

**LEE COUNTY ORDINANCE NO. 10-14**  
(Commercial/Industrial Lands)  
(CPA2008-27)

**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 CPA2008-27 (PERTAINING TO COMMERCIAL/INDUSTRIAL LANDS) APPROVED DURING THE COUNTY'S 2008/2009 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT; 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 July 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 CPA2008-27 pertaining to Commercial Industrial Lands 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 text amendment to the Lee Plan. The purpose of this ordinance is to adopt text 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 CPA2008-27, Commercial/Industrial Lands 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 known as CPA2008-27. CPA2008-27 amends the Lee Plan policies pertaining to the development of Commercial/Industrial Lands.

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

**Note: Underscored text represents addition to the Lee Plan. Struck through text represents deletions to the Lee Plan.**

### **FUTURE LAND USE ELEMENT**

**POLICY 1.1.7:** The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and central locations to reduce employee commuting distances. The Industrial Development area is to be reserved for research and development, laboratories, industrial activities, and office; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). New natural resource extraction (mining) activities and fill dirt operations must be approved through the Mining Excavation Planned Development rezoning process in accordance with the Lee County Land

Development Code. The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore road and south of ACL Railroad right of way in Section 20, Township 43 South, Range 25 East will have a maximum Floor Area Ratio of 0.3. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured or directly related to that manufactured on the premises, or;
  2. Commercial uses are integrated into the primary R&D/Industrial development;
  3. Commercial service and retail uses may not exceed 20% of the total acreage within the Industrial Development areas per within each Planning Community.
- (Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02, 09-06, 09-12)

**POLICY 1.2.2:** The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; hotels/motels, meeting facilities; and office uses. Ancillary retail and ~~Corner Store~~ commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development. Future development in this category is encouraged to include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Temporary housing units may be included in association with research and development activities when approved as part of a Planned Development zoning request. Caretaker residences are not permitted in the Airport Noise Zone B. ~~Because this~~ The Tradeport area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09, 09-06)

## ECONOMIC ELEMENT

~~**POLICY 158.4.10:** The Lee County Community Redevelopment Agency will continue local revitalization efforts in the county's redevelopment areas to leverage private reinvestment activities through public investment in community development and infrastructure improvements. (Amended by Ordinance No. 00-22)~~

**RENUMBER POLICY 158.4.11 to 158.4.10**

**POLICY 158.5.2:** Lee County will promote the development of programs and facilities thru the Lee County School District, Edison State College, Florida Gulf Coast University, and any existing and/or future institutions of higher learning, including business and commerce, health services, technologies, and education careers. (Amended by Ordinance No. 00-22, 07-09)

**POLICY 158.5.3:** Lee County will encourage the Lee County School District, Edison State College, Florida Gulf Coast University, and any future institutions of higher learning, to develop cooperative and integrated curriculums that enhance and increase the productivity of the local work force and attract industries and skilled workers. (Amended by Ordinance No. 00-22, 07-09)

**OBJECTIVE 158.6:** Lee County will maintain a system of development regulations that will promote the accomplishment of the goals, objectives, and policies of this element: and will expedite the development review process for projects identified by the Economic Development Office as "economic projects." (Amended by Ordinance No. 00-22)

**POLICY 158.6.3:** Lee County will expedite the processing of rezoning and development permitting for projects identified by the Economic Development Office as "economic projects."

**POLICY 158.6.4:** Lee County will appoint a zoning and development permitting ombudsman within the Economic Development Office, who will have the authority to coordinate and facilitate the rezoning and development permitting processes for "economic projects" pursuant to Policy 158.6.3, so as to reduce requests for additional information, identify issue resolutions, and reduce the amount of time spent in rezoning and permitting for such projects.

**POLICY 158.6.4:** Lee County will appoint a zoning and development permitting ombudsman within the Economic Development Office, who will have the authority to coordinate and facilitate the rezoning and development permitting processes for "economic projects" pursuant to Policy 158.6.3, so as to reduce requests for additional information, identify issue resolutions, and reduce the amount of time spent in rezoning and permitting for such projects.

### 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: Ray Judah  
Tammara Hall, Chairwoman

DATE: 3/3/10



Approved as to form by:

Donna Marie Collins  
Donna Marie Collins  
County Attorney's Office

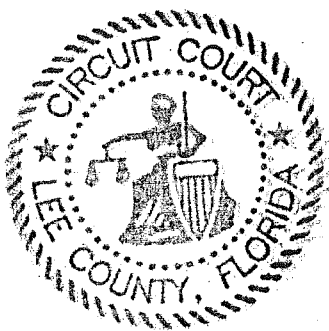
STATE OF FLORIDA

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 10-14, 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: Isa J. Perce  
Deputy Clerk