

LEE COUNTY ORDINANCE NO. 15-10

River Hall
(CPA2012-00001)

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 RIVER HALL (CPA2012-00001) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TABLE AND 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 August 26, 2013; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on October 22, 2014. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to River Hall (CPA2012-00001) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the October 22, 2014 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on June 3, 2015, 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 table 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 "River Hall Ordinance (CPA2012-00001)."**

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 Table 1(b) and Map 1, page 1 of 8, amendments known as River Hall (CPA2012-00001).

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, Exhibit B1 and Exhibit B2.

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 Kiker. The vote was as follows:

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

DONE AND ADOPTED this 3rd day of June 2015.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Brian Hamman, Chair



DATE: 6/3/2015

Approved as to Form for the
Reliance of Lee County Only

County Attorney's Office

Exhibit A: Adopted revisions to Table 1(b) (Adopted by BOCC 6/3/15)
Exhibit B1: Future Land Use Map Series, Map 1, Page 1 of 8 (former)
Exhibit B2: Future Land Use Map Series, Map 1, Page 1 of 8 (Adopted by BOCC 6/3/15)

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

	Lee County Totals		Fort Myers Shores		
Residential By Future Land Use Category	Intensive Development	4,367	1,352	20	5
	Central Urban	14,787	14,787	225	225
	Urban Community	18,425	18,425	637	637
	Suburban	16,623	16,623	1,810	1,810
	Outlying Suburban	4,105	4,105	40	40
	Sub-Outlying Suburban	1,548	1,728	367	547
	Industrial Development	79	79	0	0
	Public Facilities	1	1	0	0
	University Community	850	850	0	0
	Destination Resort Mixed Use Water Dependent	8	8	0	0
	Burnt Store Marina Village	4	4	0	0
	Industrial Interchange	0	0	0	0
	General Interchange	42	42	0	0
	General/Commercial Interchange	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0
	University Village Interchange	0	0	0	0
	New Community	900	900	0	0
	Airport	0	0	0	0
	Tradeport	0	0	0	0
	Rural	8,313	8,313	1,400	1,400
	Rural Community Preserve	2,100	3,100	0	0
	Coastal Rural	1,300	1,300	0	0
	Outer Islands	202	202	1	1
	Open Lands	2,805	2,805	0	0
	Density Reduction/Groundwater Resource	6,905	6,905	0	0
	Conservation Lands Uplands	0	0	0	0
	Wetlands	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0
Total Residential		81,373	81,538	4,600	4,665
Commercial		12,793	12,793	400	400
Industrial		13,801	13,801	400	400
Non-Regulatory Allocations					
Public		82,252	82,252	2,000	2,000
Active Agriculture		17,027	17,027	550	550
Passive Agriculture		45,859	45,859	2,500	2,500
Conservation (wetlands)		81,948	81,948	1,142	1,142
Vacant		22,122	21,957	226	61
Total		367,175	357,175	11,718	11,718
Population Distribution*		495,000	495,000	30,861	30,861

* Population for Unincorporated Area of Lee County

EXHIBIT A

CPA2012-00001 RIVER HALL

Existing Future Land Use Designations

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

- General Interchange
- University Village Interchange
- Industrial Commercial Interchange
- Industrial Interchange
- General Commercial Interchange

NEW COMMUNITY

- New Community

AIRPORT AREAS

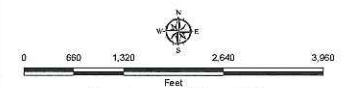
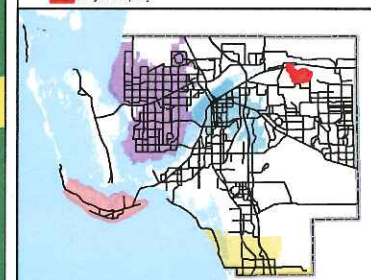
- Tradeport
- Airport

NON-URBAN AREAS

- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- Conservation Lands - Wetlands

ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)

- Wetlands
- Conservation Lands - Wetland
- Subject Property



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Proposed Future Land Use Designations

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

- General Interchange
- University Village Interchange
- Industrial Commercial Interchange
- Industrial Interchange
- General Commercial Interchange

NEW COMMUNITY

- New Community

AIRPORT AREAS

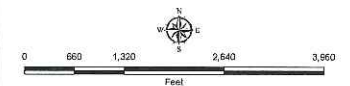
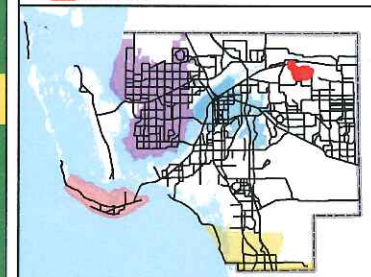
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ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)

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STATE OF FLORIDA

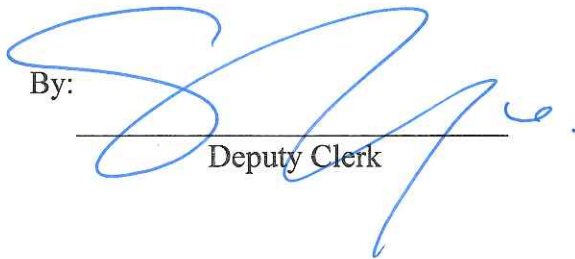
COUNTY OF LEE

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 above and foregoing, is a true and correct copy of Ordinance No. 15-10, adopted by the Board of Lee County Commissioners, at their meeting held on the 3 day of June, 2015 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 9 day of June, 2015.

LINDA DOGGETT
Clerk of Circuit Court
Lee County, Florida

By:



Deputy Clerk

