

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

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 1098

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102595-00-M-0952

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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

C.D.

THIS SECTION

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

2. Article Number (Copy from service label)

7000 0600 0027 9258 1050

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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:

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

COMPLETE THIS SECTION ON DELIVERY

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

C. Signature LEE MERCIER

1-31

X

☐ 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

2. Article Number (Copy from service label)

7000 0600 0027 9258 1043

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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:

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

PS Form 3811, July 1999

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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Domestic Return Receipt

102595-00-M-0952

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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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Domestic Return Receipt

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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- 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 1036

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

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.
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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

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:

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

PS Form 3811, July 1999

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

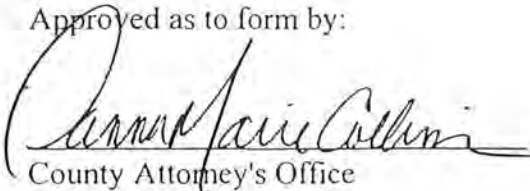
LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

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

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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 Jaymies*
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

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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:

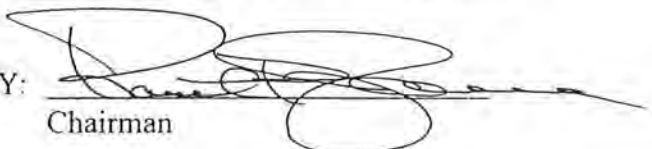
ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>AYE</u>

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

ATTEST:
CHARLIE GREEN, CLERK

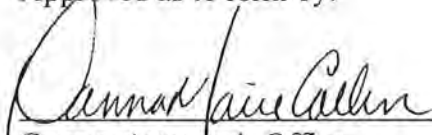
BY: 
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: 
Chairman

DATE: January 10, 2002

Approved as to form by:


County Attorney's Office



**CPA2000-26
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
CPA2000-26**

☒

Text Amendment

☐

Map Amendment

✓	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: March 15, 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:

Eliminate the Backlogged Road reference and update the Constrained Roads reference in Policy 70.1.3.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part C, the Staff Recommendation portion of this report.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Lee County adopted a set of changes to the Transportation Element of its comprehensive plan to reflect a new transportation concurrency system in May, 2000 (PAM/T 99-23).
- As part of that amendment, Objective 22.2 and its related policies and Table 2(a) were deleted in their entirety, because they referred to "backlogged" roads.
- The language relating to backlogged roads was deleted because all of the backlogged roads that were subject to the conditions in the plan were improved or no longer level of service problems, and the district-averaging concurrency system was being replaced with a link-by-link system consistent with a previous County commitment.
- Policy 70.1.3 of the Capital Improvements Element still includes a paragraph that refers to backlogged roads and Table 2(a), which should be deleted.
- Amendment PAM/T 99-23 also included a minor change to Policy 22.3.2 dealing with "constrained" roads, updating the table reference [due to the deletion of Table 2(a)] and adding a phrase to make clear that the regulatory level of service standard associated with constrained roads only applies to those in unincorporated Lee County.
- Policy 70.1.3 also includes a reference to constrained roads that needs to be updated to be consistent with the changes made in PAM/T 99-23.

C. BACKGROUND INFORMATION

On May 4, 2000 the Board of County Commissioners adopted PAM/T 99-23, which was a series of amendments to the Transportation Element of the comprehensive plan to reflect a shift in Lee County's transportation concurrency management system from a district-averaging approach to a segment-by-segment approach, consistent with a previous comprehensive plan settlement agreement with the Florida Department of Community Affairs. Included in the series of amendments were the following text changes, highlighted in strike-through/underline format:

~~**OBJECTIVE 22.2: BACKLOGGED ROADS.** All backlogged roads will be operating at the general level of service standards required herein by the year 2000.~~

~~**POLICY 22.2.1:** The minimum acceptable levels of service specified in Policy 22.1.1. will not apply on an interim basis to the backlogged roads identified in Table 2(a). It is the county's intent that those segments will be operating at the identified standard in the shortest period possible, but no later than December 31, 1999. During that interim period, however, growth on those backlogged roads may be permitted if it is consistent with the Traffic District Program (Policy 22.2.2).~~

~~**POLICY 22.2.2:** A Traffic District Program is hereby established for purposes of determining allowable development affecting backlogged roads. On at least an annual basis, Lee County will estimate the service volumes for all county and state collectors, arterials, and freeways within each traffic district, and will determine the district-wide service volume surplus or deficiency.~~

-
- ~~1. Development permits that affect a backlogged road may still be approved provided that the surplus service volume resulting from the existing surplus service volume, any service volume increases due to committed roadway improvements, and any service volume increases due to interim~~

improvements (reported as a percent of existing service volume on a district basis) is equal to or exceeds the annual percent increase in traffic on a traffic district basis. However, such permits will be issued only if mitigation is provided in accordance with Policy 22.4.3.

2. In the event that the percent service volume growth identified above on a traffic district basis is less than the percent traffic growth in that district, no permits will be issued by Lee County for development that affects the backlogged segment. Such development will be permitted only if capacity enhancement and/or operational improvements are programmed for implementation within the specific District so that the total service volume growth for the District will again be equal to or greater than the District traffic growth. Growth on non-backlogged roads will not be affected. Development that does not affect the backlogged segment will still be allowed.

3. For purposes of calculating service volumes for the Traffic District Program, the following rules apply:

a. Constrained roads (see Table 2(b)) will not be included in the determination of traffic growth and percent service volumes.

b. Percent traffic growth will be based on the last full year of traffic count information.

c. Committed roadway improvements for purposes of this calculation are those improvements under a current construction contract.

OBJECTIVE 22.32: CONSTRAINED ROADS. *Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will be deemed "constrained" and therefore will not be widened. Reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community.*

POLICY 22.32.1: *Constrained roads are identified in Table 2(ba).*

POLICY 22.32.2: *A maximum volume-to-capacity (v/c) ratio of 1.85 is established for the constrained roads identified in Table 2(ba) that lie in the unincorporated area. No permits will issued by Lee County that cause the maximum volume-to-capacity ratio to be exceeded or that affect the maximum volume-to-capacity ratio once exceeded. Permits will only be issued when capacity enhancement and operational improvements are identified and committed for implementation that will maintain the volume-to-capacity ratio on the constrained segment at or below 1.85.*

POLICY 22.32.3: *For each constrained road identified in Table 2 (ba), an Operational Improvement Program is hereby established. This program identifies operational and capacity-enhancing improvements that can be implemented within the context of that constrained system. The Operational Improvement Program for constrained roads is identified in Table 2(eb).*

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Policy 70.1.3 of the Capital Improvements Element addresses the level of service standards for the concurrency management system. A large policy that duplicates information found in the Transportation Element, it includes a paragraph each discussing both backlogged roads and constrained roads. Most of Policy 70.1.3, including the two paragraphs in question, is reproduced below:

POLICY 70.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS. *Level-of-service (LOS) standards shall be the basis for planning the provision of required public services within Lee County.*

Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law as being essential to support development. These consist of facilities for the provision of potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation. (It is the intent of this element that these standards shall be the same as those established in the various relevant plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein, the standards set forth herein shall govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use; compliance with these standards shall not be a requirement for continued development permitting. (Amended by Ordinance 92-35)

(1) The County may seek variances to the level of service standards for the FIHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I-75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.

(2) If any portion of I-75 or SR 80 is determined to be within an urbanized area over 500,000 based on the year 2000 Census by FDOT pursuant to applicable rules, then the standard becomes "D" for any such area. If any portion of SR 80 east of Buckingham Road is determined to be within a transitioning urbanized area based on the year 2000 Census by FDOT pursuant to applicable rules, then the standard becomes "C" for any such area.

(3) If the portion of SR 80 east of Hickey Creek is multi-laned and remains in the rural area after the year 2000 Census then the standard becomes "B".

The minimum acceptable levels of service specified above shall not apply on an interim basis to the backlogged roads identified in Table 2(a). It is the county's intent that these segments will be operating at the identified standard in the shortest period possible, but no later than December 31, 1999. During that period, however, growth on those backlogged roads may be permitted if it is consistent with the Traffic District Program (Policy 22.2.2)

Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will not be widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. These constrained roads are defined in Table 2(b). Growth on those constrained roads will be permitted only within the volume-to-capacity (v/c) ratios established in this plan and only if consistent with the Operational Improvement Program for those constrained roads.

The minimum acceptable level of service as specified above for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is subject to Policy 14.2.1 and Policy 14.2.2.

For minimum acceptable levels of service determination, the peak season, peak hour, peak direction condition shall be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions shall be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station. (Amended by Ordinance No. 99-15, 00-08)

NON-REGULATORY STANDARDS

7. Recreation Facilities...

8. Libraries...

9. Emergency Medical Service....

B. CONCLUSIONS

The language in the two paragraphs dealing with backlogged roads and constrained roads is inconsistent with the changes approved last year as part of PAM/T 99-23. The paragraph on backlogged roads should be deleted in its entirety, just as the objective and policies in the Transportation Element dealing with backlogged roads and Table 2(a) were deleted by the previous amendment. Again, all of the backlogged roads that were subject to these conditions have been improved or are no longer level of service problems, and the district-averaging approach to transportation concurrency was eliminated in favor of a link-by-link approach. The paragraph on constrained roads simply needs to be updated to change the table references [due to the deletion of Table 2(a)] and to add a clarifying phrase that makes clear the regulatory level of

service standard associated with constrained roads only applies to those in unincorporated Lee County, consistent with the changes made in the Transportation Element last year.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment. The proposed language is as follows:

POLICY 70.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS. Level-of-service (LOS) standards shall be the basis for planning the provision of required public services within Lee County. Some of these standards shall be the basis for determining the adequacy of public facilities for the purposes of permitting new development. The "Minimum Acceptable Level of Service" shall be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law as being essential to support development. These consist of facilities for the provision of potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation. (It is the intent of this element that these standards shall be the same as those established in the various relevant plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein, the standards set forth herein shall govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use; compliance with these standards shall not be a requirement for continued development permitting. (Amended by Ordinance 92-35)

REGULATORY STANDARDS

1. Potable Water Facilities....
2. Sanitary Sewer Facilities....
3. Facilities for Disposal of Solid Waste....
4. Stormwater Management Facilities.....
5. Parks and Recreation Facilities...
6. Roadway Facilities:

The minimum acceptable peak hour, peak season, peak direction roadway levels of service will be as follows:

Minimum Acceptable Level of Service	Peak Hour/Peak Season/Peak Direction
State & County Roads : (Non-FIHS Roads)	
Arterials	E
Collectors	E
Freeways (Non-FIHS system)	D
FIHS Roads ⁽¹⁾ :	
I-75	
-Collier Line to Charlotte Line (Transitioning Area)	C ⁽²⁾

SR 80

- I-75 to Buckingham Road (Transitioning Area)		C ⁽²⁾
	(Urbanized Area)	D ⁽²⁾
- Buckingham Road to Hickey Creek (4L)	(Rural Area)	B ⁽²⁾
	(Transitioning Area)	C ⁽²⁾
	(Urbanized Area)	D ⁽²⁾
- Hickey Creek to Hendry County (2L)	(Rural Area)	C ⁽²⁾⁽³⁾
	(4L) (Rural Area)	B ⁽³⁾
	(Transitioning Area)	C ⁽²⁾
	(Urbanized Area)	D ⁽²⁾

⁽¹⁾ The County may seek variances to the level of service standards for the FIHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I-75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.

⁽²⁾ If any portion of I-75 or SR 80 is determined to be within an urbanized area over 500,000 based on the year 2000 Census by FDOT pursuant to applicable rules, then the standard becomes "D" for any such area. If any portion of SR 80 east of Buckingham Road is determined to be within a transitioning urbanized area based on the year 2000 Census by FDOT pursuant to applicable rules, then the standard becomes "C" for any such area.

⁽³⁾ If the portion of SR 80 east of Hickey Creek is multi-laned and remains in the rural area after the year 2000 Census then the standard becomes "B".

~~The minimum acceptable levels of service specified above shall not apply on an interim basis to the backlogged roads identified in Table 2(a). It is the county's intent that these segments will be operating at the identified standard in the shortest period possible, but no later than December 31, 1999. During that period, however, growth on those backlogged roads may be permitted if it is consistent with the Traffic District Program (Policy 22.2.2)~~

Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will not be widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads within unincorporated Lee County as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. These constrained roads are defined in Table 2(b). Growth on those constrained roads will be permitted only within the volume-to-capacity (v/c) ratios established in this plan and only if consistent with the Operational Improvement Program for those constrained roads.

The minimum acceptable level of service as specified above for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is subject to Policy 14.2.1 and Policy 14.2.2.

For minimum acceptable levels of service determination, the peak season, peak hour, peak direction condition shall be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions shall be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station. (Amended by Ordinance No. 99-15, 00-08)

NON-REGULATORY STANDARDS

7. Recreation Facilities...

8. Libraries....

9. Emergency Medical Service....

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

DATE OF PUBLIC HEARING: March 26, 2001

A. LOCAL PLANNING AGENCY REVIEW

The LPA members asked some general questions about the status of the County's concurrency management system and discussions of changes with the Florida Department of Community Affairs, current roadway conditions and level of service standards, the benefits of a link-by-link approach to concurrency, and roadway functional classification. There were no comments from the general public.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommended 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 staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
BARRY ERNST	<u>AYE</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>AYE</u>
VIRGINIA SPLITT	<u>AYE</u>
GREG STUART	<u>AYE</u>

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: Commissioner Albion pulled this item from the consent agenda for discussion. He questioned the 1.85 volume-to-capacity (v/c) ratio used as a regulatory standard for constrained roads, which staff explained had been in the plan for 11 years. He asked that staff review that standard, which will be done as part of a future amendment cycle or as part of the Evaluation and Appraisal Report (EAR) process. He also asked about coordination of facility needs across jurisdictional boundaries and was assured that such coordination does take place. Finally, he suggested that the County may want to consider policies that allow for affordable housing even where roads are congested, referencing walk-to-work concepts and the on-going Smart Growth effort. There were no comments from the general public on this proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board voted unanimously to transmit this amendment, on a motion by Commissioner Albion and a second by Commissioner Judah.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

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>

**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 RESPONSE

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