

LEE COUNTY ORDINANCE NO. 16-01
Water Supply Facilities Work Plan
CPA2014-00001

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 WATER SUPPLY FACILITIES WORK PLAN (CPA2014-00001) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; 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 October 26, 2015; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on November 18, 2015. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Water Supply Facilities Work Plan (CPA2014-00001) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the November 18, 2015 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on January 20, 2016, 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 map and 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 "Water Supply Facilities Work Plan Ordinance (CPA2014-00001)."**

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, which amends Policies 2.4.3, 53.1.11, 54.1.3, 54.1.1, 55.1.3 and 117.2.1, Objective 117.2, and Standards 11.1.7 and 11.2.6; defines Florida Friendly Landscape and deletes Xeriscape definition in the glossary; replaces Lee Plan Table 6 known as Water Supply Facilities Work Plan Ordinance (CPA2014-00001).

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: 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 that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: 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 EIGHT: 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 Manning, who moved its adoption. The motion was seconded by Commissioner Hamman. The vote was as follows:

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

DONE AND ADOPTED this 20th day of January, 2016.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Shirasa King
Deputy Clerk

BY: Franklin B. Mann
Franklin B. Mann, Chair

DATE: 1/20/2016



Approved as to Form for the
Reliance of Lee County Only

County Attorney's Office

Exhibit A: Text Amendments and Lee Plan Table 6

Text Amendments:

POLICY 2.4.3: Future Land Use Map Amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the county. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in 163 Part II Florida Statutes, ~~Rule 9J-5 of the Florida Administrative Code~~, the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must:

1. Analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,
2. Identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,
3. Present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,
4. Supply data and analysis specifically addressing ~~the urban sprawl criteria listed in Rule 9J-5.006(5) (g), (h), (i) and (j), FAC.~~

STANDARD 11.1: Water

7. Lee County Utilities may provide potable water service to properties not located within the Future Water Service Area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.

STANDARD 11.2: Sewer

6. Lee County Utilities may provide sanitary sewer service to properties not located within the Future Sewer Service Area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.

POLICY 53.1.11: The County will expand potable water facilities consistent with those improvements identified in Table 6, the 10 Year Water Supply Development Projects Table. Table 6 will be incorporated into the Lee Plan by ordinance in conjunction with the schedule of capital improvements adopted as part of the annual operating budget. (Added by Ordinance No. 09-13)

POLICY 55.1.3: Lee County will actively implement the Water Supply Facilities Work Plan as adopted by the Board of County Commissioners ~~on February 25, 2009~~. Lee County will utilize the document as the County's guide to water supply facility planning with a planning horizon through the year 2030. A copy of the adopted Water Supply Facilities Work Plan will be

maintained and kept on file by Lee County Utilities. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 00-22, Relocated by Ordinance No. 03-04, Amended by Ordinance No. 09-13, Scrivener's error updated June 2014)

POLICY 54.1.1: Using the personnel and resources of various county agencies, Lee County will continue to offer a program of public information and education. This program should include the use of print media, advertising, and public service announcements on radio and television highlighting and advocating various strategies of water conservation, including, but not limited to:

- creating incentives for "gray water" systems or other recycling activities;
- adopting incentives for household and commercial use of appliances with low water consumption rates;
- advising householders to reduce water use;
- creating a demand for low water use appliances by publishing ratings of water use efficiency for appliances analogous to the energy efficiency ratings for electrical appliances;
- advocating the cost-effective use of appliances and water: i.e. run only full loads or use low water settings when appropriate;
- encouraging the building or grounds manager, including the individual householder, to maintain the water system, i.e. timely repair of dripping faucets, leaking water closets, broken or maladjusted sprinkler heads, etc.;
- installing alternatives to spray irrigation devices for lawns and grounds management such as drip or seep systems, or at least attending to the ambient humidity and evapotranspiration rates in controlling sprinkler systems;
- encouraging the use of drought-tolerant ground covers and shrubbery according to the principles of "xeriscape Florida friendly" (see glossary and Objective 117.2) and demonstrating the uses of native vegetation in landscaping; and
- generally encouraging the thoughtful use of water in all necessary activities. (Amended by Ordinance No. 94-30, 00-22)

POLICY 54.1.3: Xeric Florida friendly landscaping, stressing the use of native vegetation, is to be emphasized through modifications to the county's development regulations and through direct action while landscaping county-owned projects.

OBJECTIVE 117.2: XERISCAPE FLORIDA FRIENDLY LANDSCAPE. The county will continue to promote xeriscape Florida friendly landscaping techniques. (Amended by Ordinance No. 94-30, 00-22)

POLICY 117.2.1: The county will continue to encourage xeriscape Florida Friendly landscaping techniques for new development and redevelopment in the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

Glossary:

FLORIDA FRIENDLY LANDSCAPING - means quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of such landscaping include planting the right plant in the right place, efficient watering,

appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components include practices such as landscape planning and design, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance.

~~**XERISCAPE** – A style of landscaping using drought tolerant (emphasizing native) plant materials and water conserving design and maintenance techniques in order to reduce the demand for irrigation water in man-made environments.~~

Replace Lee Plan Table 6 with the following Table:

**TABLE 6
WATER SUPPLY DEVELOPMENT PROJECTS**

CIP #	Lee County Project Name / LWCWSP Project Name	Description	Project Status	Total CIP Budget	Estimated Completion Date
207187	Green Meadows WTP Expansion / Green Meadows Water Treatment Facility RO Expansion	Expansion of the Green Meadows WTP from 9.0 MGD to 14.0 MGD and Expansion of the Green Meadows Wellfield Utilizing Lower Hawthorn Wells	Design Underway	\$76,761,108	2017
207619	North Lee County WTP and Wellfield Expansion to 15 MGD / North Lee County Water Treatment Facility 5.0 MGD RO Expansion from 10.0 MGD to 15.0 MGD	Expansion of the North Lee County RO Treatment Plant from 10.0 MGD to 15.0 MGD and Expansion of the Lower Hawthorn Wellfield	Planning	\$44,049,999	2022
ALTERNATIVE WATER SUPPLY PROJECTS					
Future	Corkscrew Groundwater ASR System / Green Meadows ASR Wells for Potable Water	Develop a groundwater to groundwater ASR system for potable water supply to provide a supplemental supply for Corkscrew WTP or Green Meadows WTP	Planning	\$21,970,000	2021
207284	Reclaimed Water ASR / West ASR Wells for Reclaimed Water Stogage	Construct a Reclaimed Water ASR system in West Lee County to provide seasonal storage of reclaimed water produced at the Fort Myers Beach WWTP and / or the Fiesta Village WWTP	Planning	\$5,370,000	2021
207455	Reuse System & Site Improvements	Improvements to reuse system to enhance delivery and increase utilization	Planning	\$3,504,804	2018
Future	Fiesta Viillage Reuse Main Upgrade	Upgrade the reuse main from Fiesta Village WWTP to Fort Myers Beach Reuse System	Planning	\$4,725,000	2018

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 attached Lee County Ordinance No. 16-01 is a true and correct copy of the Ordinance adopted by the Board of Lee County Commissioners at their meeting held on the 20th day of January, 2016.

GIVEN under my hand and seal at Fort Myers, Florida, this 22nd day of January, 2016.



LINDA DOGGETT
Clerk of Circuit Court
Lee County, Florida

By: 
Deputy Clerk