

**LEE COUNTY ORDINANCE NO. 10-10**  
(Annexations/Future Urban Areas)  
(CPA2008-20)

**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 CPA2008-20 (MAPPING ANNEXED AREAS OF THE COUNTY AND AMENDING TEXT OF FUTURE URBAN AREAS) APPROVED DURING THE COUNTY'S 2008/2009 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT AND MAP; 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 AC-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 March 23, 2009, and April 27, 2009; and,

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 CPA2008-20 mapping the annexed areas of the County 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 AC-13-6, conducted public hearings to review proposed map and text amendments to the Lee Plan. The purpose of this ordinance is to adopt the map and text 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 may be referred to as the "2008/2009 Regular Comprehensive Plan Amendment Cycle CPA2008-20 Annexed Areas and Future Urban Areas Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2008/2009 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

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 CPA2008-20. CPA2008-20 amends the Future Land Use Map Series, Map 1, to reflect the annexed areas within Lee County and also revises the text of Future Urban Areas of the Lee Plan.

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

**Note: Additions to text are depicted with underscored text. Deletions are depicted with strike through text.**

**POLICY 1.1.2:** The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers, and ~~Cape Coral~~. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are appropriate in these locations. As Lee County ~~moves toward becoming~~ develops as a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

**POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, ~~Fort Myers Beach~~, South Fort Myers, Iona/McGregor, ~~the city of Bonita Springs~~, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre).

**POLICY 1.1.8:** The Public Facilities areas include the publicly owned lands within the county such as public schools, parks, airports, public transportation and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.

**The updated Future Land Use Map depicting annexed areas within the County is attached to this Ordinance as Exhibit "A."**

### 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 Code. 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.

THE FOREGOING ORDINANCE was offered by Commissioner Mann, who moved its adoption. The motion was seconded by Commissioner Judah. The vote was as follows:

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

\*By telephone.

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

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson  
Deputy Clerk

BY: Tammara Hall for  
Tammara Hall, Chairwoman

DATE: 3/3/10

Approved as to form by:

Donna Marie Collins  
Donna Marie Collins  
County Attorney's Office



Exhibit A: Future Land Use Map (Former - Prior to Amendment)  
Future Land Use Map pursuant to adoption of 2008/2009 Round of  
Amendments (Annexed areas depicted in gray)



# FUTURE LAND USE MAP

1 This map generally represents the future land use maps of the five municipalities within the context of the Lee Plan. The specific plans and policies are subject to the jurisdiction of the respective municipalities.

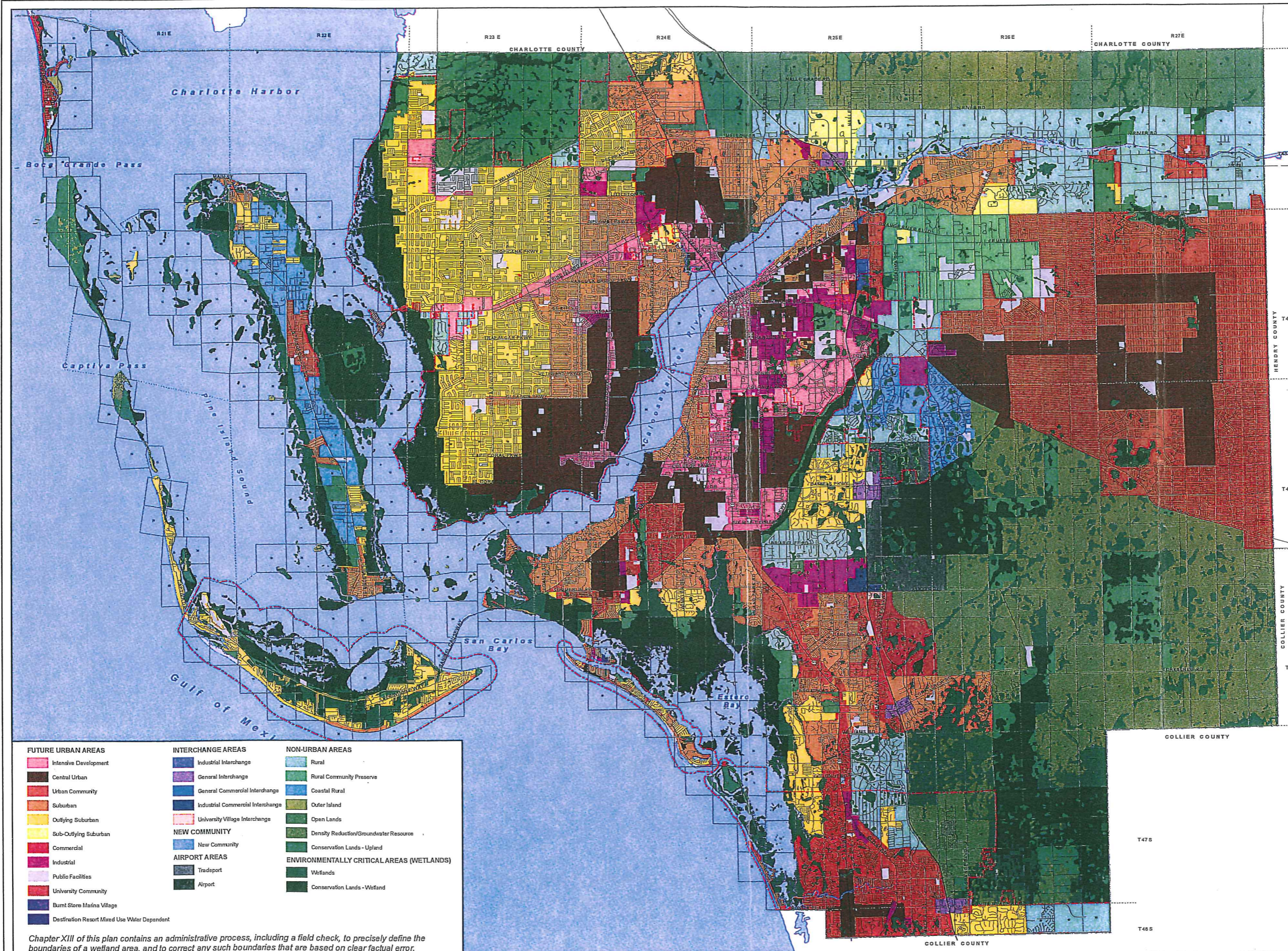
2 This map is a general representation of the Future Land Use Map as adopted by the Board of County Commissioners on September 17, 1990.

Revised By:

ADOPTING ORDINANCE	DATE OF ADOPTION	EFFECTIVE DATE
89-02	10/1/1989	3/1/1989
90-09	3/7/1990	3/14/1990
90-43	9/6/1990	9/17/1990
90-44	9/12/1990	9/17/1990
91-10	4/3/1991	4/10/1991
91-19	7/9/1991	7/18/1991
92-35	8/7/1992	8/18/1992
92-41	9/15/1992	9/21/1992
92-47	10/27/1992	11/9/1992
92-48	10/27/1992	11/9/1992
92-51	12/9/1992	12/21/1992
93-05	2/22/1993	2/26/1993
93-25	9/20/1993	1/24/1994
94-23	8/29/1994	11/14/1994
94-29	10/26/1994	1/9/1995
94-30	11/1/1994	7/25/1996
95-27	12/20/1995	1/20/1996
96-19	10/2/1996	11/2/1996
97-05	3/5/1997	4/2/1997
97-17	8/26/1997	9/30/1997
97-13	6/24/1997	7/25/1997
97-22	11/25/1997	12/28/1997
98-02	1/13/1998	2/13/1998
98-09	6/3/1998	7/30/1998
99-02	4/13/1999	2/4/2000
99-26	11/24/1998	12/25/1998
99-15	11/22/1999	1/19/2000
99-16	11/22/1999	1/19/2000
99-17	11/22/1999	1/19/2000
99-18	11/22/1999	1/19/2000
99-19	11/22/1999	12/23/1999
00-08	5/4/2000	6/26/2000
00-16	8/8/2000	9/8/2000
00-22	11/12/2000	12/26/2000
01-24	12/13/2001	1/13/2002
02-02, 03, 04, 05, 06	1/10/2002	3/27/2002
02-29	10/21/2002	1/9/2003
03-01, 02, 03, 04, 05, 06, 07	1/9/2003	4/1/2003
03-12	5/6/2003	6/6/2003
03-19, 03-20, 03-21	10/29/2003	1/21/2004
03-26	12/15/2003	3/12/2004
04-14	9/29/2004	12/7/2004
04-15	9/22/2004	10/22/2004
05-19, 05-21	10/12/2005	01/08/2006
05-20	10/12/2005	11/15/2005
07-07	4/24/2007	5/24/2007
07-06	4/24/2007	5/24/2007
07-09 thru 07-18	5/16/2007	8/13/2007
08-04	3/11/2008	4/11/2008
08-05	3/11/2008	4/11/2008
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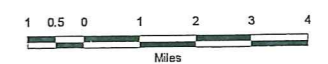
3 Please see the Lee Plan for additional information regarding special restrictions, overlays, or allowances in addition to the requirements of the land use categories.

4 The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County.



<b>FUTURE URBAN AREAS</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffcccc; border: 1px solid black; margin-right: 5px;"></span> Intensive Development</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #cccccc; border: 1px solid black; margin-right: 5px;"></span> Central Urban</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ff9966; border: 1px solid black; margin-right: 5px;"></span> Urban Community</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffcc99; border: 1px solid black; margin-right: 5px;"></span> Suburban</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff99; border: 1px solid black; margin-right: 5px;"></span> Outlying Suburban</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff66; border: 1px solid black; margin-right: 5px;"></span> Sub-Outlying Suburban</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ff9933; border: 1px solid black; margin-right: 5px;"></span> Commercial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ff6666; border: 1px solid black; margin-right: 5px;"></span> Industrial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ff99cc; border: 1px solid black; margin-right: 5px;"></span> Public Facilities</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ff99ff; border: 1px solid black; margin-right: 5px;"></span> University Community</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #9933ff; border: 1px solid black; margin-right: 5px;"></span> Burnt Store Marina Village</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #3333ff; border: 1px solid black; margin-right: 5px;"></span> Destination Resort Mixed Use Water Dependent</li> </ul>	<b>INTERCHANGE AREAS</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #3366ff; border: 1px solid black; margin-right: 5px;"></span> Industrial Interchange</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #6633ff; border: 1px solid black; margin-right: 5px;"></span> General Interchange</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #0066ff; border: 1px solid black; margin-right: 5px;"></span> General Commercial Interchange</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #0033ff; border: 1px solid black; margin-right: 5px;"></span> Industrial Commercial Interchange</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ff99cc; border: 1px solid black; margin-right: 5px;"></span> University Village Interchange</li> </ul> <b>NEW COMMUNITY</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #6699ff; border: 1px solid black; margin-right: 5px;"></span> New Community</li> </ul> <b>AIRPORT AREAS</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #666666; border: 1px solid black; margin-right: 5px;"></span> Tradeport</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #333333; border: 1px solid black; margin-right: 5px;"></span> Airport</li> </ul>	<b>NON-URBAN AREAS</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #99ccff; border: 1px solid black; margin-right: 5px;"></span> Rural</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #66cc99; border: 1px solid black; margin-right: 5px;"></span> Rural Community Preserve</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #99ff99; border: 1px solid black; margin-right: 5px;"></span> Coastal Rural</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #99ff66; border: 1px solid black; margin-right: 5px;"></span> Outer Island</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #99ff33; border: 1px solid black; margin-right: 5px;"></span> Open Lands</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #99ff00; border: 1px solid black; margin-right: 5px;"></span> Density Reduction/Groundwater Resource</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #66ff66; border: 1px solid black; margin-right: 5px;"></span> Conservation Lands - Upland</li> </ul> <b>ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)</b> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #33ff33; border: 1px solid black; margin-right: 5px;"></span> Wetlands</li> <li><span style="display: inline-block; 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Chapter XIII of this plan contains an administrative process, including a field check, to precisely define the boundaries of a wetland area, and to correct any such boundaries that are based on clear factual error.



Map Generated May 2009

Lee Plan Map 1  
Page 1 of 6

Map 1  
(Former - Prior to Amendment)



# FUTURE LAND USE MAP

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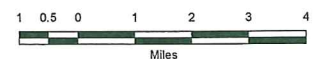
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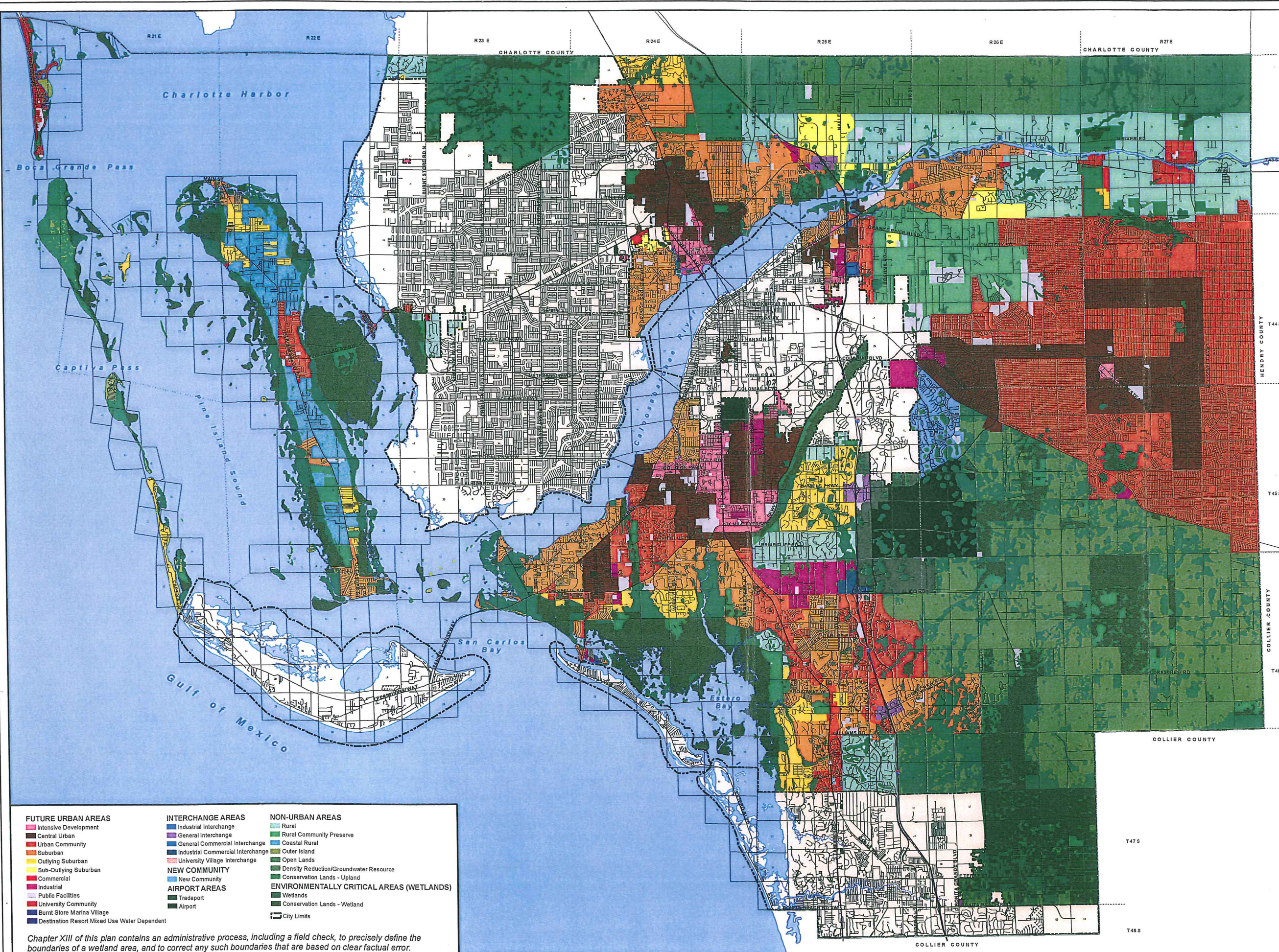
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Map Generated March 2010

Lee Plan Map 1  
Page 1 of 8

**AS AMENDED**  
By Board of County Commissioners  
March 3, 2010



FUTURE URBAN AREAS	INTERCHANGE AREAS	NON-URBAN AREAS
Intensive Development	Industrial Interchange	Rural
Central Urban	General Interchange	Rural Community Preserve
Urban Community	General Commercial Interchange	Coastal Rural
Suburban	Industrial Commercial Interchange	Outer Island
Outlying Suburban	University Village Interchange	Open Lands
Sub-Outlying Suburban		Density Reduction/Groundwater Resource
Commercial		Conservation Lands - Upland
Industrial		ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)
Public Facilities		Wetlands
University Community		Conservation Lands - Wetland
Burnt Store Marina Village		
Destination Resort Mixed Use Water Dependent		
	NEW COMMUNITY	
	New Community	
	AIRPORT AREAS	
	Tradeport	
	Airport	
		City Limits

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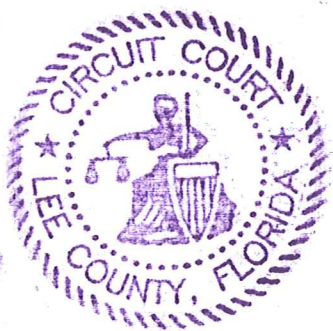
STATE OF FLORIDA

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 10-10, 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: Asia J. Perice  
Deputy Clerk