

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 11-20
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: COMPREHENSIVE PLANNING

SECONDARY KEYFIELD

DESCRIPTOR: PLANNING

OTHER KEYFIELD

DESCRIPTOR: LAND USE PLANNING

ORDINANCE DESCRIPTION: Remove Dupl. Boca Grande Goal
(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ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)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(Others Repealed: List All That Apply): _____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. 11-20
(Remove Duplicate Boca Grande Goal)
(CPA2010-00016)

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 REMOVING A DUPLICATE BOCA GRANDE GOAL (CPA2010-00016) 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 February 28, 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 Lee Plan Goal 15 (CPA2010-00016) 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 "Remove Duplicate Boca Grande Goal Ordinance (CPA2010-00016)."**

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 CPA2010-00016 (Removal of duplicate Boca Grande Planning Community).

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

The Boca Grande community began their community planning process in the summer of 2003 following a community meeting with staff during the Evaluation and Appraisal Report process.

Lee Plan Goal 22 was adopted on October 12, 2005 as part of the Lee Plan amendment CPA2004-12.

Goal 22 addresses a much greater number of issues affecting the Boca Grande Planning community than Goal 15.

Lee Plan Goal 15 (concerning Gasparilla Island) was superceded by Goal 22.

Lee Plan Goal 15 was not deleted as part of the adoption of Goal 22, resulting in redundant policies for the Boca Grande Planning Community.

The adopted revision to delete Goal 15 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, an 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: Revision deleting Goal 15 from the Lee Plan (Adopted by BOCC 9-28-11)

EXHIBIT A

GOAL 15: GASPARILLA ISLAND. To provide the necessary facilities and regulations so that the remaining unbuilt portions of the island can be developed consistent with its unique character and hurricane vulnerability. For the purposes of this plan, the boundaries of Gasparilla Island are indicated on the Future Land Use Map.

OBJECTIVE 15.1: COMMUNITY FACILITIES. Lee County will continue to ensure the provision of solid waste and ambulance service to the Lee County portion of Gasparilla Island through the ongoing enforcement of interlocal agreements with Charlotte County.

OBJECTIVE 15.2: HISTORIC RESOURCES. Lee County will continue to recognize Boca Grande as an historic district pursuant to the Historic Preservation Ordinance.

OBJECTIVE 15.3: NATURAL RESOURCES. The county will protect natural and marine resources from potential oil spills at Port Boca Grande.

POLICY 15.3.1: The county will continue to maintain a Marine Emergency Response Team to protect natural and marine resources at Port Boca Grande and elsewhere in the county.

OBJECTIVE 15.4: INTERGOVERNMENTAL COORDINATION. Due to the unique bi-county location of Gasparilla Island, Lee County will commit to working with Charlotte County and the Southwest Florida Regional Planning Council to propose and resolve intergovernmental concerns.

POLICY 15.4.1: All land development on Gasparilla Island will be subject to the Special Act of the Florida Legislature known as the Gasparilla Island Conservation District Act (SA 80-473 as amended by 83-385 and 86-341). The provisions of the Act will apply in addition to those of the Lee Plan. Lee Plan policies may be more restrictive but will be consistent with the provisions of the Act.

OBJECTIVE 15.5: PORT FACILITY. The Water Dependent Overlay for South Boca Grande is limited to the Port Facility south of Belcher Road.

POLICY 15.5.1: The commercial and industrial uses permitted in the Port District (excluding those specific uses approved pursuant to resolutions Z-86-166, Z-93-009, and Z-99-054 such as a tennis club with food service and consumption on premises, pro shop, maintenance and shop facilities, health clubs, day care centers, etc....) are not permitted within that portion of the boundaries of the Boca Bay Community with the zoning designation of Port District.

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. 11-20, 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

