

LEE COUNTY ORDINANCE NO. 17-12
(Apaloosa Lane Ordinance)
(CPA2015-00010)

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 APALOOSA LANE (CPA2015-00010) 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 March 27, 2017; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 21, 2017. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Apaloosa Lane (CPA2015-00010) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the June 21, 2017 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on September 6, 2017, 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 "Apaloosa Lane Ordinance (CPA2015-00010)."**

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 to designate the 59.72 +/- acre subject property from Outlying Suburban to General Interchange and a text amendment to Table 1(b), known as Apaloosa Lane Ordinance (CPA2015-00010).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals 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 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 Mann, who moved its adoption. The motion was seconded by Commissioner Pendergrass. 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 6th day of September, 2017.

ATTEST:
LINDA DOGGETT, CLERK

BY: Melissa Butler
Deputy Clerk



LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: [Signature]
John Manning, Chair
Commissioner Cecil L. Pendergrass
Lee County Board of County Commissioners
District 2

DATE: 9-6-17

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

[Signature]
County Attorney's Office

Exhibit A: Adopted revisions to Future Land Use Map, Table 1(b) and Proposed Text to Lee Plan Policy 1.3.2 (Adopted by BOCC September 6, 2017)

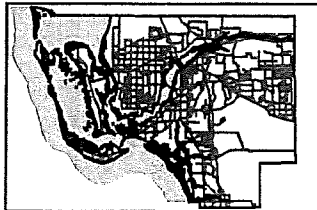
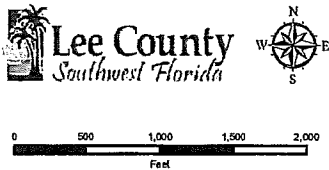
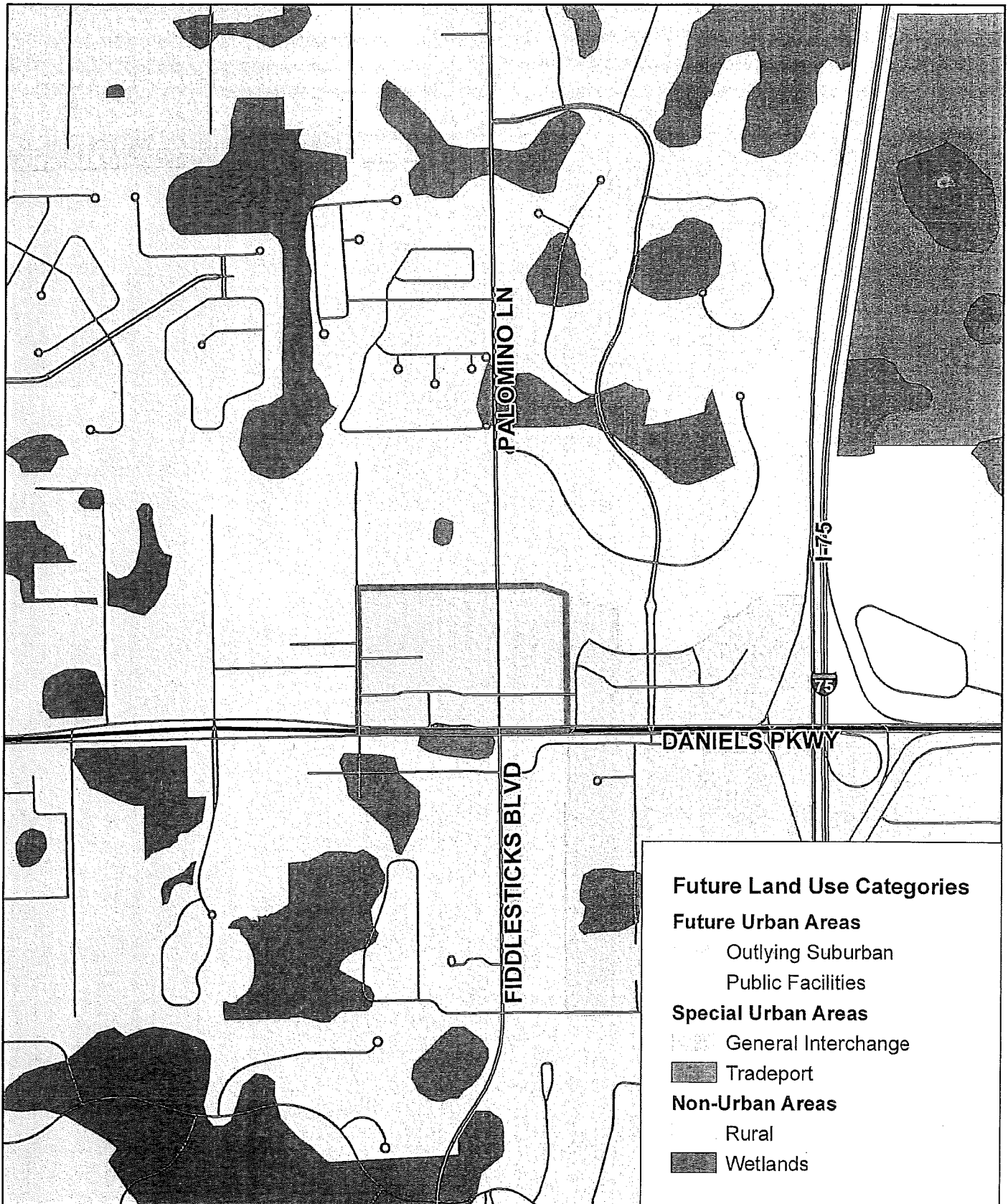
I CERTIFY THIS DOCUMENT TO BE A
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE
LINDA DOGGETT, CLERK CIRCUIT COURT
LEE COUNTY, FLORIDA

DATED: 9-6-17
BY: Melissa Butler
Deputy Clerk



EXHIBIT A

Note: Text depicted with underscore represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.



CPA2015-00010 - Apaloosa Lane

**PROPOSED LEE PLAN
FUTURE LAND USE MAP**

Table 1(b)
Year 2030 Allocation
CPA2015-00010

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	Daniels Parkway	
	Existing	Proposed											Existing	Proposed
Intensive Development	1,376	1,376				20		27		250				
Central Urban	14,766	14,766				225				230				
Urban Community	18,084	18,084	520	485		637						250		
Suburban	16,623	16,623				1,810				85				
Outlying Suburban	3,957	3,843	30			40	20	2	500				1,552	1,438
Sub-Outlying Suburban	1,548	1,548				367								
Commercial														
Industrial	79	79								39		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	151										11	32	58
General Commercial Interchange														
Industrial Commercial Interchange														
University Village Interchange														
Mixed Use Interchange														
New Community	900	900										900		
Airport														
Tradeport	9	9										9		
Rural	8,313	8,313	1,948			1,400	636						1,500	1,500
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	120
Density Reduction/ Groundwater Resource	6,906	6,906	711									94		
Conservation Lands Upland														
Wetlands														
Conservation Lands Wetland														
Unincorporated County Total Residential	80,955	80,867	3,464	485		4,500	1,250	29	651	604		1,284	3,204	3,116
Commercial	12,793	12,793	57	52		400	50	17	125	150		1,100	440	440
Industrial	13,801	13,801	26	3		400	5	26		300		3,100	40	10
Non-Regulatory Allocations														
Public	82,313	82,313	7,100	421		2,000	7,000	20	1,961	350		7,500	2,477	2,477
Active A/G	17,027	17,027	5,100			550	150						20	20
Passive A/G	45,585	45,585	13,549			2,500	109					1,241	20	20
Conservation	81,933	81,933	2,214	611		1,142	3,236	133	1,603	748		2,798	1,733	1,733
Vacant	23,768	22,856	1,953			226	931	34		45		300	63	151
Total	267,175	267,175	33,463	1,572		11,718	12,731	259	4,340	2,197		17,323	7,967	7,967
Population Distribution (unincorporated Lee County)	495,000	495,000	5,090	1,531		30,861	3,270	225	530	5,744		15,115	16,375	16,375

Table 1(b)
Year 2030 Allocation
CPA2015-00010

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	
Residential By Future Land Use Category	Intensive Development				660	3	42		365		9		
	Central Urban	375	17		3,140		8,179		2,600				
	Urban Community	850	1,000		860	500	12,422			110	450		
	Suburban	2,488	1,975		1,200	675			6,690		1,700		
	Outlying Suburban	377				600			382		454		
	Sub-Outlying Suburban		25						140	66		950	
	Commercial												
	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	31		6	30
	General Commercial Interchange												
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community												
	Airport												
	Tradeport												
	Rural		90			190	14		500	50	635	1,350	
	Rural Community Preserve									3,100			
	Coastal Rural					1,300							
	Outer Island	1				45							
	Open Lands								45				1,800
	Density Reduction/ Groundwater Resource								4,000				2,100
	Conservation Lands Upland												
Wetlands													
Conservation Lands Wetland													
Unincorporated County Total Residential		4,104	3,962		5,870	3,313	20,657	4,015	10,753	3,326	3,254	6,230	
Commercial		1,100	1,944		2,100	226	1,420	68	1,687	18	1,700	139	
Industrial		320	450		900	64	300	7,246	554	5	87	5	
Non-Regulatory Allocations													
Public		3,550	3,059		3,500	2,100	15,289	12,000	4,000	1,486	7,000	1,500	
Active AG						2,400		7,171	200	411	125	900	
Passive AG						815		18,000	1,532	3,619	200	4,000	
Conservation		9,306	2,969		188	14,767	1,541	31,359	1,317	336	5,068	864	
Vacant		975	594		309	3,781	8,697	470	2,060	1,000	800	530	
Total		19,355	12,978		12,867	27,466	47,904	80,329	22,103	10,201	18,234	14,168	
Population Distribution (unincorporated Lee County)		34,538	36,963		58,363	13,265	160,405	1,270	71,001	6,117	25,577	8,760	

Attachment 1
Proposed Text Amendment to Lee Plan Policy 1.3.2

“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, light industrial¹/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).

¹ Light industrial uses are not permitted on property located more than 2,400 feet west from the centerline intersection of I-75 and Daniels Parkway as of (Date of Ordinance).