

LEE COUNTY ORDINANCE NO. 10-12
(Public Facilities Update)
(CPA2008-23)

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 CPA2008-23 (UPDATING PUBLIC FACILITIES ON THE FUTURE LAND USE MAP) APPROVED DURING THE COUNTY'S 2008/2009 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; AMENDMENTS TO THE FUTURE LAND USE 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 January 26, 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 CPA2008-23 updating the Public Facilities Map 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 amendments to the Future Land Use Map of the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Future Land Use Map 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 CPA2008-23, Public Facilities Future Land Use 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 CPA2008-23. CPA2008-23 amends the Future Land Use Map Series, Map 1, to update the map and table reflecting Public Facilities.

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

The updated Future Land Use Map reflecting the Public Facilities in Lee 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 3rd 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

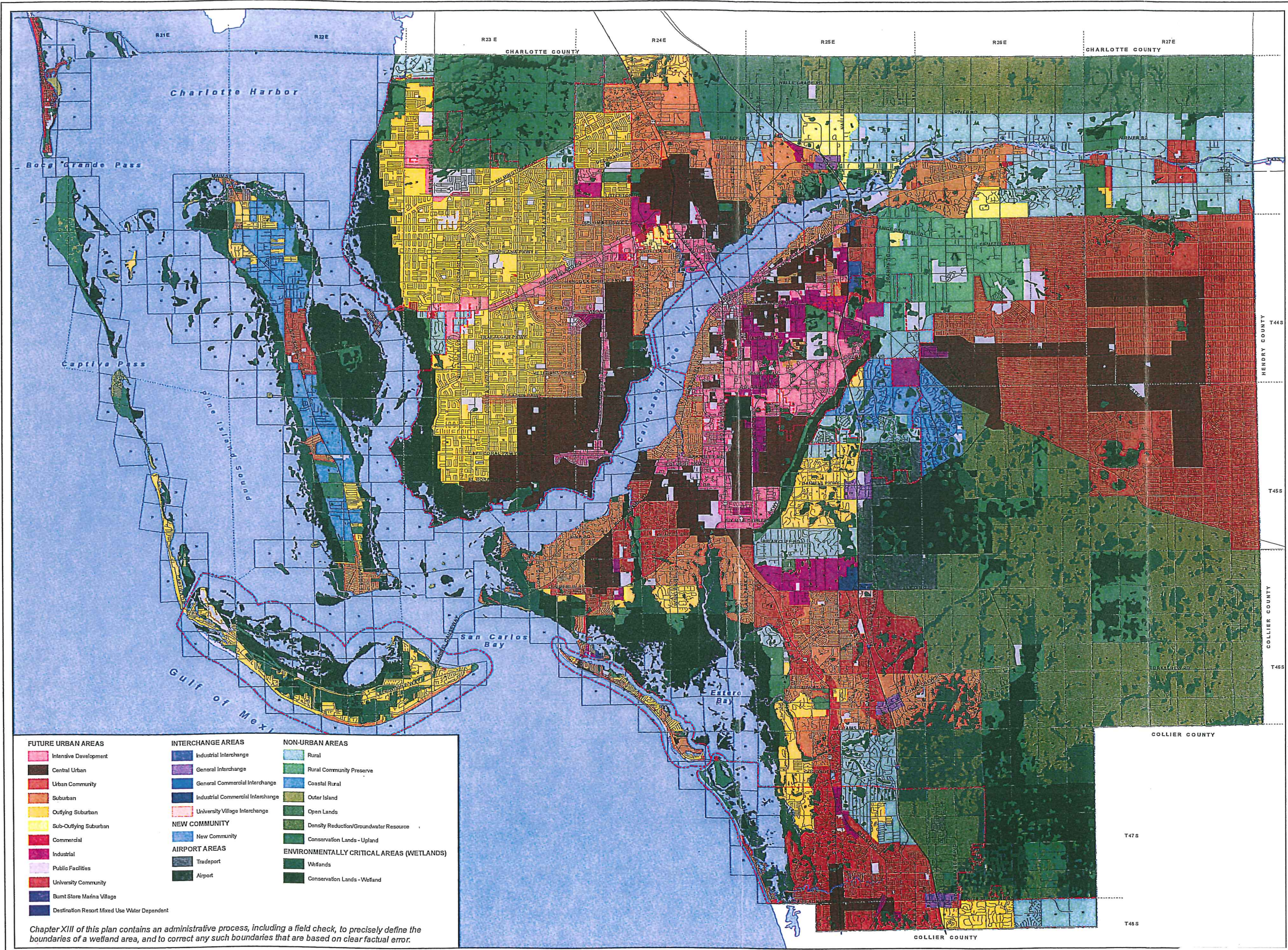
DATE: 3/3/10



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)
Public Facilities Map and Table Update (Composite)
Future Land Use Map (Updated by BOCC on 3/3/2010)



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:

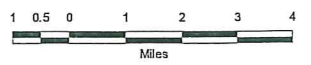
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89-02	1/31/1989	3/1/1989
90-09	3/7/1990	3/14/1990
90-43	9/6/1990	9/17/1990
90-44	9/12/1990	9/17/1990
91-10	4/3/1991	4/10/1991
91-19	7/8/1991	7/18/1991
92-35	8/7/1992	8/18/1992
92-41	9/15/1992	9/21/1992
92-47	10/27/1992	11/9/1992
92-48	10/27/1992	11/9/1992
92-51	12/9/1992	12/21/1992
93-05	2/22/1993	2/28/1993
93-25	9/20/1993	12/4/1994
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	12/20/1996
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	12/26/1997
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	6/28/2000
00-16	8/8/2000	9/8/2000
00-22	11/1/2000	12/8/2000
01-24	12/13/2001	1/13/2002
02-02, 03, 04, 05, 06	1/1/2002	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	9/20/2004	12/7/2004
04-15	9/22/2004	10/22/2004
05-19, 05-21	10/12/2005	01/09/2006
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
09-05 thru 09-17	2/25/2009	5/15/2009

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.

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	NEW COMMUNITY	Density Reduction/Groundwater Resource
Commercial	New Community	Conservation Lands - Upland
Industrial	AIRPORT AREAS	ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)
Public Facilities	Tradeport	Wetlands
University Community	Airport	Conservation Lands - Wetland
Burnt Store Marina Village		
Destination Resort Mixed Use Water Dependent		

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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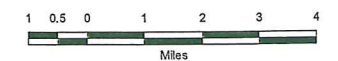
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03-01, 02, 03, 04, 05, 06, 07	1/9/2003	4/1/2003
03-12	5/6/2003	6/8/2003
03-18, 03-20, 03-21	10/29/2003	12/1/2004
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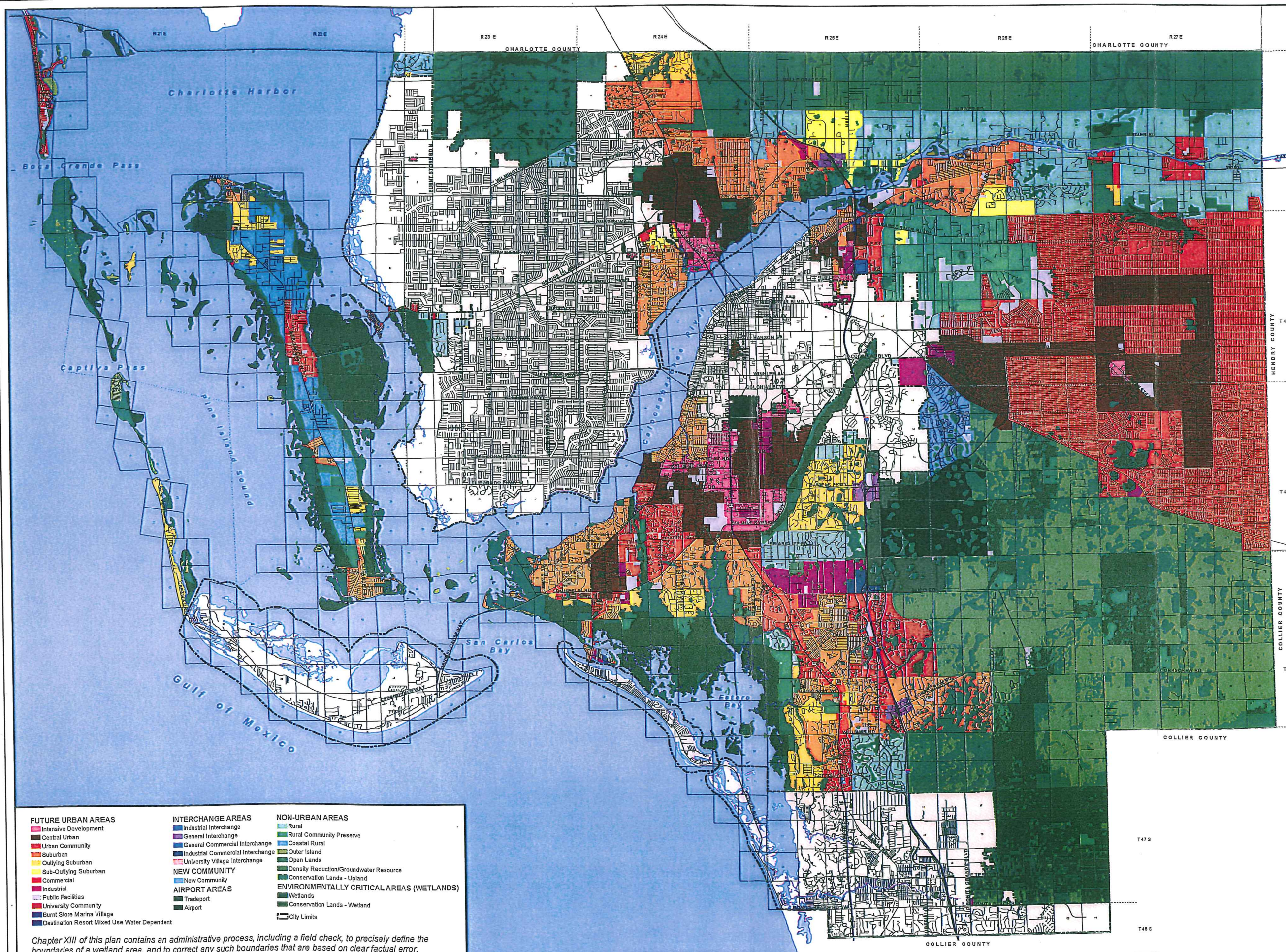
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Map Generated March 2010

Lee Plan Map 1
Page 1 of 8

AS AMENDED
By Board of County Commissioners
March 3, 2010





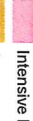
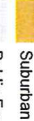
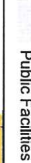
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University Community	Tradeport	Conservation Lands - Wetland
Burnt Store Marina Village	Airport	City Limits
Destination Resort Mixed Use Water Dependent		

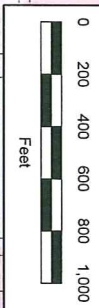
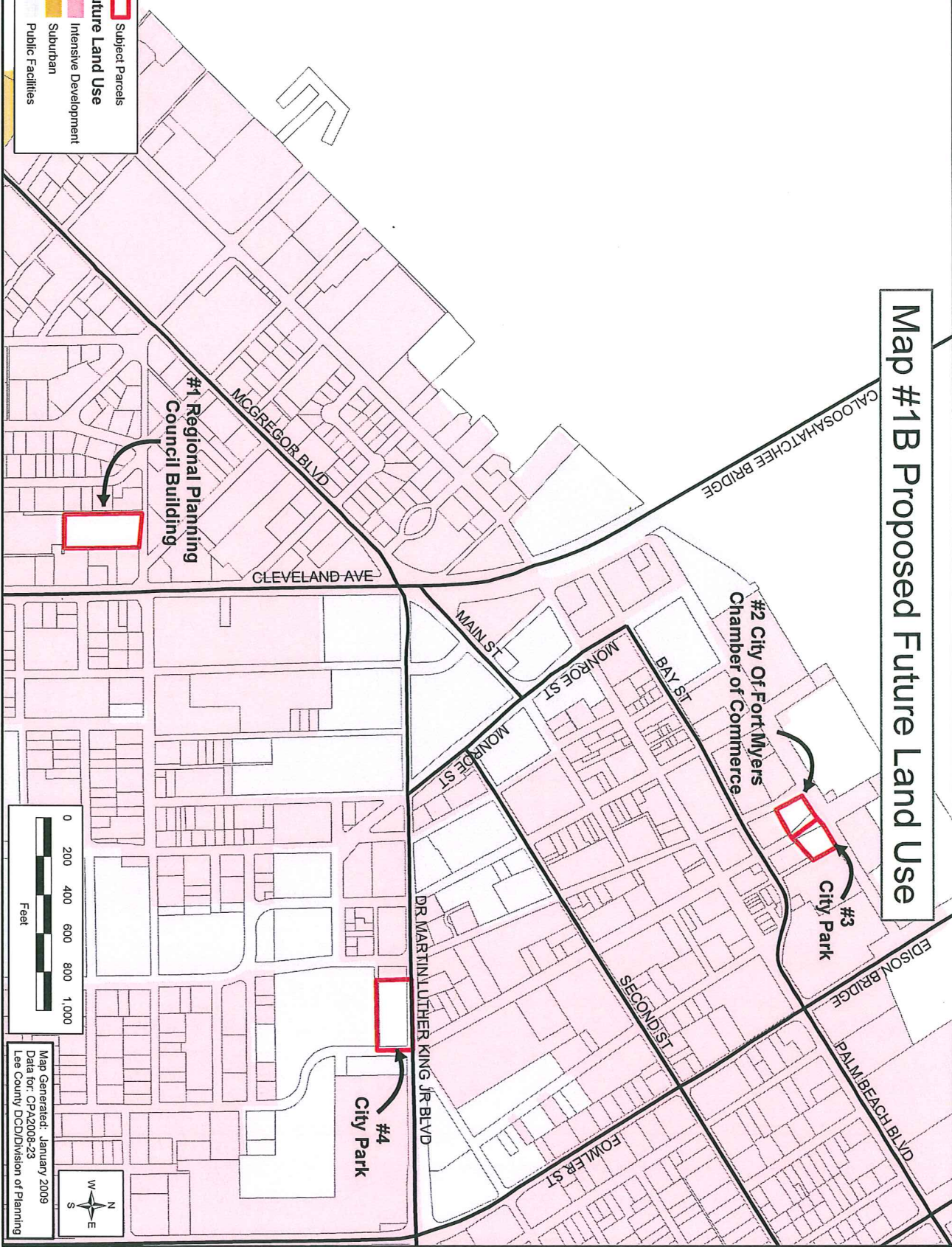
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CPA 2008-00023

(Sites Proposed for Designation as Public Facilities)

Map #1B Proposed Future Land Use

-  Subject Parcels
-  Future Land Use
-  Intensive Development
-  Suburban
-  Public Facilities



Map Generated: January 2009
Data for: CPA2008-23
Lee County DCD/Division of Planning



CPA 2008-00023

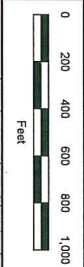
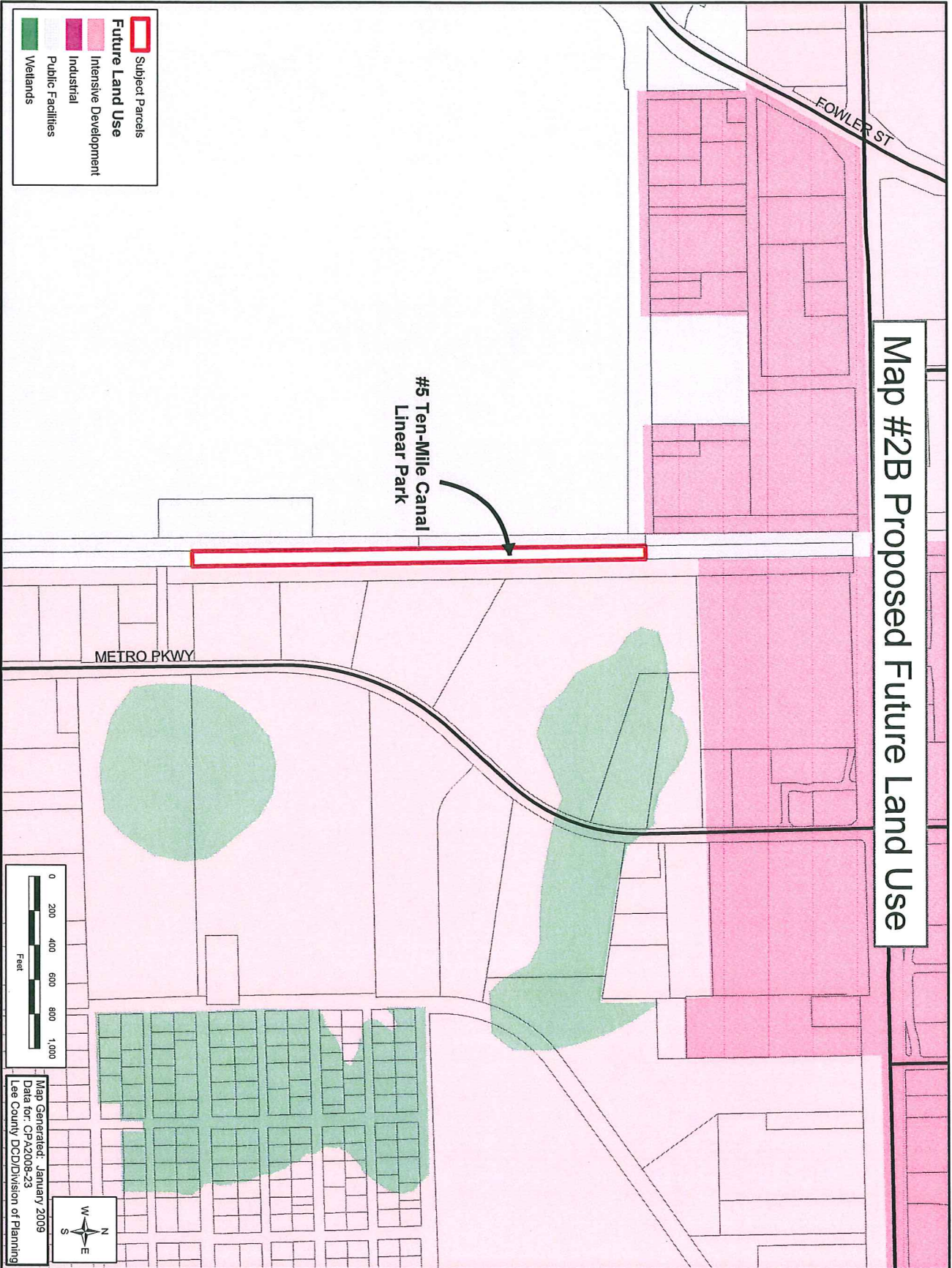
(Sites Proposed for Designation as Public Facilities)

Future Land Use

- Subject Parcels
- Intensive Development
- Industrial
- Public Facilities
- Wetlands

Map #2B Proposed Future Land Use

#5 Ten-Mile Canal
Linear Park



Map Generated: January 2009
Data for: CPA2008-23
Lee County DCD/Division of Planning



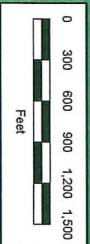
CPA 2008-00023

(Sites Proposed for Designation as Public Facilities)

Map #3B Proposed Future Land Use

 Subject Parcels
Future Land Use
Public Facilities
Airport
Density Reduction/Groundwater Resource
Conservation Lands - Upland
Wetlands
Conservation Lands - Wetland

#6 Greenmeadows
Water Treatment Plant



Map Generated: January 2009
Data for: CPA2008-23
Lee County DCD/Division of Planning



CPA 2008-00023

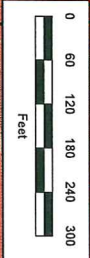
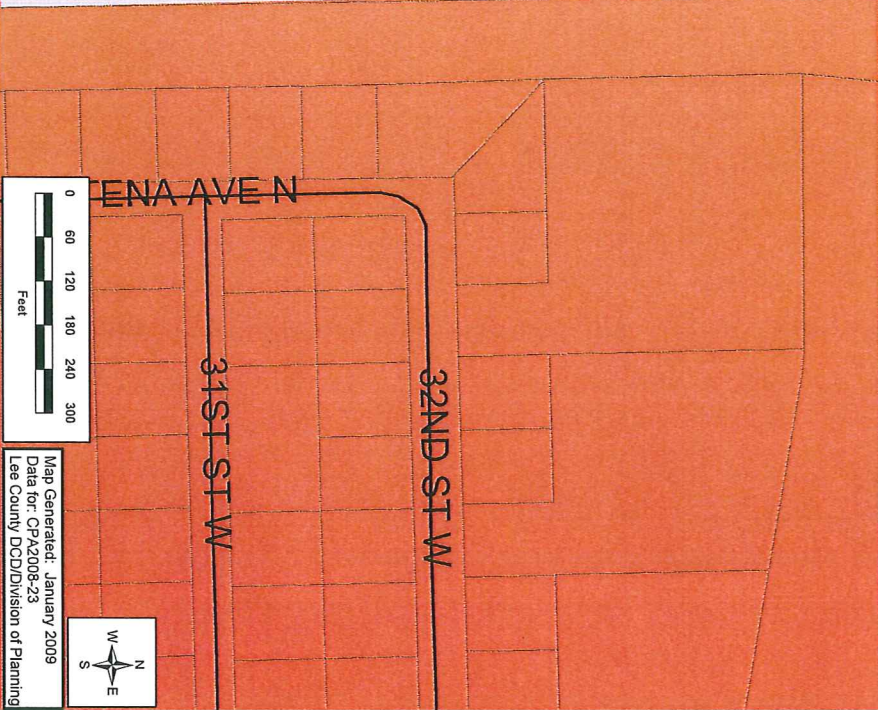
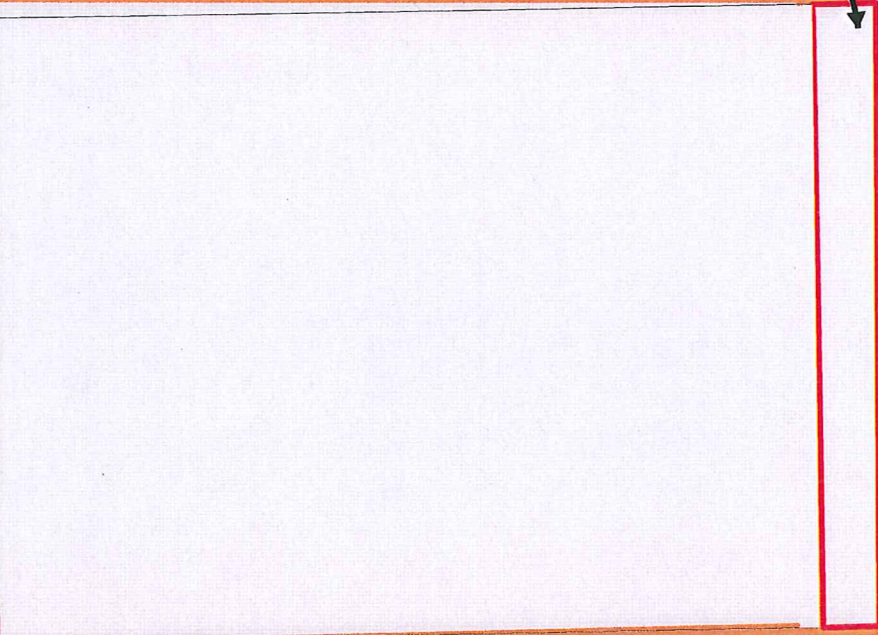
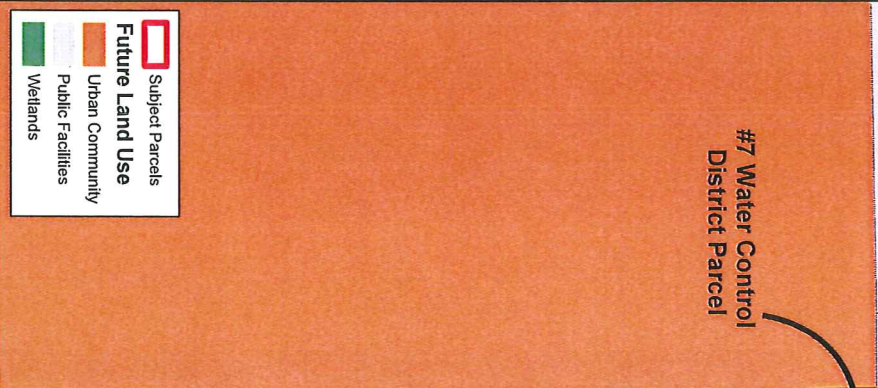
(Sites Proposed for Designation as Public Facilities)

Map #4B Proposed Future Land Use

Future Land Use

- Subject Parcels
- Urban Community
- Public Facilities
- Wetlands

#7 Water Control District Parcel



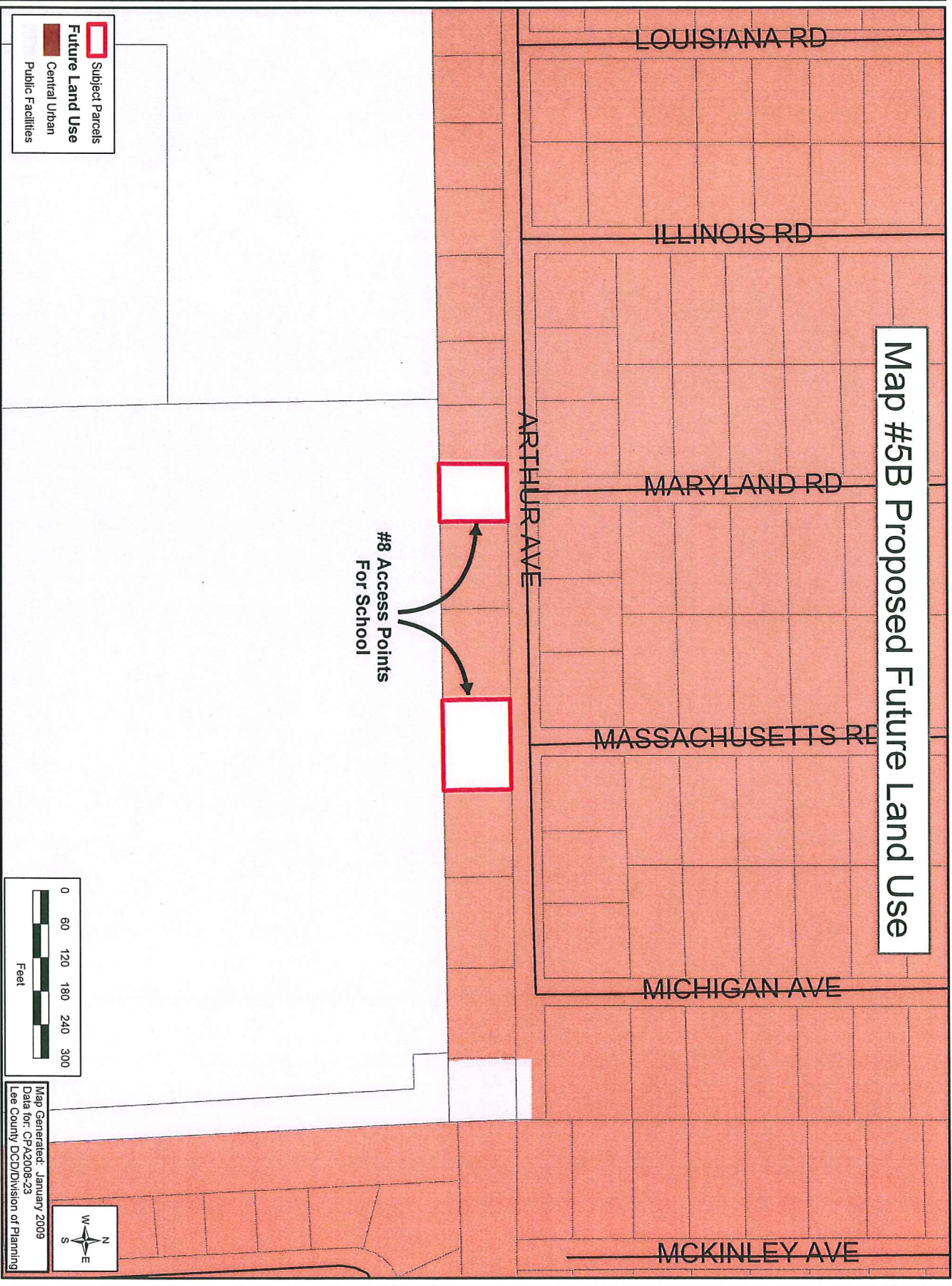
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Data for: CPA2008-23
Lee County DCDD/Division of Planning

CPA 2008-00023

(Sites Proposed for Designation as Public Facilities)

 Subject Parcels
 Future Land Use
Central Urban
Public Facilities

Map #5B Proposed Future Land Use



#8 Access Points
For School



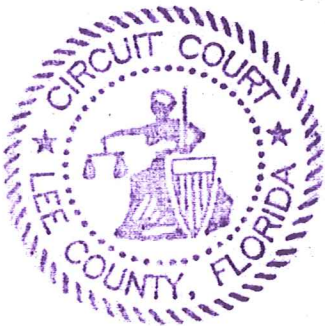
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Data for: CPA2008-23
Lee County DCD/Division of Planning

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 10-12, 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: *Siva S. Pierce*
Deputy Clerk