

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 11-22
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: COMPREHENSIVE PLANNING

SECONDARY KEYFIELD

DESCRIPTOR: PLANNING

OTHER KEYFIELD

DESCRIPTOR: LAND USE PLANNING

ORDINANCE DESCRIPTION: Rec Facilities Standards Update
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; REPEAL #3: _____
REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: _____
KEYFIELD 1 CODE: _____ KEYFIELD 2 CODE: _____
KEYFIELD 3 CODE: _____

LEE COUNTY ORDINANCE NO. 11-22
(Recreation Facilities Standards Update)
(CPA2010-00019)

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 PERTAINING TO THE RECREATION FACILITIES STANDARDS UPDATE (CPA2010-00019) APPROVED DURING A PUBLIC HEARING DURING THE COUNTY'S 2010/2011 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 May 23, 2011; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 13, 2011. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to the Recreation Facilities Standards Update (CPA2010-00019) to the reviewing agencies set forth in Section 163.3184 (1)(c), F.S. for review and comment; and,

WHEREAS, at the June 13, 2011 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies written comments; and,

WHEREAS, on September 28, 2011, 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 Lee Plan. The purpose of this ordinance is to adopt the text 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 "Recreation Facilities Standards Update Ordinance (CPA2010-00019)."**

SECTION TWO: ADOPTION OF 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 an amendment, known as Recreation Facilities Standards Update (CPA2010-00019), which amends the provisions of the Parks, Recreation and Open Space and Capital Improvements Elements of the Lee Plan to adjust the levels of service for boat ramps, water access, and community recreation centers provided by Lee County.

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

The substance of the amendment is set forth in the Attached 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 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, and amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. 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.

THE FOREGOING ORDINANCE was offered by Commissioner Tammara Hall, who moved its adoption. The motion was seconded by Commissioner John 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 28th day of September 2011.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: Frank Mann
Frank Mann, Chair

DATE: 9/28/11



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

Exhibit A: Revisions to update the Recreation Facilities Standards Objective 79.1,
82.2, 83.2 (Adopted by BOCC 9-28-11)
Policies 83.2.1, 95.1.3 (Adopted by BOCC 9-28-11)

EXHIBIT A

Note: Text depicted with underscores represents additions to the Lee Plan. ~~Strike-through~~ text represents deletions from the Lee Plan.

PARKS, RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 79.1: ~~Lee County will provide~~ The "non-regulatory" minimum acceptable level of service is one boat ramp lane, with adequate parking, per 35,000~~12,500 people, based on seasonal population, of the entire county ("non-regulatory" minimum acceptable level of service, see Policy 95.1.3).~~

Boat ramp lanes will include federal, state, county, municipal, and non-government boat ramp lanes that are open to the public and have adequate on-site parking.

No changes proposed to Policy 79.1.1 through Policy 82.1.1.

OBJECTIVE 82.2: WATER ACCESS STANDARD-DEVELOPMENT. Lee County will retain the current inventory of water accesses and will develop and/or redevelop public at least 3~~water accesses per year ("non-regulatory" minimum acceptable level of service, see Policy 95.1.3)~~throughout Lee County.

No changes proposed to Policy 82.2.1 through Policy 83.1.2.

OBJECTIVE 83.2: COMMUNITY RECREATION CENTER STANDARD. Lee County will provide four 250-square feet of~~Community r~~Recreation c~~Centers of 25,000 square feet or more to provide for the need per 1,000 population of unincorporated Lee County residents ("non-regulatory" minimum acceptable level of service, see Policy 95.1.3).~~

POLICY 83.2.1: Community recreation centers should be designed to accommodate active indoor recreation, physical improvement, and meeting places for the community, ~~and~~including social, educational, and cultural activities.

No changes proposed to Objective 83.3 through Policy 95.1.2.

CAPITAL IMPROVEMENT ELEMENT

POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS. Level-of-service (LOS) standards will be the basis for planning the provision of required public facilities within Lee County. Some of these standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. The "Minimum Acceptable Level of Service" will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law as being essential to support development. These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation. (It is the intent of this element that these standards will be the same as those established in the various relevant plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein, the standards as set forth herein will govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use; compliance with these standards will not be a requirement for continued development permitting.

No changes proposed to numbers 1 through 7.

NON-REGULATORY STANDARDS

8. Recreation Facilities:

- (a) ~~Community Recreation Centers - 250 square feet per 1000 persons in four recreation centers of 25,000 square feet or more within unincorporated Lee County only.~~
- (b) ~~Boat Ramps - One boat ramp lane with adequate parking per 35,000 12,500 people, based on seasonal population (county-wide).~~
- (c) ~~Water (Beach) Accesses - Retain current inventory, and develop or redevelop 3 existing water accesses throughout Lee County per year.~~

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. 11-22, adopted by the Board of Lee County Commissioners, at their meeting held on the 28th day of September, 2011 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 6th day of October, 2011.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By:

Marcia Wilson
Deputy Clerk

