

**LEE COUNTY ORDINANCE NO. 17-23**

Timber Creek  
(CPA2016-00007)

**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 AMENDMENTS PERTAINING TO THE TIMBER CREEK (CPA2016-00007) 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 August 2, 2017. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Timber Creek (CPA2016-00007) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the August 2, 2017 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on December 20, 2017, the Board held a public hearing, made a formal finding that the proposed amendment would not result in significant impacts to present or future water resources in accordance with Lee Plan Policy 2.4.2, 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 "Timber Creek Ordinance (CPA2016-00007)."**

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 Table 1(b), Future Land Use Map 1, Pages 1, 2 and 4, Map 4, Map 6, Map 7, Map 14, Map 16, Map 17, ap 20 and Map 25, known as Timber Creek (CPA2016-00007).

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.

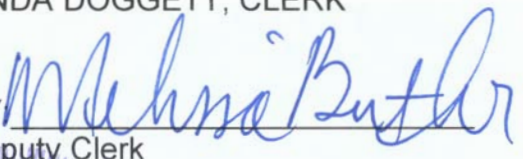
*{The remainder of this page intentionally left blank.}*

THE FOREGOING ORDINANCE was offered by Commissioner Hamman, who moved its adoption. The motion was seconded by Commissioner Kiker. The vote was as follows:

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


DONE AND ADOPTED this 20<sup>th</sup> day of December, 2017.

ATTEST:  
LINDA DOGGETT, CLERK

BY:   
Deputy Clerk



LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY:   
Cecil Pendergrass, Chair

DATE: December 20, 2017

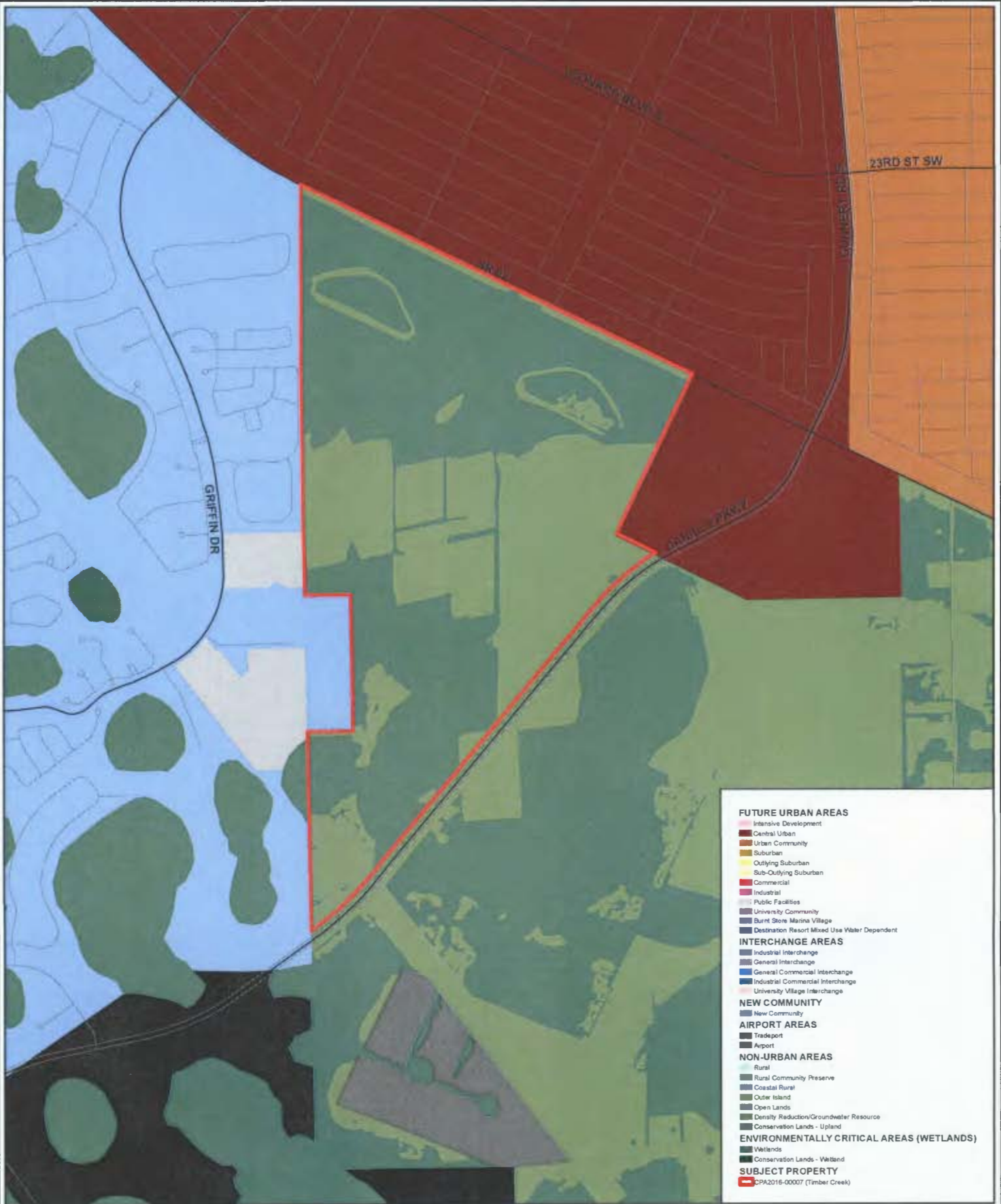
APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

  
County Attorney's Office

Exhibit A: Adopted revisions to Table 1(b), Future Land Use Map 1, Pages 1, 2 and 4, Map 4, Map 6, Map 7, Map 14, Map 16, Map 17, Map 20 and Map 25 (Adopted by BOCC December 20, 2017)

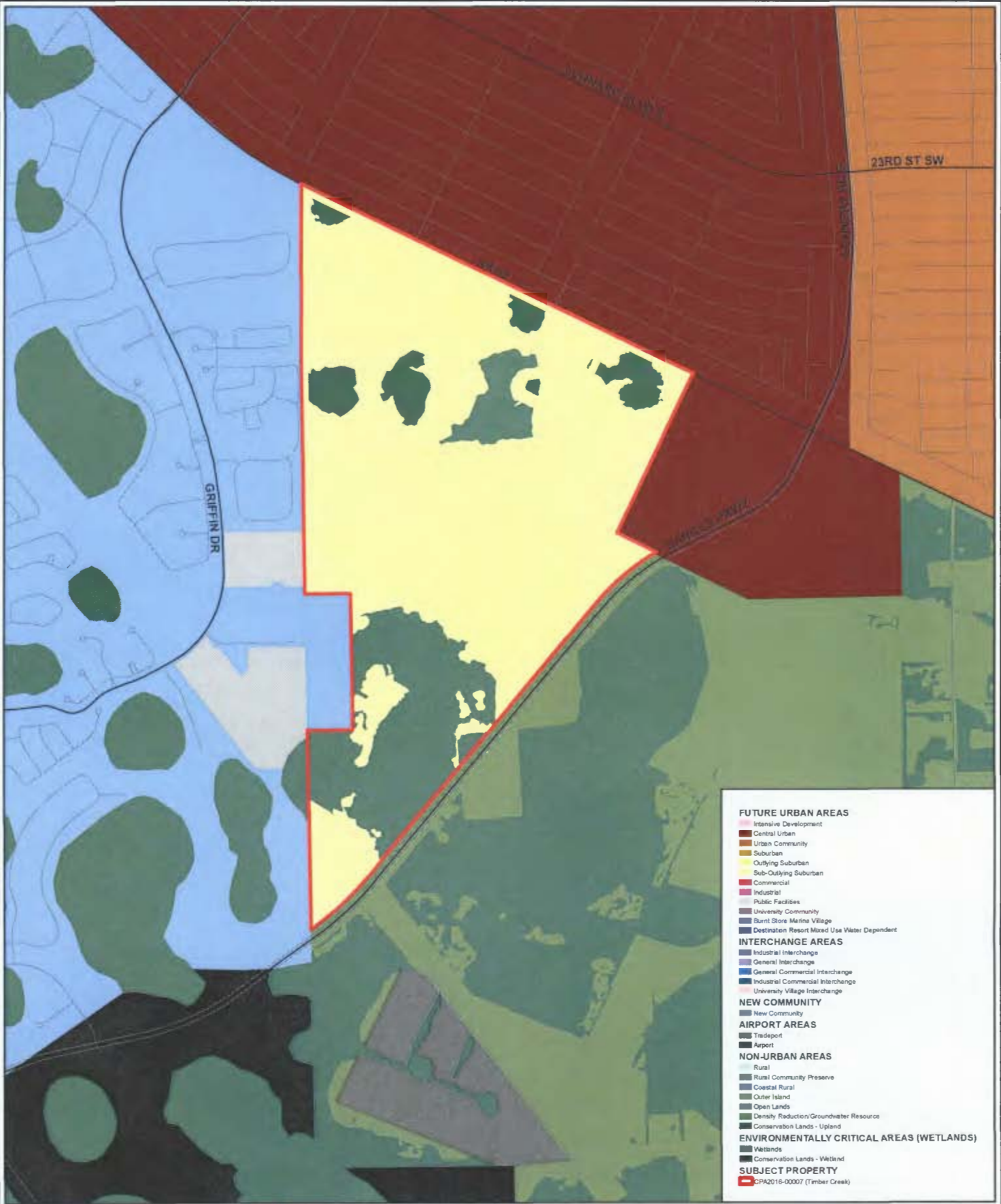
## EXHIBIT A

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



- FUTURE URBAN AREAS**
- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-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**
- Tradeport
- Airport
- NON-URBAN AREAS**
- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
- Wetlands
- Conservation Lands - Wetland
- SUBJECT PROPERTY**
- CPA2016-0007 (Timber Creek)





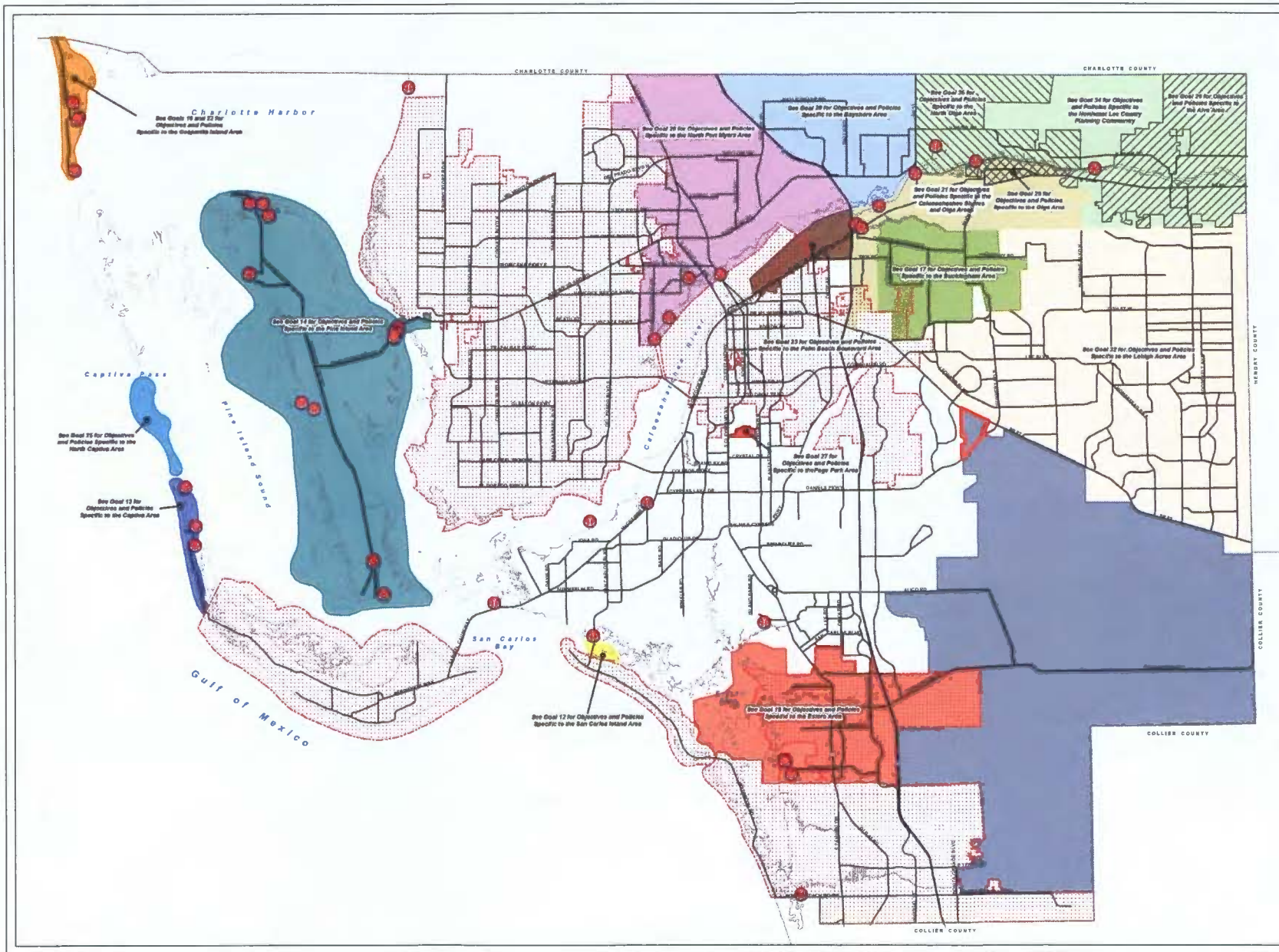
- FUTURE URBAN AREAS**
- Intensive Development
- Central Urban
- Urban Community
- Suburban
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- CPA2016-0007 (Timber Creek)



Map Generated March 2017



**CPA2016-0007**  
**Timber Creek**  
**PROPOSED LEE PLAN**  
**FUTURE LAND USE MAP**



### SPECIAL TREATMENT AREAS

#### Community Planning Areas

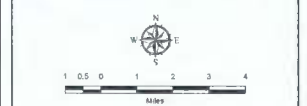
- Bayshore
- Boca Grande
- Buckingham
- Caloosahatchee Shores
- Olga
- Captiva
- Estero
- Greater Pine Island
- Lehigh Acres
- North Captiva
- North Fort Myers
- Northeast Lee County
- Alva
- North Olga
- Page Park
- San Carlos Island
- Southeast Lee County
- Palm Beach Boulevard
- City Limits

Adopted by Ord. 89-02, 1/31/1989  
 Amended by Ordinance Nos. 02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 08-05, 09-07, 09-08, 09-09, 09-10, 09-11, 10-16, 11-14, 11-21, 11-24

**W** Water Dependent Overlay  
 See Maps 2 and 12 for Details  
 Adopted by Ord. 89-02, 1/31/1989  
 Amended by Ordinance Nos. 91-19, 92-35, 00-22, 02-03, 08-05

**CPA2016-00007  
 TIMBER CREEK**

Remove from Southeast Lee County



















Map Generated: March 2017  
 City Limits current to date of map generation




# SPECIAL TREATMENT AREAS

## Legend

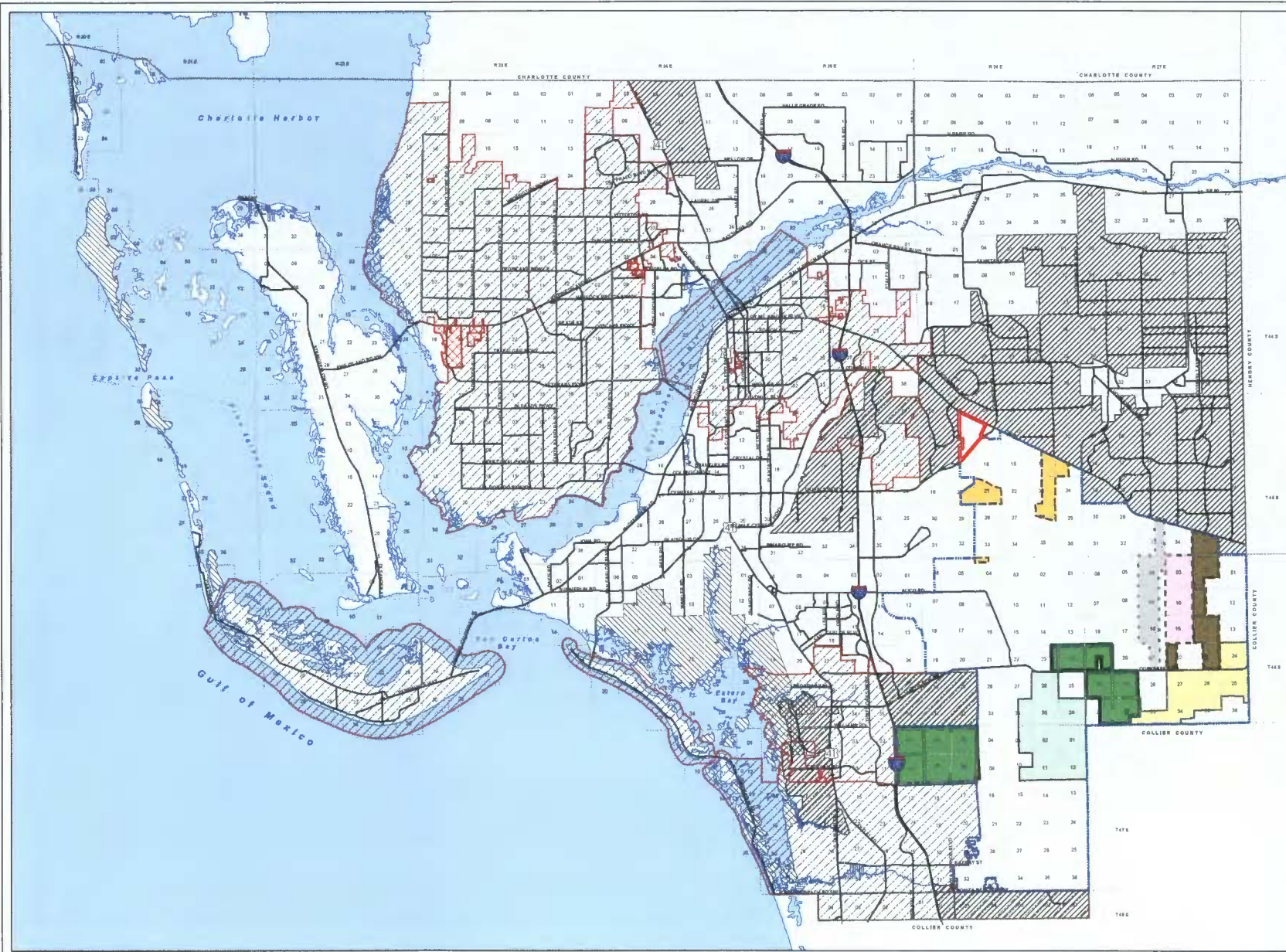
-  County Line
-  Southeast Lee County
-  City Limits
-  Section Lines
-  Major Roads
-  Minor Roads
-  **Urban Reserve**  
Adopted by Ord 89-02, 1/31/1989  
Amended by Ord 93-25
-  **Privately Funded Infrastructure**  
Adopted by Ord 89-02, 1/31/1989  
Amended by Ord 92-35
-  **Public Acquisition\***  
Adopted by Ord 91-19, 7/9/1991  
Amended by Ord 10-19
- Priority Restoration Strategy**  
See Policies 33.2.2
  -  Tier 1 (highest priority)
  -  Tier 2
  -  Tier 3
  -  Tier 4
  -  Tier 5
  -  Tier 6
  -  Tier 7

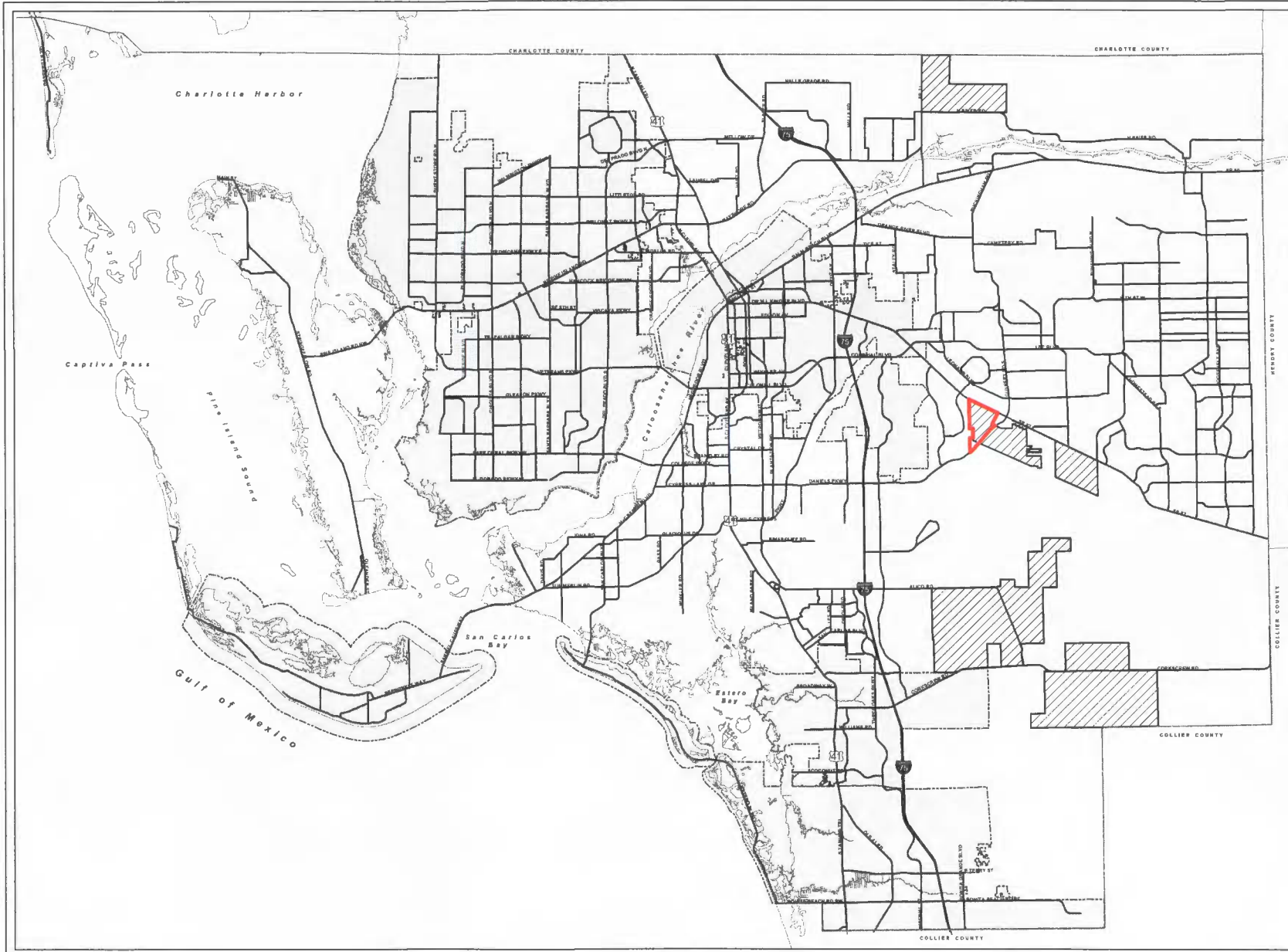
**CPA2016-00007  
TIMBER CREEK**

-  Remove from Southeast Lee County



Map Generated: March 2017  
 \* Because of the dynamic nature of land acquisition, portions of the land shown are publicly owned at the time of printing.  
 \*\* City Limits current to date of map generation





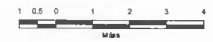
# PRIVATE RECREATIONAL FACILITIES OVERLAY MAP

## LEGEND

- County Line
- Major Roads
- Minor Roads
- ▨ Private Recreational Facilities
- ⊞ City Limits

CPA2016-00007  
**TIMBER CREEK**

Remove from Private Recreational Facilities





Map Generated: March 2017  
 City Limits current to date of map generation  
 Adopted By Ord. No. 99-16, 11/22/99  
 Amended By Ord. Nos. 10-21, 10-43


**Lee Plan Map 4**

# LEE COUNTY UTILITIES FUTURE WATER SERVICE AREAS

## Legend

-  City Limits
-  Future Water Service Areas

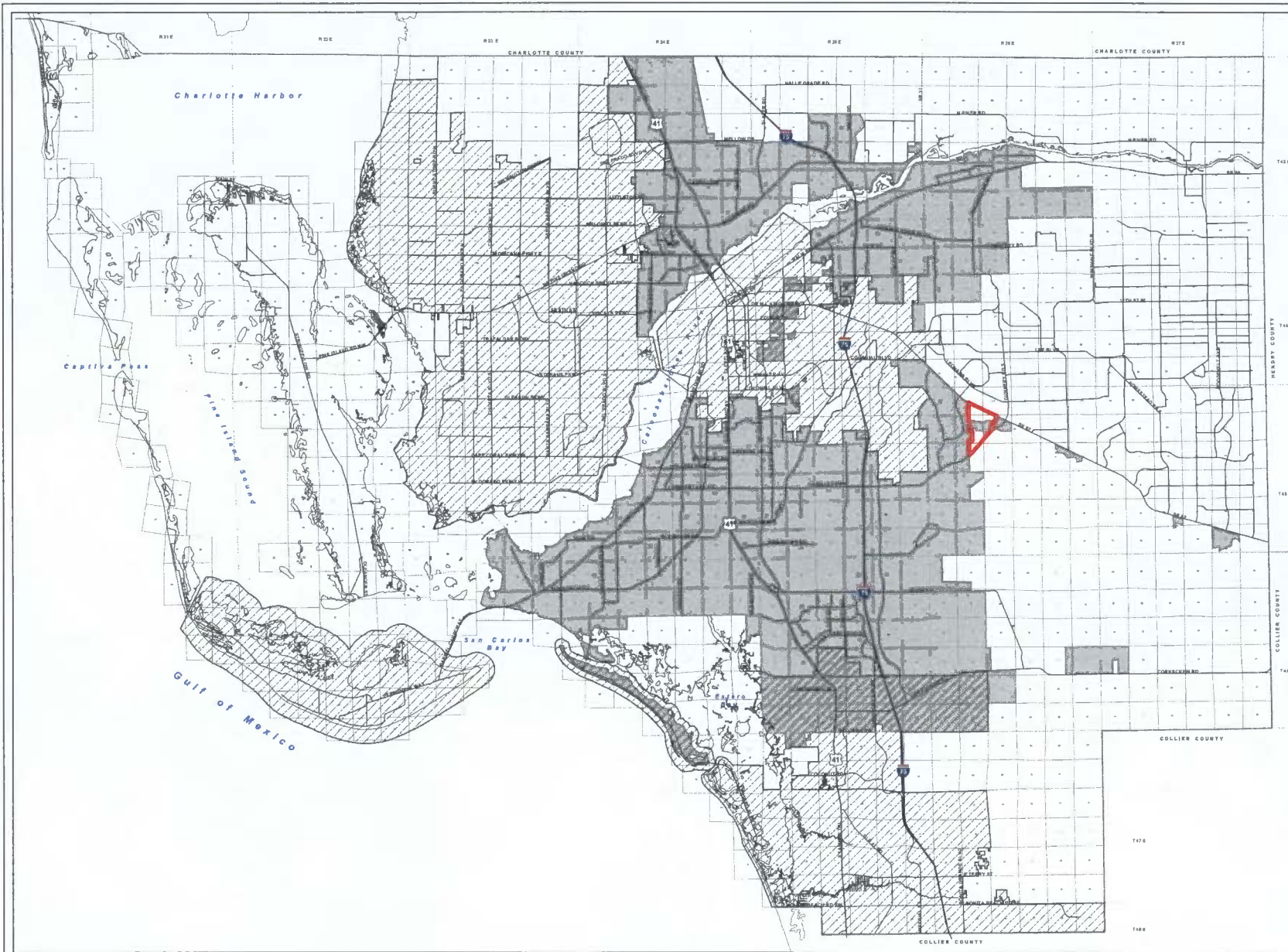
**CPA2016-00007  
TIMBER CREEK**

-  Extend the existing service area to cover subject property





Map Generated: March 2017  
 Produced By: DCI/Division of Planning  
 City Limits current to date of map generation  
 Adopted by Ord. No. 89-02, 1/31/1989  
 Amended by Ord. Nos. 00-22, 03-19, 10-06, 10-40, 10-43  
 12-24, 13-16, 14-21, 15-13, 15-14

**Lee Plan Map 6**




# LEE COUNTY UTILITIES FUTURE SEWER SERVICE AREAS

## Legend

-  City Limits
-  Future Sewer Service Areas

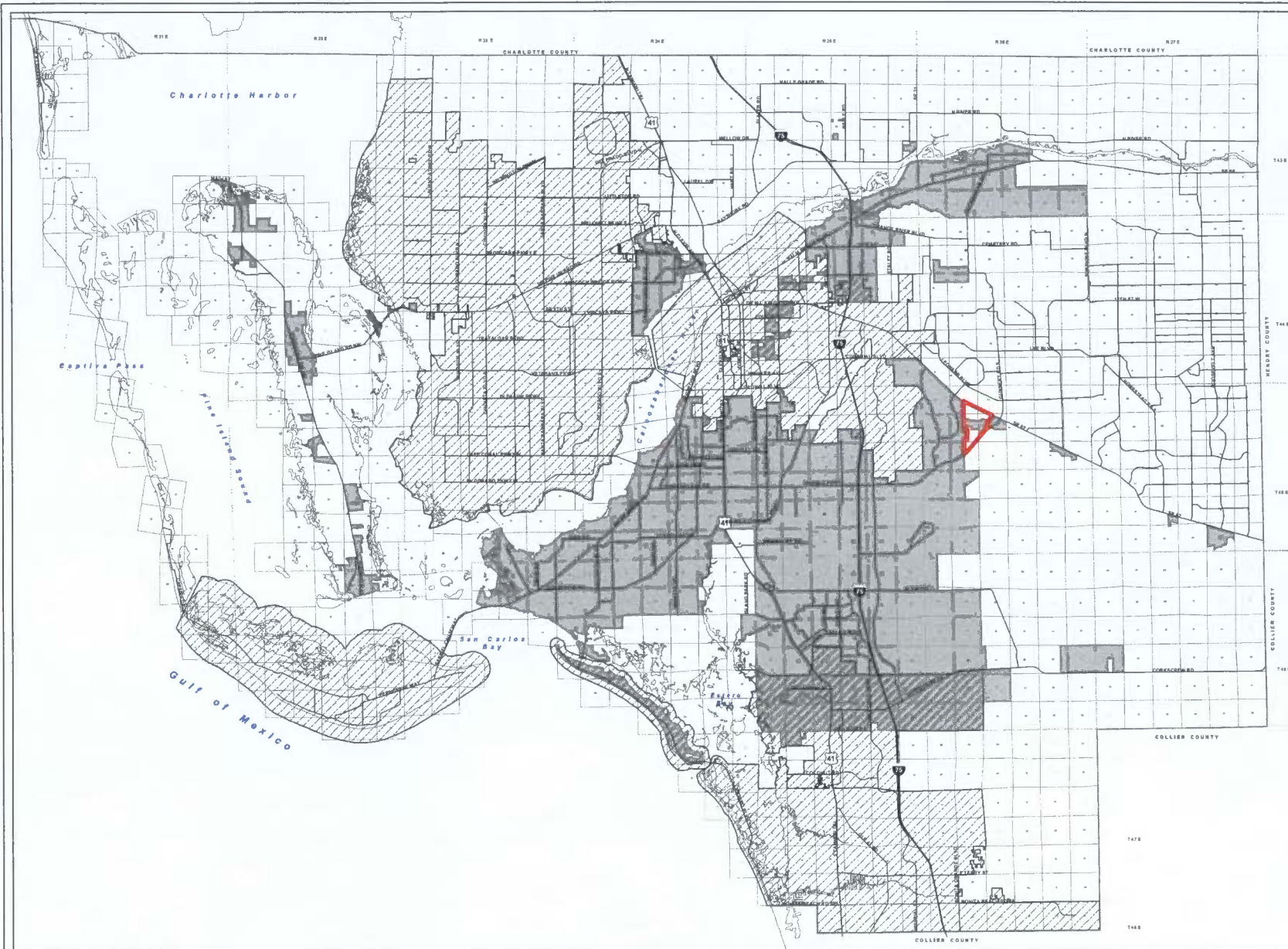
### CPA2016-00007 TIMBER CREEK

-  Extend the existing service area to cover subject property








Map Generated: March 2017  
 Produced By: DCD/Division of Planning  
 City Limits current to date of map generation  
 Adopted by Ord. No. 89-02, 1/31/1989  
 Amended by Ord. Nos. 00-22, 03-19, 10-07, 10-40, 10-43,  
 11-13, 12-24, 14-21, 15-13, 15-14

Lee Plan Map 7




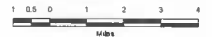
# FUTURE LIMEROCK MINING OVERLAY

## Legend

-  Southeast Lee County
-  Future Limerock Mining
-  County Line
-  Major Roads
-  City Limits

### CPA2016-00007 TIMBER CREEK

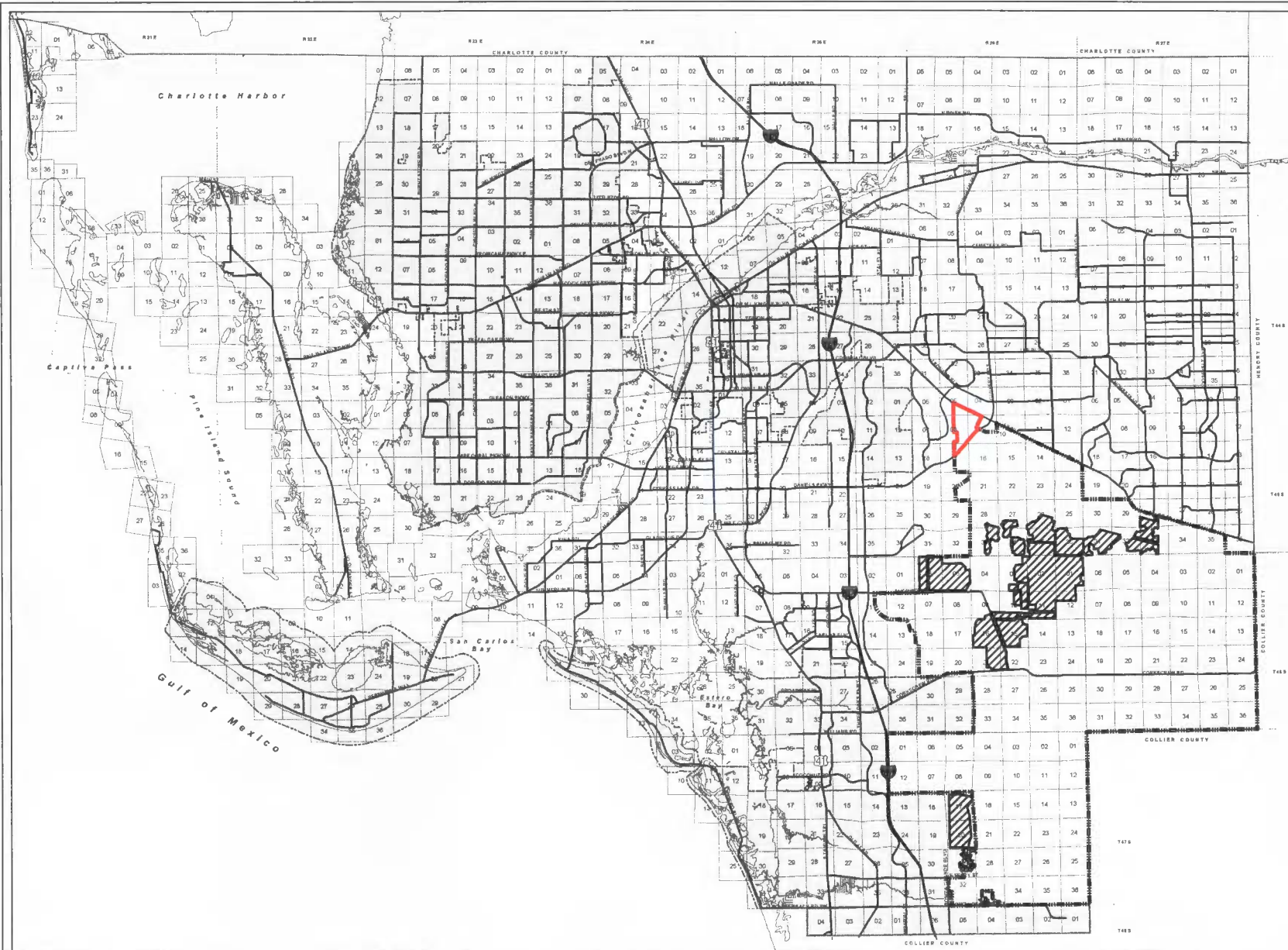
-  Remove from Southeast Lee County



Map Generated: March 2017  
City Limits current to date of map generation

Adopted By Ord. No. 90-43, 9/6/90  
Amended By Ord. Nos. 10-20, 10-43

## Lee Plan Map 14



# LEE COUNTY PLANNING COMMUNITIES

Year 2030

## Planning Communities

- 1. Northeast Lee County
  - 2. Boca Grande
  - 3. Bonita Springs
  - 4. Fort Myers Shores
  - 5. Burnt Store
  - 6. Cape Coral
  - 7. Captiva
  - 8. Fort Myers
  - 9. Fort Myers Beach
  - 10. Gateway/Airport
  - 11. Daniels Parkway
  - 12. Iona/McGregor
  - 13. San Carlos
  - 14. Sanibel
  - 15. South Fort Myers
  - 16. Pine Island
  - 17. Lehigh Acres
  - 18. Southeast Lee County
  - 19. North Fort Myers
  - 20. Buckingham
  - 21. Estero
  - 22. Bayshore
- City Limits

The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2030.

### CPA2016-00007 TIMBER CREEK

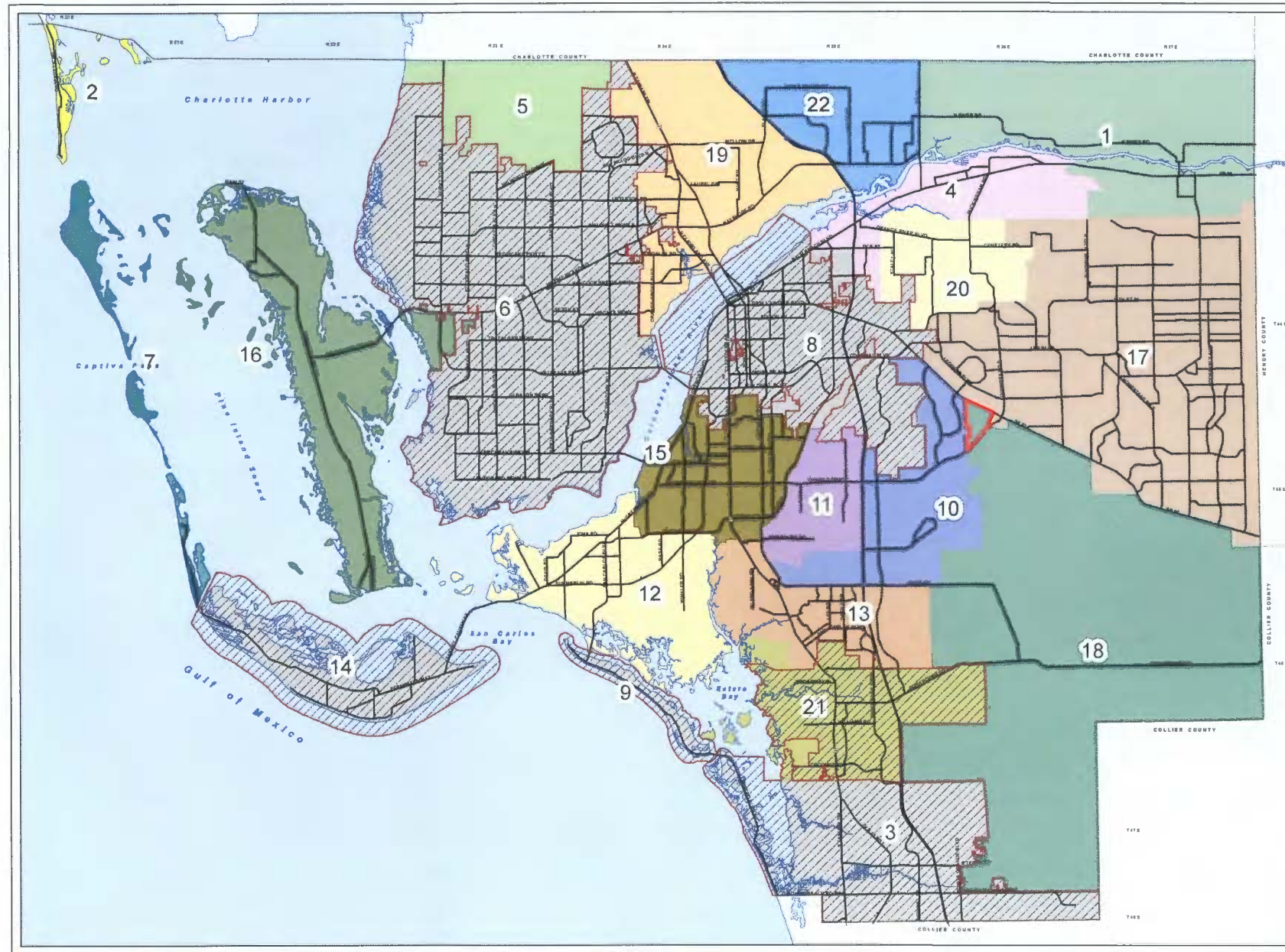
Add to Gateway/Airport Planning Community

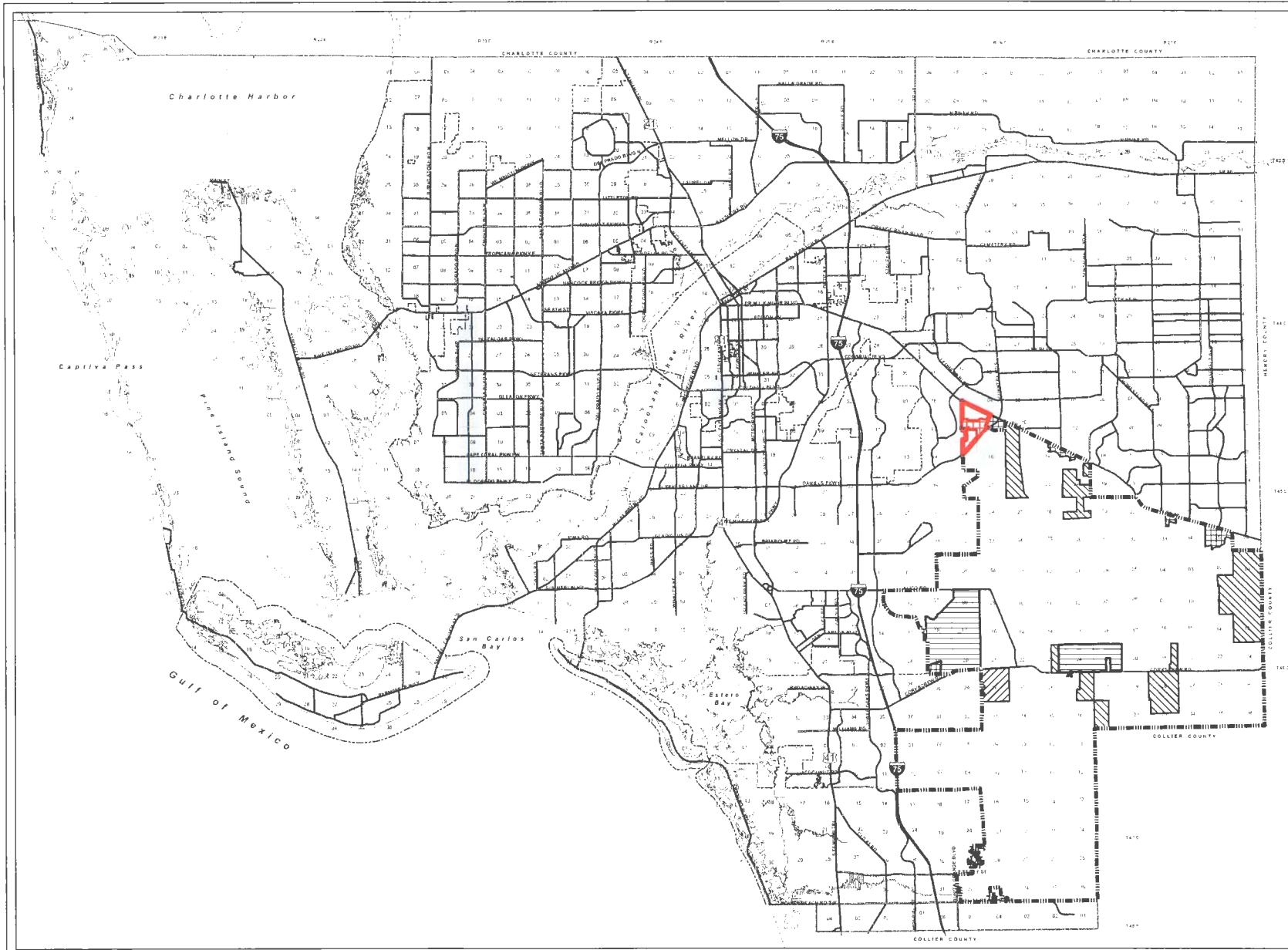


Map Generated: March 2017  
City Limits current to date of map generation

Adopted by Ord. No. 88-08, 6/3/1988  
Amended by Ord. Nos. 02-02, 07-08, 07-13, 10-15, 10-16, 10-40, 11-14

Lee Plan Map 16





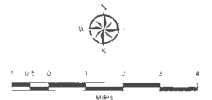
# SOUTHEAST DR/GR RESIDENTIAL OVERLAY

## Legend

- Southeast Lee County
- Existing Acreage Subd.
- Mixed-Use Community
- Rural Golf Course Community
- Improved Residential Community
- Environmental Enhancement and Preservation Community
- County Line
- Section Lines
- Major Roads
- Minor Roads
- City Limits

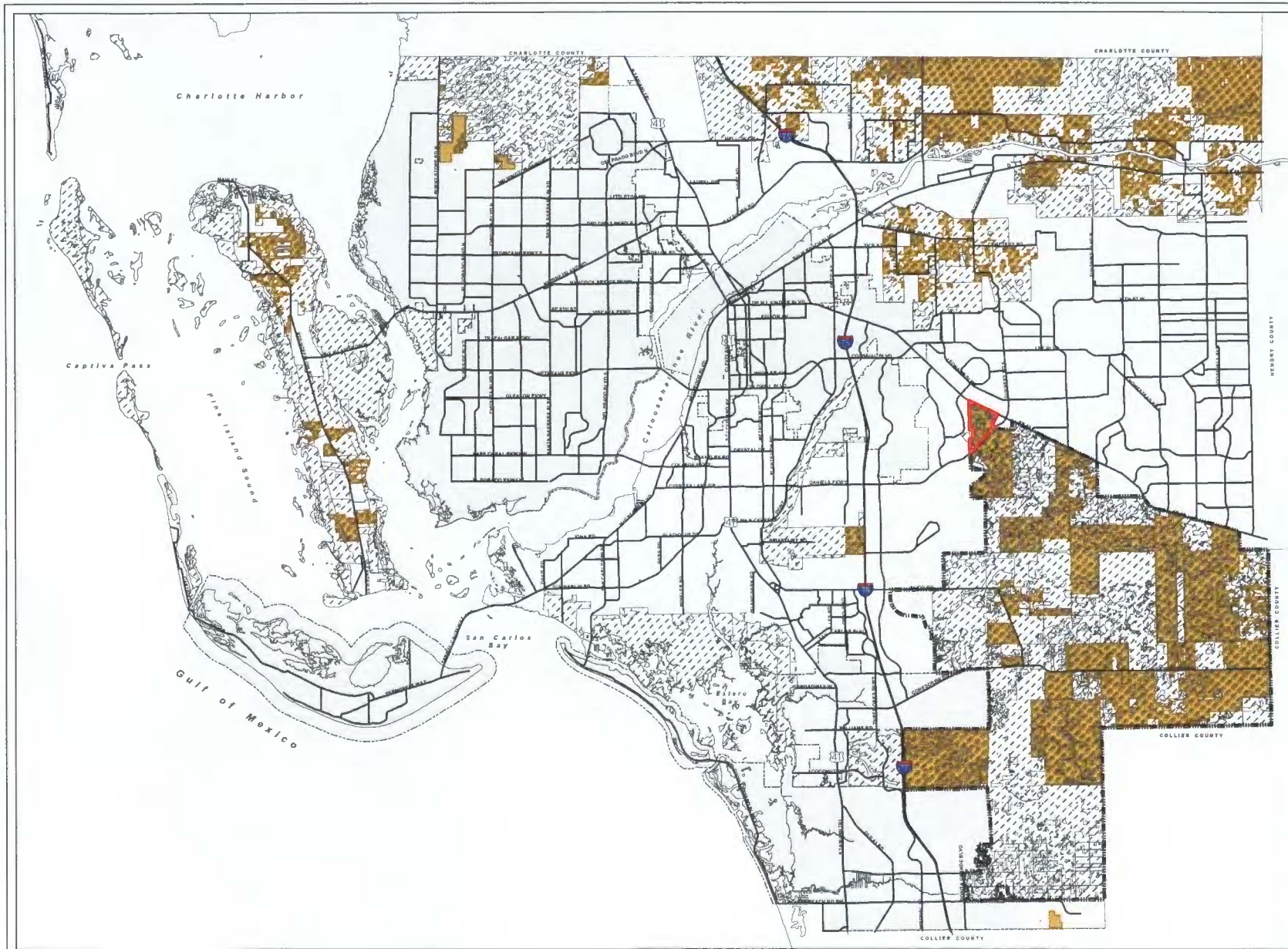
### CPA2016-00007 TIMBER CREEK

- Remove from Overlay
- Remove from Southeast Lee County



Map Generated March 2017  
 City Limits current to date of map generation  
 Adopted By Ords 10-19, 10-21 (3/3/10), & 10-43 (11/1/10)  
 Amended By Ord 12-24, 14-21, 15-13, 15-14

**Lee Plan Map 17**




**CONTIGUOUS AGRICULTURAL PARCELS OVER 100 ACRES IN NON-URBAN FUTURE LAND USE CATEGORIES**

**LEGEND**

-  City Limits
-  Southeast Lee County
-  Major Roads
-  Minor Roads
- Agricultural Overlay**
-  Agricultural Areas
-  Non-Urban Area

**CPA2016-00007  
TIMBER CREEK**

 Remove from Southeast Lee County



Map Generated: March 2017  
City Limits current to date of map generation.







Adopted By Ord. No. 04-30, 11/1/04  
Amended By Ord. Nos. 03-04, 10-20, 10-43

**Lee Plan Map 20**




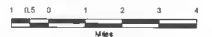
# Historic Surface and Groundwater Levels

## LEGEND

-  Southeast Lee County
-  County Line
-  Section Lines
-  Major Roads
-  Minor Roads
-  City Limits

CPA2016-00007  
TIMBER CREEK

 Remove from Southeast Lee County



Map Generated: March 2017  
City Limits current to date of map generation

Adopted by Ord. No. 10-43, 11/1/2010

Lee Plan Map 25



**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		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	17,621	520	485		637						250	250	
Suburban	16,623	16,623				1,810				85				
Outlying Suburban	3,957	3,957	30			40	20	2	500					1,552
Sub-Outlying Suburban	1,548	1,775				367							227	
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										44	11	32
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							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
Density Reduction/ Groundwater Resource	6,905	6,905	711									94	94	
Conservation Lands Upland														
Wetlands														
Conservation Lands Wetland														
Unincorporated County Total Residential	80,955	80,719	3,464	485		4,500	1,250	29	651	604		1,284	1,511	3,204
Commercial	12,793	12,793	57	52		400	50	17	125	150		4,400	1,100	440
Industrial	13,801	13,801	26	3		400	5	26		300		3,100	3,100	10
<b>Non Regulatory Allocations</b>														
Public	82,343	82,565	7,100	421		2,000	7,000	20	1,961	350		7,500	7,752	2,477
Active AG	17,027	17,027	5,100			550	150							20
Passive AG	45,585	45,106	13,549			2,500	109					1,241	1,241	20
Conservation	81,933	81,933	2,214	611		1,142	3,236	133	1,603	748		2,798	2,947	1,733
Vacant	22,768	23,231	1,953			226	931	34		45		300	300	63
Total	357,175	357,175	33,463	1,572		11,718	12,731	259	4,340	2,197		17,323	17,951	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	18,332	16,375

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

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
						Existing	Proposed	Existing	Proposed				
Intensive Development				660	3	42	42			365		9	
Central Urban	375	17		3,140		<del>8,179</del>	<u>8,179</u>			2,600			
Urban Community	850	1,000		860	500	<del>12,422</del>	<u>11,959</u>				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								45	15	31		6	30
General Commercial Interchange													
Industrial Commercial Interchange													
University Village Interchange													
Mixed Use Interchange													
New Community													
Airport													
Tradeport													
Rural		90			190	14	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	4,000				2,100
Conservation Lands Upland													
Wetlands													
Conservation Lands Wetland													
<b>Unincorporated County Total Residential</b>	<b>4,104</b>	<b>3,962</b>		<b>5,870</b>	<b>3,313</b>	<b><del>20,657</del></b>	<b><u>20,194</u></b>	<b><del>4,015</del></b>	<b><u>4,015</u></b>	<b>10,753</b>	<b>3,326</b>	<b>3,254</b>	<b>6,230</b>
Commercial	1,100	1,944		2,100	226	<del>4,420</del>	<u>1,420</u>	68	68	1,687	18	1,700	139
Industrial	320	450		900	64	<del>300</del>	<u>300</u>	<del>7,246</del>	<u>7,246</u>	554	5	87	5
<b>Non Regulatory Allocations</b>													
Public	3,550	3,059		3,500	2,100	<del>45,289</del>	<u>15,289</u>	<del>42,000</del>	<u>12,000</u>	4,000	1,486	7,000	1,500
Active AG					2,400			<del>7,171</del>	<u>7,171</u>	200	411	125	900
Passive AG					815			<del>18,000</del>	<u>17,521</u>	1,532	3,619	200	4,000
Conservation	9,306	2,969		188	14,767	<del>4,541</del>	<u>1,541</u>	<del>34,359</del>	<u>31,210</u>	1,317	336	5,068	864
Vacant	975	594		309	3,781	<del>8,697</del>	<u>9,160</u>	470	470	2,060	1,000	800	530
<b>Total</b>	<b>19,355</b>	<b>12,978</b>		<b>12,867</b>	<b>27,466</b>	<b><del>47,904</del></b>	<b><u>47,904</u></b>	<b><del>80,329</del></b>	<b><u>79,701</u></b>	<b>22,103</b>	<b>10,201</b>	<b>18,234</b>	<b>14,168</b>
Population Distribution (unincorporated Lee County)	34,538	36,963		58,363	13,265	<del>160,405</del>	<u>157,188</u>	<del>1,270</del>	<u>1,270</u>	71,001	6,117	25,577	8,760

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 17-23

(e.g., 93-001)

PRIMARY KEYFIELD  
DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD  
DESCRIPTOR: Planning

OTHER KEYFIELD  
DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Timber Creek Ordinance  
(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: \_\_\_\_\_



Received 12-21-17 by MB @ 4:29 pm

## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

December 21, 2017

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

Attention: Ms. Melissa Butler

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 17-23, which was filed in this office on December 21, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb