

LEE COUNTY ORDINANCE NO. 10-27

5236 Orange River Boulevard
Small Scale Amendment 0.9±-Acre Parcel from
Suburban to General Commercial Interchange
Sponsored by Gulf Shore Investments, LLC

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2010-00003) PERTAINING TO THE DESIGNATION OF A 0.9-ACRE PARCEL FROM SUBURBAN TO THE GENERAL COMMERCIAL INTERCHANGE FUTURE LAND USE CATEGORY; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 1; LEGAL EFFECT OF THE "LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY; INCLUSION IN CODE, CODIFICATION AND 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 private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and

WHEREAS, the Local Planning Agency ("*LPA*") held a public hearing on the adoption of the proposed amendment on May 24, 2010. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption the proposed amendment on June 16, 2010. At that hearing, the Board approved a motion to adopt proposed amendment CPA2010-00003 pertaining to the re-designation of a 0.9±acre parcel from Suburban to General Commercial Interchange on the Future Land Use Map Series, Map 1. The subject parcel is located at 5236 Orange River Boulevard (on the south side of Orange River Boulevard) in Section 03, Township 44 South, Range 25 East, Lee County, Florida.

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 a public hearing to review a proposed amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later 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 "2010 Small Scale Amendment Cycle CPA2010-00003, re-designation of 0.9±-acre parcel located at 5236 Orange River Boulevard (on the south side of Orange River Boulevard) in Section 03, Township 44 South, Range 25 East, Lee County, Florida."

SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAPS SERIES, MAP 1

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1, by changing the designation of a 0.9-acre parcel from the Suburban to General Commercial Interchange Future Land Use category as depicted on attached Exhibit "A." The subject parcel is located at 5236 Orange River Boulevard (on the south side of Orange River Boulevard) in Section 03, Township 44 South, Range 25 East, Lee County, Florida. The corresponding staff report 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 of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION AND 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 re-numbered or re-lettered 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 her designee, without need of a public hearing, by filing a corrected or re-codified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Community Affairs or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

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

District 1	Vacant
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 16th day of June, 2010.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: Tammara Hall
Tammara Hall, Chair

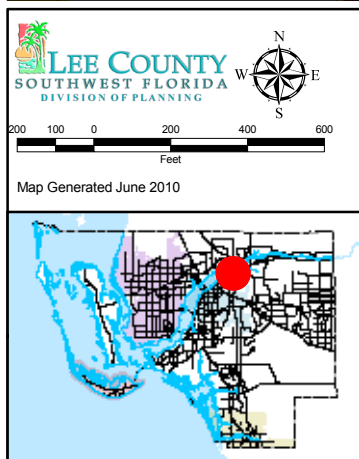
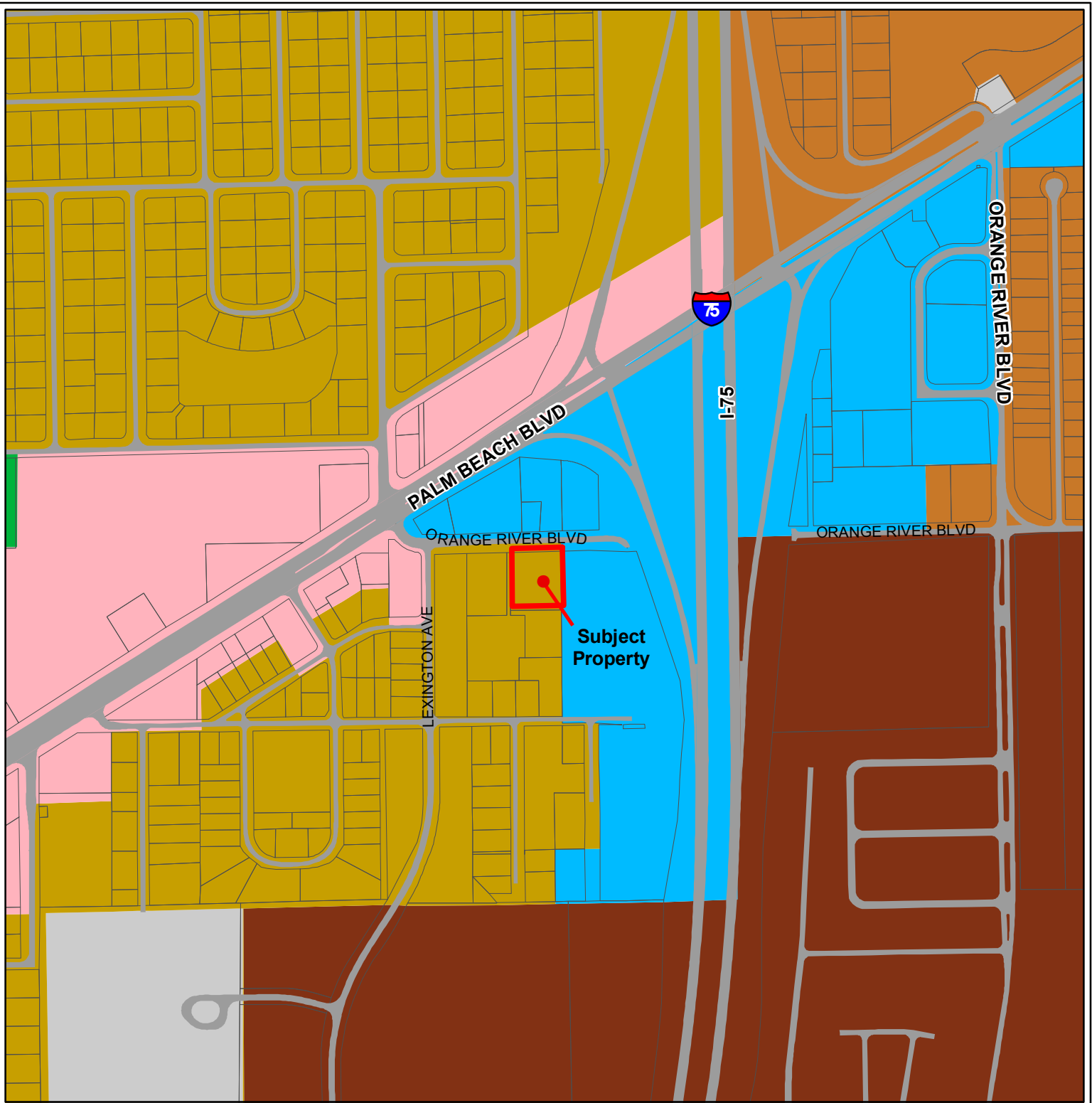
DATE: 6/16/10

Approved as to form by:

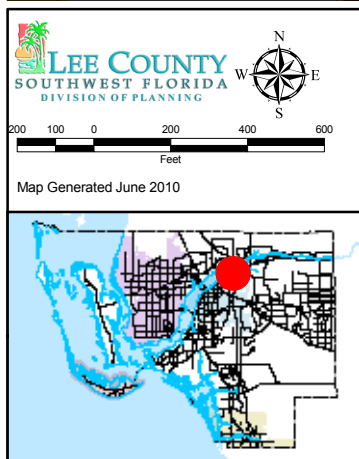
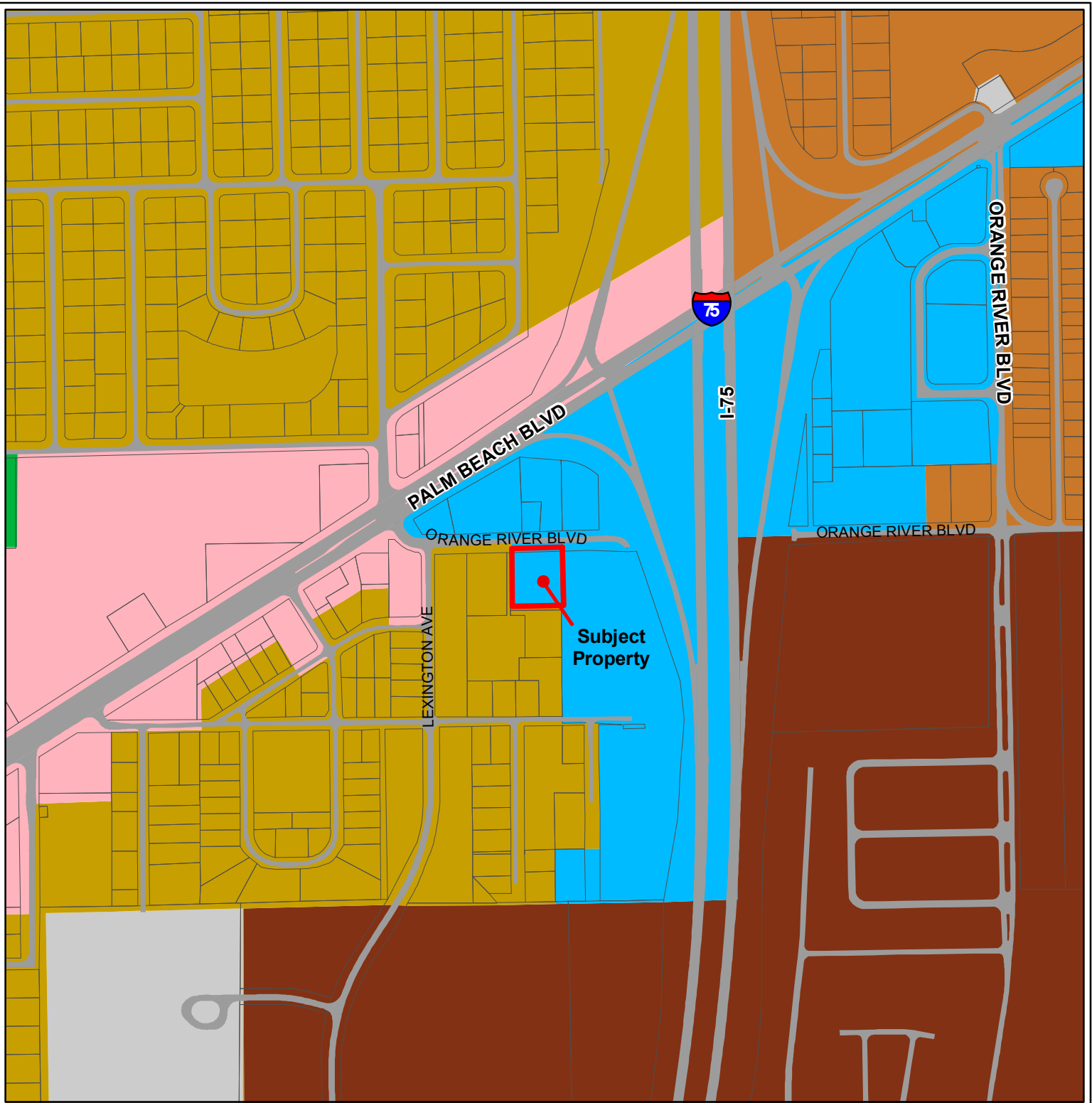
John J. Fredyma

John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office





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 Development	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		



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STATE OF FLORIDA

COUNTY OF LEE

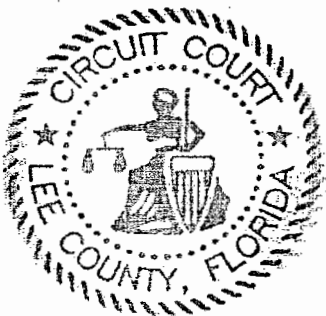
I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing, is a true and correct copy of Ordinance No. 10-27, adopted by the Board of Lee County Commissioners, at their meeting held on the 16th day of June, 2010 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 21st day of June, 2010.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By:

Marcia Wilson
Deputy Clerk





FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

June 24, 2010

Honorable Charlie Green
Clerk of Court
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Ms. Marcia Wilson, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 21, 2010 and certified copy of Lee County Ordinance No. 10-27, which was filed in this office on June 22, 2010.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

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DIRECTOR'S OFFICE

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