

LEE COUNTY ORDINANCE NO. 16-17

Dusty Metro
(CPA2015-00003)

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 DUSTY METRO (CPA2015-00003) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO TEXT AND ADOPTED MAP; 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 April 25, 2016; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 22, 2016. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Dusty Metro (CPA2015-00003) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the June 22, 2016 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on October 5, 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 text and map 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 "Dusty Metro Ordinance (CPA2015-00003)."**

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 Policy 7.1.1. and amends Table 1(b), Year 2030 Allocations to the Lee Plan Future Land Use Map known as Dusty Metro (CPA2015-00003).

The Lee County Board of County Commissioners adopted the findings of fact provided by the applicants and are included as part of the support documentation.

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 Pendergrass, who moved its adoption. The motion was seconded by Commissioner Manning. 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 5th day of October, 2016.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: *Linda Doggett*
Deputy Clerk

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



DATE: 10/5/2016

Approved as to Form for the
Reliance of Lee County Only

[Signature]
County Attorney's Office

- Exhibit A: Adopted revisions to Policy 7.1.1. (Adopted by BOCC 10/5/16)
- Exhibit B: Adopted revisions to Future Land Use Map (Adopted by BOCC 10/5/16)
- Exhibit C: Adopted revisions to Table 1(b) (Adopted by BOCC 10/5/16)

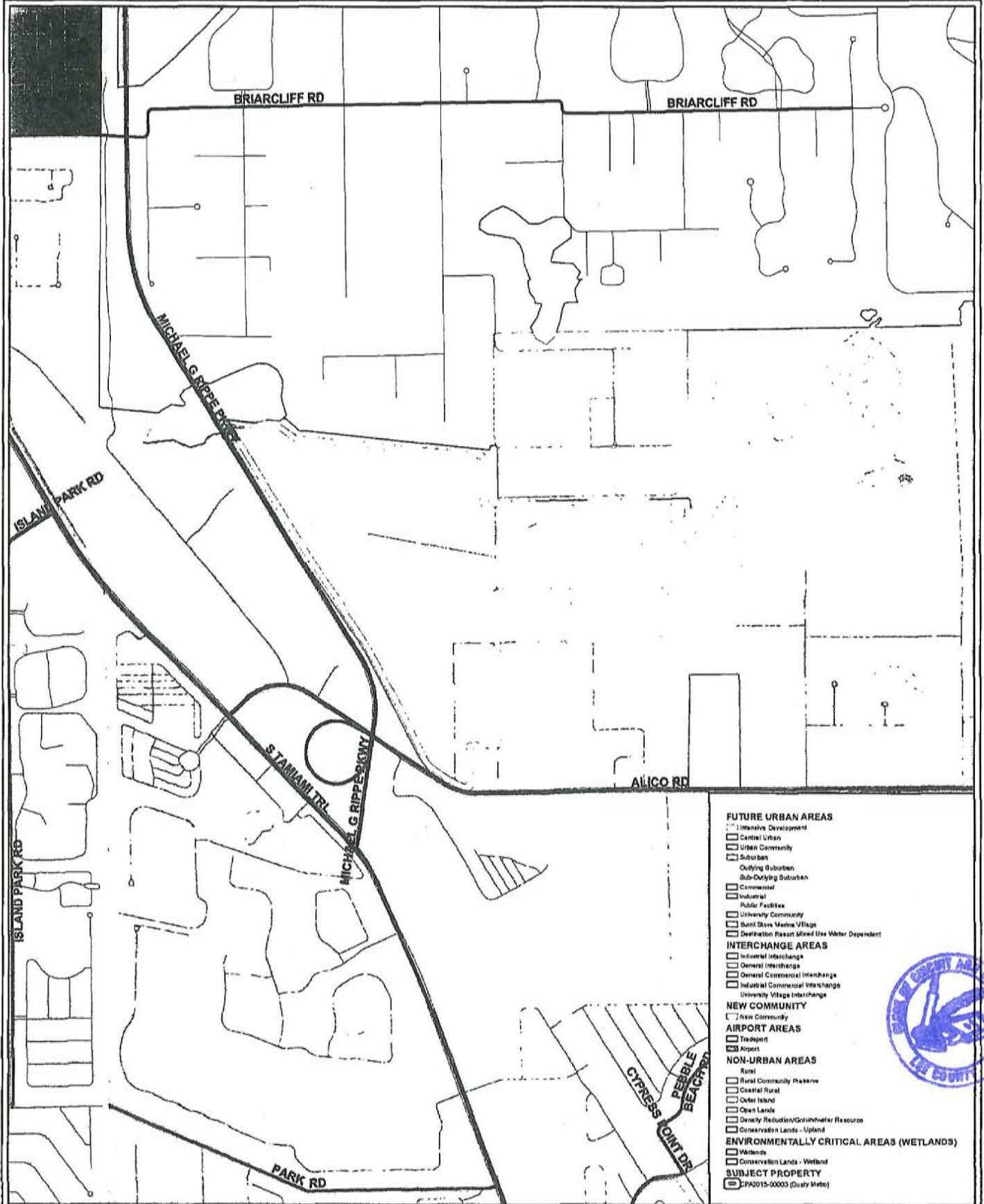


EXHIBIT A

POLICY 7.1.1: In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:

5. Applications for industrial development will be reviewed and evaluated as to:
 - a. *through h. remain unchanged*
 - i. buffering and screening, except properties within the Industrial Development future land use category adjacent to lands redesignated to the Urban Community future land use category by Ordinance 16-17 will retain their development potential and land development regulations (including buffers and setbacks) consistent with the requirements previous to the redesignation, as though the redesignated lands are non-residential in use (planned development rezoning and development orders);
 - j. *through m. remain unchanged*





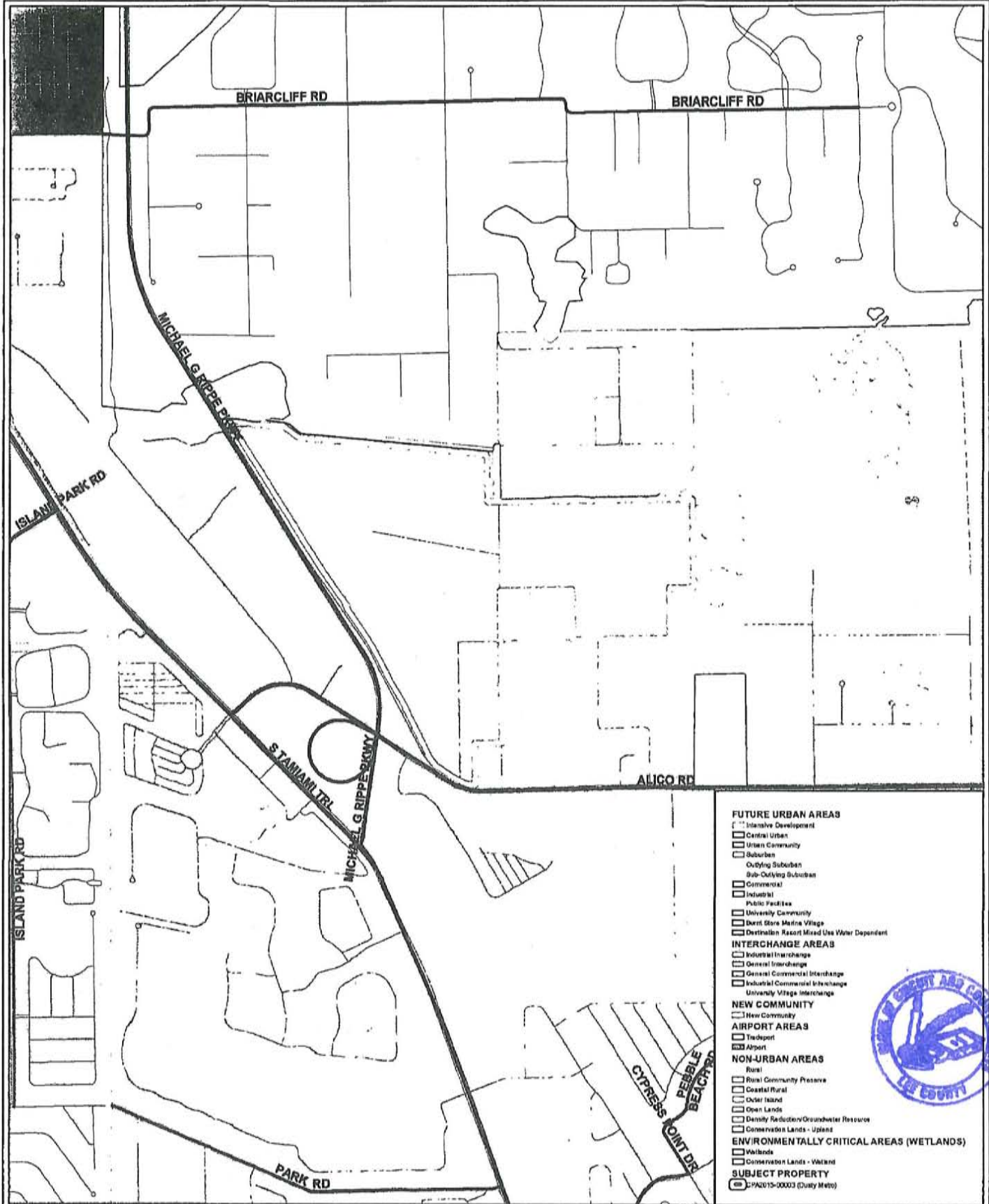
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

0.15 0.075 0 0.15 0.3
Miles
Map Generated August 2016



EXHIBIT B

CPA2015-00003 - Dusty Metro
EXISTING LEE PLAN
FUTURE LAND USE MAP



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map Generated September 2016

CPA2015-00003 - Dusty Metro
PROPOSED LEE PLAN
FUTURE LAND USE MAP

TABLE 1(b)
Year 2030 Allocation

Future Land Use Category	Lee County Totals		Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport		
	Existing	Proposed										Existing	Proposed	
Residential By Future Land Use Category	Intensive Development	1,376	1,376			20		27		250				
	Central Urban	14,766	14,766			225				230				
	Urban Community	18,285	18,084	520	485	637							250	
	Suburban	16,623	16,623			1,810				85				
	Outlying Suburban	3,957	3,957	30		40	20	2	500					
	Sub-Outlying Suburban	1,548	1,548			367								
	Commercial													
	Industrial	79	79								39		20	20
	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	125	125										11	11
	General Commercial Interchange													
	Industrial Commercial Interchange													
	University Village Interchange													
	Mixed Use Interchange													
	New Community	900	900										900	900
	Airport													
	Tradeport	9	9										9	9
	Rural	8,313	8,313	1,948			1,400	636						
	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						
	Density Reduction/ Groundwater Resource	6,905	6,905	711									94	94
	Conservation Lands Upland													
	Wetlands													
	Conservation Lands Wetland													
Unincorporated County Total Residential	81,156	80,955	3,464	485		4,500	1,250	29	651	604		1,024	1,284	
Commercial	12,793	12,793	57	52		400	50	17	125	150		1,100	1,100	
Industrial	13,801	13,801	26	3		400	5	26		300		3,100	3,100	
Non Regulatory Allocations														
Public	82,313	82,313	7,100	421		2,000	7,000	20	1,961	350		7,500	7,500	
Active AG	17,027	17,027	5,100			550	150							
Passive AG	45,835	45,585	13,549			2,500	109					1,491	1,241	
Conservation	81,933	81,933	2,214	611		1,142	3,236	133	1,603	748		2,798	2,798	
Vacant	22,317	22,768	1,953			226	931	34		45		300	300	
Total	357,175	357,175	33,463	1,572		11,718	12,731	259	4,340	2,197		17,323	17,323	
Population Distribution (unincorporated Lee County)	495,000	495,000	5,090	1,531		30,861	3,270	225	530	5,744		11,977	15,115	

EXHIBIT C

I CERTIFY THIS DOCUMENT TO BE A
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE
LINDA DOGGETT, CLERK OF CIRCUIT COURT,
STATE OF FLORIDA, COUNTY OF LEE

REDACTED COPY PER F.S.119.071

BY: Theresa King
Deputy Clerk

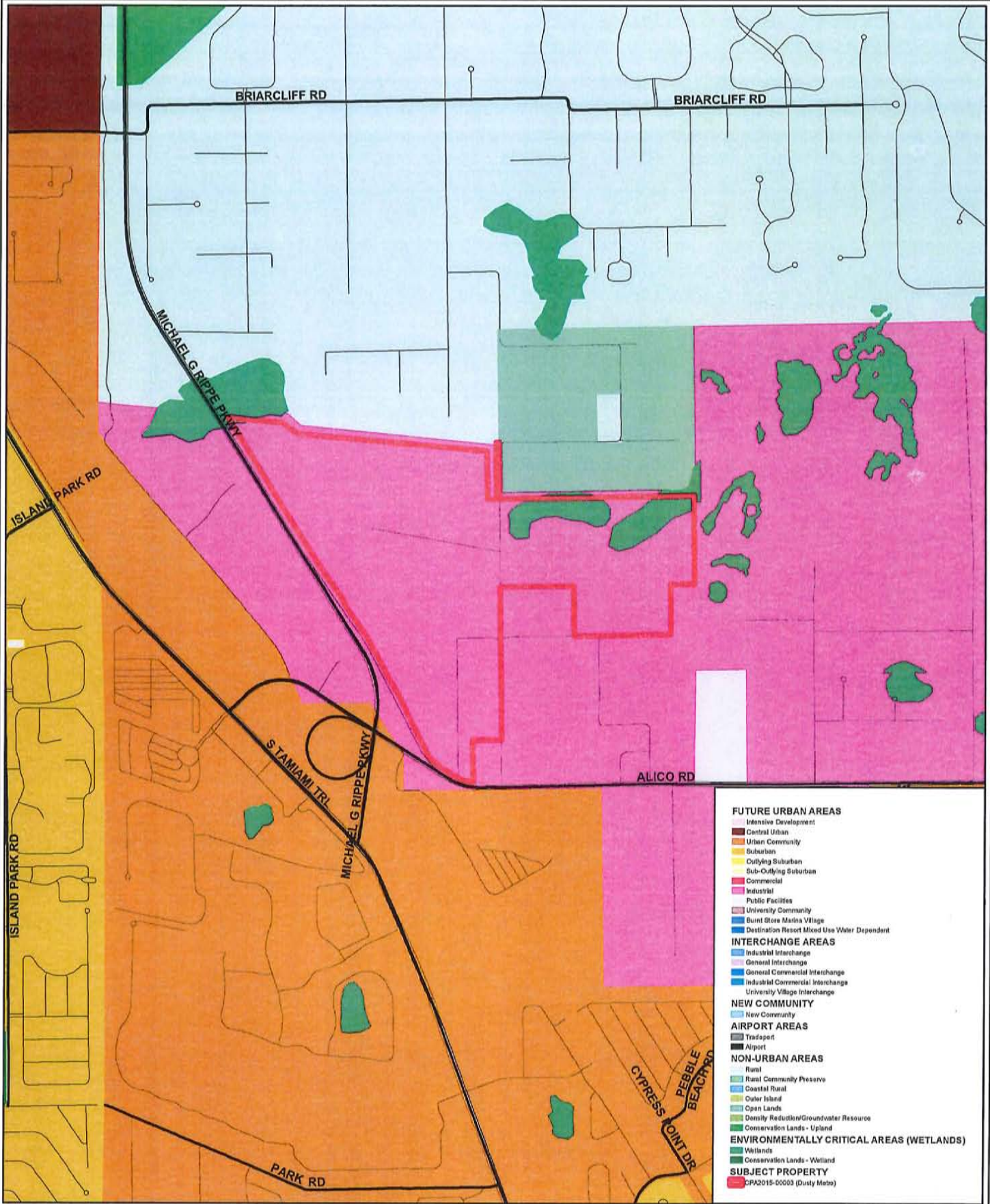
DATED: OCT 10 2016



TABLE 1(b)
Year 2030 Allocation

Future Land Use Category	Lee County Totals		Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport		
	Existing	Proposed										Existing	Proposed	
<i>Residential</i> By Future Land Use Category	Intensive Development	1,376	1,376			20		27		250				
	Central Urban	14,766	14,766			225				230				
	Urban Community	18,285	18,084	520	485	637							250	
	Suburban	16,623	16,623			1,810				85				
	Outlying Suburban	3,957	3,957	30		40	20	2	500					
	Sub-Outlying Suburban	1,548	1,548			367								
	Commercial													
	Industrial	79	79							39		20	20	
	Public Facilities	7	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	125	125										11	11
	General Commercial Interchange													
	Industrial Commercial Interchange													
	University Village Interchange													
	Mixed Use Interchange													
	New Community	900	900										900	900
	Airport													
	Tradeport	9	9										9	9
	Rural	8,313	8,313	1,948			1,400	636						
	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							
Density Reduction/ Groundwater Resource	6,905	6,905	711									94	94	
Conservation Lands Upland														
Wetlands														
Conservation Lands Wetland														
Unincorporated County Total Residential	81,156	80,955	3,464	485		4,500	1,250	29	651	604		1,034	1,284	
Commercial	12,793	12,793	57	52		400	50	17	125	150		1,100	1,100	
Industrial	13,801	13,801	26	3		400	5	26		300		3,100	3,100	
Non Regulatory Allocations														
Public	82,313	82,313	7,100	421		2,000	7,000	20	1,961	350		7,500	7,500	
Active AG	17,027	17,027	5,100			550	150							
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Conservation	81,933	81,933	2,214	611		1,142	3,236	133	1,603	748		2,798	2,798	
Vacant	22,317	22,768	1,953			226	931	34		45		300	300	
Total	357,175	357,175	33,463	1,572		11,718	12,731	259	4,340	2,197		17,323	17,323	
Population Distribution (unincorporated Lee County)	495,000	495,000	5,090	1,531		30,861	3,270	225	530	5,744		11,977	15,115	

EXHIBIT C



- FUTURE URBAN AREAS**
- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Commercial
- Industrial
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use/Water Dependent
- INTERCHANGE AREAS**
- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial Commercial Interchange
- University Village Interchange
- NEW COMMUNITY**
- New Community
- AIRPORT AREAS**
- Transport
- Airport
- NON-URBAN AREAS**
- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
- Wetlands
- Conservation Lands - Wetland
- SUBJECT PROPERTY**
- CPA2015-00003 (Dusty Metro)

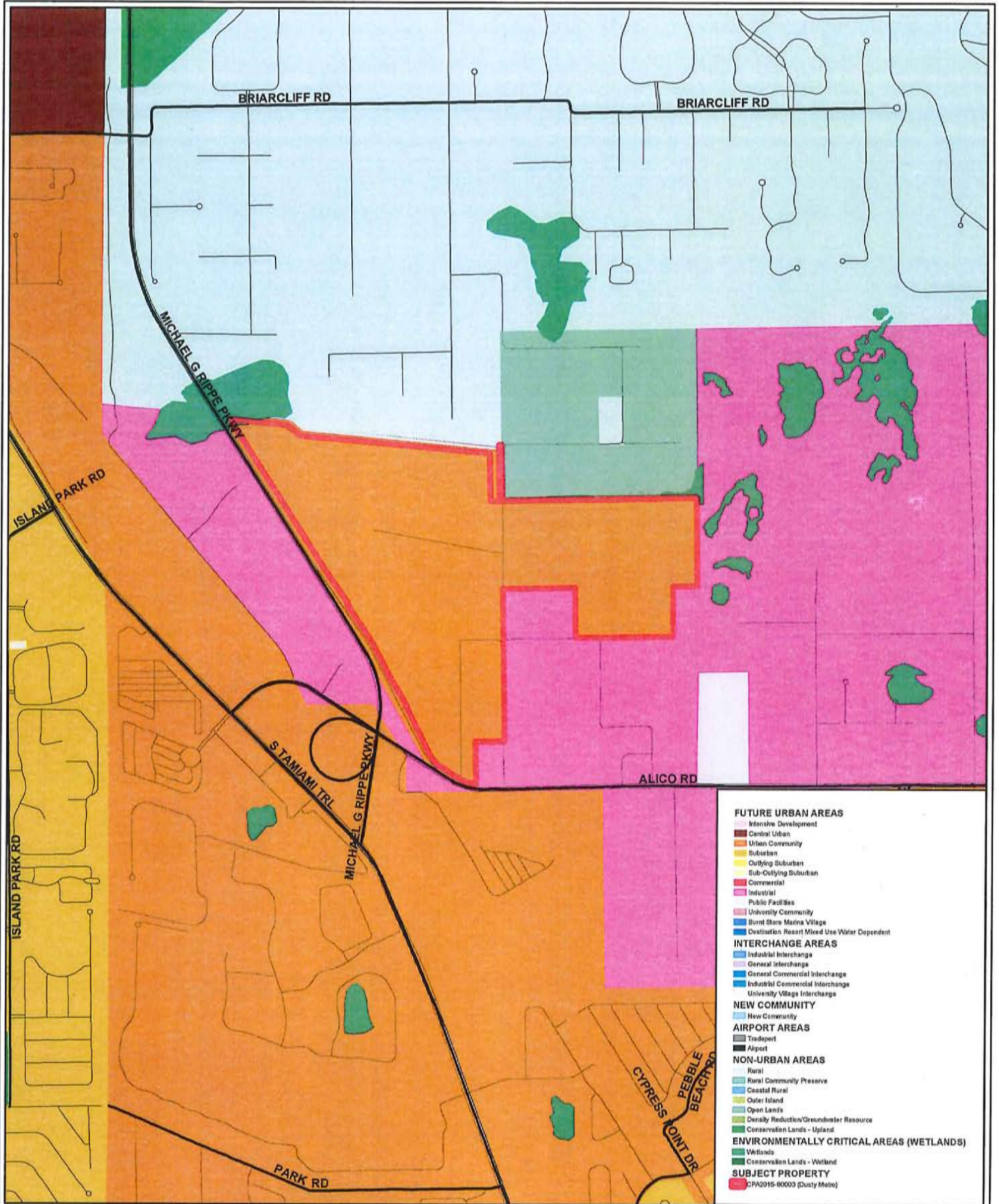
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map Generated August 2016



EXHIBIT B

CPA2015-00003 - Dusty Metro
EXISTING LEE PLAN
FUTURE LAND USE MAP



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map Generated September 2016

CPA2015-0003 - Dusty Metro
PROPOSED LEE PLAN
FUTURE LAND USE MAP

TABLE 1(b)
Year 2030 Allocation

Future Land Use Category	Lee County Totals		Northest Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	
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	Central Urban	14,766 14,766				225				230			
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	Suburban	16,623 16,623				1,810				85			
	Outlying Suburban	3,957 3,957		30		40	20	2	500				
	Sub-Outlying Suburban	1,548 1,548				367							
	Commercial												
	Industrial	79 79								39		20	20
	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	125 125										11	11
	General Commercial Interchange												
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community	900 900										900	900
	Airport												
	Tradeport	9 9										9	9
	Rural	8,313 8,313		1,948			1,400	636					
	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						
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Conservation	81,933 81,933		2,214	611		1,142	3,236	133	1,603	748		2,798	2,798
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Population Distribution (unincorporated Lee County)	495,000 495,000		5,090	1,531		30,861	3,270	225	530	5,744		11,977	15,115

EXHIBIT C

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee COUNTY ORDINANCE #: 16-17
(e.g., 93-001)

PRIMARY KEYFIELD
DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD
DESCRIPTOR: Planning

OTHER KEYFIELD
DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Dusty Metro
(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: _____



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 10, 2016

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

Attention: Theresa King

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. 16-17, which was filed in this office on October 10, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

RECEIVED

By mmmiller at 4:18 pm, Oct 10, 2016