

LEE COUNTY ORDINANCE NO. 17-23

Timber Creek
(CPA2016-00007)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS PERTAINING TO THE TIMBER CREEK (CPA2016-00007) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (“Lee Plan”) Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners (“Board”); and,

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

WHEREAS, the Lee County Local Planning Agency (“LPA”) held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on March 27, 2017; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on August 2, 2017. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Timber Creek (CPA2016-00007) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the August 2, 2017 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on December 20, 2017, the Board held a public hearing, made a formal finding that the proposed amendment would not result in significant impacts to present or future water resources in accordance with Lee Plan Policy 2.4.2, and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Timber Creek Ordinance (CPA2016-00007)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Table 1(b), Future Land Use Map 1, Pages 1, 2 and 4, Map 4, Map 6, Map 7, Map 14, Map 16, Map 17, ap 20 and Map 25, known as Timber Creek (CPA2016-00007).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

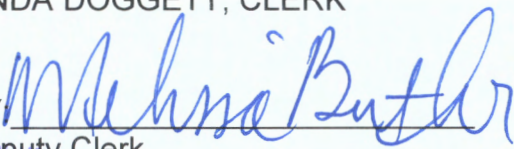
{The remainder of this page intentionally left blank.}

THE FOREGOING ORDINANCE was offered by Commissioner Hamman, who moved its adoption. The motion was seconded by Commissioner Kiker. The vote was as follows:

John Manning	Absent
Cecil Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Absent


DONE AND ADOPTED this 20th day of December, 2017.

ATTEST:
LINDA DOGGETT, CLERK

BY: 
Deputy Clerk



LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: 
Cecil Pendergrass, Chair

DATE: December 20, 2017

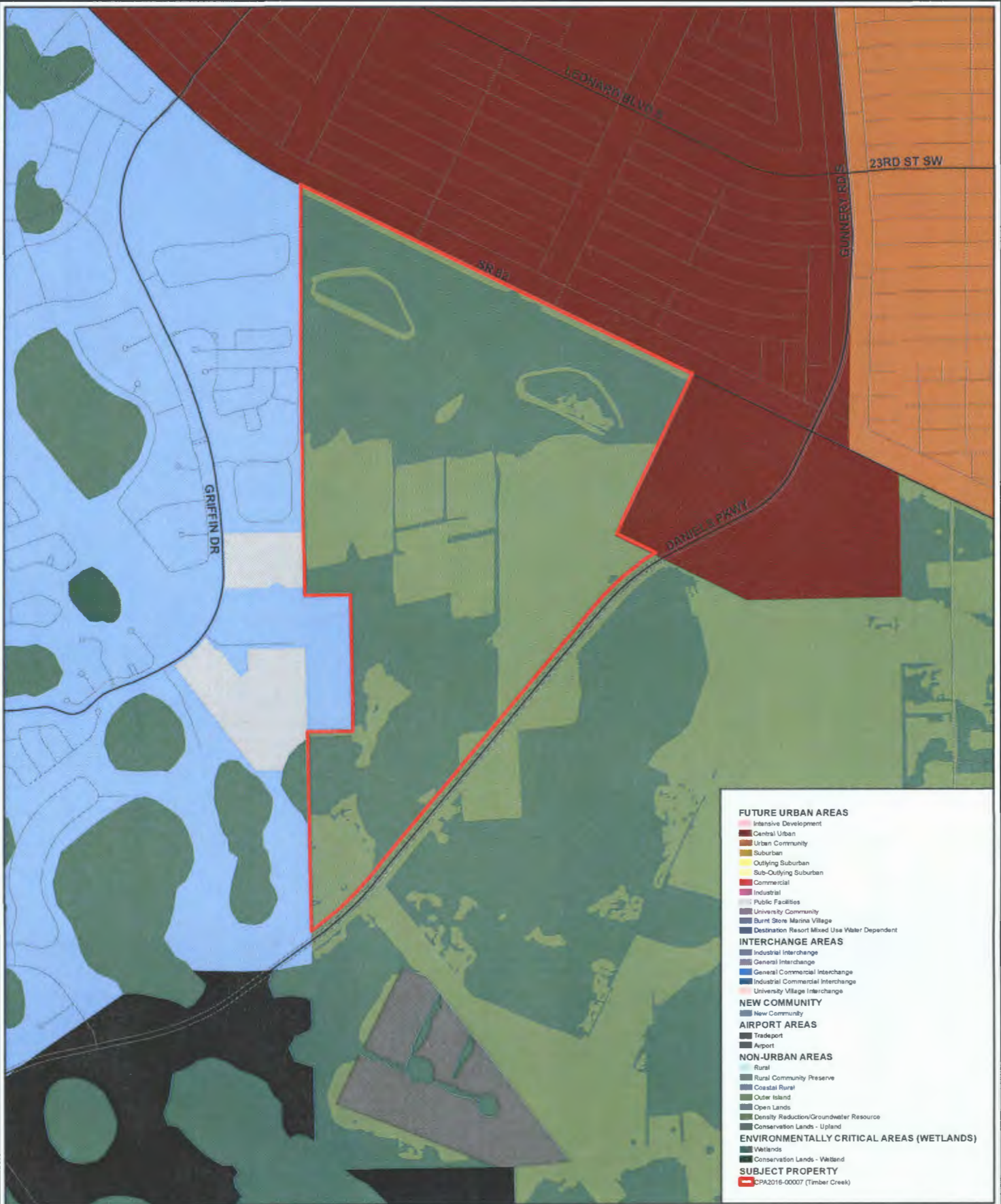
APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

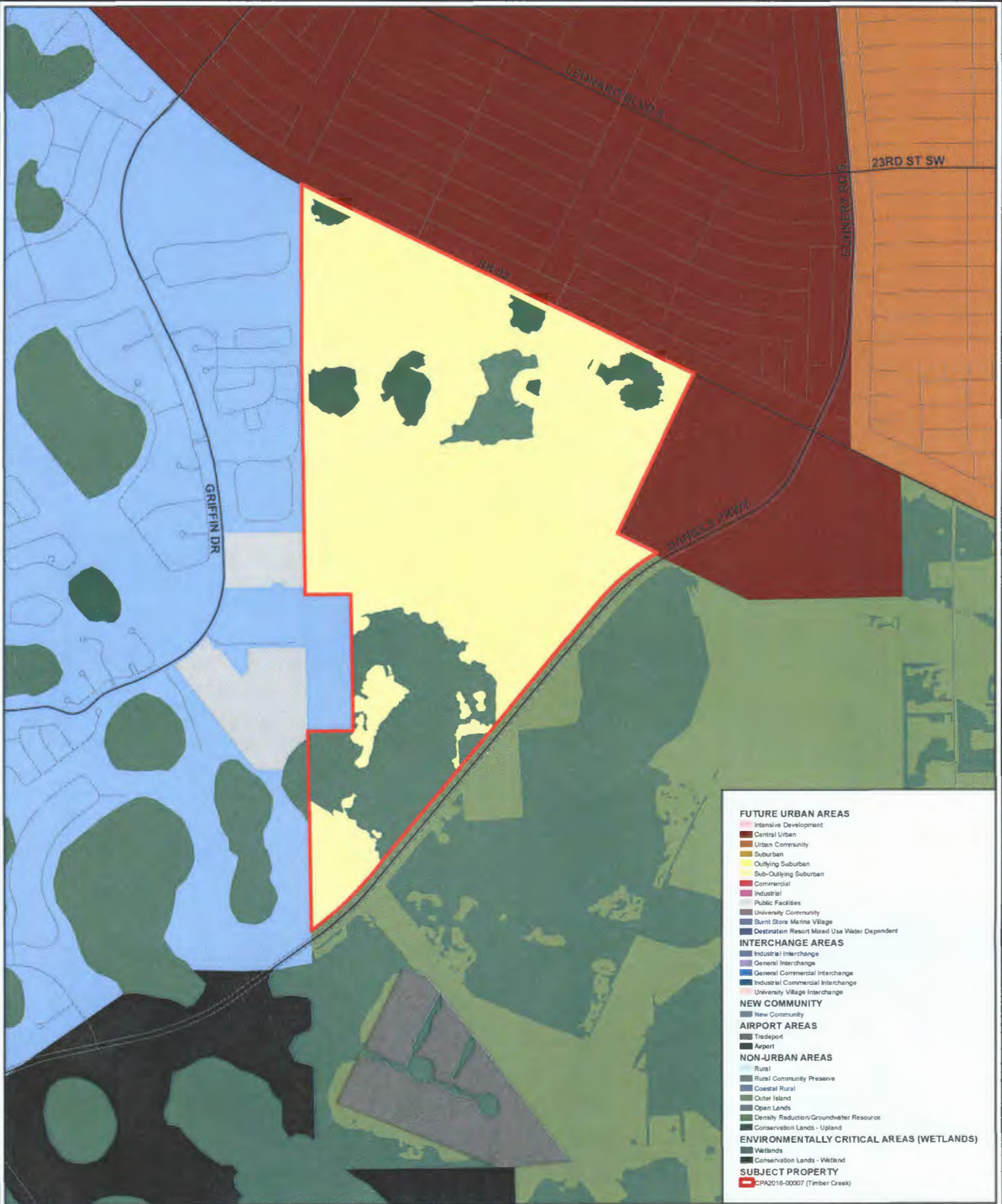

County Attorney's Office

Exhibit A: Adopted revisions to Table 1(b), Future Land Use Map 1, Pages 1, 2 and 4, Map 4, Map 6, Map 7, Map 14, Map 16, Map 17, Map 20 and Map 25 (Adopted by BOCC December 20, 2017)

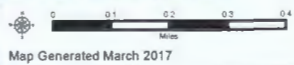
EXHIBIT A

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





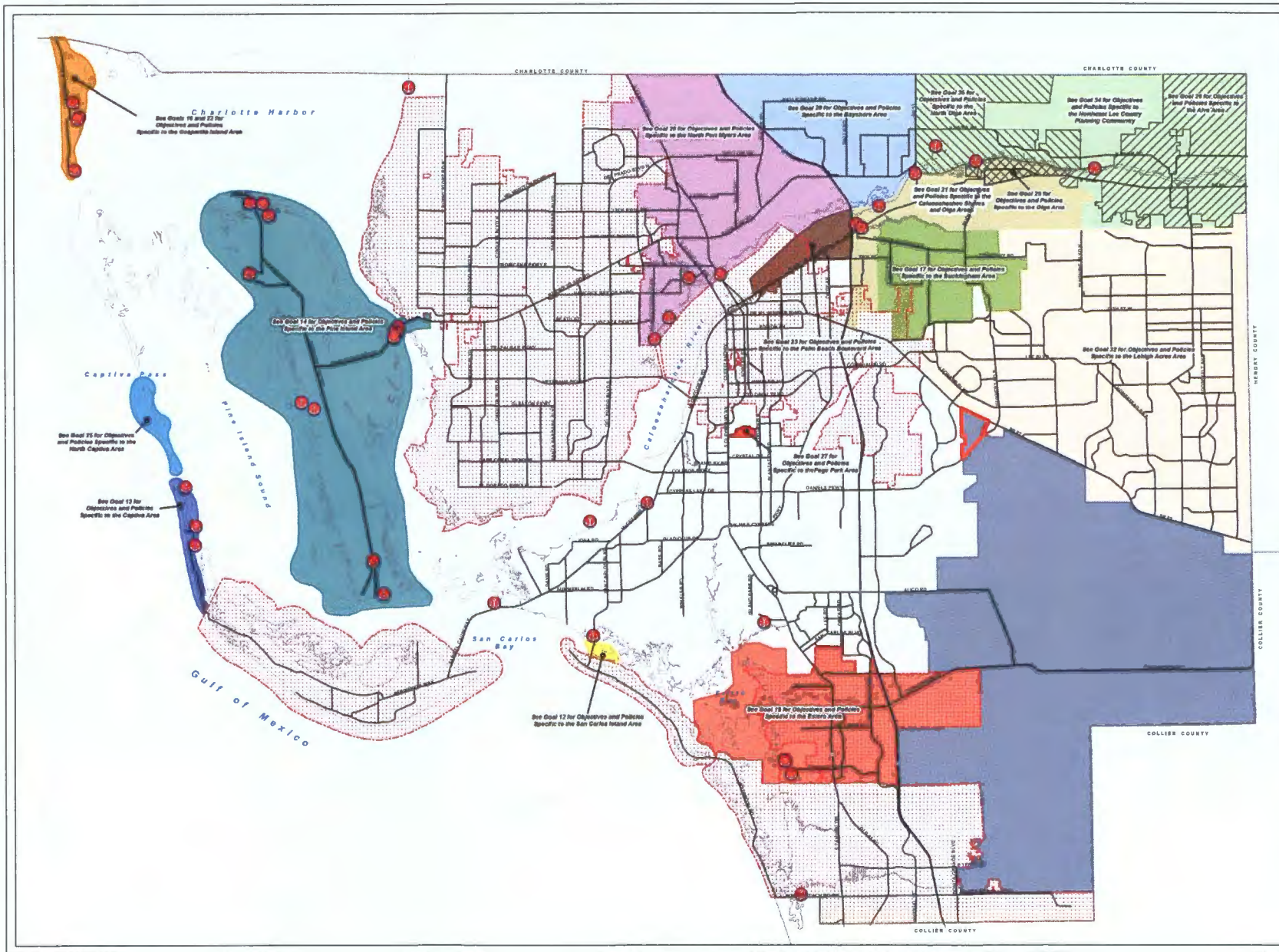
- FUTURE URBAN AREAS**
- Intensive Development
 - Central Urban
 - Urban Community
 - Suburban
 - Outlying Suburban
 - Sub-Outlying Suburban
 - Commercial
 - Industrial
 - Public Facilities
 - University Community
 - Burnt Store Marina Village
 - Destination Resort Mixed Use Water Dependent
- INTERCHANGE AREAS**
- Industrial Interchange
 - General Interchange
 - General Commercial Interchange
 - Industrial Commercial Interchange
 - University Village Interchange
- NEW COMMUNITY**
- New Community
- AIRPORT AREAS**
- Tradeport
 - Airport
- NON-URBAN AREAS**
- Rural
 - Rural Community Preserve
 - Coastal Rural
 - Outer Island
 - Open Lands
 - Density Reduction/Groundwater Resource
 - Conservation Lands - Upland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
- Wetlands
 - Conservation Lands - Wetland
- SUBJECT PROPERTY**
- CPA2016-0007 (Timber Creek)



Map Generated March 2017



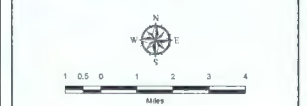
**CPA2016-0007
Timber Creek
PROPOSED LEE PLAN
FUTURE LAND USE MAP**



SPECIAL TREATMENT AREAS

- Community Planning Areas**
- Bayshore
 - Boca Grande
 - Buckingham
 - Caloosahatchee Shores
 - Captiva
 - Estero
 - Greater Pine Island
 - Lehigh Acres
 - North Captiva
 - North Fort Myers
 - Northeast Lee County
 - AIA
 - North Olga
 - Page Park
 - San Carlos Island
 - Southeast Lee County
 - Palm Beach Boulevard
 - City Limits
- Adopted by Ord. 89-02, 1/31/1989
Amended by Ordinance Nos. 02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 08-05, 09-07, 09-08, 09-09, 09-10, 09-11, 10-16, 11-14, 11-21, 11-24

- Water Dependent Overlay
See Maps 2 and 12 for Details
Adopted by Ord. 89-02, 1/31/1989
Amended by Ordinance Nos. 91-19, 92-35, 00-22, 02-03, 08-05
- Remove from Southeast Lee County



Map Generated: March 2017
City Limits current to date of map generation

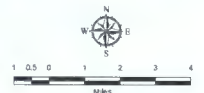
SPECIAL TREATMENT AREAS

Legend

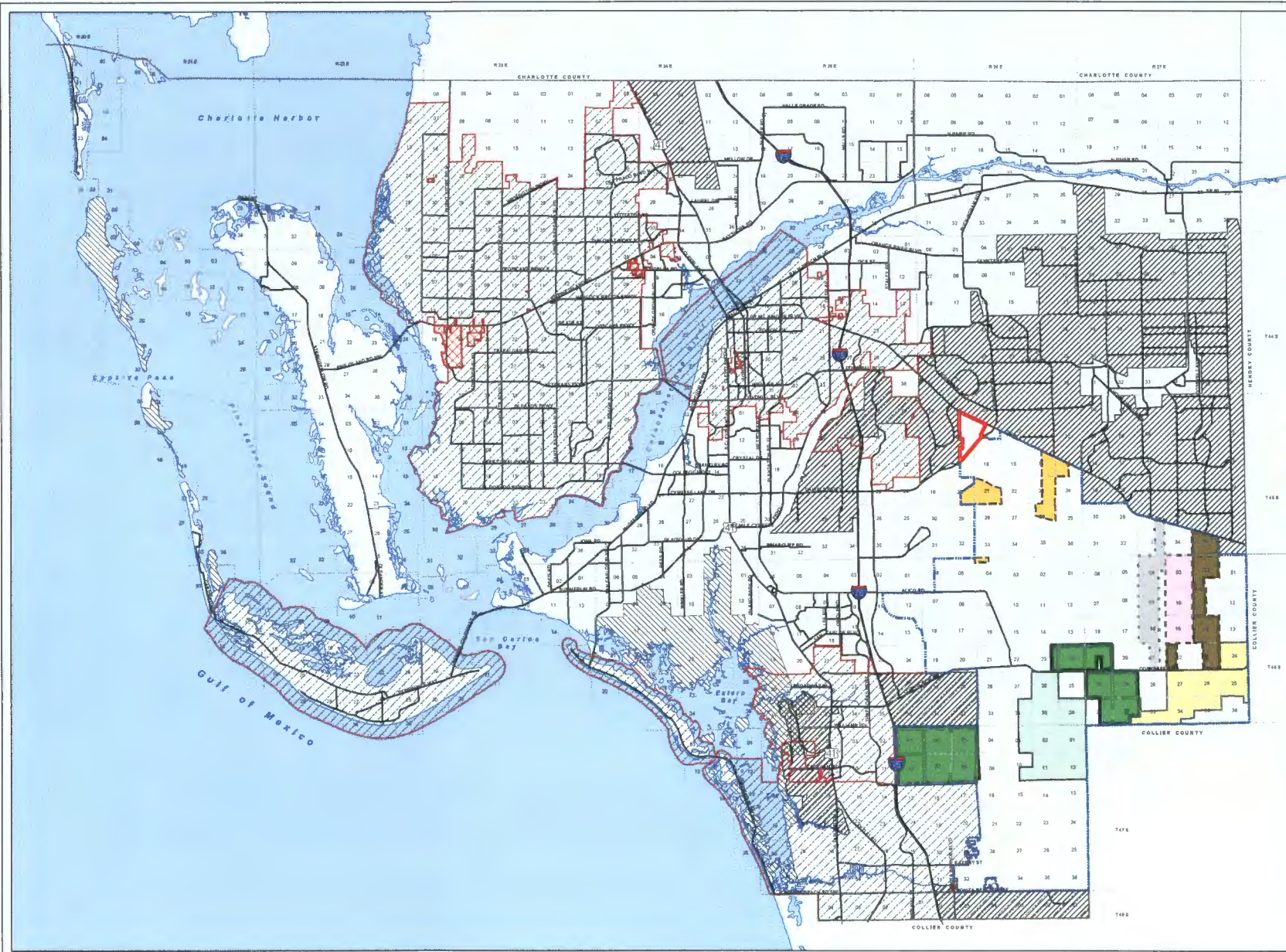
- County Line
- ▭ Southeast Lee County
- ▭ City Limits
- ▭ Section Lines
- Major Roads
- Minor Roads
- ▭ **Urban Reserve**
Adopted by Ord 89-02, 1/31/1989
Amended by Ord 93-25
- ▭ **Privately Funded Infrastructure**
Adopted by Ord 89-02, 1/31/1989
Amended by Ord 92-35
- ▭ **Public Acquisition***
Adopted by Ord 91-19, 7/9/1991
Amended by Ord 10-19
- Priority Restoration Strategy**
See Policies 33.2.2
 - ▭ Tier 1 (highest priority)
 - ▭ Tier 2
 - ▭ Tier 3
 - ▭ Tier 4
 - ▭ Tier 5
 - ▭ Tier 6
 - ▭ Tier 7

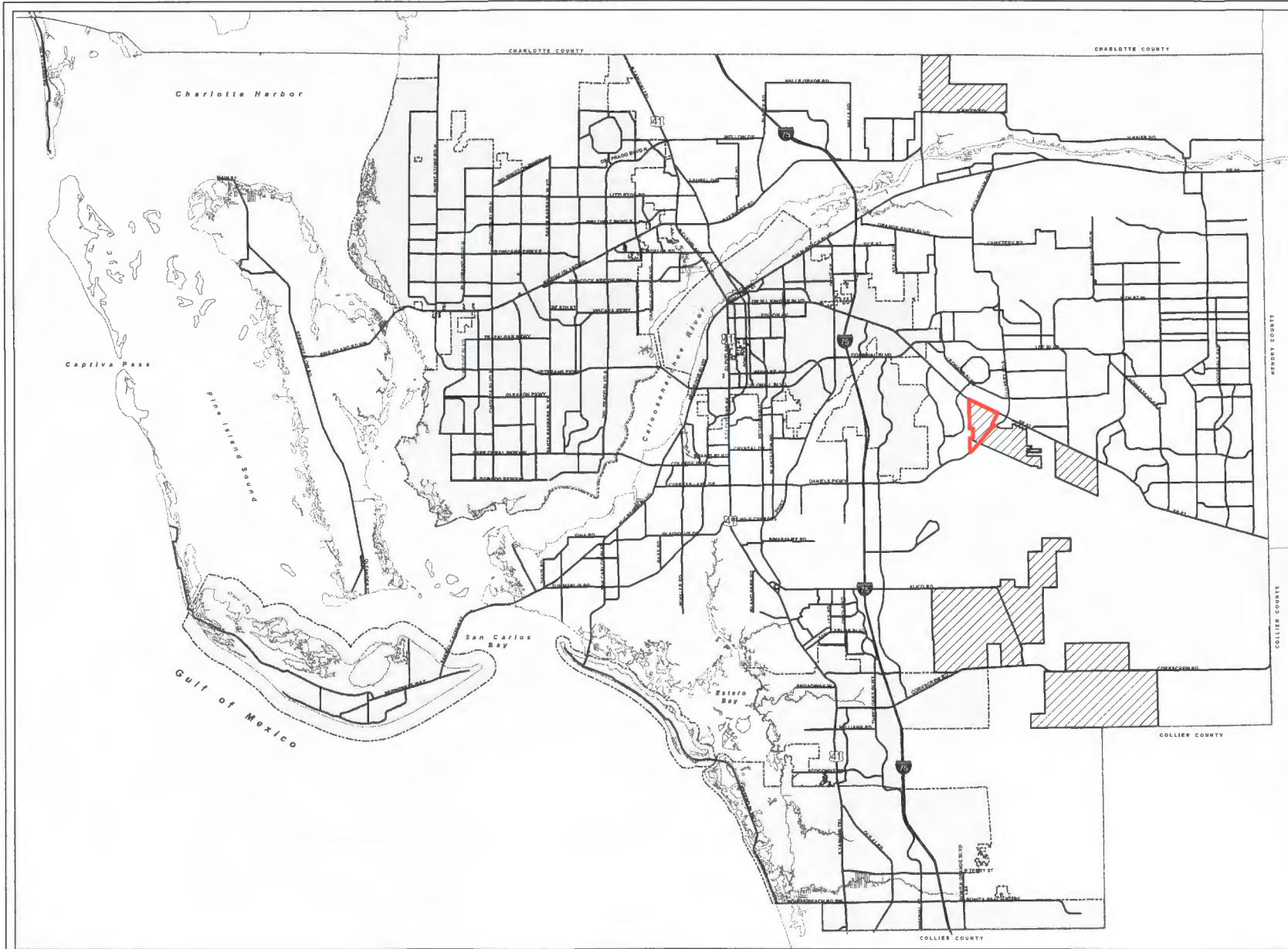
CPA2016-00007
TIMBER CREEK

- ▭ Remove from Southeast Lee County



Map Generated: March 2017
 * Because of the dynamic nature of land acquisition, portions of the land shown are publicly owned at the time of printing.
 ** City Limits current to date of map generation





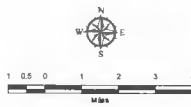
PRIVATE RECREATIONAL FACILITIES OVERLAY MAP

LEGEND

- County Line
- Major Roads
- Minor Roads
- ▨ Private Recreational Facilities
- ⊞ City Limits

CPA2016-00007
TIMBER CREEK

Remove from Private Recreational Facilities





Map Generated: March 2017
 City Limits current to date of map generation
 Adopted By Ord. No. 99-16, 11/22/99
 Amended By Ord. Nos. 10-21, 10-43


Lee Plan Map 4

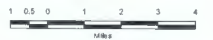
LEE COUNTY UTILITIES FUTURE WATER SERVICE AREAS

Legend

-  City Limits
-  Future Water Service Areas

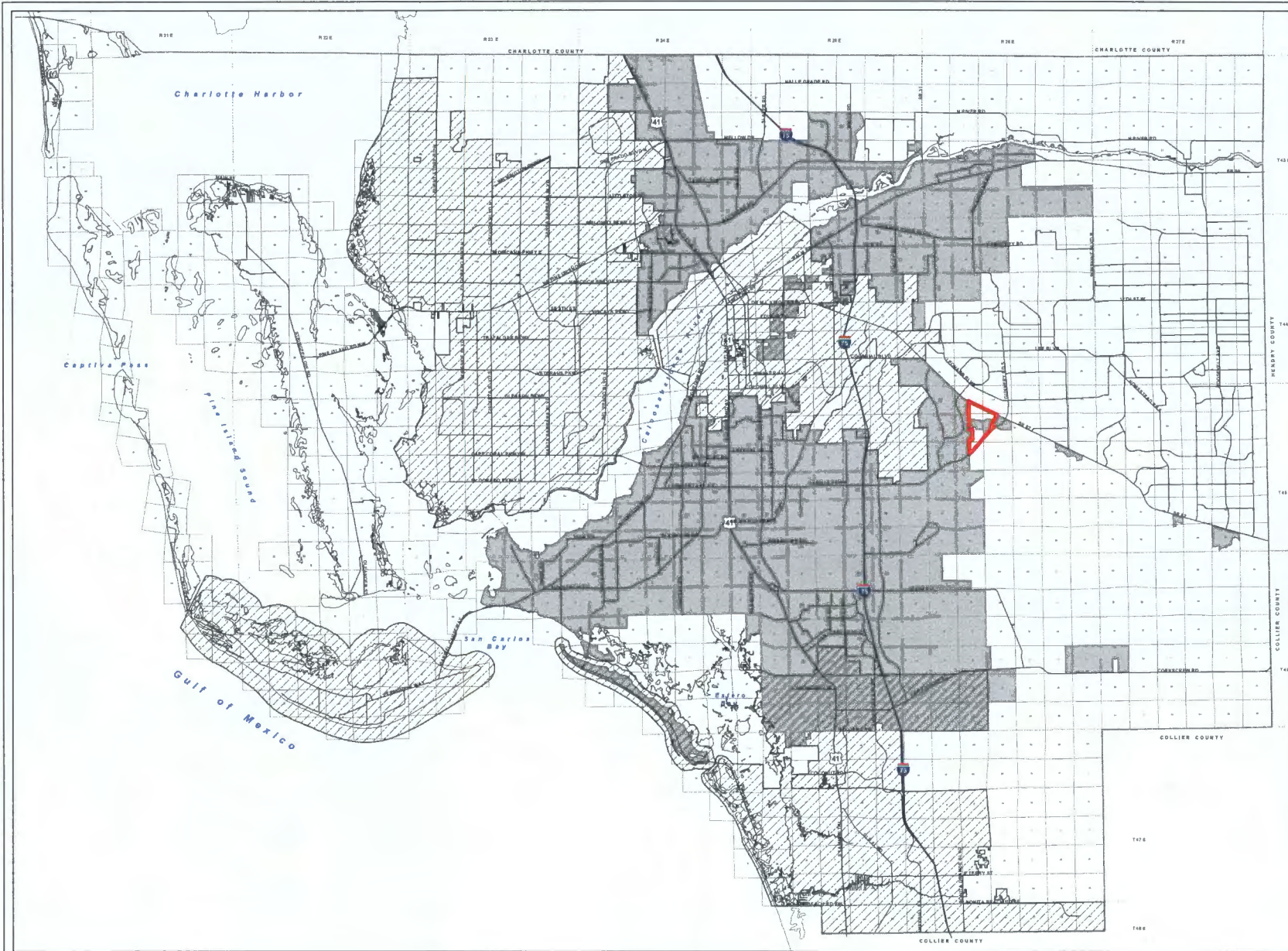
CPA2016-00007
TIMBER CREEK

-  Extend the existing service area to cover subject property





Map Generated: March 2017
Produced By: DCI/Division of Planning
City Limits current to date of map generation
Adopted by Ord. No. 89-02, 1/31/1989
Amended by Ord. Nos. 00-22, 03-19, 10-06, 10-40, 10-43
12-24, 13-16, 14-21, 15-13, 15-14

Lee Plan Map 6



LEE COUNTY UTILITIES FUTURE SEWER SERVICE AREAS

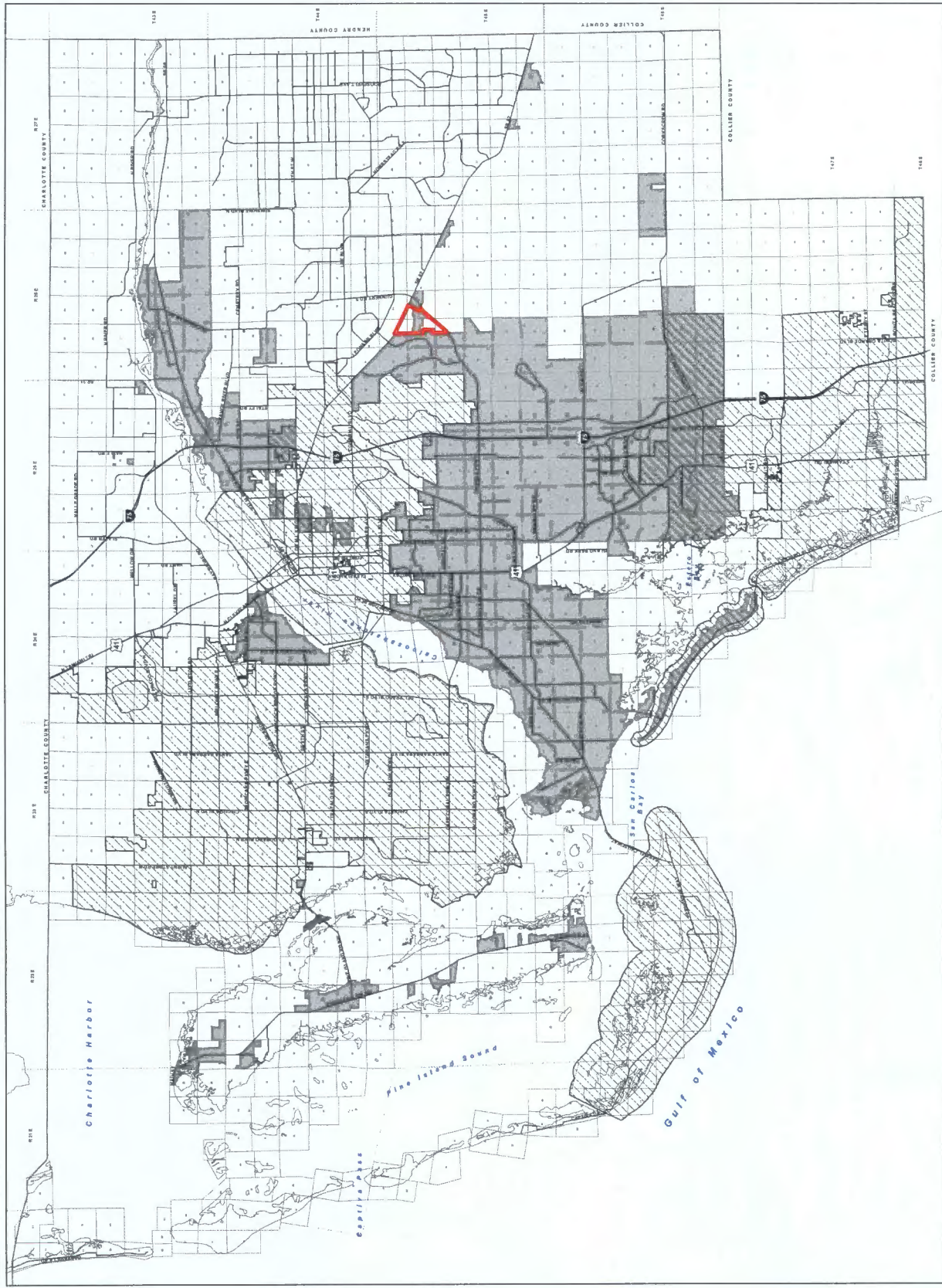
- Legend**
-  City Limits
 -  Future Sewer Service Areas

**CPA2016-00007
TIMBER CREEK**
Extend the existing service area to cover subject property








Map Generated: March, 2017
 Produced By: DCD/Division of Planning
 City Limits current to date of map generation
 Adopted by Ord. No. 00-05, 1/31/1989
 Amended by Ord. No. 00-22, 03-18, 10-07, 10-40, 10-43, 11-13, 12-24, 14-21, 15-13, 15-14

Lee Plan Map 7




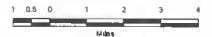
FUTURE LIMEROCK MINING OVERLAY

Legend

-  Southeast Lee County
-  Future Limerock Mining
-  County Line
-  Major Roads
-  City Limits

CPA2016-00007 TIMBER CREEK

-  Remove from Southeast Lee County



Map Generated: March 2017
City Limits current to date of map generation

Adopted By Ord. No. 90-43, 9/6/90
Amended By Ord. Nos. 10-20, 10-43

Lee Plan Map 14



LEE COUNTY PLANNING COMMUNITIES

Year 2030


Planning Communities

- 1. Northeast Lee County
- 2. Boca Grande
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
- 6. Cape Coral
- 7. Captiva
- 8. Fort Myers
- 9. Fort Myers Beach
- 10. Gateway/Airport
- 11. Daniels Parkway
- 12. Iona/McGregor
- 13. San Carlos
- 14. Sanibel
- 15. South Fort Myers
- 16. Pine Island
- 17. Lehigh Acres
- 18. Southeast Lee County
- 19. North Fort Myers
- 20. Buckingham
- 21. Estero
- 22. Bayshore

 City Limits

The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2030.

CPA2016-00007 TIMBER CREEK

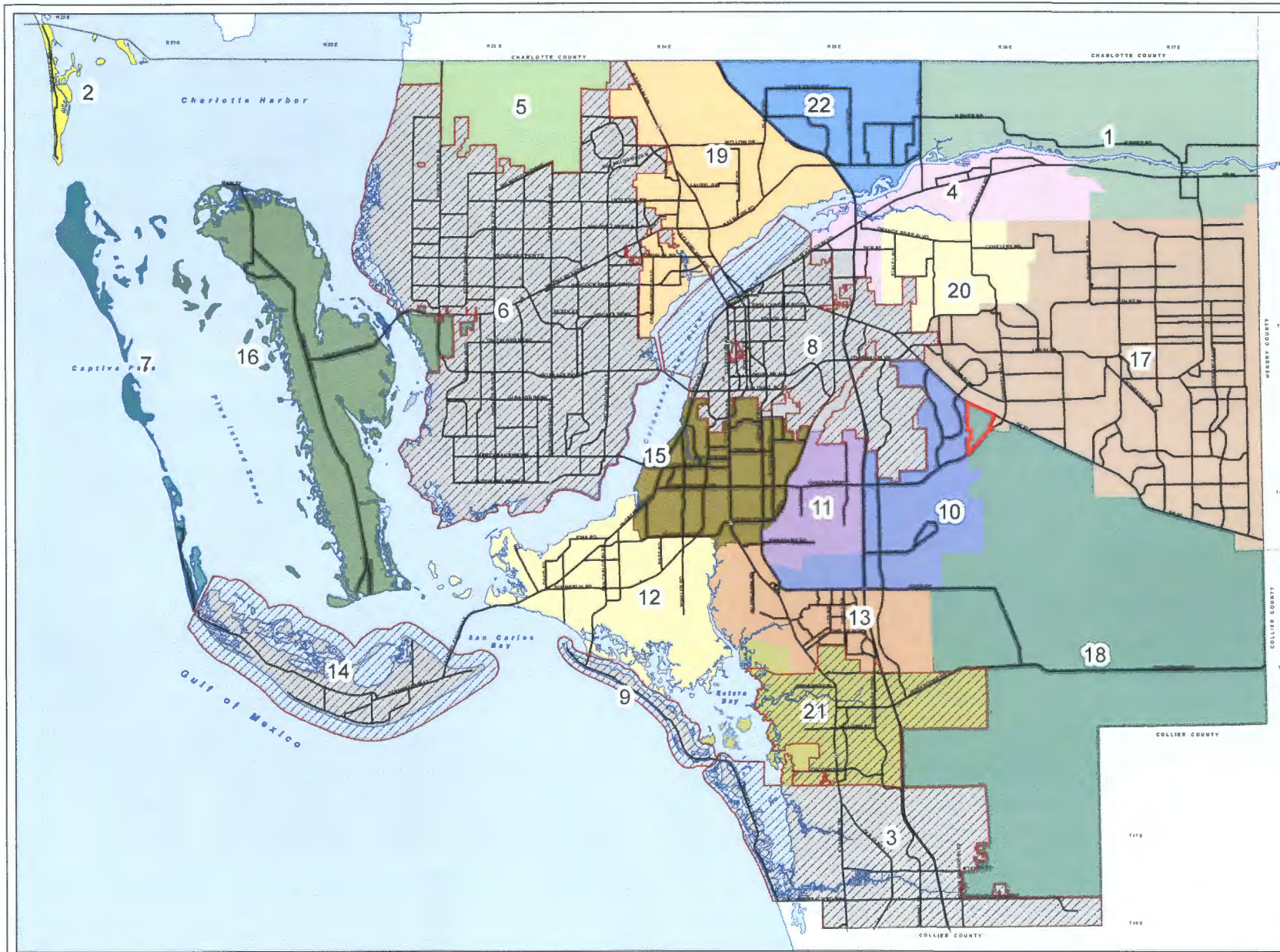
 Add to Gateway/Airport
Planning Community

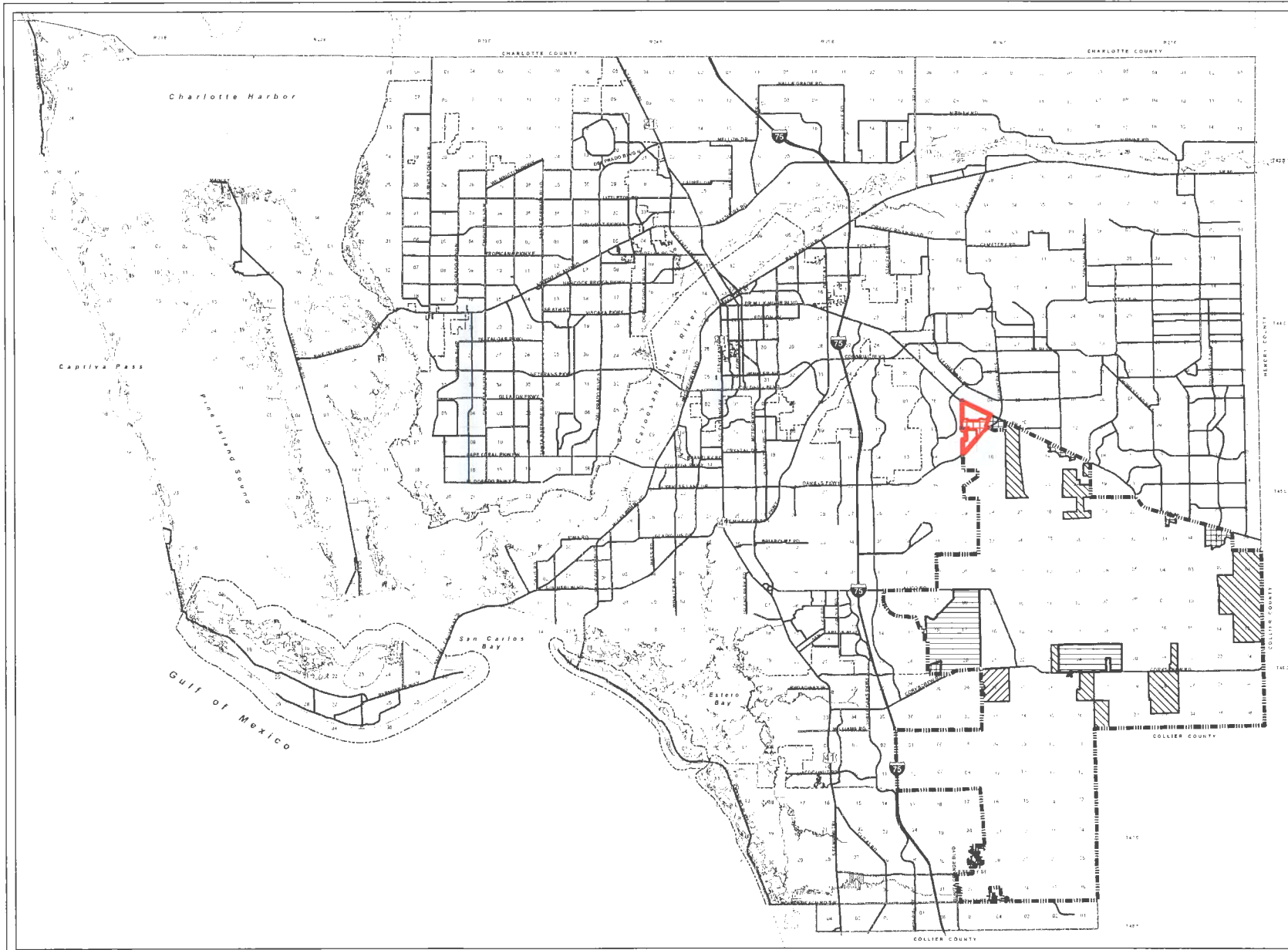


Map Generated: March 2017
City Limits current to date of map generation

Adopted by Ord. No. 88-08, 6/3/1988
Amended by Ord. Nos. 02-02, 07-08, 07-13, 10-15,
10-16, 10-40, 11-14

Lee Plan Map 16





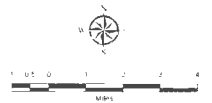
SOUTHEAST DR/GR RESIDENTIAL OVERLAY

Legend

- Southeast Lee County
- Existing Acreage Subd.
- Mixed-Use Community
- Rural Golf Course Community
- Improved Residential Community
- Environmental Enhancement and Preservation Community
- County Line
- Section Lines
- Major Roads
- Minor Roads
- City Limits

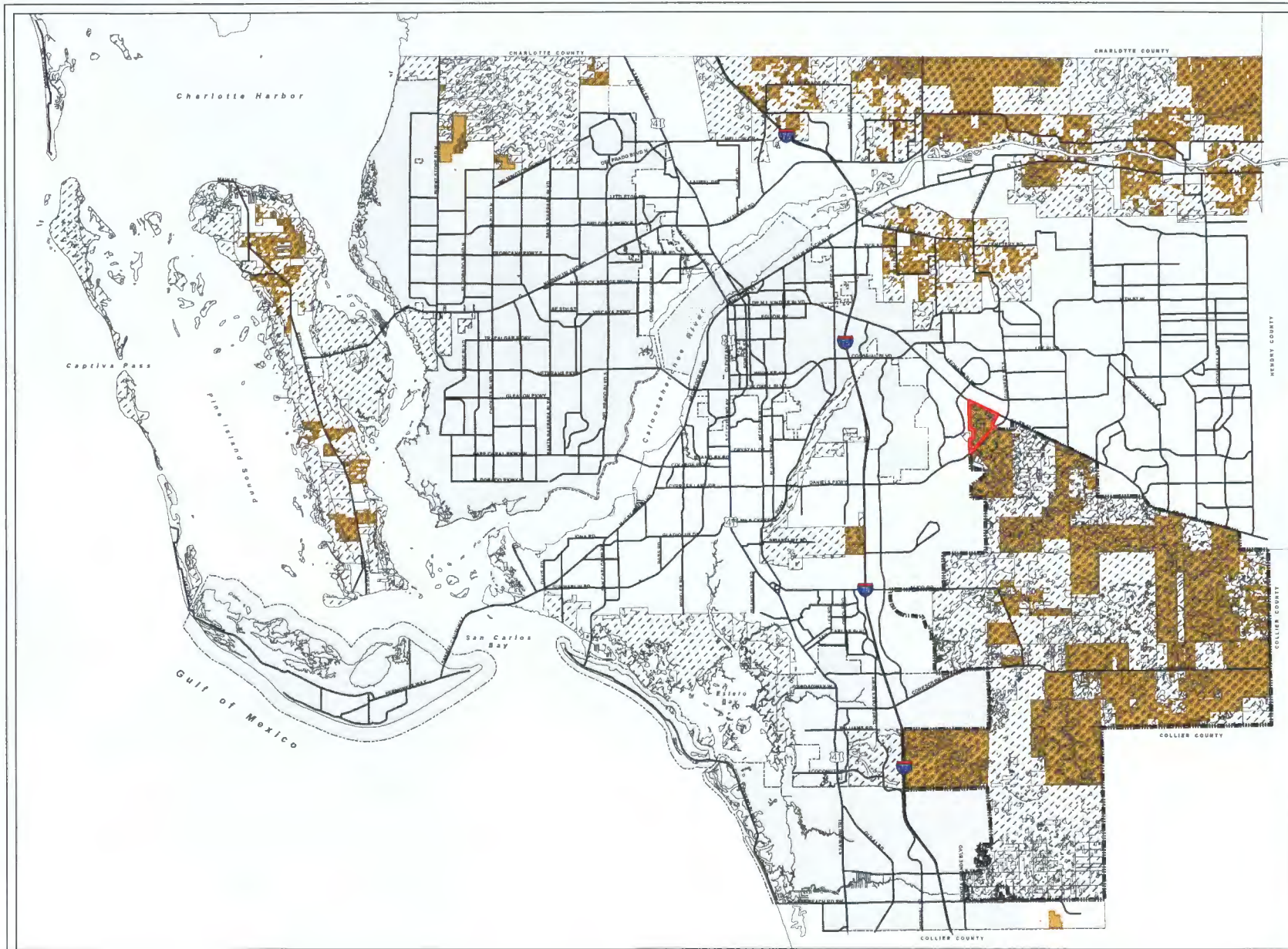
CPA2016-00007 TIMBER CREEK

- Remove from Overlay
- Remove from Southeast Lee County



Map Generated March 2017
 City Limits current to date of map generation
 Adopted By Ords 10-19, 10-21 (3/3/10), & 10-43 (11/1/10)
 Amended By Ord 12-24, 14-21, 15-13, 15-14

Lee Plan Map 17



CONTIGUOUS AGRICULTURAL PARCELS OVER 100 ACRES IN NON-URBAN FUTURE LAND USE CATEGORIES

LEGEND

- City Limits
- Southeast Lee County
- Major Roads
- Minor Roads
- Agricultural Overlay**
- Agricultural Areas
- Non-Urban Area

**CPA2016-00007
TIMBER CREEK**

- Remove from Southeast Lee County




Map Generated: March 2017
City Limits current to date of map generation.

Adopted By Ord. No. 04-30, 11/1/04
Amended By Ord. Nos. 03-04, 10-20, 10-43


Lee Plan Map 20

Historic Surface and Groundwater Levels

LEGEND

-  Southeast Lee County
-  County Line
-  Section Lines
-  Major Roads
-  Minor Roads
-  City Limits

CPA2016-00007
TIMBER CREEK

 Remove from Southeast Lee County



Map Generated: March 2017
City Limits current to date of map generation

Adopted by Ord. No. 10-43, 11/1/2010

Lee Plan Map 25

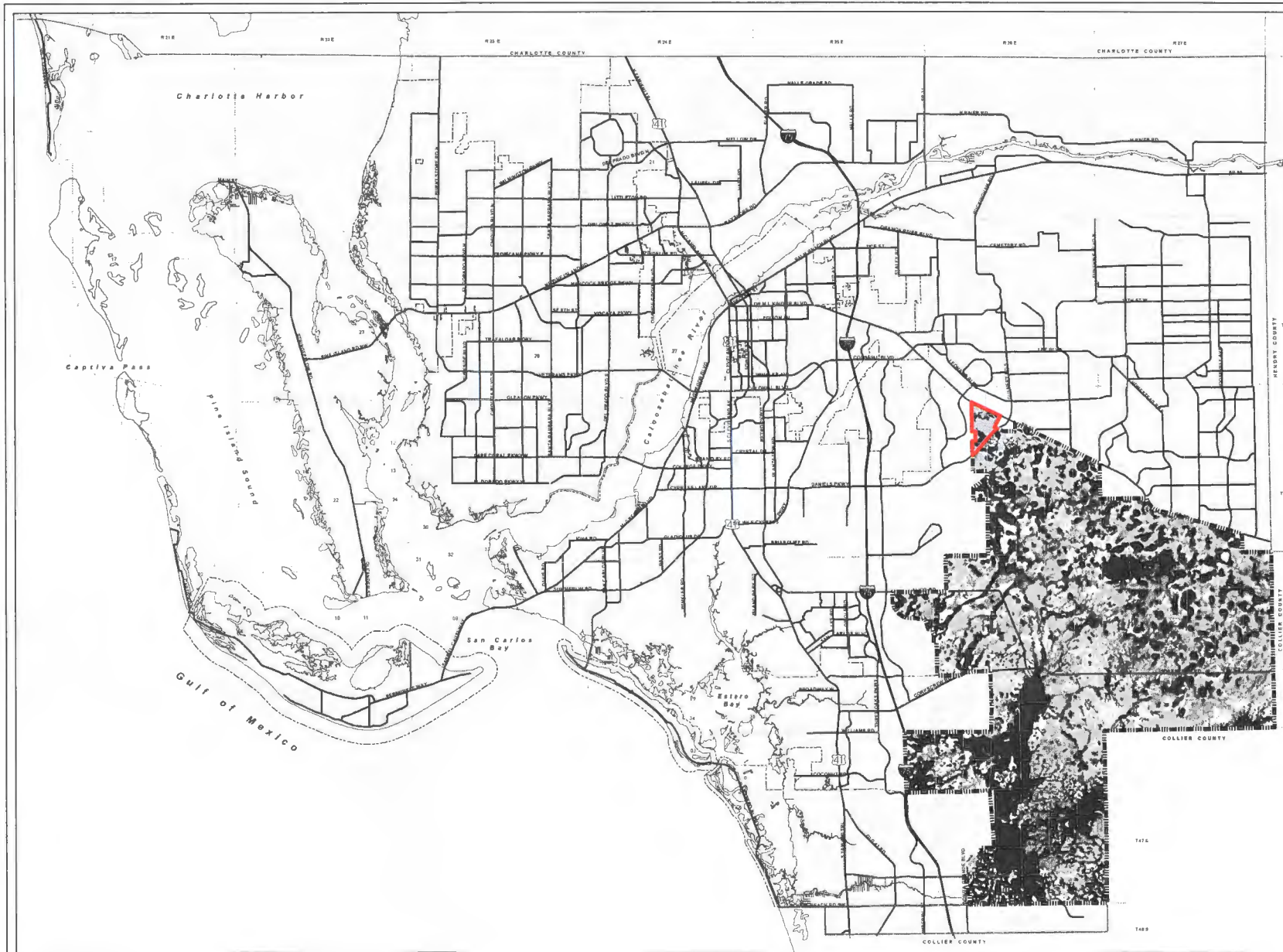


TABLE 1(b)
Year 2030 Allocation

Future Land Use Category	Lee County Totals		Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport		Daniels Parkway
	Existing	Proposed										Existing	Proposed	
Intensive Development	<u>1,376</u>	<u>1,376</u>				20		27		250				
Central Urban	<u>14,766</u>	<u>14,766</u>				225				230				
Urban Community	<u>18,084</u>	<u>17,621</u>	520	485		637						<u>250</u>	<u>250</u>	
Suburban	<u>16,623</u>	<u>16,623</u>				1,810				85				
Outlying Suburban	<u>3,957</u>	<u>3,957</u>	30			40	20	2	500					1,552
Sub-Outlying Suburban	<u>1,548</u>	<u>1,775</u>				367							<u>227</u>	
Commercial														
Industrial	<u>79</u>	<u>79</u>								39		<u>20</u>	<u>20</u>	
Public Facilities	<u>1</u>	<u>1</u>							1					
University Community	<u>850</u>	<u>850</u>												
Destination Resort Mixed Use Water Dependent	<u>8</u>	<u>8</u>												
Burnt Store Marina Village	<u>4</u>	<u>4</u>					4							
Industrial Interchange														
General Interchange	<u>125</u>	<u>125</u>										<u>44</u>	<u>11</u>	32
General Commercial Interchange														
Industrial Commercial Interchange														
University Village Interchange														
Mixed Use Interchange														
New Community	<u>900</u>	<u>900</u>										<u>900</u>	<u>900</u>	
Airport														
Tradeport	<u>9</u>	<u>9</u>										<u>9</u>	<u>9</u>	
Rural	<u>8,313</u>	<u>8,313</u>	1,948			1,400	636							1,500
Rural Community Preserve	<u>3,100</u>	<u>3,100</u>												
Coastal Rural	<u>1,300</u>	<u>1,300</u>												
Outer Island	<u>202</u>	<u>202</u>	5			1			150					
Open Lands	<u>2,805</u>	<u>2,805</u>	250				590							120
Density Reduction/ Groundwater Resource	<u>6,905</u>	<u>6,905</u>	711									<u>94</u>	<u>94</u>	
Conservation Lands Upland														
Wetlands														
Conservation Lands Wetland														
Unincorporated County Total Residential	<u>80,955</u>	<u>80,719</u>	3,464	485		4,500	1,250	29	651	604		1,284	1,511	3,204
Commercial	<u>12,793</u>	<u>12,793</u>	57	52		400	50	17	125	150		<u>4,100</u>	<u>1,100</u>	440
Industrial	<u>13,801</u>	<u>13,801</u>	26	3		400	5	26		300		<u>3,100</u>	<u>3,100</u>	10
Non Regulatory Allocations														
Public	<u>82,343</u>	<u>82,565</u>	7,100	421		2,000	7,000	20	1,961	350		<u>7,500</u>	<u>7,752</u>	2,477
Active AG	<u>17,027</u>	<u>17,027</u>	5,100			550	150							20
Passive AG	<u>45,585</u>	<u>45,106</u>	13,549			2,500	109					<u>1,241</u>	<u>1,241</u>	20
Conservation	<u>81,933</u>	<u>81,933</u>	2,214	611		1,142	3,236	133	1,603	748		<u>2,798</u>	<u>2,947</u>	1,733
Vacant	<u>22,768</u>	<u>23,231</u>	1,953			226	931	34		45		<u>300</u>	<u>300</u>	63
Total	<u>357,175</u>	<u>357,175</u>	33,463	1,572		11,718	12,731	259	4,340	2,197		<u>17,323</u>	<u>17,951</u>	7,967
Population Distribution (unincorporated Lee County)	<u>495,000</u>	<u>495,000</u>	5,090	1,531		30,861	3,270	225	530	5,744		<u>15,115</u>	<u>18,332</u>	16,375

TABLE 1(b)
Year 2030 Allocation

Future Land Use Category	Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres		Southeast Lee County		North Fort Myers	Buckingham	Estero	Bayshore
						Existing	Proposed	Existing	Proposed				
Intensive Development				660	3	42	42			365		9	
Central Urban	375	17		3,140		8,179	<u>8,179</u>			2,600			
Urban Community	850	1,000		860	500	12,422	<u>11,959</u>				110	450	
Suburban	2,488	1,975		1,200	675					6,690		1,700	
Outlying Suburban	377				600					382		454	
Sub-Outlying Suburban		25								140	66		950
Commercial													
Industrial	5	5		10									
Public Facilities													
University Community		850											
Destination Resort Mixed Use Water Dependent	8												
Burnt Store Marina Village													
Industrial Interchange													
General Interchange								45	15	31		6	30
General Commercial Interchange													
Industrial Commercial Interchange													
University Village Interchange													
Mixed Use Interchange													
New Community													
Airport													
Tradeport													
Rural		90			190	14	14			500	50	635	1,350
Rural Community Preserve											3,100		
Coastal Rural					1,300								
Outer Island	1				45								
Open Lands										45			1,800
Density Reduction/ Groundwater Resource								4,000	4,000				2,100
Conservation Lands Upland													
Wetlands													
Conservation Lands Wetland													
Unincorporated County Total Residential	4,104	3,962		5,870	3,313	20,657	<u>20,194</u>	4,015	<u>4,015</u>	10,753	3,326	3,254	6,230
Commercial	1,100	1,944		2,100	226	4,420	<u>1,420</u>	68	<u>68</u>	1,687	18	1,700	139
Industrial	320	450		900	64	300	<u>300</u>	7,246	<u>7,246</u>	554	5	87	5
Non Regulatory Allocations													
Public	3,550	3,059		3,500	2,100	45,289	<u>15,289</u>	42,000	<u>12,000</u>	4,000	1,486	7,000	1,500
Active AG					2,400			7,171	<u>7,171</u>	200	411	125	900
Passive AG					815			18,000	<u>17,521</u>	1,532	3,619	200	4,000
Conservation	9,306	2,969		188	14,767	4,541	<u>1,541</u>	34,359	<u>31,210</u>	1,317	336	5,068	864
Vacant	975	594		309	3,781	8,697	<u>9,160</u>	470	<u>470</u>	2,060	1,000	800	530
Total	19,355	12,978		12,867	27,466	47,904	<u>47,904</u>	80,329	<u>79,701</u>	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)	34,538	36,963		58,363	13,265	160,405	<u>157,188</u>	1,270	<u>1,270</u>	71,001	6,117	25,577	8,760



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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 21, 2017

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

Attention: Ms. Melissa Butler

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 17-23, which was filed in this office on December 21, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb