

LEE COUNTY ORDINANCE NO. 19-16
(Troyer Brothers Map 14 Amendment)
(CPA2016-00006)

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 TROYER BROTHERS MAP 14 AMENDMENT (CPA2016-00006) 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") 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 February 27, 2017; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on April 5, 2017. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Troyer Brothers Map 14 Amendment (CPA2016-00006) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the April 5, 2017 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, 2017, the applicant, Troyer Brothers Florida, Inc., and Lee County agreed to request a time extension for the adoption of the Comprehensive Plan Amendment until March 15, 2018; and

WHEREAS, on October 9, 2017 the Florida Department of Economic Opportunity granted the extension for the adoption of the proposed amendment until March 15, 2018; and

WHEREAS, on January 23, 2018, the applicant, Troyer Brothers Florida, Inc., and Lee County agreed to request a time extension for the adoption of the Comprehensive Plan Amendment until December 3, 2018; and

WHEREAS, on January 24, 2018 the Florida Department of Economic Opportunity granted the extension for the adoption of the proposed amendment until December 3, 2018; and

WHEREAS, on November 14, 2018, the applicant, Troyer Brothers Florida, Inc., and Lee County agreed to request a time extension for the adoption of the Comprehensive Plan Amendment until June 1, 2019; and

WHEREAS, on November 15, 2018 the Florida Department of Economic Opportunity granted the extension for the adoption of the proposed amendment until June 1, 2019; and

WHEREAS, on May 10, 2019, the applicant, Troyer Brothers Florida, Inc., and Lee County agreed to request a time extension for the adoption of the Comprehensive Plan Amendment until September 29, 2019; and

WHEREAS, on May 13, 2019 the Florida Department of Economic Opportunity granted the extension for the adoption of the proposed amendment until September 29, 2019; and

WHEREAS, on August 21, 2019, 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 "Troyer Brothers Map 14 Amendment Ordinance (CPA2016-00006)."**

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 Map 14 to add land from within the Troyer Brothers property to the Future

Limerock Mining Overlay and corresponding industrial acreage to Table 1(b), known as Troyer Brothers Map 14 Amendment (CPA2016-00006).

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 Pendergrass, who moved its adoption. The motion was seconded by Commissioner Sandelli. The vote was as follows:

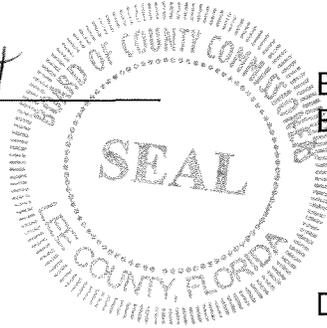
John Manning	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Nay

DONE AND ADOPTED this 21st day of August 2019.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Missy Flint
Deputy Clerk



BY: Brian Hamman
Brian Hamman, Chair

DATE: 8/22/19

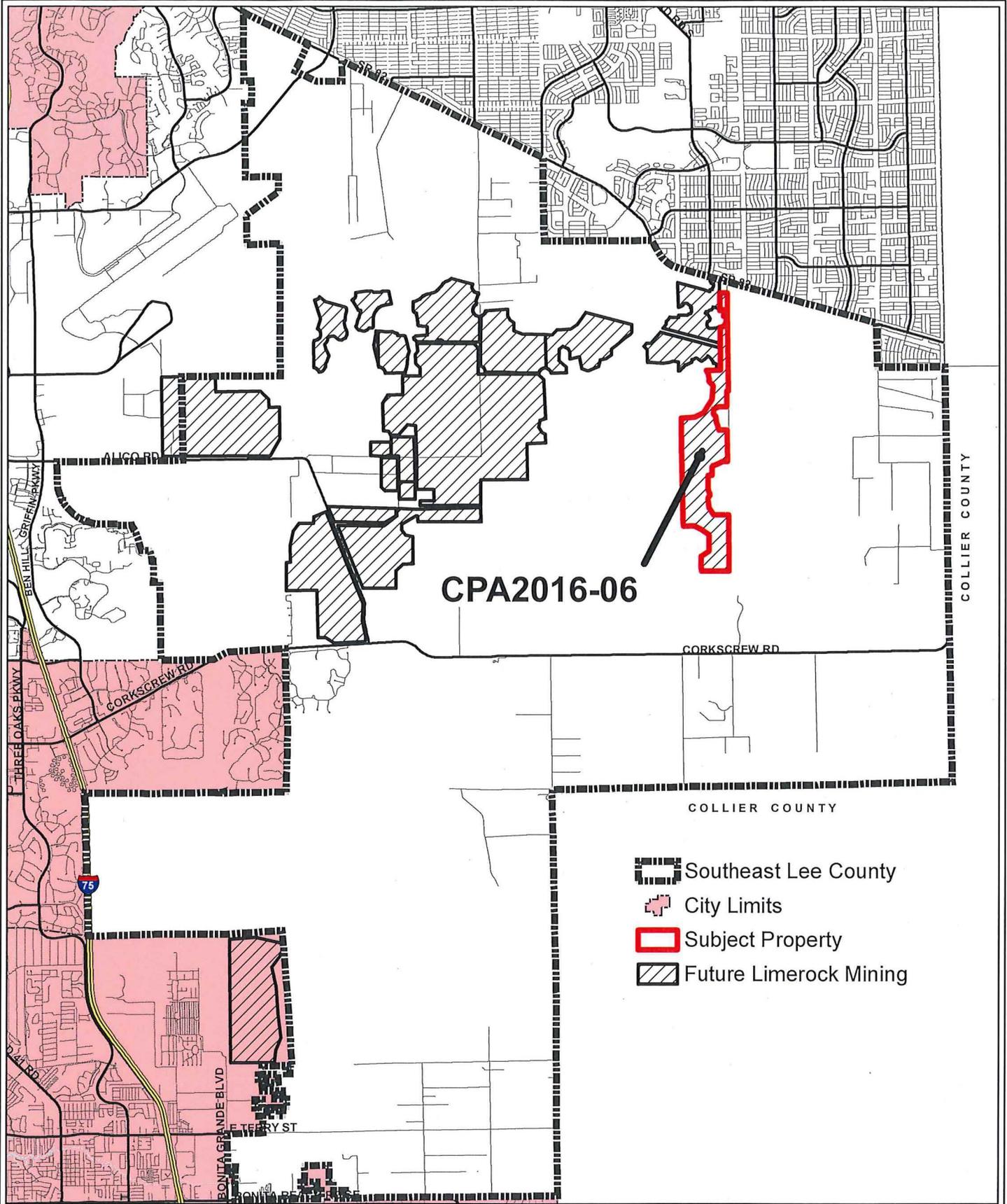
APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

[Signature]
County Attorney's Office

Exhibit A: Adopted revisions to Map 14 and Table 1(b)
(Adopted by BOCC August 21, 2019)

EXHIBIT A

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



-  Southeast Lee County
-  City Limits
-  Subject Property
-  Future Limerock Mining



TABLE 1(b)
Year 2030 Allocation
CPA2016-00006

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											
Intensive Development	1,376	1,376				20		27		250			
Central Urban	14,801	14,801				225				230			
Urban Community	18,084	18,084	520	485		637						250	
Suburban	16,623	16,623				1,810				85			
Outlying Suburban	3,849	3,849	30			40	20	2	500				1,552
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	125										11	32
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
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	
Conservation Lands Upland													
Wetlands													
Conservation Lands Wetland													
Unincorporated County Total Residential	80,955	80,955	3,464	485		4,500	1,250	29	651	604		1,284	3,204
Commercial	12,793	12,793	57	52		400	50	17	125	150		1,100	440
Industrial	13,801	14,708	26	3		400	5	26		300		3,100	10
Non Regulatory Allocations													
Public	82,313	82,313	7,100	421		2,000	7,000	20	1,961	350		7,500	2,477
Active AG	17,027	16,120	5,100			550	150						20
Passive AG	45,585	45,585	13,549			2,500	109					1,241	20
Conservation	81,933	81,933	2,214	611		1,142	3,236	133	1,603	748		2,798	1,733
Vacant	22,841	22,841	1,953			226	931	34		45		300	136
Total	357,248	357,248	33,463	1,572		11,718	12,731	259	4,340	2,197		17,323	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

TABLE 1(b)
Year 2030 Allocation
CPA2016-00006

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				
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	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	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	4,015	10,753	3,326	3,254	6,230
Commercial	1,100	1,944		2,100	226	1,420	68	68	1,687	18	1,700	139
Industrial	320	450		900	64	300	7,246	8,153	554	5	87	5
Non Regulatory Allocations												
Public	3,550	3,059		3,500	2,100	15,289	12,000	<u>12,000</u>	4,000	1,486	7,000	1,500
Active AG					2,400		7,171	<u>6,264</u>	200	411	125	900
Passive AG					815		18,000	<u>18,000</u>	1,532	3,619	200	4,000
Conservation	9,306	2,969		188	14,767	1,541	31,259	<u>31,359</u>	1,317	336	5,068	864
Vacant	975	594		309	3,781	8,697	470	<u>470</u>	2,060	1,000	800	530
Total	19,355	12,978		12,867	27,466	47,904	80,229	<u>80,329</u>	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	<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 #: 19-16

(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Troyer Brothers Map 14

(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

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 23, 2019

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

Attention: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 19-16, which was filed in this office on August 22, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb