

LEE COUNTY ORDINANCE NO. 14-14

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2013-00008) PERTAINING TO ESTERO APARTMENTS; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN MAP 1, THE FUTURE LAND USE MAP; LEGAL EFFECT OF THE "LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY; INCLUSION IN CODE, CODIFICATION AND 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 private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and

WHEREAS, the Local Planning Agency ("*LPA*") held a public hearing on the adoption of the proposed amendment on April 28, 2014. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption the proposed amendment on June 18, 2014. At that hearing, the Board approved a motion to adopt the proposed amendment CPA2013-00008 pertaining to Estero Apartments, amending Lee Plan Map 1, the Future Land Use Map, and amend Lee Plan Table 1(b). The subject parcel is located at 10471 Corkscrew Commons Drive, Estero, FL 33928.

**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 a public hearing to review a proposed small scale amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later 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 "Estero Apartments (CPA2013-00008)".

**SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 1**

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1, the Future Land Use Map for an 8.57 acre parcel from General Interchange to Intensive Development and amend Lee Plan Table 1(b), Year 2030 Allocations, to accommodate 136 multifamily dwelling units on this property in the Estero Planning Community. The subject parcel is located at 10471 Corkscrew Commons Drive, Estero, FL 33928. The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

**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: MODIFICATION**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

**SECTION FIVE: 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 SIX: 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 of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

**SECTION SEVEN: INCLUSION IN CODE, CODIFICATION AND 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 re-numbered or re-lettered 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 her designee, without need of a public hearing, by filing a corrected or re-codified copy with the Clerk of the Circuit Court.

**SECTION EIGHT: EFFECTIVE DATE**

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Economic Opportunity or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

Commissioner Manning made a motion to adopt the foregoing ordinance, seconded by Commissioner Hamman. The vote was as follows:

John E. Manning	Aye
Cecil L Pendergrass	Absent
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DONE AND ADOPTED this 18<sup>th</sup> day of June, 2014.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF COUNTY  
COMMISSIONERS

BY: Marcia Wilson  
Deputy Clerk

BY: Larry Kiker  
Larry Kiker, Chair

DATE: 6/18/14



Approved as to Form for the  
Reliance of Lee County Only

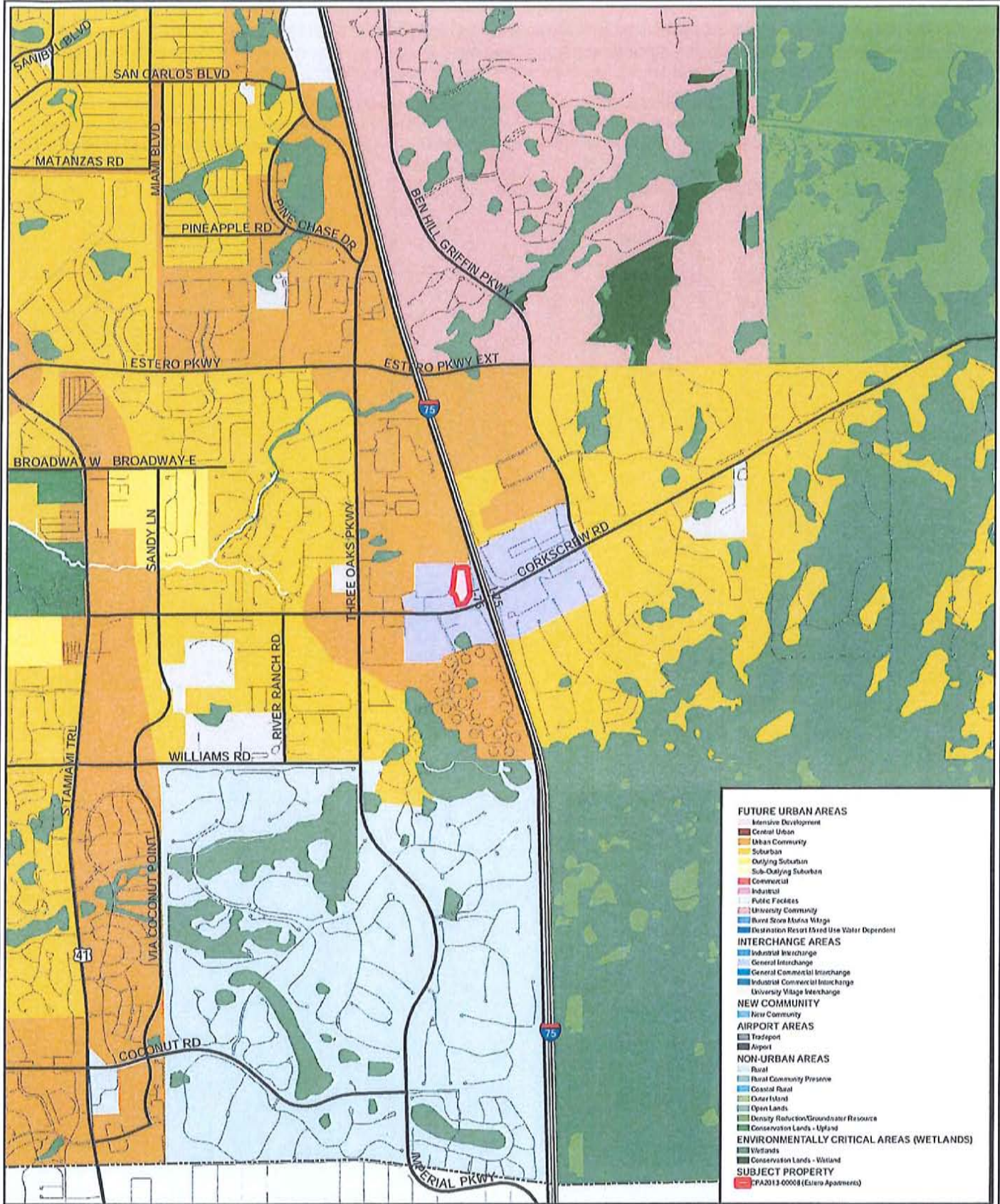
Michael D. Jacob  
Michael D. Jacob  
Managing Assistant County Attorney  
Lee County Attorney's Office

Exhibits Adopted by BOCC June 18, 2014

Exhibit A: Adopted revisions to Future Land Use Map 1

Exhibit B: Adopted revisions to Table 1(b)





- FUTURE URBAN AREAS**
- Intensive Development
  - Central Urban
  - Urban Community
  - Suburban
  - Outlying Suburban
  - Sub-Outlying Suburban
  - Commercial
  - Industrial
  - Public Facilities
  - University Community
  - Rural Stone Islands Mitigation
  - Destination Resort Mixed Use Water Dependent
- INTERCHANGE AREAS**
- Industrial Interchange
  - General Interchange
  - General Commercial Interchange
  - Industrial Commercial Interchange
  - University Mileage Interchange
- NEW COMMUNITY**
- New Community
- AIRPORT AREAS**
- Transport
  - Airport
- NON-URBAN AREAS**
- Rural
  - Rural Community Preserve
  - Coastal Rural
  - Outer Islands
  - Open Lands
  - Density Reduction/Groundwater Resource
  - Conservation Lands - Upland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
- Wetlands
  - Conservation Lands - Wetland
- SUBJECT PROPERTY**
- CPA2013-00008 (Estero Apartments)

LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

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Map Generated April 2014



CPA2013-00008 - ESTERO APARTMENTS

EXHIBIT A

PROPOSED LEE PLAN  
FUTURE LAND USE MAP

Future Land Use Classification		Lee County		Lehigh Acres		Estero	
		Allocations		Allocations		Allocations	
		Existing	Proposed	Existing	Proposed	Existing	Proposed
Residential By Future Land Use Category	Intensive Development	1,367	1,376	42	42	0	0
	Central Urban	44,787	14,766	8,200	8,179	0	0
	Urban Community	17,846	17,846	13,013	13,013	450	450
	Suburban	16,623	16,623	0	0	1,700	1,700
	Outlying Suburban	4,075	4,075	0	0	454	454
	Sub-Outlying Suburban	1,531	1,531	0	0	0	0
	Industrial Development	79	79	0	0	0	0
	Public Facilities	1	1	0	0	0	0
	University Community	850	850	0	0	0	0
	Destination Resort Mixed Use Water Dependent	8	8	0	0	0	0
	Burnt Store Marina Village	4	4	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0
	General Interchange	42	42	0	0	6	6
	General/Commercial Interchange	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0
	New Community	900	900	0	0	0	0
	Airport	0	0	0	0	0	0
	Tradeport	9	9	0	0	0	0
	Rural	6,372	6,372	14	14	635	635
	Rural Community Preserve	3,046	3,046	0	0	0	0
	Coastal Rural	1,300	1,300	0	0	0	0
	Outer Islands	197	197	0	0	0	0
	Open Lands	2,555	2,555	0	0	0	0
Density Reduction/Groundwater Resource	6,194	6,194	0	0	0	0	
Conservation Lands Uplands	0	0	0	0	0	0	
Wetlands	0	0	0	0	0	0	
Conservation Lands Wetlands	0	0	0	0	0	0	
<b>Total Residential</b>	<b>77,786</b>	<b>77,773</b>	<b>21,269</b>	<b>21,248</b>	<b>3,245</b>	<b>3,254</b>	
<b>Commercial</b>	<b>12,706</b>	<b>12,706</b>	<b>4,420</b>	<b>4,420</b>	<b>1,700</b>	<b>1,700</b>	
<b>Industrial **</b>	<b>6,594</b>	<b>6,594</b>	<b>300</b>	<b>300</b>	<b>87</b>	<b>87</b>	
<b>Non Regulatory Allocations</b>							
Public	75,381	75,381	15,289	15,289	7,000	7,000	
Active Agriculture	19,857	19,857	0	0	425	125	
Passive Agriculture	32,310	32,310	0	0	200	200	
Conservation (wetlands)	79,779	79,779	1,544	1,541	5,068	5,068	
Vacant	20,127	20,140	8,085	8,106	809	800	
<b>Total</b>	<b>324,540</b>	<b>324,540</b>	<b>47,904</b>	<b>47,904</b>	<b>18,234</b>	<b>18,234</b>	
Population Distribution*	489,907	489,907	163,055	162,873	25,395	25,577	



FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

June 24, 2014

Honorable Linda Doggett  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attention: Lisa Pierce, Deputy Clerk

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 14-14, which was filed in this office on June 24, 2014.

Sincerely,

Liz Cloud  
Program Administrator

LC/mrh

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STATE OF FLORIDA

COUNTY OF LEE

I Linda Doggett, 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. 14-14, adopted by the Board of Lee County Commissioners, at their meeting held on the 18th day of June, 2014 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 24th day of June, 2014.

LINDA DOGGETT  
Clerk of Circuit Court  
Lee County, Florida

By:

Marcia Wilson

Deputy Clerk

