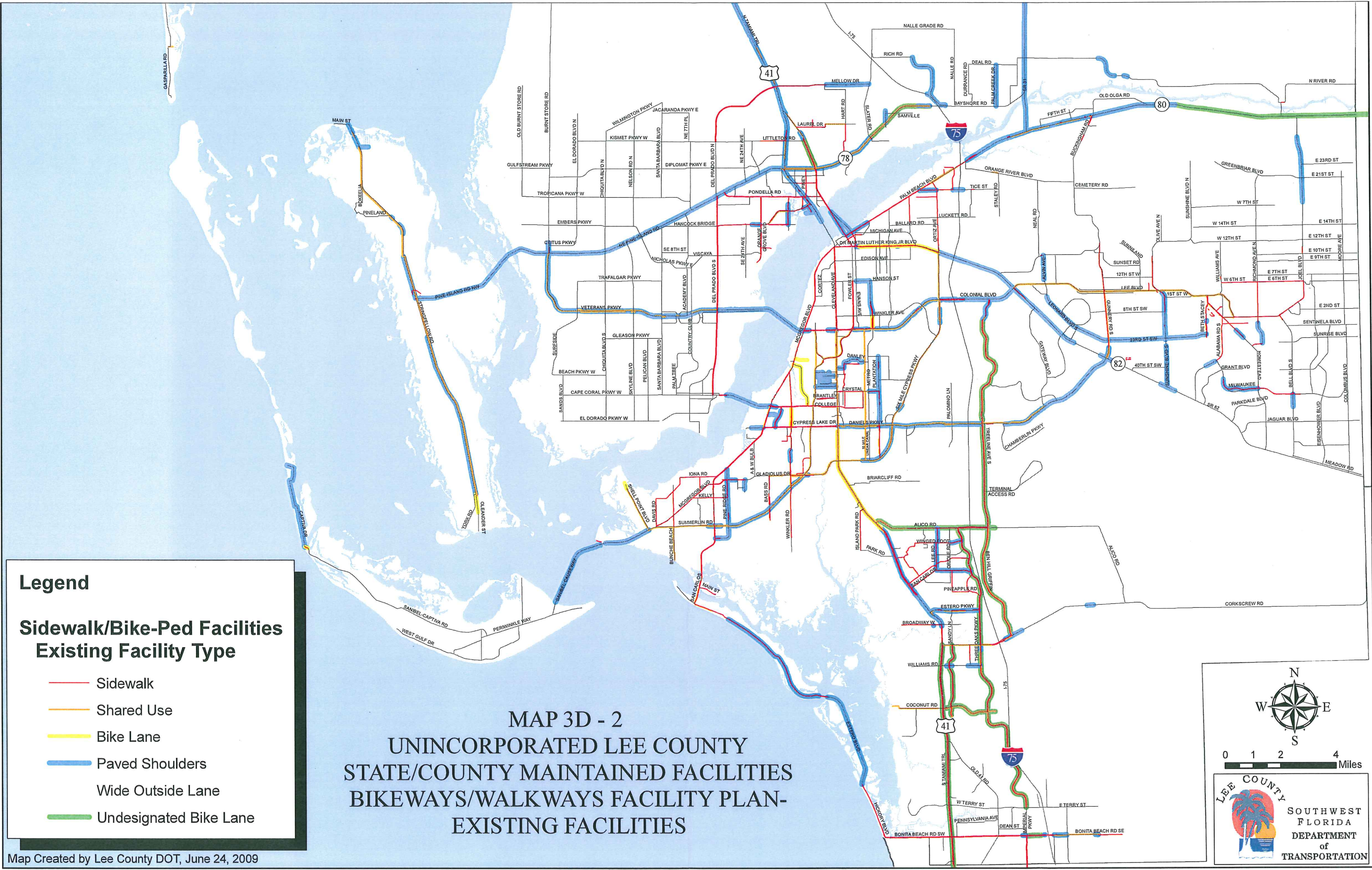
**Sidewalk/Bike-Ped Facilities**

**Planned Facility Type**

- Sidewalk
- Shared Use
- Bike Lane
- Paved Shoulder
- Wide Outside Lane
- Undesignated Bike Lane

**MAP 3D - 1**  
**UNINCORPORATED LEE COUNTY**  
**STATE/COUNTY MAINTAINED FACILITIES**  
**BIKEWAYS/WALKWAYS FACILITY PLAN-**  
**PLANNED FACILITIES**

  
 0 1 2 4 Miles  

**SOUTHWEST FLORIDA**  
**DEPARTMENT of TRANSPORTATION**





**Legend**

**Sidewalk/Bike-Ped Facilities**  
**Existing Facility Type**

- Sidewalk
- Shared Use
- Bike Lane
- Paved Shoulders
- Wide Outside Lane
- Undesignated Bike Lane

**MAP 3D - 2**  
**UNINCORPORATED LEE COUNTY**  
**STATE/COUNTY MAINTAINED FACILITIES**  
**BIKEWAYS/WALKWAYS FACILITY PLAN-**  
**EXISTING FACILITIES**

  
 0 1 2 4 Miles  

**LEE COUNTY**  
 SOUTHWEST  
 FLORIDA  
 DEPARTMENT  
 of  
 TRANSPORTATION