

LEE COUNTY ORDINANCE NO. 10-18
(Greenways Multi-Purpose Recreational Trails Map)
(CPA2008-25)

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 CPA2008-25 PERTAINING TO THE GREENWAYS MULTI-PURPOSE RECREATIONAL TRAILS MASTER PLAN (MAP 22) APPROVED DURING THE COUNTY'S 2008/2009 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP 22; 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 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 CPA2008-25 pertaining to the Greenways Multi-Purpose Recreational Trails Master Plan (Map 22) 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 amendment to Map 22 of the Lee Plan. The purpose of this ordinance is to adopt the Map amendment 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 CPA2008-25, Greenways Multi-Purpose Recreational Trails Map 22 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 CPA2008-25. CPA2008-25 updates the Greenway Multi-Purpose Recreation Trails Master Plan (Map 22).

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

The update to the Greenways Multi-Purpose Recreational Trails Master Plan (Map 22) 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 3rd day of March 2010.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: Tammara Hall
Tammara Hall, Chairwoman

DATE: 3/3/10











Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

Exhibit A: Greenways Multi-Purpose Recreational Trails Master Plan (Map22) (Former - Prior to Amendment)
Greenways Multi-Purpose Recreational Trails Master Plan (Map 22)
(Updated by BOCC on 3/3/2010)

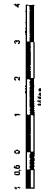
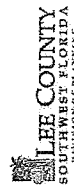
LEE COUNTY GREENWAYS MULTI-PURPOSE RECREATIONAL TRAILS MASTER PLAN

Greenways

-  Charlotte-Lee-Collier Trail
-  Captiva-Hendry-Collier Trail
-  Pine Island-Hendry Trail
-  Charlotte-Lee-Hendry Trail
-  Connector Trails
-  Trails Outside Lee County
-  Blueways
-  City Limits

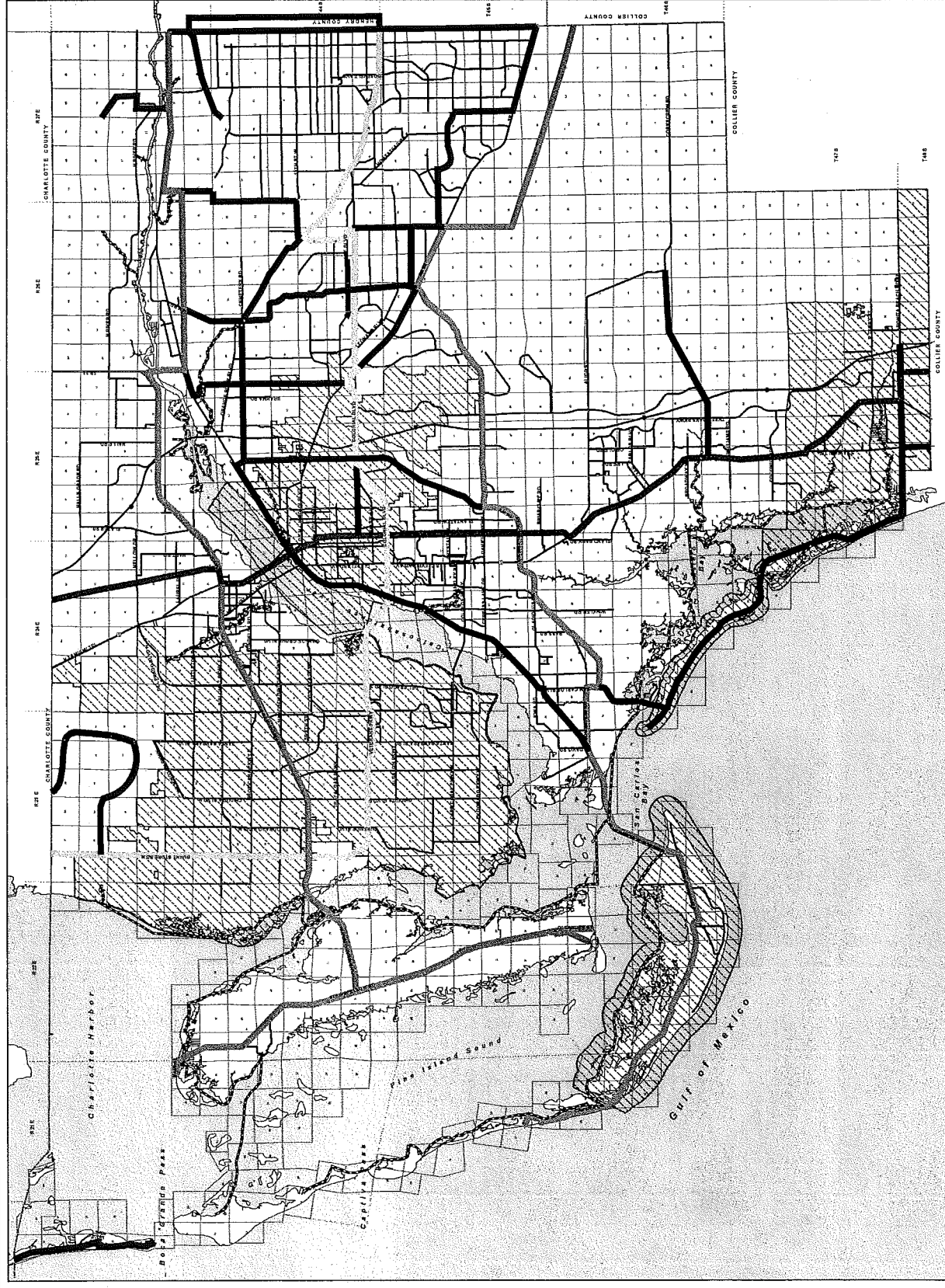


PARKS AND RECREATION
www.lee.org











Map Generated: January 2008
 City Limits current to date of map generation
 Adopted May 16, 2007
 Adopted by Ordinance No. 07-09

Lee Plan Map 22



Map 22
 (Former - Prior to Amendment)

LEE COUNTY GREENWAYS MULTI-PURPOSE RECREATIONAL TRAILS MASTER PLAN

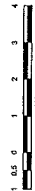
-  Completed Greenways
-  Charlotte-Lee-Collier Trail
-  Captiva-Hendry-Collier Trail
-  Pine Island-Hendry Trail
-  Charlotte-Lee-Hendry Trail
-  Connector Trails
-  Great Calusa Blueway
-  City Limits

LEE COUNTY



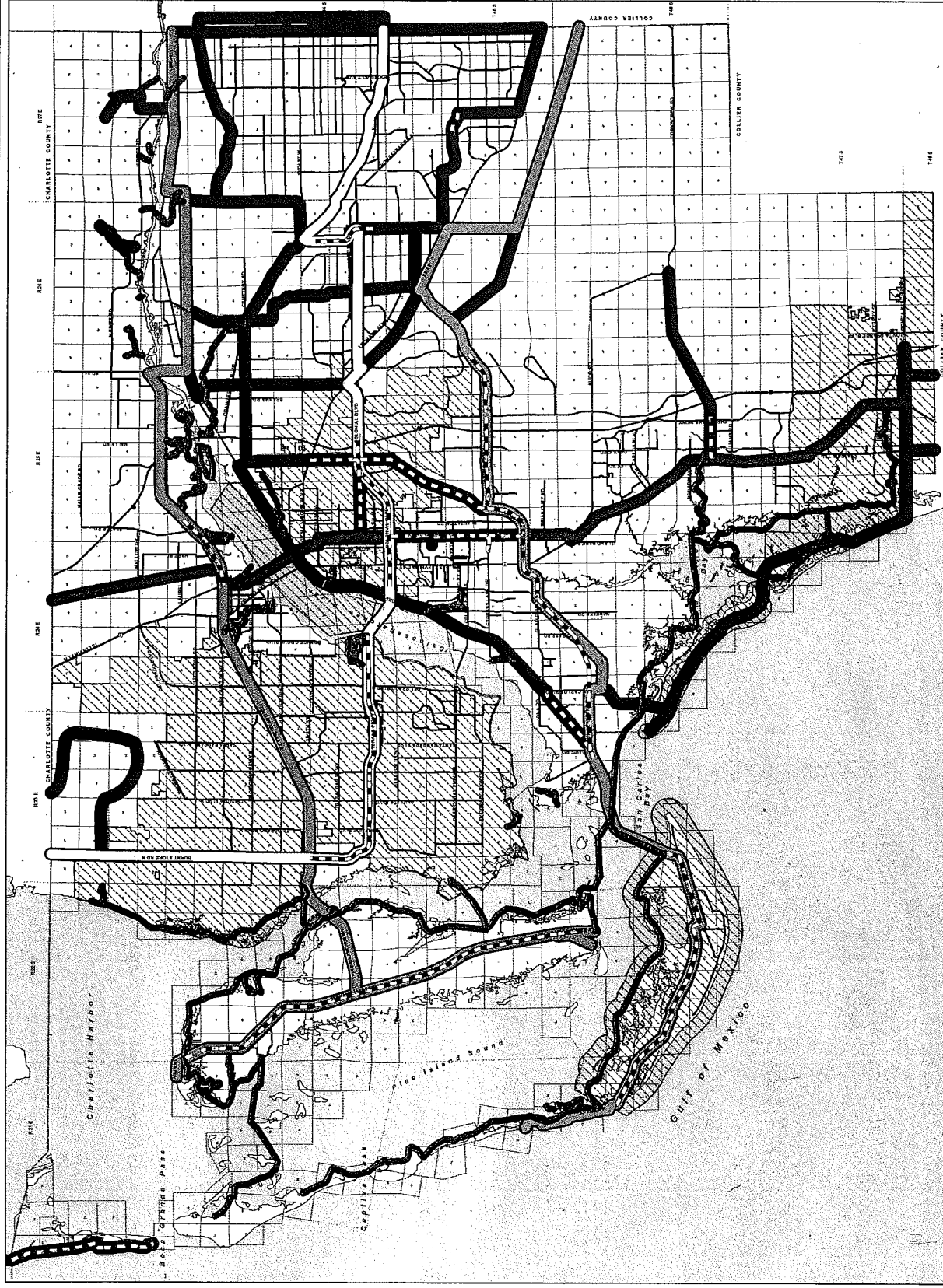
PARKS AND RECREATION
WWW.LEECOUNTYFLA.GOV

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



Map Generated: October 2009
City Limits current to date of map generation
Adopted May 16, 2007
Adopted by Ordinance No. 07-09

Lee Plan Map 22



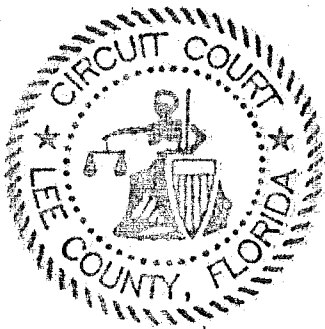
Map 22
(Adopted by BOCC 3/3/2010)

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 10-18, 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 12th day of March, 2010.



CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By: Isaac R. Peirce
Deputy Clerk