

LEE COUNTY ORDINANCE NO. 19-25
Old Corkscrew Commercial
CPA2018-10008

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE OLD CORKSCREW COMMERCIAL (CPA2018-10008) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on April 22, 2019; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on May 22, 2019. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Old Corkscrew Commercial (CPA2018-10008) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the May 22, 2019 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on December 18, 2019, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Old Corkscrew Commercial Ordinance (CPA2018-10008)."**

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 Lee Plan Goal 13 and Lee Plan Maps 6 and 7, known as Old Corkscrew Commercial (CPA2018-10008).

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

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: MODIFICATION

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

SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held

unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

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

SECTION EIGHT: EFFECTIVE DATE

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

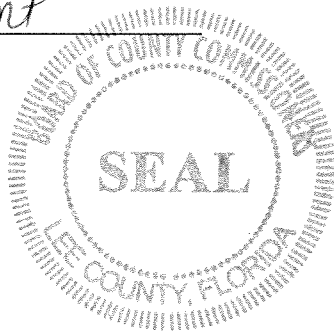
THE FOREGOING ORDINANCE was offered by Commissioner Pendergrass, who moved its adoption. The motion was seconded by Commissioner Manning. The vote was as follows:

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

DONE AND ADOPTED this 18th day of December 2019.

ATTEST:
LINDA DOGGETT, CLERK
LEE COUNTY CLERK OF COURTS

BY: Missy Flint
Deputy Clerk



LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Brian Hamman
Brian Hamman, Chair

DATE: 12/18/19

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Missy Flint
County Attorney's Office

Exhibit A: Adopted revisions to Goal 13, Lee Plan Maps 6 and 7
(Adopted by BOCC December 18, 2019)

EXHIBIT A

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

TEXT AMENDMENTS:

POLICY 6.1.2: Commercial development in non-urban future land use categories is limited to Minor Commercial except that:

- Neighborhood Commercial uses serving the Lee County Civic Center are permitted within one quarter mile of SR31 between North River Road and the Caloosahatchee River in the North Olga Community Planning Area ~~and, Neighborhood Commercial~~ may be expanded to Community Commercial when approved as part of a planned development that is located at the intersection of two arterial roadways and has direct access to, or the ability to extend, existing water and sanitary sewer utilities.
- Neighborhood Commercial uses are permitted in the Southeast Lee County Planning Community as provided for in Objective 13.3.

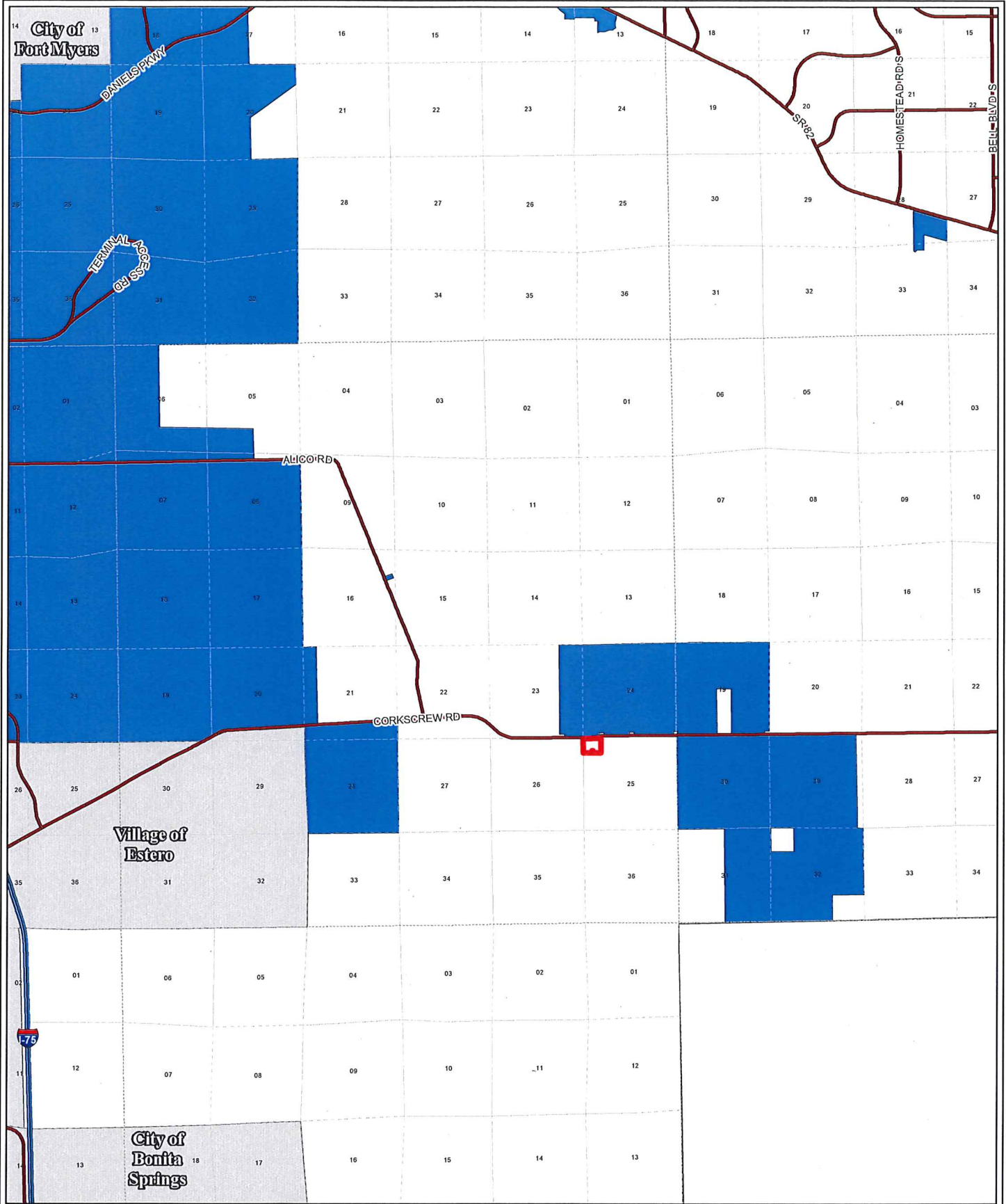
Remainder of policy remains unchanged.

~~**POLICY 13.2.9:** Private Recreational Facilities within the DR/GR may only be located in the areas depicted on the Private Recreational Facilities Map, Map 4. (Ordinance No. 99-16, 10-43, 18-18)~~ **COMMERCIAL USES.** Commercial uses may be permitted within Private Recreational Facility Planned Development as provided in Policy 13.3.9 when ancillary or in conjunction with Private Recreation Facilities.



POLICY 13.3.9: DENSITY/INTENSITY LIMITATIONS. ~~Proposed uses~~ Uses in a PRFPD are subject to the following limitations:

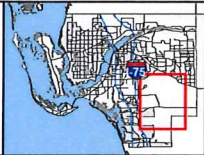
Clubhouse/Administrative Area:	20,000 SF/18 hole golf course.
Golf Course Restrooms:	Not to exceed two structures per 18 hole golf course, limited to 150 SF per structure.
Maintenance Area:	Not to exceed 25,000 SF of enclosed or semi-enclosed building area, on a maximum of 5 acres of land per 18 hole golf course.
Fractional Ownership/Time-share Units:	The maximum allowable units will be calculated based on 1 du/10 acres for the entire area of the PRFPD. All timeshare/fractional ownership units must be transferred in accordance with Policy 33.3.3(1).
Bed and Breakfast Establishments:	The maximum number of Bed and Breakfast establishments will be limited to 1 per every 18 holes of golf. Bedrooms within a Bed and Breakfast establishment will be limited to a maximum of 7 per unit, with a maximum of two adult occupants per bedroom.
Horse Stable:	40,000 SF of stable building/10 acres.
Camping Restrooms:	1 toilet per four camp units, clustered in structures not to exceed 500 SF per structure. 1 shower per 4 toilets.
Camping Area Office:	1,000 SF per campground.
<u>Commercial Uses:</u>	<u>Limited to neighborhood commercial development with uses that are in compliance with the Wellfield Protection Ordinance without any exemptions¹. Total commercial gross floor area for the entire area of the PRFPD may not exceed 100,000 square feet, not including clubhouse square footage.</u>

1. No uses that would require the storage of any toxic, hazardous substances as identified in the Wellfield Protection Ordinance or sanitary hazards may be permitted.



Legend

-  Extend the existing service area to cover subject property
-  Future Water Service Areas

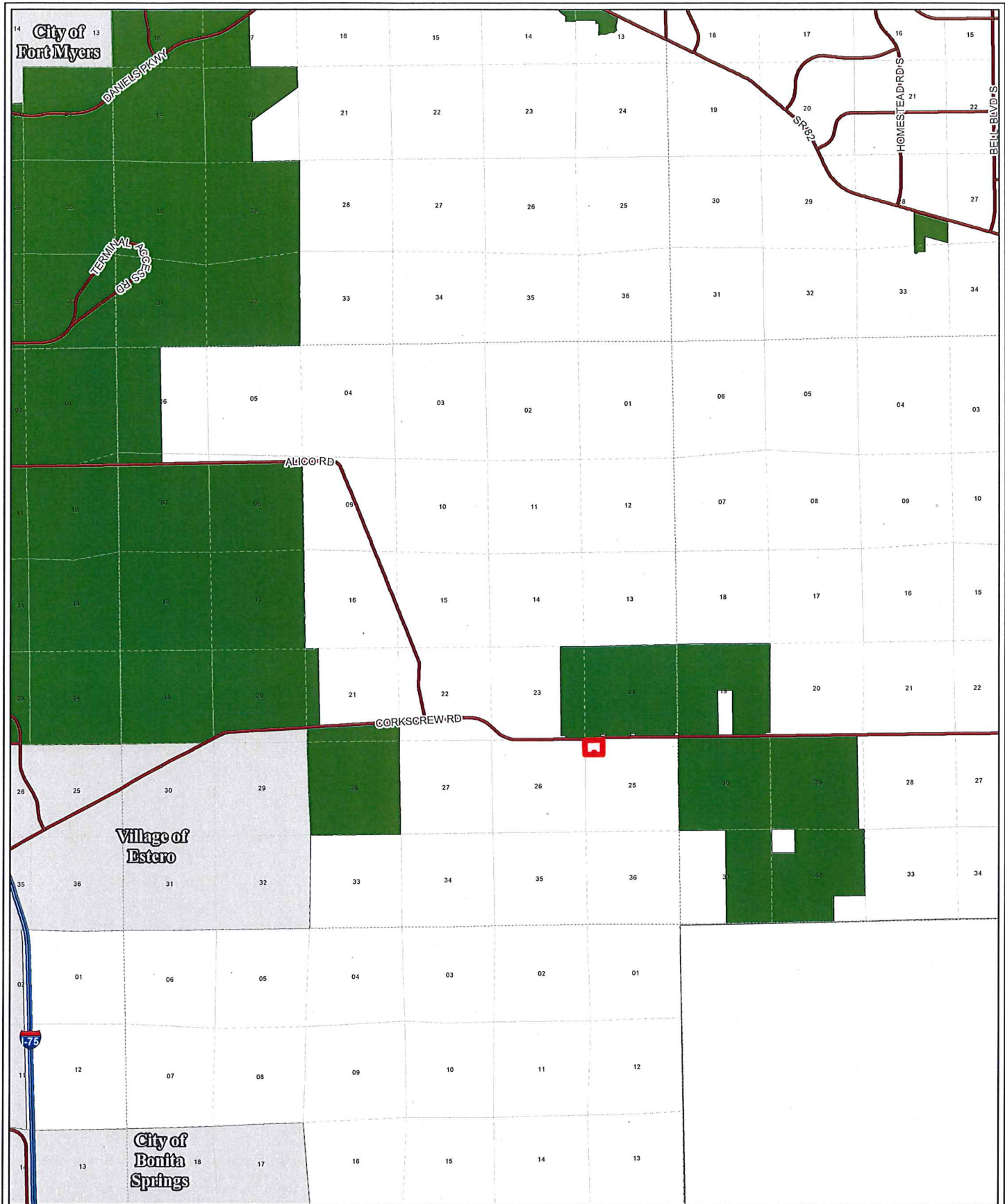


CPA2018-10008 - Old Corkscrew Commercial



MAP 6 PROPOSED LEE COUNTY FUTURE WATER SERVICE AREAS

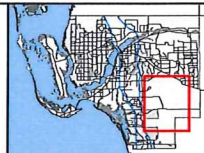


Map Generated April 2019



Legend

-  Extend the existing service area to cover subject property
-  Future Sewer Service Areas



CPA2018-10008 - Old Corkscrew Commercial
MAP 7 PROPOSED LEE COUNTY
FUTURE SEWER SERVICE AREAS



Map Generated April 2019



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 18, 2019

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

Attn: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 19-25, which was filed in this office on December 18, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb