

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 11-16

(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: COMPREHENSIVE PLANNING

SECONDARY KEYFIELD

DESCRIPTOR: PLANNING

OTHER KEYFIELD

DESCRIPTOR: LAND USE PLANNING

ORDINANCE DESCRIPTION: SWFIA Non-Aviation Dev 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ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)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(Others Repealed: List All That Apply): _____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. 11-16
(Southwest Florida International Airport Non-Aviation Development Update)
(CPA2010-00008)

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 SOUTHWEST FLORIDA INTERNATIONAL AIRPORT NON-AVIATION DEVELOPMENT UPDATE (CPA2010-00008) 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 AND TABLES; 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 Southwest Florida International Airport Non-Aviation Development Update (CPA2010-00008) 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 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 "Southwest Florida International Airport Non-Aviation Development Update Ordinance (CPA2010-00008)."**

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, as revised by the Board on September 28, 2011, known as CPA2010-00008 (Southwest Florida International Airport Non-Aviation Development Update).

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached 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 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 Administrative Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

[Remainder of page intentionally left blank.]

THE FOREGOING ORDINANCE was offered by Commissioner Hall, 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 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:

1. Amendments to Policies 1.2.1, 1.2.7, 47.2.1, 47.3.4 (Adopted by BOCC 9-28-11)
2. Amendments to Table 5(a)

EXHIBIT A

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

Amend Lee Plan provisions specific to the development of the Southwest Florida International Airport and Table 5(a) Southwest Florida International Airport Development Schedule to modify the development parameters allowed within the future non-aviation areas at the Southwest Florida International Airport.

POLICY 1.2.1: Airport Lands includes the existing facility and projected growth areas for the Southwest Florida International Airport and Page Field General Aviation Airport through the year 2030. The Airport Lands comprising the Southwest Florida International Airport includes airport and airport-related development as well as non-aviation land uses as proposed in the approved 2003 Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5(a)). This mix of uses is intended to support the continued development of the Southwest Florida International Airport. Future development at the Southwest Florida International Airport will also include non-aviation related land uses such as hotels/motels, light industrial, service stations, ancillary retail/shopping, and office development. Any future airport expansion or development of aviation-related and non-aviation uses at Southwest Florida International Airport will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate mitigation acceptable to the permitting agencies and to Lee County. The physical design of the airport expansion will minimize any degradation of the recharge capability of land being developed. Airport expansion beyond the present boundaries will be subject to necessary amendments to the Lee Plan.

No amendments to the remainder of Policy 1.2.1.

POLICY 1.2.7: Future non-aviation areas depicted on the Airport Layout Plan (Map 3F) will be developed, to the greatest extent possible, only within existing upland areas. Impacts to wetlands in the future non-aviation areas will be minimized by site design, whenever possible, in compliance with the Lee County Land Development Code. Development within the ~~future~~-non-aviation area, as designated on Map 3F, is limited to a total maximum of 4300 acres north of runway 6-24 and approximately 52 acres within the midfield terminal area. All development must be in compliance with Map 3F and the intensities outlined in Table 5(a). Development of additional acreage will require prior Lee Plan amendment approval.

POLICY 47.2.1: The Port Authority will coordinate efforts with aviation and other transportation interests at the Southwest Florida International Airport to establish multi-modal transfer facilities. During prior master planning efforts, the Port Authority identified on its Airport Layout Plan (Map 3F) an "Ultimate Passenger Multi Modal" area. As part of the normal Airport Master Plan update approval process, the Airport Layout Plan was

approved by the FAA, FDOT, and the Board of County Commissioners and is consistent with other transportation-related objectives. Future Southwest Florida International Airport Master Plan Update efforts will re-evaluate appropriate locations for multi-modal transfer facilities on airport property.

POLICY 47.3.4: The proposed development schedule for the Southwest Florida International Airport through the year 2020 for landside and airside uses and through the year 2030 for non-aviation uses is depicted in Table 5(a) of the Lee Plan. The proposed development schedule for the Page Field General Aviation Airport through the year 2025 is depicted in Table 5(b) of the Lee Plan. These Tables include both aviation and non-aviation related development. If the FAA/FDOT mandate navigational improvements (NAVAIDS) or require improvements related to Airport security or safety at Southwest Florida International Airport or Page Field General Aviation Airport, then the Port Authority may pursue installation of the improvement even though the improvement is not specifically identified on Table 5(a) or Table 5(b). However, the Port Authority must obtain all appropriate approvals and permits prior to installation, including approval from Lee County. If these improvements precipitate a substantive change to Table 5(a), Table 5(b), Map 3F, or Map 3G, then the Port Authority must pursue a Lee Plan amendment incorporating the changes in the next available amendment cycle.

TABLES:

Proposed amendment to the Table 5(a) is depicted on Exhibit A.

TABLE 5(a)
Southwest Florida International Airport Development Schedule

Development	Existing (200810)	2020	2030
LANDSIDE			
Midfield Terminal Complex	28 gates; 798,000 SF as-built	Expand from 28 gates to 47 gates; 1,278,900 SF (Total 2020 area)	
Auto Access	Entrances at the intersections of Daniels Parkway at Chamberlin Parkway, Paul J. Doherty Parkway, and Fuel Farm Road (located east of Doherty Parkway). Access also from Daniels via Treeline Ave. & Alico Road via Ben Hill Griffin Parkway to Terminal Access Road. Air Cargo Lane improvements from Chamberlin Pkwy. - including a realigned Perimeter Road segment allowing freight transfer within the security fenced, airside/aviation area.	Rehab perimeter service and fuel farm roads. Expand Terminal Access Road entrance to 6 lanes. Construct I-75 access. Connector road for maintenance facilities. New perimeter roads and midfield ATCT and ARFF access roads as part of parallel runway project. Miscellaneous roadway improvements.	
Airport maintenance and Vehicle Maintenance Shop	23,000 SF	Add 6,800 SF to vehicle shop (Total maintenance area 29,800 SF)	
Parking	14,399 total existing spaces		
Passenger	11,461 spaces		
- Hourly	2,519 spaces	Ultimately 5,126 total hourly spaces	
- Daily	8,942 spaces	Ultimately 9,342 total daily spaces	
Employee	1,288 spaces	Total 2,088 employee spaces in 2020	
Taxi/Limo/Toll Booth	150 spaces	Ultimately 200 total Taxi/Limo spaces	
Rental Cars	1,500 spaces in midfield	Ultimately 3,000 total rental car spaces	
Cell Phone Lot	100 spaces		
Airport Training & Conference Center	16,000 SF		
Gun Range	8,500 SF		
Rental Car North Side Service Areas	39,000 SF	Relocate R-A-C service areas to midfield.	
AIRSIDE			
Existing Runway 6-24	12,000 ft. x 150 ft. runway	No improvements planned	
Parallel Runway 6R-24L	Under design	Construct 9,100 x 150 ft. Parallel Runway 6R-24L	
Taxiways	Taxiway A-parallel taxiway to Runway 6-24; 12,000 ft. long x 75 ft. wide. Taxiway B-apron taxiway that runs parallel to former terminal ramp for transitioning aircraft going from ramp to Taxiway A for approximately 1,580 ft. 12,000' parallel S. Taxiway F as-built with midfield construction.	Construct parallel taxiway north of Runway 6R-24L (9,100 ft. x 75 ft. wide). If new large Aircraft (NLA), then 100 ft. wide. Hold bay & bypass improvements to Runway 6L-24R parallel taxiway. Construct dual cross-field connector taxiways. (Approx. 4,215 ft. long x 75 ft. wide). If NLA, then 100 ft. wide. Construct a portion of south dual parallel taxiways with new parallel runway.	
Terminal Apron	165,000 S.Y. at former terminal site; 332,900 S.Y. at midfield as-built	Add 130,000 S.Y. at midfield for total midfield 462,900 S.Y.	
Air Cargo	Total 39,500 SF cargo buildings; 69,000 S.Y. apron area	Expand cargo building facilities to 58,314 SF	
Airline Freight Forwarding (Belly Cargo)	15,000 SF	New freight forwarding (belly cargo) facility of 15,000 SF in midfield area.	
General Aviation	8,000 SF FBO and hangar facility; 26,180 SF hangar space; 48,650 S.Y. apron area	Infrastructure for second FBO. Construct multi-use hangars (129,000 SF). Expand GA apron to 49,700 S.Y.	
Aircraft Maintenance - General Aviation & Large Aircraft	Approximately 13,000 SF	Expand to 36,000 SF as necessary. Construct one hangar to accommodate aircraft including the Boeing 747. Land to accommodate an additional three hangars should be set aside, should it be needed in the future.	
Air Traffic Control Tower (ATCT)	Height 76.91 ft., 8,600 SF	Relocate to midfield - same SF as existing 8,600 ft. or more. New height must be greater than 80 ft. AGL	
Aircraft Rescue and Fire Fighting (ARFF)	14,000 SF	Add midfield ARFF Station	

Development	Existing (200810)	2020		2030
Fuel Farm	Commercial: Four (4) 420,000 gallon tanks Jet A. Fuel pumped from existing fuel farm area by a hydrant fueling system to the midfield area. General Aviation: Four (4) 15,000 gallon Jet A tanks. One (1) 12,000 gallon 100LL tank.			
Airline Catering	25,000 SF			
Miscellaneous		Relocate high voltage power lines. Upgrade airfield emergency generator. Helipad (11,000 SF). Develop multi-modal center.		
Rental Car Expansion		Rental car fuel farm.		
NON-AVIATION RELATED LAND USES				
		Option 1	Option 2	
North of Runway 6-24				
Commercial Retail, Restaurant and Service		27,000 SF	27,000 SF	221,750 SF
Gas Station/Convenience Store				5,000 SF w/24 pumps
Hotel				187 Rooms
Light Manufacturing/Assembly		44,300 SF	100,000 SF	147,500 SF
Warehouse/Distribution		100,000 SF	60,800 SF	329,200 SF
Office (This development includes 10 % retail.)		275,000 SF	275,000 SF	162,500 SF
Midfield Area				
Commercial Retail, Restaurant and Service Animal Kennel and Clinic		40,000 SF	40,000 SF	
Hotel		Construct 300 Rooms	Construct 300 Rooms	
Gas Station/Convenience Store		Construct 3,500 SF w/24 pumps	Construct 3,500 SF w/24 pumps	

1. This table is for general phasing and major development items only. More specific details is available in the annual Capital Improvement Plan (CIP) prepared by the Lee County Port Authority for the Southwest Florida International Airport.
2. All non-aviation related development will meet local land development code requirements such as open space requirements listed in LDC Sec. 10-415 and Wetland impacts requirements listed in LDC Sec. 14-293. All development will be required to undergo local site and zoning review prior to local development order issuance. This Development includes 10% retail.
3. Development within the "Potential Future Development Area" will require amendment of the Lee Plan prior to development.

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. 11-16, 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

