

LEE COUNTY ORDINANCE NO. 92-47

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NUMBER 89-02, THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," SO AS TO ADOPT THE AMENDMENTS APPROVED FOR FLORIDA'S TENTH STATE UNIVERSITY; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEST AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENTS TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF THE "LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENERS' ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan"), Policy 2.4.2 and Chapter XIII, provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; and,

WHEREAS, the Lee County Board of County Commissioners, through Lee County Administrative Code AC-13-6 provided an opportunity for individuals and other entities to propose specific amendments to the Lee Plan and also directed Lee County Staff to prepare those amendments which were initiated by the Board of County Commissioners; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Chapter 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-7 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Florida Statutes, and Lee County Administrative Code AC-13-6 on December 17, 1991, December 20, 1992, and January 7, 1992; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Florida Statutes, and Lee County Administrative Code AC-13-6, held statutorily prescribed public hearings for the transmittal of the amendments being proposed on June 16, 1992, and at said hearing approved a motion to send, and did later send, the proposed amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for their review and comment pursuant to Chapter 163, Florida Statutes; and

WHEREAS, at the June 16, 1992, meeting, pursuant to Chapter 163, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments, commonly referred to as the "ORC Report," which were later received by the Chairman of the Lee County Board of County Commissioners; and

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing on October 27, 1992, moved to adopt said proposed amendments as more particularly 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 Lee County Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Florida Statutes, and with Lee County Administrative Code AC-13-6, has conducted a series of public hearings to review proposed amendments to the Lee County Comprehensive Plan. The purpose of this ordinance is to adopt those amendments to the Lee County Comprehensive Plan discussed at said meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan shall continue to be the "Lee Plan." This ordinance may be referred to as the "1992 University Comprehensive Plan Amendment Ordinance."

SECTION TWO: ADOPTION OF AMENDMENTS TO THE LEE PLAN

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting the amendments as described in that document entitled "1992 Special Amendment to the Lee Plan Florida's Tenth University" which amends portions of the Introduction, the Future Land Use Element, the Future Land Use Map series for specified parcels in Section 10, 11, 13, 14, 23 and 24, Township 46S, Range 25E and Sections 18 and 19, Township 46S, Range 26E, the Capital Improvements Element and the Glossary.

Included and referenced in the text of these amendments are ~~certain maps and/or map series as required by Chapter 163,~~ Florida Statutes. This volume includes the specific

modifications and additions to the adopted portion of the Lee Plan. In addition to the actual adopted materials there is a second volume entitled "Lee Plan Text and Map Amendments, PAM/T 92-02, Florida's Tenth University, Response to Objections, Recommendations and Comments" dated October 22, 1992 which contains additional supporting documentation and is hereby adopted by reference and incorporated herein. Said document has been placed on file with the clerk of the Circuit Court, Minutes Department, as part of the official records of Lee County and is incorporated by this reference as an integral part of this Ordinance.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development shall be permitted except in conformity with the Lee Plan, and all land development regulations and land development orders shall be consistent with the Lee Plan as so amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan shall be applicable throughout the unincorporated area of Lee County, Florida, except in such unincorporated areas as are included in any joint or interlocal agreements with other local governments that specifically provide otherwise.

This Ordinance shall also be applicable to those portions of ~~the incorporated areas of Lee County, Florida, for which the~~ Florida Statutes have delegated regulatory jurisdiction to county

governments over municipal governments.

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 shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any 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 such unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Lee County Code; and that sections of this ordinance may be numbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered, and the correction of typographical errors which do not affect the intent, may be authorized by the County Administrator, or his or her designee, ~~without need of public hearing, by filing a corrected or~~ recodified copy of same with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

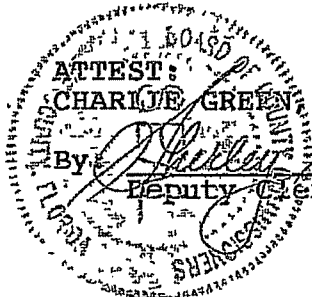
The provisions of this ordinance shall become effective immediately upon receipt of official acknowledgment of the Office of the State of Florida that this ordinance has been filed with said office.

THE FOREGOING ORDINANCE was offered by Commissioner Lopez-Wolfe who moved its adoption. The motion was seconded by Commissioner Slisher and, being put to a vote, the vote was as follows:

JOHN MANNING	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
VICKI LOPEZ-WOLFE	<u>AYE</u>
DONALD SLISHER	<u>AYE</u>

DONE AND ADOPTED this 27th day of October, 1992.

ATTEST:
 CHARLOTTE GREEN CLERK
 By: [Signature]
 Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
 OF LEE COUNTY, FLORIDA
 By: [Signature]
 Chairman

APPROVED AS TO FORM:
 LEE COUNTY ATTORNEY'S OFFICE
 By: [Signature]
 Assistant County Attorney