

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
*County Hearing
Examiner*

January 25, 2002

Ray Eubank, Community Program Administrator
Florida Department of Community Affairs
Division of Community Planning
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: Amendments to the Lee Plan
Adoption Submission Package (DCA No. 01-1) for the 2000/2001 Regular Comprehensive
Plan Amendment Cycle

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.011, this submission package constitutes the adopted 2000/2001 Regular Comprehensive Plan Amendment Cycle to the Lee Plan (DCA No. 01-1), known locally as PAT 99-14, PAT 99-20, CPA 2000-03, CPA 2000-06, CPA 2000-07, CPA 2000-08, CPA 2000-09, CPA 2000-10, CPA 2000-11, CPA 2000-13, CPA 2000-14, CPA 2000-17, CPA 2000-21, CPA 2000-22, CPA 2000-23, CPA 2000-25, CPA 2000-26, CPA 2000-29, CPA 2000-31, CPA 2000-02, CPA 2000-15, CPA 2000-19 and CPA 2000-27. The adoption hearing for these plan amendments was held at 9:30 am on January 10, 2002.

Included with this package, per 9J-11.011(5), are three copies of the adopted amendments, supporting data and analysis, and the following five adopting ordinances: Ordinance No. 02-02, Ordinance No. 02-03, Ordinance No. 02-04, Ordinance No. 02-05, and Ordinance No. 02-06. By copy of this letter and its attachments I certify that this amendment has been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT), the Department of Environmental Protection, the Florida Department of State, the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

The initial staff reports for the proposed amendments were sent to the DCA with a transmittal cover letter dated September 12, 2001. Only one amendment, PAM 98-06, previously reviewed and objected to by the Department in this current cycle of amendments, was not adopted by the Board of County Commissioners. In addition, changes have occurred in CPA 2000-02, CPA 2000-15, CPA 2000-19 and CPA 2000-27. Revisions in CPA 2000-02 were made in response to objections raised by the Department in the ORC Report. The revisions clarify permitted uses in the Boca Bay Community. In amendment CPA 2000-15 golf maintenance building setbacks

adjacent to residential uses within the DR/GR land use category have been increased for compatibility purposes. The Board of County Commissioners made changes to CPA 2000-19 in response to the representatives of the Estero Planning Community Effort clarifying the status of night clubs in the community, mitigation banking options in the community, and removing the requirement of Mixed Planned Development zoning outside of commercial nodes. CPA 2000-27 has added a new table reflecting the new 2002/2006 fiscal year to the CIP. The Board of County Commissioners adopted CPA 2000-02, CPA 2000-15, CPA 2000-19 and CPA 2000-27 with the noted changes.

If you have any questions, or if I can be of any assistance in this matter, please feel free to call me at the above telephone number.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

All documents and reports attendant to this adoption are also being sent, by copy of this cover, to:

Wayne Daltry
Executive Director
Southwest Florida Regional Planning Council

Norm Feder, District Director
Planning and Programming
FDOT District One

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Florida Fish and Wildlife Conservation
620 South Meridian Street
Tallahassee, FL 32399-1600

Commission

2. Article Number (Copy from service label)

7000 0600 0027 9258 1098

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Florida Department of State
Division of Historical Resources
The Capitol
Tallahassee, FL 32399-0250

2. Article Number (Copy from service label)

7000 0600 0027 9258 1050

PS Form 3811, July 1999

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A. Received by (Please Print Clearly)

 C. Signature GRACIE PENTON
 X DEPARTMENT OF ST.

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

1-31-82

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Department of Agriculture and Consumer Svc.
Division of Forestry
3125 Connor Boulevard
Tallahassee, FL 32301

2. Article Number (Copy from service label)

7000 0600 0027 9258 1043

PS Form 3811, July 1999

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102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

LEE MERCIER

1-31

☐ Agent
☐ Addressee

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

e Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0027 9258 1081

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Domestic Return Receipt

102595-00-M-0952

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Mike Rippe
Florida Department of Transportation
P.O. Box 1030
2292 Victoria Avenue, Suite 292
Fort Myers, FL 33902-1030

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0027 9258 1074

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Florida Department of Environmental Protection
Plan Review Section
3900 Commonwealth Boulevard, MS 47
Tallahassee, FL 32399-3000

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0027 9258 1067

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Wayne Daltry
S.W. Florida Regional Planning Council
P.O. Box 3455
4980 Bayline Drive, 4th Floor
North Fort Myers, FL 33918-3455

2. Article Number (Copy from service label)

7000 0600 0027 9258 1029

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102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

PAT McINNIS

B. Date of Delivery

1/30/02

C. Signature

X [Signature]

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ray Eubanks, Community Program Administrator
Florida Department of Community Affairs
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

2. Article Number (Copy from service label)

7000 0600 0027 9258 1036

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102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X [Signature]

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Ray Eubanks, Community Program Administrator
Florida Department of Community Affairs
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

2. Article Number (Copy from service label)

7000 0600 0027 9258 1012

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X [Signature]

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ryan M. Shute
Morris-Depew Associates, Inc.
2216 Altamont Avenue
Fort Myers, FL 33901

2. Article Number (Copy from service label)

7000 0600 0027 9258 0985

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Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Shute M. Shute 2/8/02

C. Signature

X Shute M. Shute

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-00-M-0952

LEE COUNTY ORDINANCE NO. 02-02

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT CERTAIN SPECIFIC AMENDMENTS APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENTS TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on January 22, 2001, February 26, 2001, March 26, 2001, April 23, 2001, June 4, 2001, June 25, 2001, and July 23, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29,

2001; and at that hearing approved a motion to send, and did later send, the proposed amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as more particularly 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, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those 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 Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle Consent Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on January 10, 2002, known as PAT 99-14, PAT 99-20, CPA 2000-03, CPA 2000-06, CPA 2000-07, CPA 2000-08, CPA 2000-09, CPA 2000-10, CPA 2000-11, CPA 2000-13, CPA 2000-14, CPA 2000-17, CPA 2000-21, CPA 2000-22, CPA 2000-23, CPA 2000-25, CPA 2000-26, CPA 2000-29, and CPA 2000-31, which amend the text of the Lee Plan as well as the Future Land Use Map series, the Transportation Map series, and the tables of the Lee Plan.

In addition, the above-mentioned Staff Reports and Analysis, along with all attachments for these amendments are hereby adopted as "Support Documentation" for the Lee County Comprehensive Plan.

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 so amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in any joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: 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 of County Commissioners that this ordinance would have been adopted had such unconstitutional provisions not been included therein.

SECTION SIX: 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 such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such 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 SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administration Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or

commence before it 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, a copy of which resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Judah who moved its adoption. The motion was seconded by Commissioner St. Cerny and, when put to a vote, the vote was as follows:

ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>AYE</u>

DONE AND ADOPTED this 10th day of January, 2002.

ATTEST:
CHARLIE GREEN, CLERK

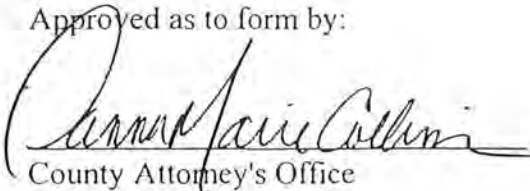
LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: 
Deputy Clerk

BY: 
Chairman

DATE: January 10, 2002

Approved as to form by:


County Attorney's Office



LEE COUNTY ORDINANCE NO. 02-03

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2000-02 APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on June 4, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29, 2001, and at that hearing approved a motion to send, and did later send, the proposed

amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as more particularly 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, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those amendments to the Lee Plan discussed at those meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle CPA 2000-02 Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on January 10, 2002, known as CPA 2000-02, which amend the text of the Lee Plan as well as the Future Land Use Map series of the Lee Plan.

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive Plan.

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 so amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in any joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: 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 of County Commissioners that this ordinance would have been adopted had such unconstitutional provisions not been included therein.

SECTION SIX: 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 such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such 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 SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administration Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it 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, a copy of which resolution will be sent

to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida
32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Judah who moved
its adoption. The motion was seconded by Commissioner Albion and, when put to a vote,
the vote was as follows:

ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>AYE</u>

DONE AND ADOPTED this 10th day of January, 2002.



ATTEST
CHARNE GREEN, CLERK

BY: Ruth Jaymar
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Randy Seaman
Chairman

DATE: January 10, 2002

Approved as to form by:

Dannafane Collins
County Attorney's Office

LEE COUNTY ORDINANCE NO. 02-04

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2000-15 APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on January 22, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29, 2001, and at that hearing approved a motion to send, and did later send, the proposed

amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as more particularly 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, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those amendments to the Lee Plan discussed at those meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle CPA 2000-15 Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on January 10, 2002, known as CPA 2000-15, which amend the text of the Lee Plan as well as the Future Land Use Map series of the Lee Plan.

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive Plan.

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 so amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in any joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: 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 remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had such unconstitutional provisions not been included therein.

SECTION SIX: 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 such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such 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 SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administration Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it 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, a copy of which resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Judah who moved its adoption. The motion was seconded by Commissioner St. Cerny and, when put to a vote, the vote was as follows:

ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>NAY</u>

DONE AND ADOPTED this 10th day of January, 2002.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Patricia Jaymes*
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: *[Signature]*
Chairman

DATE: January 10, 2002

Approved as to form by:

Dannan Paul Collins
County Attorney's Office



LEE COUNTY ORDINANCE NO. 02-05

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2000-19 APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on June 25, 2001 and July 23, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29, 2001, and at that hearing approved a motion to send, and did later send, the proposed

amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as more particularly 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, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those amendments to the Lee Plan discussed at those meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle CPA 2000-19 Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR
COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on January 10, 2002, known as CPA 2000-19, which amend the text of the Lee Plan as well as the Future Land Use Map series of the Lee Plan.

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive Plan.

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 shall be consistent with the Lee Plan as so amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in any joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: 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 remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had such unconstitutional provisions not been included therein.

SECTION SIX: 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 such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such 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 SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administration Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it 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, a copy of which resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Judah who moved its adoption. The motion was seconded by Commissioner St. Cerny and, when put to a vote, the vote was as follows:

ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>AYE</u>

DONE AND ADOPTED this 10th day of January, 2002.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Patricia Higgins*
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: *Paul Starnes*
Chairman

DATE: January 10, 2002

Approved as to form by:

Matthew Collins
County Attorney's Office



LEE COUNTY ORDINANCE NO. 02-06

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2000-27 APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on January 22, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29, 2001, and at that hearing approved a motion to send, and did later send, the proposed

amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as more particularly 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, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those amendments to the Lee Plan discussed at those meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle CPA 2000-27 Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on January 10, 2002, known as CPA 2000-27, which amend the text of the Lee Plan as well as the Future Land Use Map series of the Lee Plan.

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive Plan.

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 so amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in any joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: 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 remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had such unconstitutional provisions not been included therein.

SECTION SIX: 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 such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such 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 SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administration Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it 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, a copy of which resolution will be sent

to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida
32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Judah who moved
its adoption. The motion was seconded by Commissioner St. Cerny and, when put to a
vote, the vote was as follows:

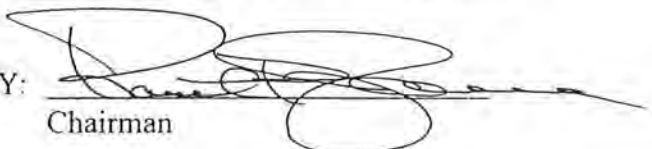
ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>AYE</u>

DONE AND ADOPTED this 10th day of January, 2002.

ATTEST:
CHARLIE GREEN, CLERK

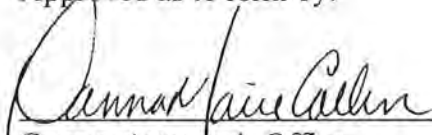
BY: 
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: 
Chairman

DATE: January 10, 2002

Approved as to form by:


County Attorney's Office



**CPA2000-06
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

January 10, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-06**

☒

Text Amendment

☒

Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	Local Planning Agency Review and Recommendation
<input checked="" type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input checked="" type="checkbox"/>	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
<input checked="" type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: June 18, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Review, and amend if necessary, Map 1 of the Future Land Use Map series for land near Eagle Road, Section 24, Township 43S, Range 23E, from Open Lands to Rural.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. REVISED RECOMMENDATION: Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of this area from the "Open Lands" future land use category to the "Rural" future land use category. In addition, staff recommends adding a Footnote to Table 1 (a) clarifying the exceptions of the Rural category for the area. Planning staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part IV.D., the Transmittal Hearing portion of this report.

2. ORIGINAL RECOMMENDATION: Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of this area from the "Open Lands" future land use category to the "Rural" future land use category.

3. BASIS AND RECOMMENDED FINDINGS OF FACT: See the various conclusions contained in the Staff Analysis. These include the following:

- The proposed amendment is consistent with Policy 1.4.1, the Rural future land use descriptor policy of the Lee Plan.
- The area is surrounded by lands designated Outlying Suburban to the south, east, and west.
- Staff believes that the Rural category is a more suitable designation for the site than the Open Lands category given the existing density of residential uses and the character of the area.
- The standards for commercial and industrial uses permitted are the same in both the Open Lands and Rural categories. The area will remain designated as a non-urban area without increases in the allowable commercial and industrial intensities.
- This amendment, could result in an increase in the population accommodation capacity of the Future Land Use Map (FLUM) by 716 persons (343 du's X 2.09 persons per unit). Staff concludes, using this worst case analysis, that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.
- The proposed land use change will not cause future road network plan changes. The requested land use change will have a minimal impact on public safety service providers.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 413.86 ACRES

PROPERTY LOCATION: The subject area is bordered on the west by Juanita Boulevard, the east by Andalusia Boulevard, the south by Jacaranda Parkway, and the north by Gator Slough.

EXISTING USE OF LAND: The existing uses in the area are single family dwelling units and the majority of the remainder is currently vacant.

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATIONS: Open Lands and Wetlands

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER: The area is not located within Lee County Utilities Future Water or Sewer Service areas for potable water service and sanitary sewer service. Currently there are no facilities in the area and there are no plans to install infrastructure. The area's utility needs are currently served through wells and septic systems.

FIRE: The property is located in the Burnt Store Fire Control District.

TRANSPORTATION: The subject area abuts Juanita Boulevard to the west and Andalusia Boulevard to the east. Jacaranda Parkway East runs along the southern portion of the area. All surrounding roadways are collector roads maintained by the City of Cape Coral.

SOLID WASTE FRANCHISE: Service will be provided by Florida Recycling, Inc.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The proposed amendment would change the land use designation on the Future Land Use Map from "Open Lands" to "Rural" for an approximate 413.86 acre area of land located in the southern portion of Section 24, Township 43 South, Range 23 East which is divided by the Gator Slough canal. The site is surrounded by the City of Cape Coral limits on the south, east, and west. Gator Slough canal, within unincorporated Lee County bounds the area to the north. The current Future Land Use classifications of the area are Open Lands and Wetlands. Approximately 73.68 acres of the area are designated as Wetlands and would remain unchanged. If the amendment is approved the allowable density would change from an Open Lands density of 1 du/10 acres or 1 du/5 acres in conjunction with a Planned Development, to a Rural density of 1 du/acre.

The proposed amendment stems from an appeal of an administrative interpretation of the single family residence provisions of the Lee Plan. The subject parcel, which is located within the boundaries of the proposed amendment, comprises approximately 3.27 acres of land within the Open Lands future land use category. The parcel remains zoned AG-2 as it did at the time of its administrative interpretation. The maximum density allowed in the Open lands category is 1 du/10 acres for conventionally zoned land. Under the findings of fact in the interpretation dated April 27, 2000 it is noted that the property was created as a separate parcel in 1991. Therefore the parcel was created after the density reduction provisions in the settlement agreement between Lee County and the Department of Community Affairs in September 1990.

The Lee Plan requires that parcels created after December 21, 1984 be lawfully created and comply with the Lee Plan as it existed at that time. The administrative interpretation concluded that the applicant failed to demonstrate that the single family residence provisions of the Lee Plan applied to the subject property. At this time the applicant appealed the interpretation to the Board of County Commissioners where the Board conducted a review and reversed the determination. It was at this public hearing held on August 1, 2000 that the Board suggested staff review the area of the subject neighborhood and determine the feasibility of a map amendment to the subject area. The Board officially initiated the proposed amendment on September 19, 2000.

SUMMARY

The subject 413.86 acre property is a combination of single family dwelling units and vacant parcels. There is a total of 113 parcels in the area and 33 are currently vacant. A map depicting these vacant lots can be seen as Attachment 1. The parcels within the subject area range in size from approximately 1 to 20 acres with an average parcel area calculation of 3.66 acres. As shown in Table 1 below, there are

currently nineteen parcels 5 acres or more in size, seven of which range from 10 to 20 acres with the possibility of dividing under the existing density standards. Attachment 2 is a map depicting the information shown in Table 1. Currently only four acres are actively agricultural.

Table 1

Acreage Range	Number of Lots
0 - 4.99	94
5 - 9.99	12
10 - 14.99	5
15 - 19.99	2

COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. At that time the subject area had a future land use designation of Rural. In 1989 this maximum density was challenged by the Department of Community Affairs (DCA) under the findings that the density encouraged urban sprawl. A settlement agreement later in the year provided that Lee County would amend the Future Land Use Map lowering the maximum density to 1 du/10 acres with a new "Water Resources" category. In 1990 Lee County complied with the agreement and created the new category, the Density Reduction/Groundwater Resource (DRGR) areas. The placement of the new category throughout the county was based on several ongoing investigative studies at the time. Staff's review of the studies noted that areas important for recharge and potential future water withdrawals included the non-urbanized areas north of the Caloosahatchee River near the Charlotte County line. Lee County included the subject area within the new future land use category designation. In response to the new designation many landowners throughout the county filed requests to redesignate their properties.

During the 1993 Evaluation and Appraisal Report (EAR) the county hired Henigar & Ray, Inc. to conduct a study determining the maximum densities that could be permitted in the DRGR without jeopardizing water supplies. Based on the findings of the study and other planning factors, staff made recommendations allowing higher densities for specific areas of the existing DRGR. As a result staff recommended that the area between Burnt Store Road and U.S. 41 north of Cape Coral, the Yucca Pen area, be placed in a new "Open Lands" future land use category with a maximum density of 1 du/5 acres if done as a Planned Development. This future land use designation remains the current category for the subject area today.

ADJACENT ZONING AND USES

The subject area is currently zoned AG-2 as well as the properties to the north located on the northern side of Gator Slough. As noted above, the area is surrounded on three sides by the City of Cape Coral with the city's R1B zoning to the east and west. To the south properties are zoned RDW and R1B. All of which are residential zoning districts. Land to the north of the Gator Slough canal is currently vacant. The surrounding approximate quarter acre lots within the city are primarily vacant also.

POPULATION ACCOMMODATION CAPACITY DISCUSSION

Lee County has had a long standing issue with the Department of Community Affairs (DCA) in regards to the Population Accommodation Capacity of the Lee County Future Land Use Map (FLUM). DCA has opined in the past that the accommodation capacity of the FLUM exceeds the population projections of the planning horizon. Currently the area is composed of 113 lots of which there are 80 occupied by single family dwelling units. Due to these existing homes staff would anticipate that the maximum density under the proposed amendment would most likely never be achieved on those occupied lots. Staff has conducted a population accommodation analysis. Currently, the Open Lands standard density permits up to 1 du/5 acres and the Wetlands standard density permits 1 du/20 acres. This means that 71 dwelling units could be constructed in the area under the current designations. This could result in an increase in the population accommodation capacity of the map by 148 persons (71 du's X 2.09 persons per unit). The Rural category standard density permits up to 1 du/acre. This means that 343 dwelling units could be constructed in the area under the Rural and Wetlands designation. This could result in an increase in the population accommodation capacity of the map by 716 persons (343 du's X 2.09 persons per unit). Staff notes that this scenario is unlikely due to the fact that there are already 80 dwelling units existing today. Staff concludes, using this worst case analysis, that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

Once again staff notes that there are approximately 80 units existing on individual parcels and there are 33 vacant parcels which could foreseeably be divided into 1 acre tracts if the proposed amendment is approved. Even further, today there are 23 vacant parcels of 2 acres or more that would meet the 1 du/acre standard density requirements of the Rural future land use category.

CONSISTENCY WITH THE "RURAL" LAND USE CATEGORY

The amendment proposes that the property's future land use designation be amended from Open Lands to Rural. The Open Lands areas are described by Policy 1.4.4 and the Rural areas are described by Policy 1.4.1. Both of the policies are reproduced below:

POLICY 1.4.4: *Open Lands* are upland areas that are located north of Rural and/or sparsely developed areas in Township 43 South. These areas are extremely remote from public services and are characterized by agricultural and low-density residential uses. Commercial and industrial uses are permitted in this category in accordance with the standards in the Rural category. The maximum density in this category is one dwelling unit per ten acres (1 du/10 acres); except that a maximum density of one dwelling unit per five acres (1 du/5 acres) is permitted if the planned development process is used to prevent adverse impacts on environmentally sensitive lands (as defined in Policy 77.1.1.4)

POLICY 1.4.1: The *Rural* areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 98-09)

The proposed amendment is consistent with the Rural designation for the following reasons: the area was denser than its current underlying future land use category through unrecorded lot splits prior to the 1989 settlement agreement; the area did not meet the characteristics of the DR/GR and Open Lands categories at the time it was placed under such designations; it is located adjacent to the Cape Coral city limits with an underlying future land use category of Outlying Suburban where the current platted lots average 4 du's/acre; the area is located between a designated future urban area and a future non-urban area; the area

will remain designated as a non-urban area without increases in the allowable commercial and industrial intensities; and, as noted below, the proposed amendment is consistent with Lee Plan Standards 11.1 and 11.2, Water and Sewer, which states any new residential development density above 2.5 dwelling units per acre is required to connect to adequate infrastructure. The existing density of the area today as well as the density associated with the proposed amendment are under the threshold of this requirement. Standards 11.1 and 11.2 are reproduced below:

STANDARD 11.1: WATER

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).*

STANDARD 11.2: SEWER

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The proposal is currently inconsistent with the provisions of Lee Plan Table 1(b). This table and the "Planning Communities" map (Map 16) replaced the functions of the Year 2010 Overlay.

The area is located within the Burnt Store Planning Community and in this community there are 431 acres allocated for residential uses in the Rural land use category. The support documentation indicates that 247 acres of Rural land within this community are currently developed with residential uses, leaving a surplus of 184 acres that could be developed with residential uses in the Rural portions of this community before the year 2020.

The proposed plan amendment would place 340 acres within the Rural future land use category creating an increase of 156 acres above the current acreage allocations that could be developed with residential uses. Planning staff has concluded that this proposed amendment does require an amendment to Table 1(b) as the proposal is not, as the current data indicates, consistent with the table. Planning staff proposes that the additional 156 acres be removed from the Open Lands allocations in the Burnt Store Community and be placed in the Rural allocations of the Burnt Store Community. Such a replacement can be justified by the fact that these residential acreages are existing as of today and have already been accounted for in the Open Lands allocations.

During the current 2000/2001 plan amendment cycle, plan amendment PAT 99-20 conducts a review of the Planning Community Year 2020 Allocations and the proposed future land use map change will be considered in that evaluation.

TRANSPORTATION ISSUES

The property is located between Juanita Boulevard and Andalusia Boulevard, north of Jacaranda Parkway East. The Gator Slough Canal intersects the entire section of land to the north of the subject area.

The Lee County Department of Transportation has reviewed the request and has provided Planning staff written comments dated May 25, 2001 (see Attachment 3). The Department of Transportation has concluded that a 272-unit increase on this property will not alter the future road network plans." DOT staff re-ran the long range transportation model with the worst case scenario that could result from the new land use category on the subject area to arrive at this conclusion.

Planning staff notes that a traffic analysis is required by the County's local development approval process. This analysis determines the need for any site-related improvements such as turn lanes on the adjacent roadways and roadway improvements within the residential area itself.

PUBLIC SAFETY ISSUES

Emergency Management - Hurricane Evacuation/Shelter Impacts

Lee County Emergency Management (EM) staff have reviewed the proposal and provided written comments dated May 24, 2001 (see Attachment 4). EM staff provides that "it is unlikely that the change will have a measurable impact on hurricane evacuation routes or hurricane shelters because the area is located in category 4/5 storm surge zone." The memo provides that dwelling units in this area are not subject to the hurricane impact mitigation requirements set forth in the Lee County Land development Code.

SCHOOL IMPACTS

Staff of the School District of Lee County has reviewed the proposal and provided written comments dated May 25, 2001 (see Attachment 5). District staff state that "the proposed unit increase would generate approximately 107 students, creating an impact of approximately five new classrooms along with additional staff and core facilities." District staff provided the following:

"This letter is in response to your request for a determination of adequacy from the Lee County School District on a future land use plan map amendment you have initiated. According to your request, the proposed changes in land use could create up to 343 new residential dwelling units using the worst case scenario. Based on an estimated student generation rate of .31 per dwelling unit, the proposed unit increase would generate approximately 107 students, creating an impact of approximately five (5) new classrooms along with additional staff and core facilities."

"According to the FY 00-01 District budget, operating expenditures per Full Time Equivalent (FTE) student are \$5,907, so the proposed plan amendment could create a financial impact of up to \$2,026,101 to the District. In addition, the five classrooms would cost an estimated \$605,800 in capital costs, for a total of \$2,631, 901."

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified the following soil types present on the property - 6 Hallandale fine sand; 13 Boca fine sand; 39 Isles fine sand, depressional; 42 Wabasso sand, limestone substratum; 74 Boca fine sand, slough; and 77 Pineda fine sand, limestone substratum.

UTILITIES

Staff from the Utilities Division have indicated, regarding sanitary sewer and potable water service, that the property is not located within either of the Lee County Utilities Franchise areas, or future service areas

as defined in the Lee Plan. Therefore, Lee County Utilities currently has no facilities or plans to construct infrastructure within the area.

COASTAL ISSUES

The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council (SWFRPC), shows that the property is located within the Category 4/5 storm surge zone. Additionally, the property is located in the SWFRPC Category 4/5 evacuation zone.

B. CONCLUSIONS

The proposed amendment is consistent with Policy 1.4.1, the Rural future land use descriptor policy. Staff finds that the Rural category is a suitable designation for the site. All of the land area surrounding the subject area to the west, south, and east is designated as a future urban area within the city of Cape Coral with the Outlying Suburban designation. Staff also finds that the Rural category is an appropriate designation for the area given the existing adjacent future urban area designation and the existing character of the neighborhood. The area will remain designated as a non-urban area without increases in the allowable commercial and industrial intensities. Additionally the area will be within the infrastructure requirements of Standards 11.1 and 11.2 of the Lee Plan discussed earlier in staff's analysis. The request will have a minimal impact on public service providers.

C. STAFF RECOMMENDATION

Planning staff recommends that Map 1, the Future Land Use Map, be amended to re-designate the subject property from "Open Lands" to "Rural." This recommendation is based upon the previously discussed issues and conclusions of this analysis. In addition, staff recommends adding a Footnote to Table 1 (a) clarifying the exceptions of the Rural category for the area as provided under Part IV.D., the Transmittal Hearing portion of this report.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: June 25, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff gave a brief presentation on the proposed amendment. The LPA provided no discussion concerning the proposed amendment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT
SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

NOEL ANDRESS	AYE
SUSAN BROOKMAN	AYE
BARRY ERNST	AYE
RONALD INGE	ABSENT
GORDON REIGELMAN	AYE
VIRGINIA SPLITT	ABSENT
GREG STUART	AYE

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: Staff presented the proposed amendment before the Board on August 29, 2001. Several residents of the area were also present and placed their objections to the proposed Rural density of 1 dwelling unit per acre. In addition staff received two letters, shown as Attachments 6 and 7, from residents of the area objecting to the proposed density. The residents of the area have expressed concerns, through the letters and participation at the public hearing, that the proposal of 1 dwelling unit per acre is too dense and not compatible with their equestrian community. The residents have expressed that a maximum density of 2.5 dwelling units per acre is more appropriate for the neighborhood, given the existing character of the area.

One member of the Board had concerns with regulating density in the area, due to the many lot splits that have occurred after the imposition of the Density Reduction Groundwater Resources and Open Lands density restrictions in this area. Staff explained that many of the lots in the area were already below density with the previous adoption of the DR/GR category for the area. Staff also noted that the acreage of many of the smaller existing lots are slightly below the 2.5 acre threshold and recommended that a 10% adjustment above or below the threshold should be considered.

After discussion the Board made the final recommendation to transmit the proposed amendment as proposed under the Rural future land use category with an exception to the subject area within this category where the maximum density/minimum lot size is 1 dwelling unit per 2.5 acres. In addition the board recommended this density would allow a flexible density range from 2.25 to 2.75 acres. Staff has added a footnote to Table 1(a) excepting this area from the standard range. See the proposed language below.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment with the additional changes noted above.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

D. BoCC TRANSMITTED LANGUAGE:

¹¹In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: November 21, 2001

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA had no objections, recommendations, or comments concerning this amendment.

B. STAFF RECOMMENDATION

Adopt the amendment as transmitted.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: January 10, 2002

A. BOARD REVIEW: The Board provided no discussion on this amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board voted to adopt the amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION

AYE

ANDREW COY

ABSENT

BOB JANES

AYE

RAY JUDAH

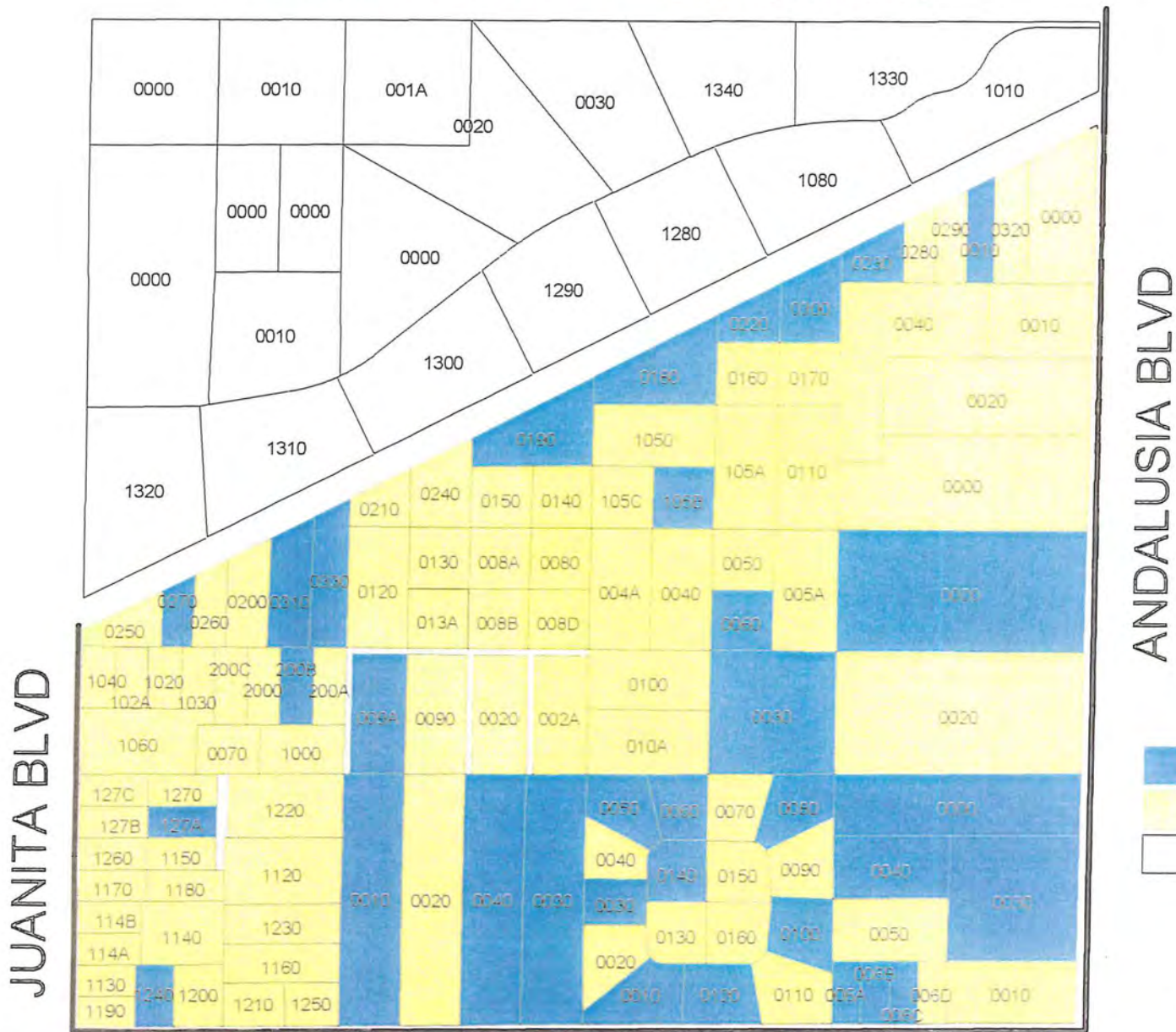
AYE

DOUG ST. CERNY

AYE

Vacant Parcels

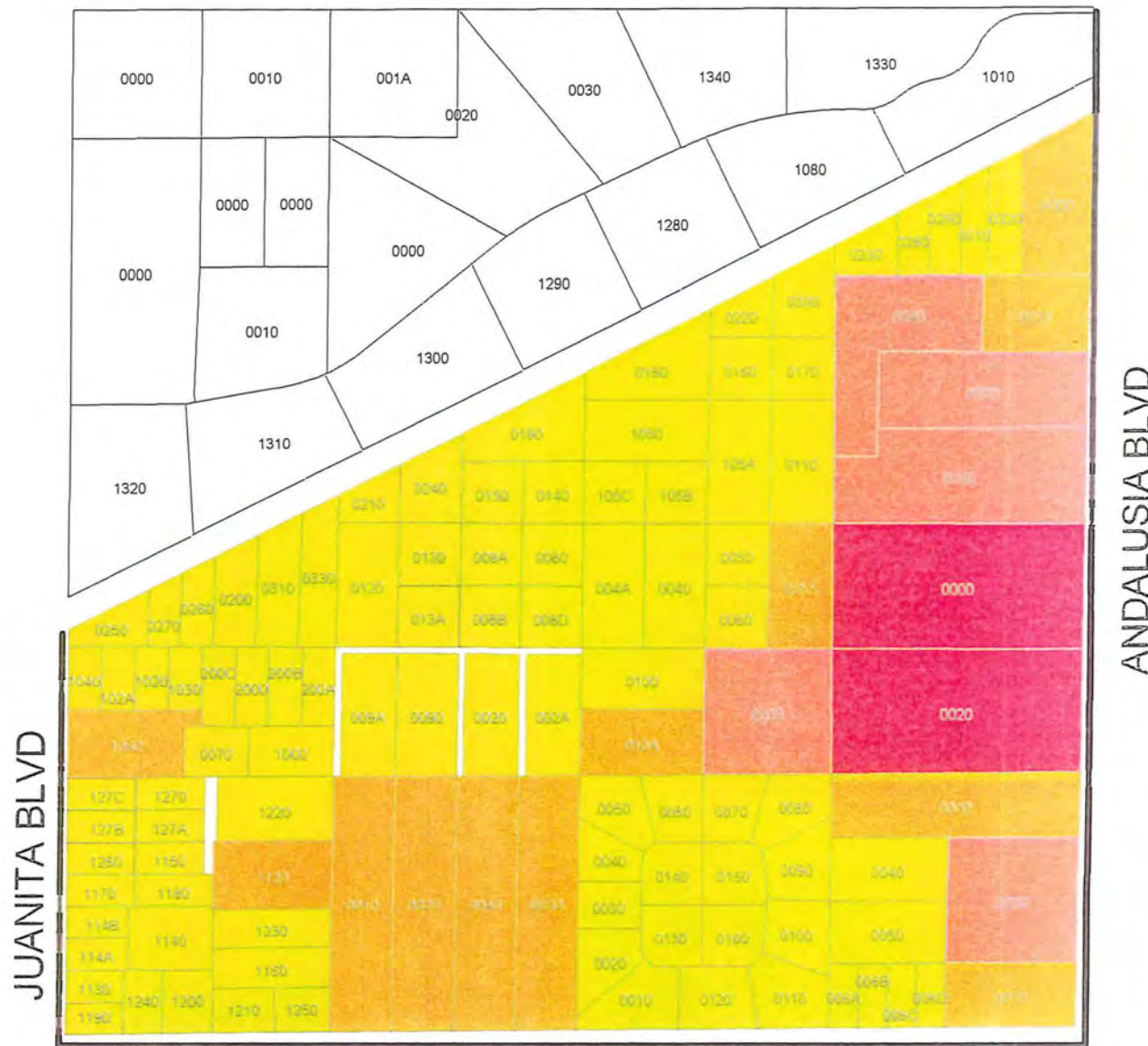
Attachment 1



Vacant Lots
 Developed Lots
 Northern Lots



Parcel Acreages



CPA 2000-06 Acreages



Memo

To: Paul O'Connor, Division of Planning

From: David M. Loveland, Planning Program Director

Date: May 25, 2001

Subject: CPA 2000-06 – Publicly Initiated Lee Plan
Future Land Use Map Amendment

AG for DML

We have reviewed the above application which requests that the land use designation of approximately 340 acres be changed from the existing Open Lands to Rural. As indicated by your letter of May 18, 2001, the proposed Rural designation would allow approximately 343 dwelling units in the subject area vs. the existing designation allowing 71 dwelling units. After running the FSUTMS travel demand model for the year 2020 condition, we have determined that a 272-unit increase on this property will not alter the future road network plans.

Please let me know if you have any questions.

LW/DML/mlb

cc: Administrative File

LEE COUNTY
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01 MAY 30 AM 9:45
CENT. DEV/
PUB. WORKS. CNTR.
SOUTHWEST FLORIDA

Interoffice Memo

Date: 5/24/01

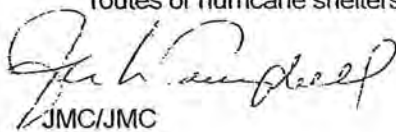
To: Paul O'Connor, Director, Division of Planning

From: John M. Campbell, Chief of Planning, Emergency Management

RE: CPA 2000-06 – Publicly Initiated Lee Plan Future Land Use Map Amendment

Priority: [Urgent]

1. Emergency Management has reviewed the impact of an amendment relating to the future land use map (FLUM) designation for land near Eagle Road, Section 24, Township 43S, Range 23E.
2. This land is located in a Storm Surge Flood zone for a category 4/5 hurricane. Therefore, dwelling units in this area are not subject to the Hurricane impact mitigation requirements set forth in the Lee County Land Development Code, Ordinance 00-14, section 2-485, dated June 2000.
3. With an occupancy rate of 2.25 persons per dwelling unit, the number of residents could potentially increase from 160 to 772 for an increase of 612. With the number of vehicles per dwelling unit being estimated at 1.1, the number of vehicles will increase from 79 to 378 for an increase of 299. However, it is unlikely that the change will have a measurable impact on hurricane evacuation routes or hurricane shelters because the area is located in category 4/5 storm surge zone.


JMC/JMC

1/5/2001

LEE COUNTY
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01 MAY 25 PM 1:54
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SRV. BLDG. 100R

**THE SCHOOL DISTRICT OF LEE COUNTY**

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (941) 334-1102

KATHERINE BOREN
CHAIRMAN • DISTRICT 4TERRI K. WAMPLER
VICE CHAIRMAN • DISTRICT 1JEANNE S. DOZIER
DISTRICT 2JANE E. KUCKEL, PH.D.
DISTRICT 3LISA POCKRUS
DISTRICT 5BRUCE HARTER, PH.D.
SUPERINTENDENTKEITH B. MARTIN
BOARD ATTORNEY

May 25, 2001

Mr. Paul O'Connor, Director
Division of Planning
P. O. Box 398
Ft. Myers, FL 33902-0398Re: Request for Determination of Adequacy
Publicly Initiated Lee Plan Future Land Use Map Amendment, CPA 2000-06

Dear Mr. O'Connor:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a future land use map plan amendment you have initiated. According to your request, the proposed changes in land use could create up to 343 new residential dwelling units using the worst case scenario. Based on an estimated student generation rate of .31 per dwelling unit, the proposed unit increase would generate approximately 107 students, creating an impact of approximately five (5) new classrooms along with additional staff and core facilities.

According to the FY 00-01 District budget, operating expenditures per Full Time Equivalent (FTE) student are \$5,907.00, so the proposed plan amendment could create a financial impact of up to \$2,026,101.00 to the District. In addition, the five classrooms would cost an estimated \$605,800.00 in capital costs, for a total of \$2,631,901.00.

If you have any further questions or comments, please give me a call.

Sincerely,

Stephanie Keyes, AICP, Facilities Planner
Construction Services

cc: Tyler F. Patak, NCARB, Director

LEE COUNTY
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01 MAY 30 AM 9:44
COMM. DEV.
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CPA2000-06.doc

Lenora E. Doak
12571 Country Eagle Rd.
Cape Coral, FL 33909

August 28, 2001

Paul O'Conner, Planning Director

Subject: CPA 2000-06 Proposal to Redesignate to Rural Land Use

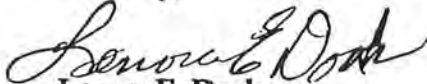
It was brought to my attention this week that there was to be a meeting with a proposal to change the land density from 10-acre spacing/home site to a 1-acre home site.

I recently purchased in this area of The Woods because of the country setting and the large lots of several acres and moved from my home in Oklahoma. I really do not want to see the area changing to look like all of the other neighborhoods in Cape Coral. 1 acre spacing would be too drastic and would change the entire appearance of our neighborhood. The other concern is that there needs to be large acreages in here in order for the water to drain after large rains.

I would like to request that you recommend and support a density spacing of not less than 2½ acres.

Thank you very much.

Sincerely,


Lenora E. Doak

W. D. & Vivian Miller
17580 Eagle View Ln.
Cape Coral, FL 33909

August 27, 2001

Paul O'Conner, Planning Director

Subject: CPA 2000-06 Proposal to Redesignate to Rural Land Use

Per our conversation today on the redesignation of the land use in the Woods to 'rural land use' I would like to request that consideration be made to require a minimum of 2 ½ acres per unit and not 1 acre per unit for building.

This is a very nice subdivision with the average homesite of approx. 3+ acres. Changing the density to 1 acre parcels would affect the character of the neighborhood (the reason that we chose this area) and would totally change the country setting with all the trees. A number of the properties also have their own ponds to address the water issues when there is excessive rain. We also feel that not only would the appearance and the original intent of the subdivision be altered but that there would also be a water/drainage problem with homes on that close of spacing. Our property, for example, is bordered by a ten-acre parcel on one side (undeveloped) and we would not like to suddenly see multiple houses in that area which would also cause a water runoff/flooding problem.

Please take this request into consideration and limited density to 2 ½ -3 acre spacing.
Thank you very much.

Sincerely,

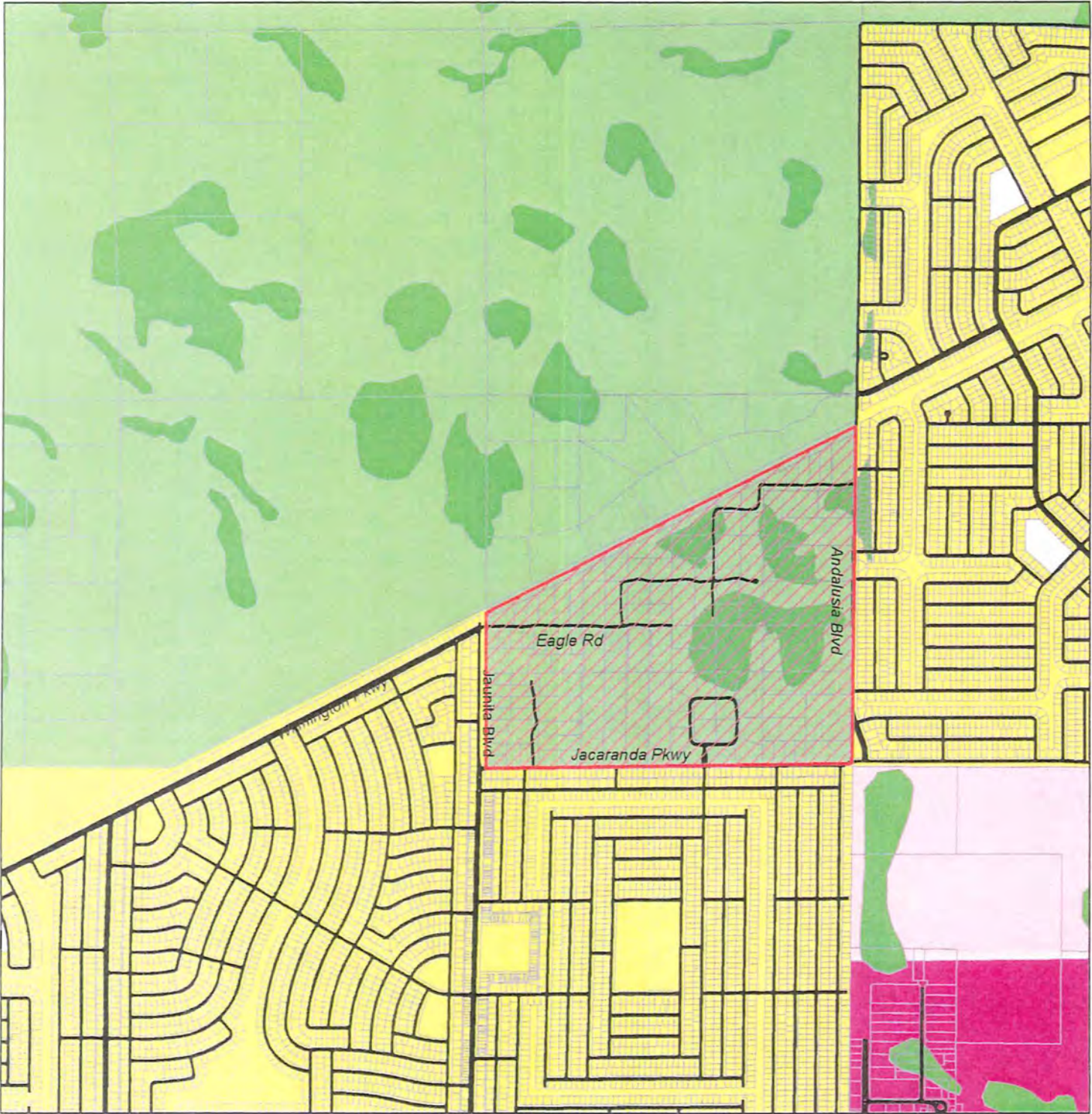
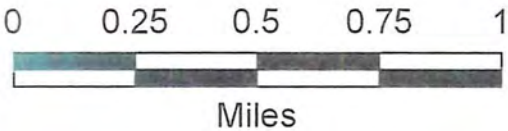


W. D. & Vivian Miller

CPA 2000-0006
Existing Future
Land Use Map







Future Land Use Categories

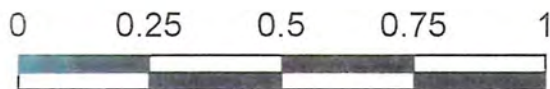
- Intensive Development
- Outlying Suburban
- Industrial
- Public Facilities
- Rural
- Open Lands
- Wetlands
- Subject Area



CPA 2000-0006
Proposed Future
Land Use Map

Future Land Use Categories

-  Intensive Development
-  Outlying Suburban
-  Industrial
-  Public Facilities
-  Rural
-  Open Lands
-  Wetlands
-  Subject Area



Miles

