

LEE COUNTY ORDINANCE NO. 16-02
Treeline 200
CPA2015-00006

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 TREELINE 200 (CPA2015-00006) 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 Treeline 200 (CPA2015-00006) 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 "Treeline 200 Ordinance (CPA2015-00006)."**

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 Lee Plan Policy 1.3.2. and Table 1(a) known as Treeline 200 (CPA2015-00006).

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

BY: *Linda Doggett*
Deputy Clerk

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

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

DATE: 1/20/2016



Approved as to Form for the
Reliance of Lee County Only

[Signature]
County Attorney's Office

Exhibit A: Text Amendments and Tables 1(a) and 1(b)

Text Amendments:

OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS. Designate on the Future Land Use Map specialized categories for land adjacent to the interchanges of Interstate 75. It is important to make maximum beneficial use of these critical access points and at the same time avoid irreconcilable conflicts between competing demands, such as through traffic vs. local traffic, conservation vs. development, commercial development vs. industrial development, and tourist commercial facilities vs. general shopping facilities. Development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial, Industrial, and University Village, and Mixed Use. Residential uses are only permitted in these categories in accordance with Chapter XIII or as provided in Policy 1.3.2. These areas are also considered Future Urban Areas.

No amendments are proposed to policy 1.3.1.

POLICY 1.3.2: The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, and light industrial/commercial, and multi-family dwelling units. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).

Table Amendments:

Table 1(a): Summary of Residential Densities (Attached)

Table 1(b): Year 2030 Allocations (Attached)

**TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES ¹**

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development	8	14	22
General Interchange	8	14	22
Central Urban	4	10	15
Urban Community ^{4,5}	1	6	10
Suburban	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
Rural ¹⁰	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁶	No Minimum	1	No Bonus
Open Lands ⁷	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater Resource	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁸	No Minimum	1 du/20 acres	No Bonus
New Community	1	6	No Bonus
University Community ⁹	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent ¹¹	6	9.36	No Bonus
Burnt Store Marina Village ¹²	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus

CLARIFICATIONS AND EXCEPTIONS

¹ See the glossary in Chapter XII for the full definition of "density."

² Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.

³ These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Housing Density Bonus Ordinance (No. 89-45, as amended or replaced) and the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced).

⁴ Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must "acquire" the density above 3 dwelling units per gross acre utilizing TDRs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories.

⁵ In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.

⁶ Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.

⁷ The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.

⁸ Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:

(a) If the dwelling units are relocated off-site through the provisions of the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced); or

(b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, or Sub-Outlying Suburban from preserved freshwater wetlands at the same underlying density as is permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling unit per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.

⁹ Overall average density for the University Village sub-district must not exceed 2.5 du/acre. Clustered densities within the area may reach 15 du/acre to accommodate university housing.

¹⁰ In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.

¹¹ Overall number of residential dwelling units is limited to 271 units in the Destination Resort Mixed Use Water Dependent district.

¹² The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.

¹³ See Policies 33.3.2, 33.3.3, and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.

TABLE 1(b)
Year 2030 Allocation

[Proposed Amendment in ~~Strike-Through~~/Underline Format]

Future Land Use Category	Lee County Totals		Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport		Daniels Parkway		
	Current	Proposed										Current	Proposed	Current	Proposed	
<i>Residential By Future Land Use Category</i>	Intensive Development	1,376	1,376			20		27		250						
	Central Urban	14,766	14,766			225				230						
	Urban Community	18,425	18,285	520	485	637										
	Suburban	16,623	16,623			1,810				85						
	Outlying Suburban	4,105	3,957	30		40	20	2	500						1,700	<u>1,552</u>
	Sub-Outlying Suburban	1,548	1,548			367										
	Industrial	79	79							39			20	<u>20</u>		
	Public Facilities	1	1						1							
	University Community	850	850													
	Destination Resort Mixed Use Water Dependent	8	8													
	Burnt Store Marina Village	4	4					4								
	Industrial Interchange															
	General Interchange	60	143											<u>11</u>	2	<u>32</u>
	General Commercial Interchange															
	Industrial Commercial Interchange															
	University Village Interchange															
	New Community	900	900										900	<u>900</u>		
	Airport															
	Tradeport (Airport Commerce)	9	9										9	<u>9</u>		
	Rural	8,313	8,313	1,948			1,400	636							1,500	<u>1,500</u>
	Rural Community Preserve	3,100	3,100													
	Coastal Rural	1,300	1,300													
	Outer Island	202	202	5			1			150						
Open Lands	2,805	2,805	250				590							120	<u>120</u>	
Density Reduction/ Groundwater Resource	6,905	6,905	711									94	<u>94</u>			
Conservation Lands Upland																
Wetlands																
Conservation Lands Wetland																
Unincorporated County Total Residential	81,379	81,174	3,464	485		4,500	1,250	29	651	604		1,023	1,034	3,322	3,204	
Commercial	12,793	12,793	57	52		400	50	17	125	150		1,100	1,100	440	440	
Industrial	13,801	13,801	26	3		400	5	26		300		3,100	3,100	10	10	
Non Regulatory Allocations																
Public	82,252	82,313	7,100	421		2,000	7,000	20	1,961	350		7,500	7,500	2,416	2,477	
Active AG	17,027	17,027	5,100			550	150							20	20	
Passive AG	45,859	45,835	13,549			2,500	109					1,491	1,491	20	20	
Conservation	81,948	81,933	2,214	611		1,142	3,236	133	1,603	748		2,809	2,798	1,719	1,733	
Vacant	22,116	22,299	1,953			226	931	34		45		300	300	20	63	
Total	357,175	357,175	33,463	1,572		11,718	12,731	259	4,340	2,197		17,323	17,323	7,967	7,967	
Population Distribution*	495,000	495,000	5,090	1,531		30,861	3,270	225	530	5,744		11,582	11,977	16,488	16,375	

*Population Distribution for Unincorporated area of Lee County

**TABLE 1(b)
Year 2030 Allocation**

[Proposed Amendment in ~~Strike Through~~/Underline Format]

Future Land Use Category	Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres		Southeast Lee County	North Fort Myers		Buckingham	Estero	Bayshore		
						Current	Proposed		Current	Proposed			Current	Proposed	
<i>Residential By Future Land Use Category</i>	Intensive Development			660	3	42	<u>42</u>		365	<u>365</u>		9			
	Central Urban	375	17	3,140		8,179	<u>8,179</u>		2,600	<u>2,600</u>					
	Urban Community	850	1,000	860	500	13,013	<u>12,873</u>				110	450			
	Suburban	2,488	1,975		1,200	675			6,690	<u>6,690</u>		1,700			
	Outlying Suburban	377				600			382	<u>382</u>		454			
	Sub-Outlying Suburban		25						140	<u>140</u>	66		950	<u>950</u>	
	Industrial	5	5		10										
	Public Facilities														
	University Community		850												
	Destination Resort Mixed Use Water Dependent	8													
	Burnt Store Marina Village														
	Industrial Interchange														
	General Interchange								15	7	<u>31</u>		6	30	<u>48</u>
	General Commercial Interchange														
	Industrial Commercial Interchange														
	University Village Interchange	0													
	New Community														
	Airport														
	Tradeport (Aiport Commerce)														
	Rural		90			190	14	<u>14</u>		500	<u>500</u>	50	635	1,350	<u>1,350</u>
	Rural Community Preserve											3,100			
	Coastal Rural					1,300									
	Outer Island	1				45									
Open Lands									45	<u>45</u>			1,800	<u>1,800</u>	
Density Reduction/ Groundwater Resource								4,000					2,100	<u>2,100</u>	
Conservation Lands Upland															
Wetlands															
Conservation Lands Wetland															
Unincorporated County Total Residential	4,104	3,962		5,870	3,313	21,248	<u>21,108</u>	4,015	10,729	<u>10,753</u>	3,326	3,254	6,230	<u>6,248</u>	
Commercial	1,100	1,944		2,100	226	1,420	<u>1,420</u>	68	1,687	<u>1,687</u>	18	1,700	139	<u>139</u>	
Industrial	320	450		900	64	300	<u>300</u>	7,246	554	<u>554</u>	5	87	5	<u>5</u>	
Non Regulatory Allocations															
Public	3,550	3,059		3,500	2,100	15,289	<u>15,289</u>	12,000	4,000	<u>4,000</u>	1,486	7,000	1,500	<u>1,500</u>	
Active AG					2,400			7,171	200	<u>200</u>	411	125	900	<u>900</u>	
Passive AG					815			18,000	1,556	<u>1,532</u>	3,619	200	4,000	<u>4,000</u>	
Conservation	9,306	2,969		188	14,767	1,541	<u>1,541</u>	31,359	1,317	<u>1,317</u>	336	5,068	882	<u>864</u>	
Vacant	975	594		309	3,781	8,106	<u>8,246</u>	470	2,060	<u>2,060</u>	1,000	800	512	<u>512</u>	
Total	19,355	12,978		12,867	27,466	47,904	<u>47,904</u>	80,329	22,103	<u>22,103</u>	10,201	18,234	14,168	<u>14,168</u>	
Population Distribution*	34,538	36,963		58,363	13,265	164,517	<u>163,543</u>	1,270	70,659	<u>71,001</u>	6,117	25,577	8,410	<u>8,760</u>	

*Population Distribution for Unincorporated area of Lee Cour

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. 16-02 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: *Joyce Townsend*
Deputy Clerk