

LEE COUNTY ORDINANCE NO. 10-33
(University Highlands - T&T DRI Related Amendment)
(CPA2010-00002)

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 CPA2010-00002 (PERTAINING TO AN APPLICATION FILED BY UNIVERSITY HIGHLANDS, LLC) APPROVED DURING A PUBLIC HEARING AS A DRI RELATED COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT AND FUTURE LAND USE MAP SERIES; 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 June 18, 2010; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 23, 2010. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2010-00002 pertaining to University Highlands to the Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the June 23, 2010 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 received on September 1, 2010; and,

WHEREAS, on October 18, 2010, the Board held a public hearing on a proposed amendment to the Timberland and Tiburon DRI Development Order, as well as this Plan Amendment. At the conclusion of the hearing, the Board adopted the proposed text and map amendments 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 and map amendments to the Lee Plan. The purpose of this ordinance is to adopt text and map 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 "CPA2010-00002, University Highlands - Timberland and Tiburon DRI Related Plan Amendment Ordinance."**

SECTION TWO: ADOPTION OF DRI RELATED COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting a text and Future Land Use Map amendment, as revised by the Board on October 18, 2010, known as CPA2010-00002 (University Highlands - Timberland and Tiburon DRI Related Plan Amendment).

The substance of the amendments to the Future Land Use Map Series includes a reclassification of the property from Suburban to Urban Community as well as including the property on the Special Treatment Area Map as a Mixed Use Overlay.

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

The property subject to this amendment is depicted in Exhibit A.

The amendment to the Future Land Use Map Series is set forth in Exhibits B1, B2, and C hereto.

NOTE: Text depicted with underscore represents additions to the Lee Plan.

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, 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) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. 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). Any bonus densities approved on the properties added to the Urban Community future land use category in conjunction with CPA2010-00002 must be achieved through use of the transfer of development rights program.

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 Judah, who moved its adoption. The motion was seconded by Commissioner Manning. The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 18th day of October 2010.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: Tammara Hall
Tammara Hall, Chairwoman



DATE: 10/18/10

Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

- Exhibit A: Subject Property Map
- Exhibit B1: Future Land Use Map (Former - prior to Amendment)
- Exhibit B2: Future Land Use Map (Adopted by BOCC 10-18-10)
- Exhibit C: Mixed Use Overlay (Adopted by BOCC 10-18-10)

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I CERTIFY THIS DOCUMENT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE CHARLIE GREEN, CLERK CIRCUIT COURT LEE COUNTY, FLORIDA DATED: 10-19-10

BY: Marcia Wilson
Deputy Clerk



Lee Plan Amendment
CPA2010-00002

Charlotte Harbor

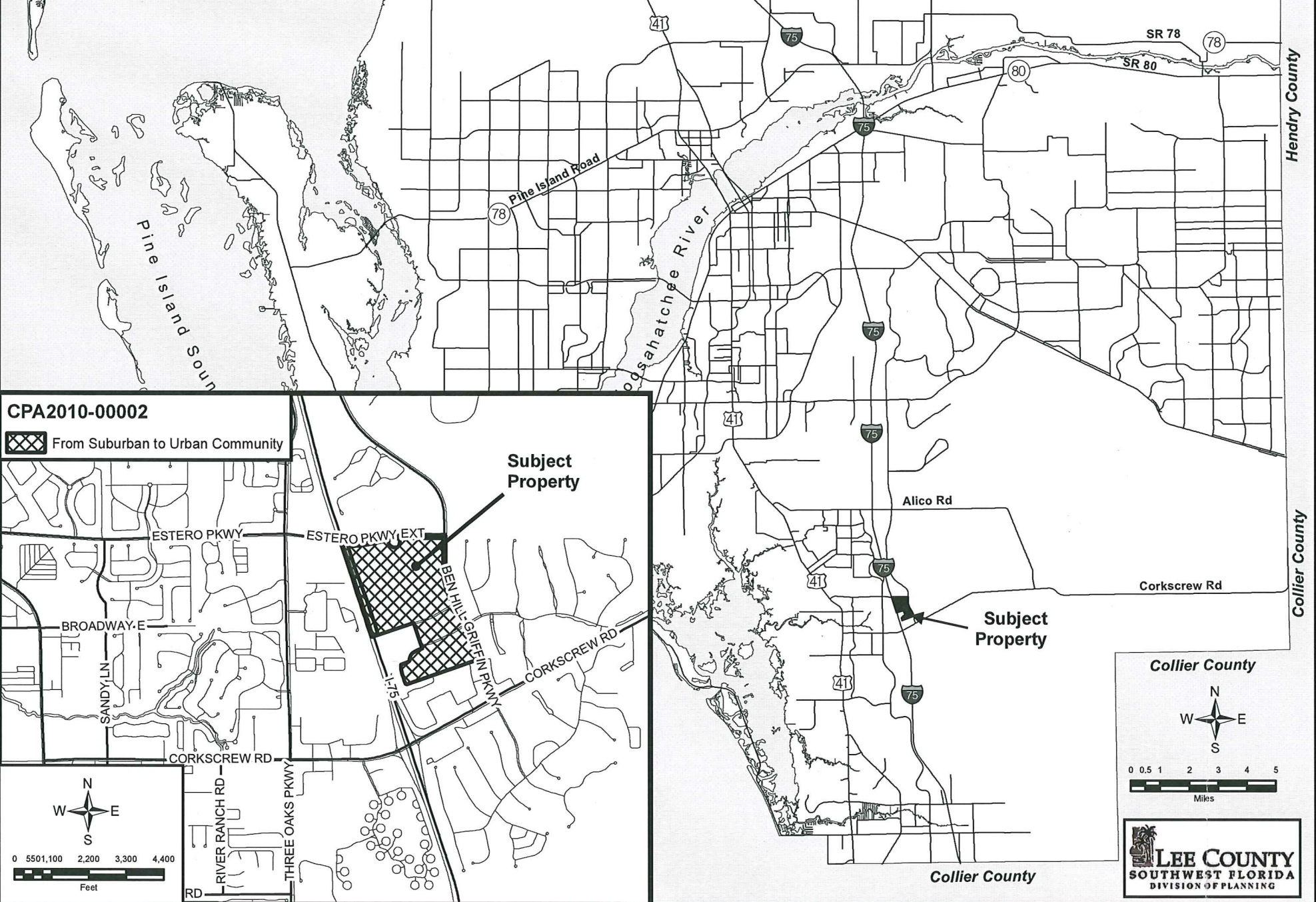
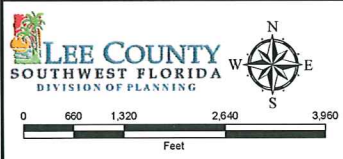
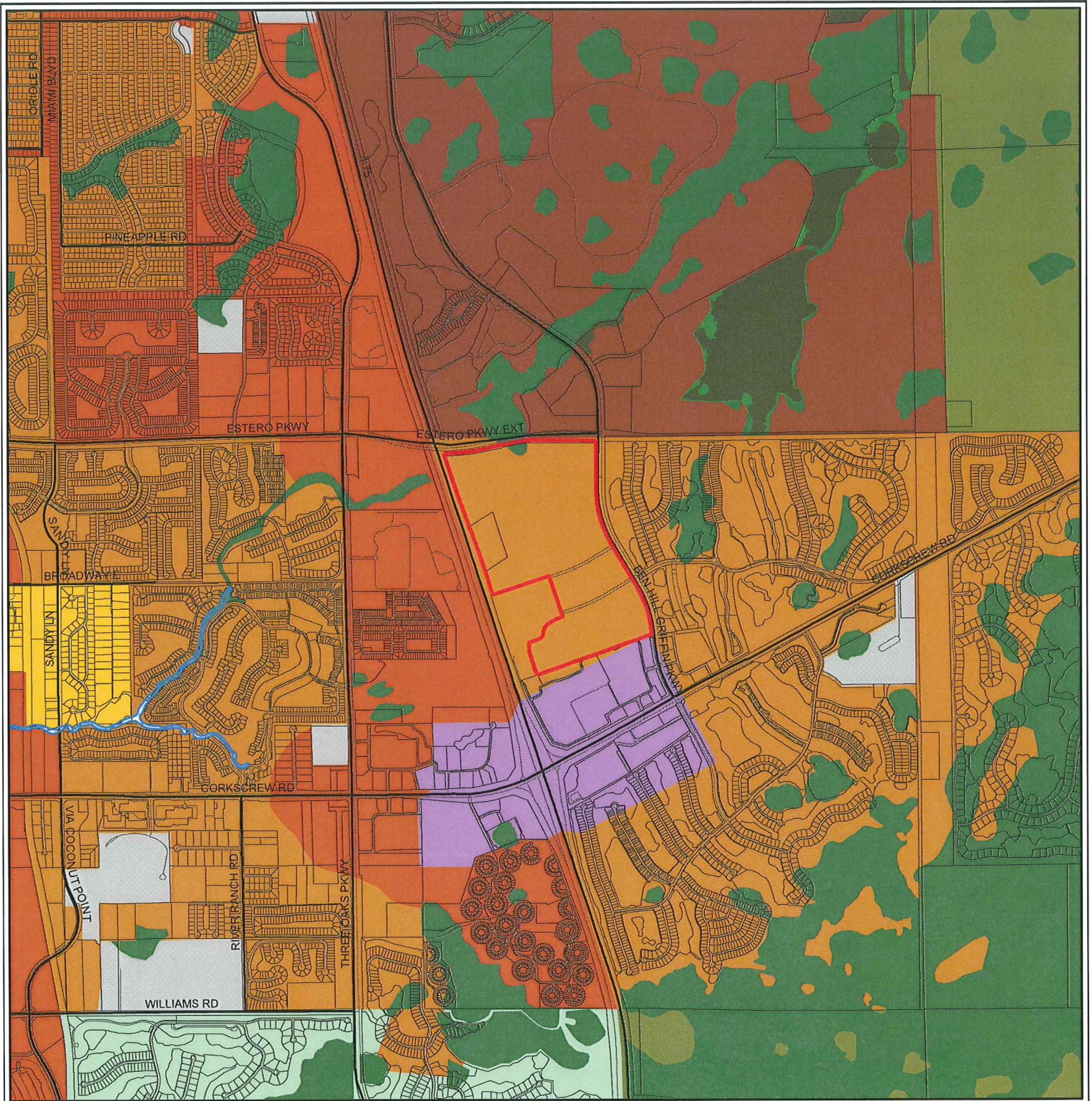
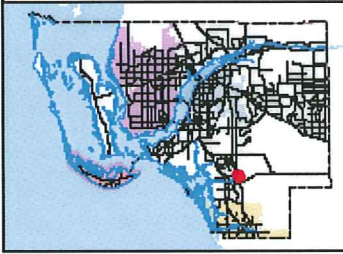


Exhibit A
 Subject Property Map



Map Generated June 2010



FUTURE URBAN AREAS

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial Development
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent

INTERCHANGE AREAS

- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial/Commercial Interchange
- University Village Interchange

NEW COMMUNITY

- New Community

AIRPORT AREAS

- Tradeport
- Airport

NON-URBAN AREAS

- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction / Groundwater Resource
- Conservation Lands Upland

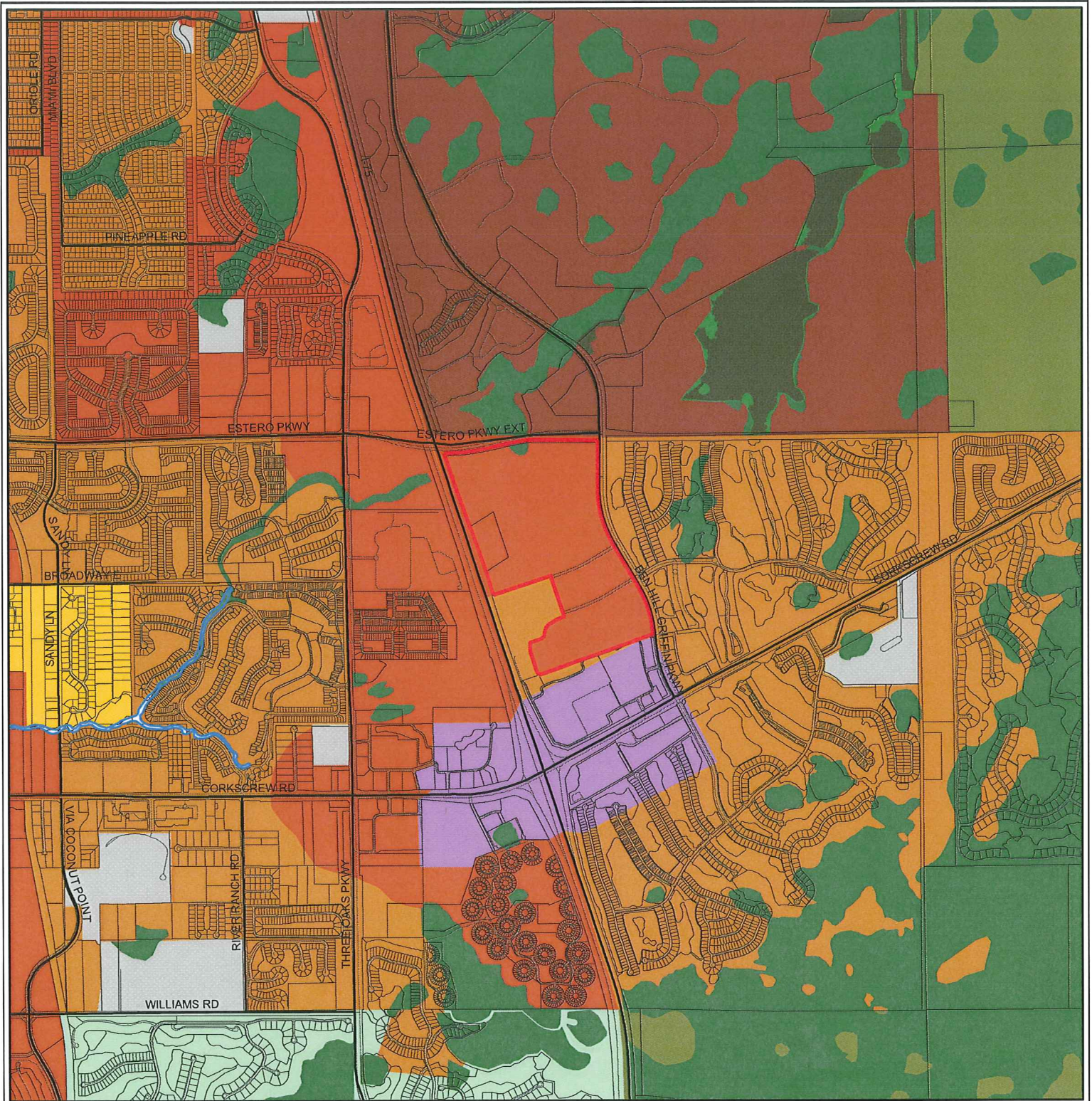
ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)

- Wetlands
- Conservation Lands Wetland

CPA2010-00002
 Subject Property

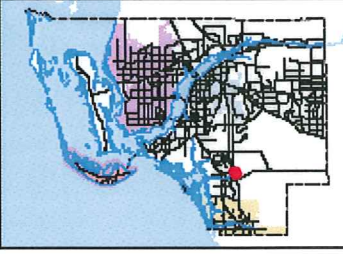
CPA2010-00002 - UNIVERSITY HIGHLANDS

Exhibit B1
 Future Land Use Map
 (Former - prior to Amendment)



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map Generated June 2010



FUTURE URBAN AREAS

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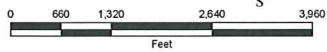
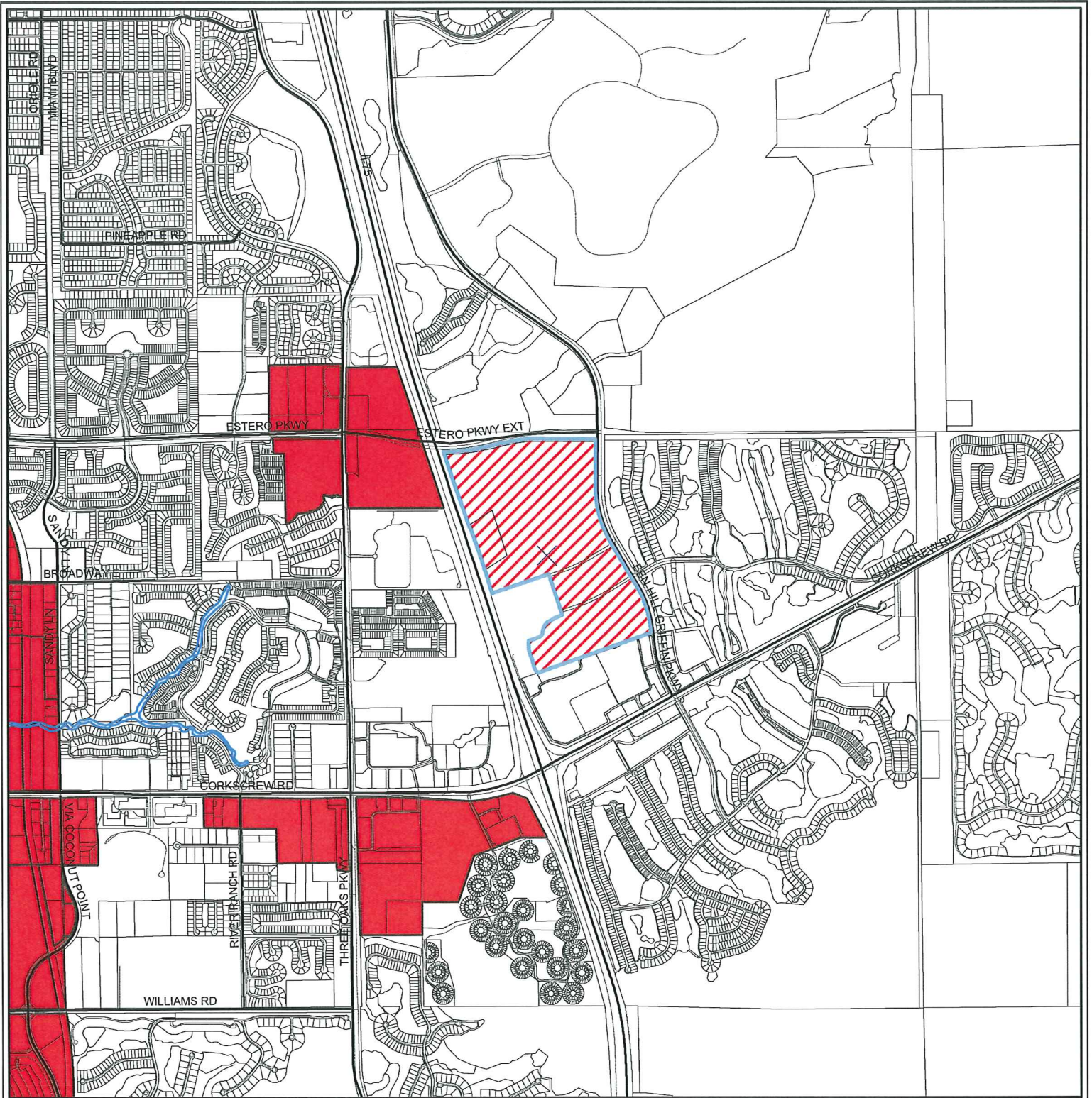
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- Conservation Lands Wetland

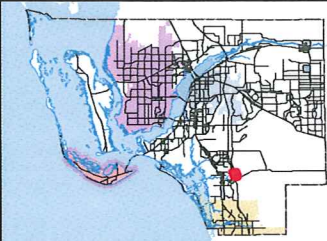
CPA2010-00002
Subject Property

**CPA2010-00002 - UNIVERSITY HIGHLANDS
FUTURE LAND USE DESIGNATION**

Exhibit B2



Map Generated June 2010



Mixed Use Overlay

 Proposed Mixed Use Overlay Addition

 Adopted Mixed Use Overlay

Special
Treatment
Areas

**CPA2010-00002 - UNIVERSITY HIGHLANDS
MIXED USE OVERLAY**

Exhibit C
(Adopted by BOCC 10-18-10)