



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS



(941) 479-8309

Writer's Direct Dial Number: _____

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

PS Form 3811, July 1999

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:

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

PS Form 3811, July 1999

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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:

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

LEE MERCIER 1-31

C. Signature

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

PS Form 3811, July 1999

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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

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- 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 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

PS Form 3811, July 1999

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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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

☐ 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:

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

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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

☐ 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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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

☐ 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

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

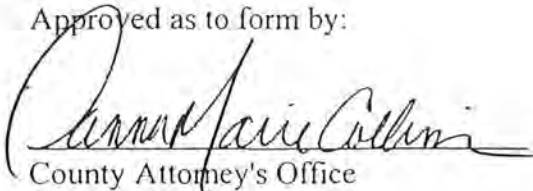
LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

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.

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SECTION FIVE: SEVERABILITY

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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

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:

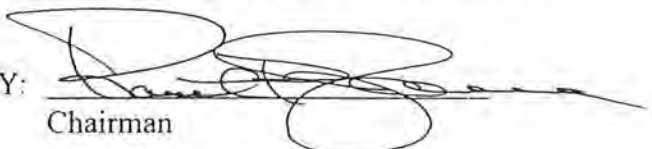
ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>AYE</u>

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

ATTEST:
CHARLIE GREEN, CLERK

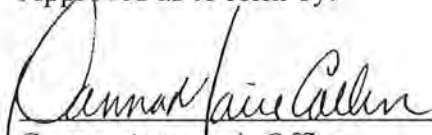
BY: 
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: 
Chairman

DATE: January 10, 2002

Approved as to form by:


County Attorney's Office



**CPA2000-25
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
CPA2000-25**

☒

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 16, 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:

Amend the Parks, Recreation and Open Space Element by amending the language of Goal 52, and adding a new Objective and Policies to Goal 52, Development Requirements, clarifying the purpose of open space in non-residential projects. The request does not increase the required amount of open space. The allocation of open space in relation to preserving indigenous plant communities and large native trees is to be evaluated at the time of zoning review.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. REVISED STAFF RECOMMENDATION:** Planning staff recommends that Goal 52 and Objective 52.1 be amended as follows. Planning staff further recommends adding a new objective and policy under Goal 52 to specifically address open space in commercial and industrial developments.

GOAL 52: DEVELOPMENT DESIGN REQUIREMENTS. To require new developments to provide adequate open space ~~for their future residents~~ for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

OBJECTIVE 52.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

OBJECTIVE 52.2: Development regulations will continue to require that new commercial and industrial developments provide sufficient open space for the benefit of their patrons and the general public.

POLICY 52.2.1.: The county must continue to review the open space requirements of the Land Development Code to determine if these requirements should be modified in any way to best meet the objectives of open space requirements within new commercial and industrial developments.

OBJECTIVE 52.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.

POLICY 52.3.1: Any new development ~~must~~ with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. Properties Any new development with existing native trees without associated native groundcover or understory ~~must~~ is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged.

POLICY 52.3.2: Open space areas must be designed with adequate widths to preserve and allow the continued growth and viability of existing native trees.

POLICY 52.3.3: The county encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way.

POLICY 52.3.4: The county encourages new developments to incorporate large, contiguous open space areas in the development design.

POLICY 52.3.5: Proposed planned developments must submit an open space design plan with an assessment of the existing native plant communities and native trees. The open space design plan must delineate the indigenous preserves and/or native tree preservation areas.

2. LPA RECOMMENDED LANGUAGE: The LPA recommends that the Board of County Commissioners transmit this proposed amendment with the following language:

GOAL 52: DEVELOPMENT DESIGN REQUIREMENTS. To require new developments to provide adequate open space for their future residents for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

OBJECTIVE 52.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

OBJECTIVE 52.2: Development regulations will continue to require that new commercial and industrial developments provide sufficient open space for the benefit of their patrons and the general public.

POLICY 52.2.1: The county must continue to review the open space requirements of the Land Development Code to determine if these requirements should be modified in any way to best meet the objectives of open space requirements within new commercial and industrial developments.

OBJECTIVE 52.3: New developments ~~must~~ are encouraged to use innovative open space designs to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing native vegetation. This objective and subsequent ~~policies~~ policy are to be implemented through the zoning process.

POLICY 52.3.1: Any new development ~~must~~ with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. ~~Properties Any new development with existing native trees without associated native groundcover or understory must is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged.~~

POLICY 52.3.2: ~~Open space areas must be designed with adequate widths to preserve and allow the continued growth and viability of existing native trees.~~

POLICY 52.3.3: The county encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way.

POLICY 52.3.4: The county encourages new developments to incorporate large, contiguous open space areas in the development design.

POLICY 52.3.5: Proposed planned developments must submit an open space design plan with an assessment of the existing native plant communities and native trees. The open space design plan must delineate the indigenous preserves and/or native tree preservation areas.

3. ORIGINAL STAFF RECOMMENDATION: Planning staff recommends that Goal 52 and Objective 52.1 be amended as follows. Planning staff further recommends adding a new objective and policy under Goal 52 to specifically address open space in commercial and industrial developments.

GOAL 52: DEVELOPMENT DESIGN REQUIREMENTS. To require new developments to provide adequate open space for their future residents for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

OBJECTIVE 52.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

OBJECTIVE 52.2: Development regulations will continue to require that new commercial and industrial developments provide sufficient open space for the benefit of their patrons and the general public.

POLICY 52.2.1: The county must continue to review the open space requirements of the Land Development Code to determine if these requirements should be modified in any way to best meet the objectives of open space requirements within new commercial and industrial developments.

OBJECTIVE 52.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses. This objective and subsequent policies are to be implemented through the zoning process.

POLICY 52.3.1: Any new development must provide half of the required open space as existing native plant communities. Properties with existing native trees without associated native groundcover or understory must provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged.

POLICY 52.3.2: Open space areas must be designed with adequate widths to preserve and allow the continued growth and viability of existing native trees.

POLICY 52.3.3: The county encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way.

POLICY 52.3.4: The county encourages new developments to incorporate large, contiguous open space areas in the development design.

POLICY 52.3.5: Proposed planned developments must submit an open space design plan with an assessment of the existing native plant communities and native trees. The open space design plan must delineate the indigenous preserves and/or native tree preservation areas.

4. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Goal 52 of the Lee Plan, as it currently reads, could be interpreted as requiring open space for residential developments, but not for commercial or industrial developments.
- Section 10-415 of the Lee County Land Development Code (LDC) clearly contains open space requirements for commercial and industrial developments, although they are less than those for residential developments.
- The proposed Lee Plan Policies do not increase the amount of required open space.
- It has been the experience of Planning staff, through the planned development rezoning review process, that many applications are requesting deviations from the open space requirements for commercial and industrial developments, without sufficient justification.
- The LDC requires less open space for commercial and industrial developments than for residential developments, even though the intensity of use is generally higher for commercial and industrial projects.
- The importance of functional open space in commercial and industrial developments is equal to or more than in residential developments due to the impacts that commercial and industrial uses have on the land.
- Land containing large native trees without the associated understory do not meet the LDC definition of indigenous plant community, however, the preservation of large native trees within projects is important to the quality of development and provides a consistent quality of life for the community.
- Preservation of indigenous plant communities and native trees provides benefits to the general public as well as to wildlife.
- The proposed open space policies do not increase the cost of development, and can reduce the landscaping cost by using the existing native vegetation to meet the LDC required buffers and trees.

C. BACKGROUND INFORMATION

Goal 52 of the Lee Plan currently requires new developments to provide adequate open space for their future residents. By stating that the open space is for future residents, implies that open space is only encouraged in residential developments. The LDC requires open space in commercial and industrial developments, although the requirements are generally less than those for residential developments. It has become apparent to staff, through zoning deviation requests to reduce open space within commercial and industrial developments, that there is a need to clarify the purpose and importance of open space in nonresidential projects within the Lee Plan. While the open space requirements for commercial and industrial projects are less than for residential projects, the intensity of use for

commercial and industrial projects is much greater, potentially leading to more negative environmental impacts. The Lee Plan as currently worded does not emphasize the need for open space in non-residential projects to provide a sound basis for requiring open space during the rezoning process. This proposal does not increase the required amount of open space. The proposed amendment to Goal 52 seeks to provide clarification of open space design in all projects during the rezoning process to insure the quality of indigenous plant communities and/or native tree preservation within open space areas.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Currently, **Chapter V, Parks, Recreation and Open Space**, only addresses open space requirements of residential developments under Goal 52 and the associate objective and policies. It was likely unintended that Goal 52 of the Lee Plan does not directly address the importance of open space in non-residential developments because the issue is incorporated into other areas of the Lee Plan as well as in the LDC. It is important to revise Goal 52 to clearly state the importance that is placed on the provision of open space within commercial and industrial development.

The Lee Plan contains language within the land use policies of Goals 6, 7, and 77 that address design of projects to achieve visual harmony, screening, buffering, protection of natural resources, and maintaining water quality. These policies are as follows:

- Policy 6.1.3 requires commercial planned developments to arrange uses as an integrated and cohesive unit in order to provide visual harmony and screening and protect natural resources.
- Policy 6.1.6 requires land development regulations requiring commercial development to provide adequate and appropriate landscaping, open space, and buffering.
- Policy 7.1.1 requires that applications for industrial development be evaluated by staff with particular attention to buffering and screening, impacts and effects on environmental and natural resources, and impacts on water quality.
- Policy 7.1.2 requires industrial planned developments to arrange uses as an integrated and cohesive unit in order to promote compatibility and screening, and protect natural resources.
- Policy 7.1.8 requires land development regulations requiring industrial uses to be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution.
- Policy 77.2.9 requires the county to maintain regulations, incentives, and programs for preserving and planting native plant species.

The provision of open space in non-residential developments is consistent with the policies listed above. Open space provides pervious land area for buffering, visual relief, landscaping, surface water

treatment, and preservation of existing native trees and plant communities. LDC Section 10-412 states the purpose and intent of LDC Division 6, Open Space, Buffering and Landscaping, is to improve the aesthetic appearance of commercial, industrial and residential developments through the requirement of minimum open space and landscaping in ways that compliment the natural and built environment. This section makes it clear that open space in commercial and industrial developments has the same importance as open space in residential developments.

The functions of open space in non-residential developments are many. In Urban Land Use Planning by Kaiser, Godschalk, and Chapin (4th Edition, 1995), the authors list examples of the services performed by open space including: water storage and purification, dispersal of atmospheric pollution, flood control, erosion control, topsoil accumulation, wildlife breeding and spawning, and wildlife and plant habitat (p. 295). The importance of these services is magnified in non-residential developments because they generally produce more negative environmental impacts than residential developments. Open spaces in non-residential developments also have a positive impact on surface water quality. Non-residential uses are generally located in the most urbanized areas with a high percentage of impervious surface. As areas of impervious surface increase, the volume of water infiltrating the soil is reduced and, consequently, more water flows off-site and unabated into natural surface waters. Open spaces can serve to filter the stormwater within the property and reduce the amount of off-site stormwater runoff. This function is particularly important in a coastal area such as Lee County, where there are greater possibilities for surface water contamination.

Many properties within Lee County contain large, native trees with pastureland as the only understory. These areas do not meet the LDC definition of indigenous vegetation community. However, it is important to preserve large, native trees even when the understory portion of the plant community is not present. Large trees provide visual relief and cooling in the urban environment that it would take decades for the code required trees to achieve. The LDC currently encourages the retention of native trees by offering protected tree credits for native trees retained on-site with a minimum four inch caliper. These credits apply toward meeting the general and buffer tree requirements. There is limited success at the time of local development order review to have the developer revise the site design to retain native trees.

Lee County has taken a number of steps to improve the aesthetics of developing areas and insure a consistent quality of life throughout the county. In December of 1998 the Board of County Commissioners (BOCC) adopted a revised landscape code and architectural standards. The landscape code revisions addressed buffering and landscape standards. Projects subject to these revisions are just beginning to be completed. The improvements to commercial and industrial sites are noticeable, and staff has received positive comments from citizens.

Additionally, the BOCC committed to a substantial street landscaping program in 1998 (advisory committee established 1996) to prioritize roadway corridors and establish landscaping designs. The LeeScape street-landscaping program has \$500,000 budgeted for the design and installation of landscaping each year along county maintained roadways. The first project completed was the landscaping of Daniels Parkway from Ben Pratt/Six Mile Cypress Parkway to the Southwest Florida International Airport. Lee County Department of Transportation has also planted native trees adjacent to the sidewalk along Gladiolus Parkway along Lakes Park to Summerlin Boulevard.

The County's Community Redevelopment Agency (CRA) efforts have resulted in additional landscaping on roadways in the community. The table below provides a summary of these projects:

Community	Amount Expended	Year Built	Project Location
Bonita Springs	\$3.5 million	1998-1999	Old 41
Tice/Ft. Myers Shore	\$462,673	2000	S.R. 80 (Phase I & II)
Tice/Ft. Myers Shore	\$240,580 (estimated)	2001	S.R. 80 (Phase III & IV)
Lehigh Acres	\$243,108	2000	Lee Boulevard
Lehigh Acres	\$280,000		Homestead Road
San Carlos Island	\$47,426	2000	
North Fort Myers	\$555,553	2000	Old 41 - N. Tamiami Trail
North Fort Myers	\$222,996	2001 (under Const.)	Bayshore Road

The proposed Lee Plan Objective 52.3 and subsequent policies are important to include in the Lee Plan to emphasize and clarify the county's commitment to insuring development occurs in an aesthetically pleasing manner while maintaining the natural character of Lee County as much as possible. The open space design objective and policies emphasize the importance of considering the natural features of the site in relation to preserving native trees and plant communities, providing visual relief, and buffering neighboring properties. The open space plan is most appropriately addressed at the zoning review stage instead of the development order review time since it is earlier in the design process and there is more flexibility to address the open space issues inherent to the specific property and development proposed. Addressing these issues at zoning review will enhance the final site designs submitted as local development orders, and increase the success of protecting Lee County's natural character. Additionally, in the case of Planned Development rezoning, the review process establishes a Master Concept Plan that establishes the permitted uses of the site as well as the location of open space and buffer areas.

The landscaping and architectural standards that were updated in 1998 did not address open space. It has become apparent through the rezoning process that it is necessary to clarify the importance of open space design. This proposal provides policies to clearly state open space design criteria. Some of the buffering and landscaping requirements may be met through designing the open space to preserve native trees and plant communities. The landscape, open space and architectural standards do not prohibit the development of the property nor do they eliminate uses.

Planning staff includes an attachment demonstrating the visual relief achieved by providing preserves retaining large, native trees along rights-of-way and within developments(see Attachment A).

Lee Plan Policy 110.6.1 directs county staff to generally assess the impact of any proposed regulation which potentially imposes new costs to taxpayers and private businesses. Currently open space needs to be factored in when the development order plan is designed, therefore, no additional cost should be generated by including the open space design on the Master Concept Plan. The proposed open space design criteria can reduce the landscaping costs through preserving existing native vegetation to meet the buffering and landscaping requirements. The required open space area remains as adopted in LDC Section 10-415. Additional lands are not required to be set aside as open space. Therefore the same amount of development area will be available on the parcel.

The BOCC established minimum open space requirements for residential, commercial and industrial developments per LDC Section 10-415. Residential developments are required to provide the greatest amount of open space at 35% for small projects and 40% for large projects to meet the needs of the residents. Commercial developments are required to provide slightly less open space at 20% for small projects and 30% for large projects to provide visual relief in the urban environment and sufficient surface water management areas. Industrial developments are required to provide the least amount of open space at 10% for small projects and 20% for large projects to provide adequate buffering and screening, as well as sufficient surface water management areas. These various open space requirements show that the LDC acknowledges the need and purpose of open space in non-residential developments. This amendment is meant to revise Goal 52 of the Lee Plan to be consistent with the existing LDC standards in terms of acknowledging the importance of open space in commercial and industrial projects. The amendment also provides the development community with guidance for designing open space within proposed projects.

B. CONCLUSIONS

The purpose of open space in a development is to provide pervious land area to achieve appropriate buffering, visual relief, landscaping, surface water treatment, and preservation of existing native trees and plant communities. Open space in non-residential developments functions as it does in residential developments. Goal 52 of the Lee Plan currently does not treat all types of open space equally, addressing only residential open space. This is not consistent with other provisions of the Lee Plan or with the LDC. Goal 52 of the Lee Plan should be modified to recognize the importance of open space in non-residential development.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment as contained in Part I.B.1.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: March 26, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff presented the proposed amendment to Goal 52 to include language clarifying open space within commercial and industrial developments; to add an objective regarding open space design to be addressed a zoning review; and to require preservation of large native trees within open space areas when native plant communities are not present. Staff noted that addressing open space and preservation requirements during zoning review allows more time to establish quality open space and preserves.

One LPA member was concerned with the language "we will continue to review or continue to require" under Objective 52.2 and Policy 52.1.2. The Department of Community Affairs wants objectives to be measurable. Staff concurred, but stated that the language reflects the County's intention to keep the provisions in the land development code.

The LPA noted that the proposed amendment uses "encourage", and wanted clarification on how the county encourages. Staff explained that some encouragement consists of credits given to preserve areas based on acreage and width to encourage larger preserve tracts.

Another issue raised was if the requirement to provide half of the open space as preservation area was consistent with the LDC. Staff verified that is the current LDC preservation requirement.

One member of the LPA was concerned that staff's evaluation alluded to the need for more open space within commercial and industrial developments. Staff replied that the issue is not amount, but the quality of open space. Larger green areas with mature native trees provides more visual relief and cooling effect than the currently required 10-foot trees. Staff is asking for a critical evaluation of the site and adjacent uses to designate open space and preserve areas where they make the most impact.

A follow-up question by the LPA was how staff analyzed that the proposed policies would not adversely affect the cost of development. Staff replied that the recommended language does not increase the amount of open space required, and that preserved trees may be used to meet LDC landscape requirements actually reducing landscape costs.

One member had concern that the language should be in the LDC not the Lee Plan. Two members believed the policies should be in the Lee Plan to avoid problems during zoning review.

One LPA member noted that the preservation of trees is a good amendment, however, a standard should be established to determine which trees to preserve. It was suggested that the appropriate place for such standards is the LDC. Staff concurred, and stated that it was anticipated that LDC language would need to be amended to implement these open space and preservation policies.

The LPA had concerns over the use of “must” within the preservation policies. The main concern was that deviations or variances would not be granted. Discussion resulted in revision to the proposed language for Policy 52.3.1 to read as follows:

Any new development with existing indigenous vegetation must is encouraged to provide half of the required open space as existing native plant communities. ~~Properties with existing native trees without associated native groundcover or understory must~~ Any new development with existing native trees without associated native ground cover or understory is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged.

One member of the public supported the proposal. This person indicated that it was important for Lee County to remain special, and not turn into a “concrete jungle.” It was noted that people like to visit Sanibel where there is a strong tree ordinance. Also noted was the value of shade and percolation.

Another member of the public stated that originally he was opposed to the proposed language. However, he believes quality open space is important and the revised language addresses his concern over the ability to seek a deviation or variance from the preservation requirement. Additional concern was noted that the new requirement to preserve native trees should be separated from the indigenous preservation requirement, and incentives offered to preserve trees. It was recommended that the language requiring adequate widths to preserve and allow for continued growth and viability be deleted. Concern was also raised over encouraging preservation along rights-of-way. He believed that Policies 52.3.2 through 3.5 should be addressed in the LDC.

An LPA member asked for a legal opinion on where the language should be incorporated. The assistant county attorney summarized the importance of including open space and preservation policies in the Lee Plan. He indicated that without such policies attorneys and planners can argue that there’s no requirement in the plan to have open space in commercial areas. The county attorney added that “since the zoning process is a quasi-judicial process - substantial, competent evidence, et cetera - you get through that process and, you know, the judges across the street are going to agree. It’s not there; you can’t require it. So I think we need policies in the plan that make it clear what we’re trying to do...we have other policies in the plan that say you must submit TIS’s at certain times...That’s a submittal requirement. You must submit other things during the zoning process. Those are some other requirements that are in the plan. They’re general enough that they’re deemed appropriate and important enough that they’re deemed appropriate to be in the plan. I don’t truly believe that these policies are designed or will function as some additional burden that is not going to be able to be handled in the development community. I think they will be very beneficial in the long run.”

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommended transmittal of the amendment as revised below:

GOAL 52: DEVELOPMENT DESIGN REQUIREMENTS. To require new developments to provide adequate open space for their future residents for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

OBJECTIVE 52.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

OBJECTIVE 52.2: Development regulations will continue to require that new commercial and industrial developments provide sufficient open space for the benefit of their patrons and the general public.

POLICY 52.2.1: The county must continue to review the open space requirements of the Land Development Code to determine if these requirements should be modified in any way to best meet the objectives of open space requirements within new commercial and industrial developments.

OBJECTIVE 52.3: New developments must are encouraged to use innovative open space designs to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing native vegetation. This objective and subsequent policies policy are to be implemented through the zoning process.

POLICY 52.3.1: Any new development must with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. Properties Any new development with existing native trees without associated native groundcover or understory must is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged.

POLICY 52.3.2: Open space areas must be designed with adequate widths to preserve and allow the continued growth and viability of existing native trees.

POLICY 52.3.3: The county encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way.

POLICY 52.3.4: The county encourages new developments to incorporate large, contiguous open space areas in the development design.

POLICY 52.3.5: Proposed planned developments must submit an open space design plan with an assessment of the existing native plant communities and native trees. The open space design plan must delineate the indigenous preserves and/or native tree preservation areas.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The majority of the LPA members determined that Policies 52.3.2 through 52.3.5 would be more appropriately addressed in the LDC.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
SUSAN BROOKMAN	<u>Opposed</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:** One Board member commented the staff proposed amendment defines what Lee County has been trying to accomplish with its open space regulations. He also stated that it was important to receive the open space assessment at time of rezoning. This amendment was transmitted as part of the administrative agenda.

B. **BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board approved transmittal of staff's revised recommendation to DCA for their review.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board supported staff's findings of fact.

C. **VOTE:**

JOHN ALBION

Aye

ANDREW COY

Aye

BOB JANES

Aye

RAY JUDAH

Aye

DOUG ST. CERNY

Aye

**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 of County Commissioners provided no discussion on the amendment. The item was considered as part of the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to adopt the amendment as previously transmitted. This item was voted on as part of the Board's consent agenda.
- 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>



Photo 1 - Open space area in Cypress Trace Plaza along U.S. 41 road frontage



Photo 2 - Same commercial development as above, view from opposite side



Photo 3 - Cypress Trace Plaza, view from U.S. 41. Note the preserve area that has been provided along the road frontage still allows for a clear view of the project identification sign.



Photo 4 - Cypress Trace Plaza Eckerds, view from Cypress Lake Drive; Note the native vegetation that has been preserved along the road frontage provides visual relief without blocking the view of the store.



Photo 5 - Native vegetation that has been preserved along Cypress Lake Drive frontage



Photo 6 - Native vegetation that has been preserved along Cypress Lake Drive frontage



Photo 7 - Cypress Trace Plaza buffer area with native vegetation along Cypress Lake Drive; note the width of the buffer area



Photo 8 - Reflection Lakes commercial property at the intersection of Summerlin Road and Cypress Lake Drive; This area formerly contained pine flatwoods



Photo 11 - Commercial development along Cypress Lake Drive; Mature native vegetation was removed in favor of new planting; This adds to developer expense and reduces the functionality of the open space



Photo 12 - Same commercial development as above



Photo 9 - Corner of Summerlin Road and Cypress Lake Drive; note that all of the existing vegetation along the road frontages has been removed



Photo 10 - Same area as above