

**LEE COUNTY ORDINANCE NO. 16-13**

Lee Plan Map Amendments  
(CPA2016-00002)

**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 LEE PLAN MAP AMENDMENTS (CPA2016-00002) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAPS; 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 April 25, 2016; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 8, 2016. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Lee Plan Map Amendments (CPA2016-00002) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the June 8, 2016 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on August 17, 2016, 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 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 "Lee Plan Map Amendments Ordinance (CPA2016-00002)."**

## 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 the Lee Plan to incorporate updates to four Lee Plan Maps. The maps proposed for amendment include Map 3E: Airports, Seaports, Railways and Waterways; Map 3J: Evacuation Routes; Map 5: Coastal High Hazard Area; and Map 10 General Soils Map. known as Lee Plan Map Amendments (CPA2016-00002).

The corresponding Staff Reports and Analysis, along with all attachments 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 or her 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 Hamman, who moved its adoption. The motion was seconded by Commissioner Pendergrass. The vote was as follows:

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

DONE AND ADOPTED this 17<sup>th</sup> day of August, 2016.

ATTEST:  
LINDA DOGETT, CLERK

BY: Michelle Miller  
Deputy Clerk

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: Franklin B. Mann  
Franklin B. Mann, Chair



DATE: 8/17/2016

Approved as to Form for the  
Reliance of Lee County Only

[Signature]  
County Attorney's Office

- Exhibit A: Adopted revisions to Map 3E, Airports, Seaports, Railways and Waterways
- Exhibit B: Adopted revisions to Map 3J, Evacuation Routes
- Exhibit C: Adopted revisions to Map 5, Coastal High Hazard Area
- Exhibit D: Adopted revisions to Map 10, General Soils Map

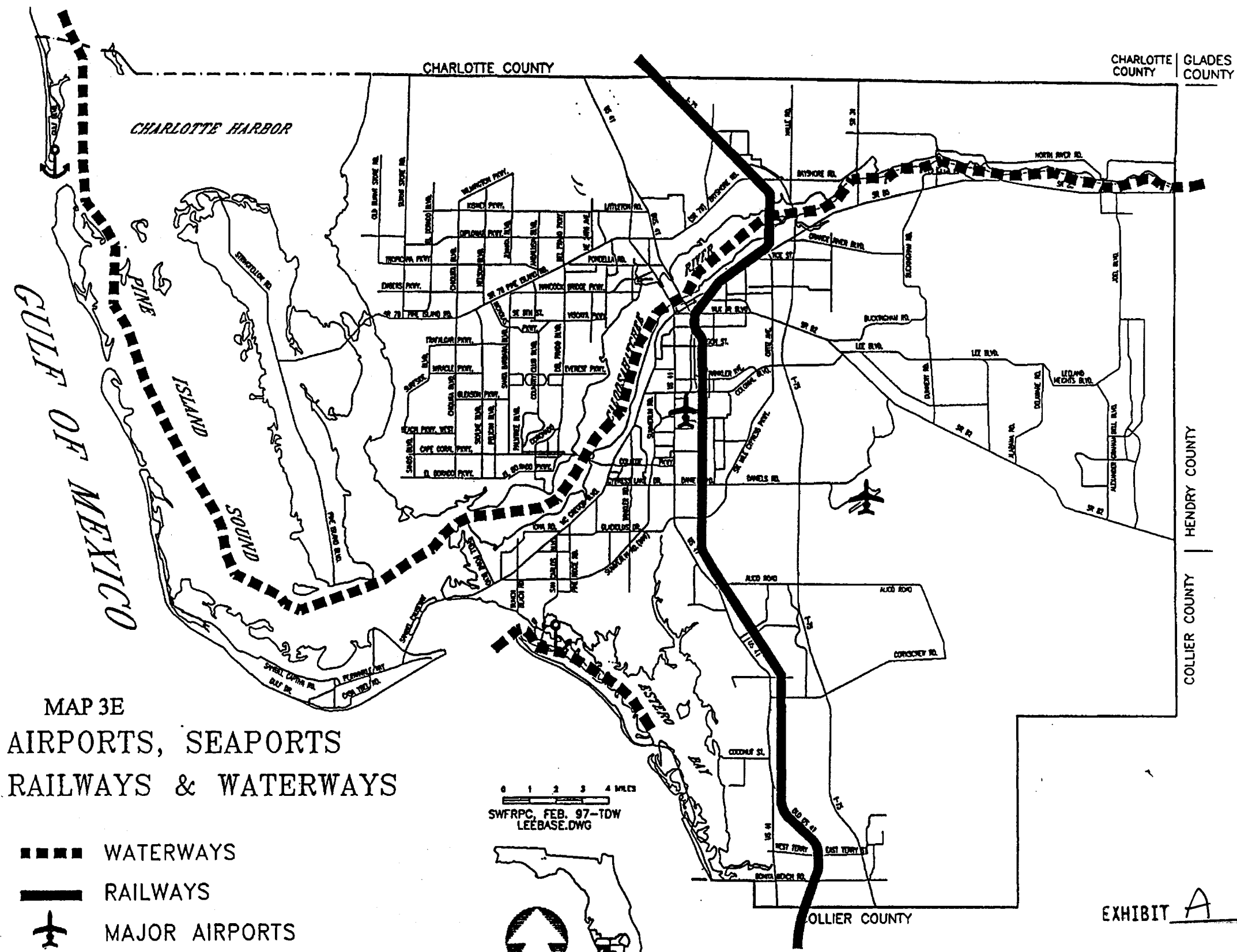
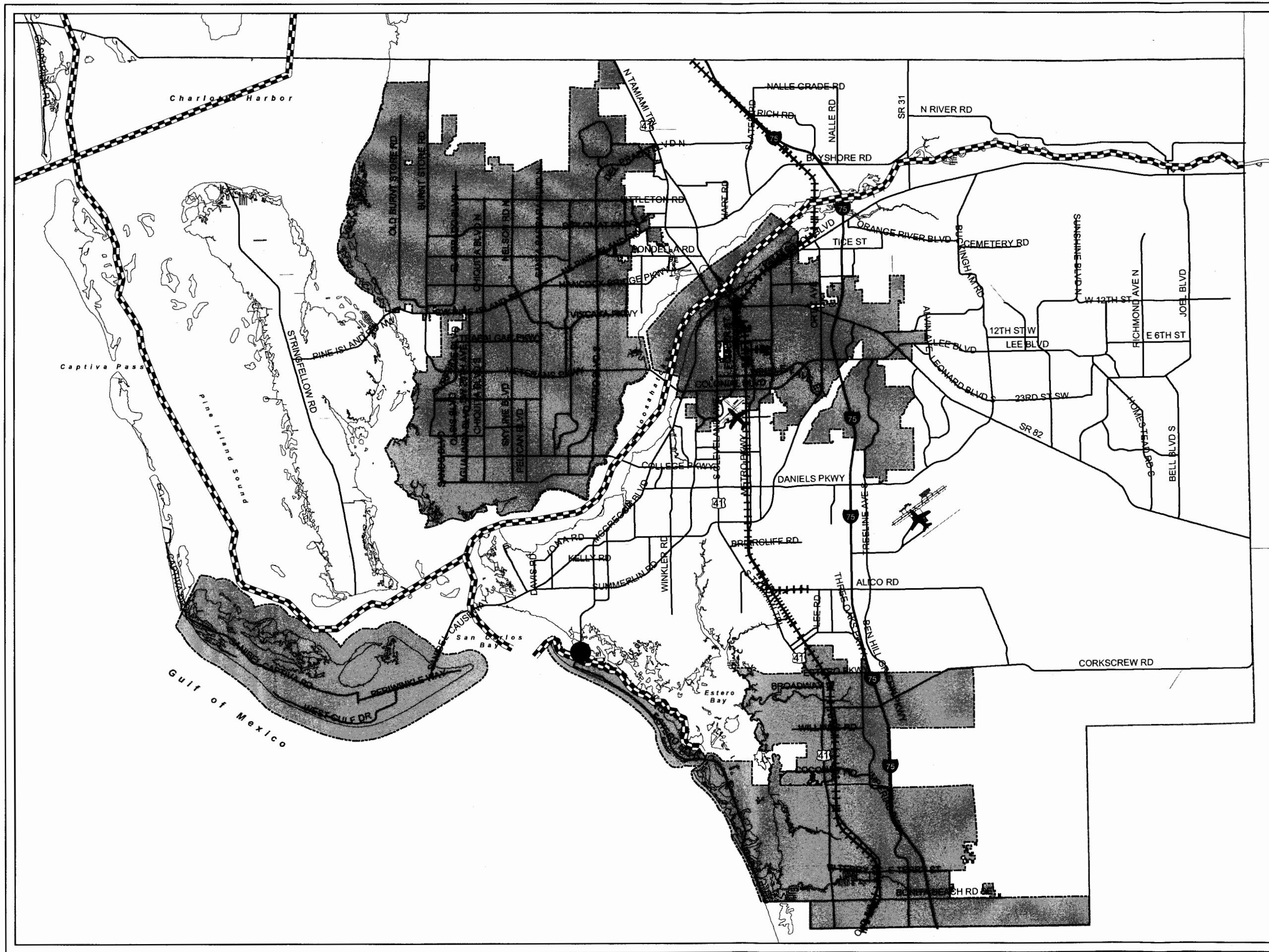


EXHIBIT A  
**EXISTING**

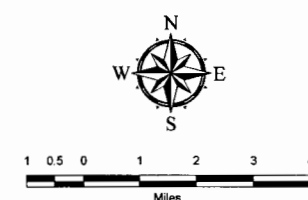


# AIRPORTS, SEAPORTS, RAILWAYS & WATERWAYS

## LEGEND

- MAJOR AIRPORTS
- MAJOR SEAPORTS
- WATERWAYS
- RAILWAYS
- County Line
- Major Roads
- City Limits

EXHIBIT A  
PROPOSED



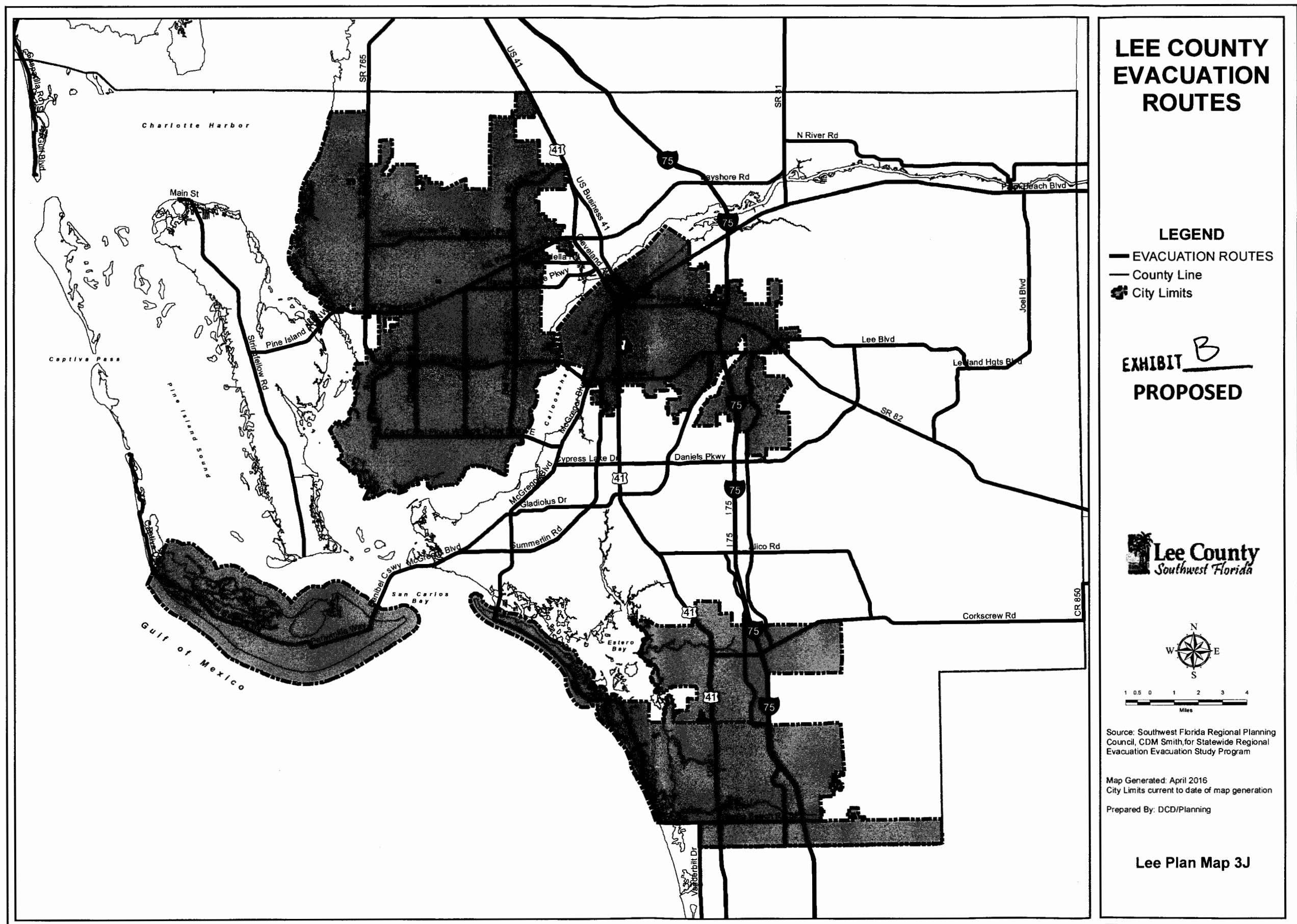
Waterway Sources:  
The National Waterway Network,  
The National Oceanic and Atmospheric Administration  
(NOAA), and  
Town of Fort Myers Beach Channel Marker data  
Compiled by Lee County DCD/Planning

Map Generated: July 2016  
City Limits current to date of map generation

Lee Plan Map 3E









# LEE COUNTY COASTAL HIGH HAZARD AREA (CHHA)

## Legend


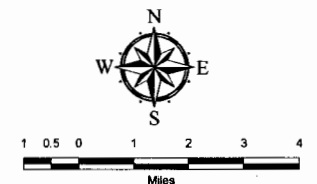
-  City Limits
-  Coastal High Hazard Area

EXHIBIT C  
EXISTING

 **LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

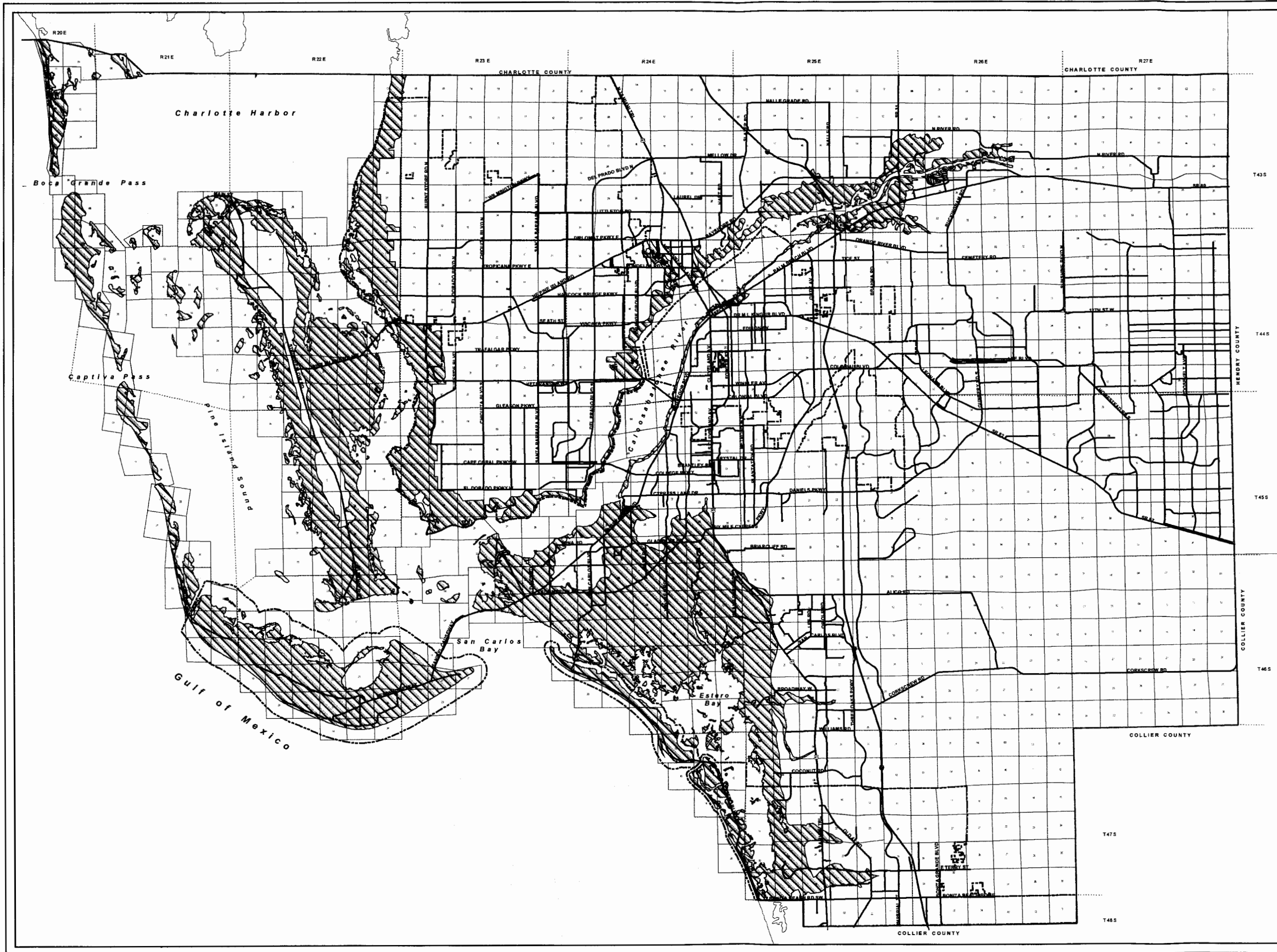


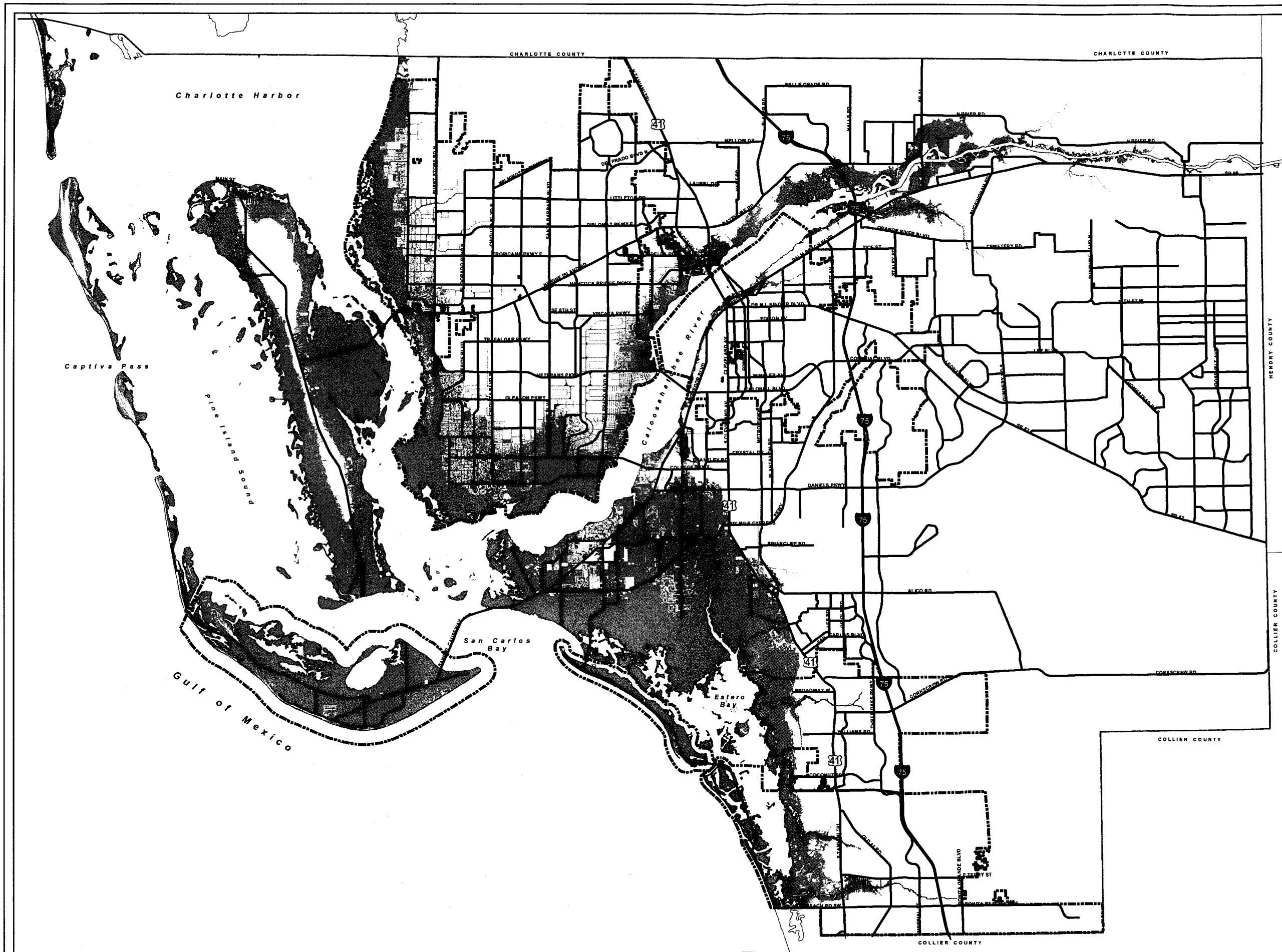
Source: SLOSH Model  
(Sea, Lake, and Overland Surges from Hurricanes)  
Run by Southwest Florida Regional Planning Council

Map Generated: May 2009  
City Limits current to date of map generation

Last Amended: May 15, 2009  
Amended by Ordinance No. 09-17

Lee Plan Map 5



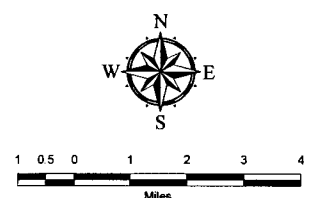


# LEE COUNTY COASTAL HIGH HAZARD AREA (CHHA)

## LEGEND

- County Line
- Major Roads
- Minor Roads
- Coastal High Hazard Area
- ⊞ City Limits

EXHIBIT C  
**PROPOSED**



Source: 2010 Evacuation Study  
Florida Statewide Regional Evacuation Study  
Storm Tide Atlas for Lee County

Map Generated: April 2016  
City Limits current to date of map generation

Amended By Ord. No. 09-17

**Lee Plan Map 5**

Prepared By: Lee County Department of Community Development/Planning

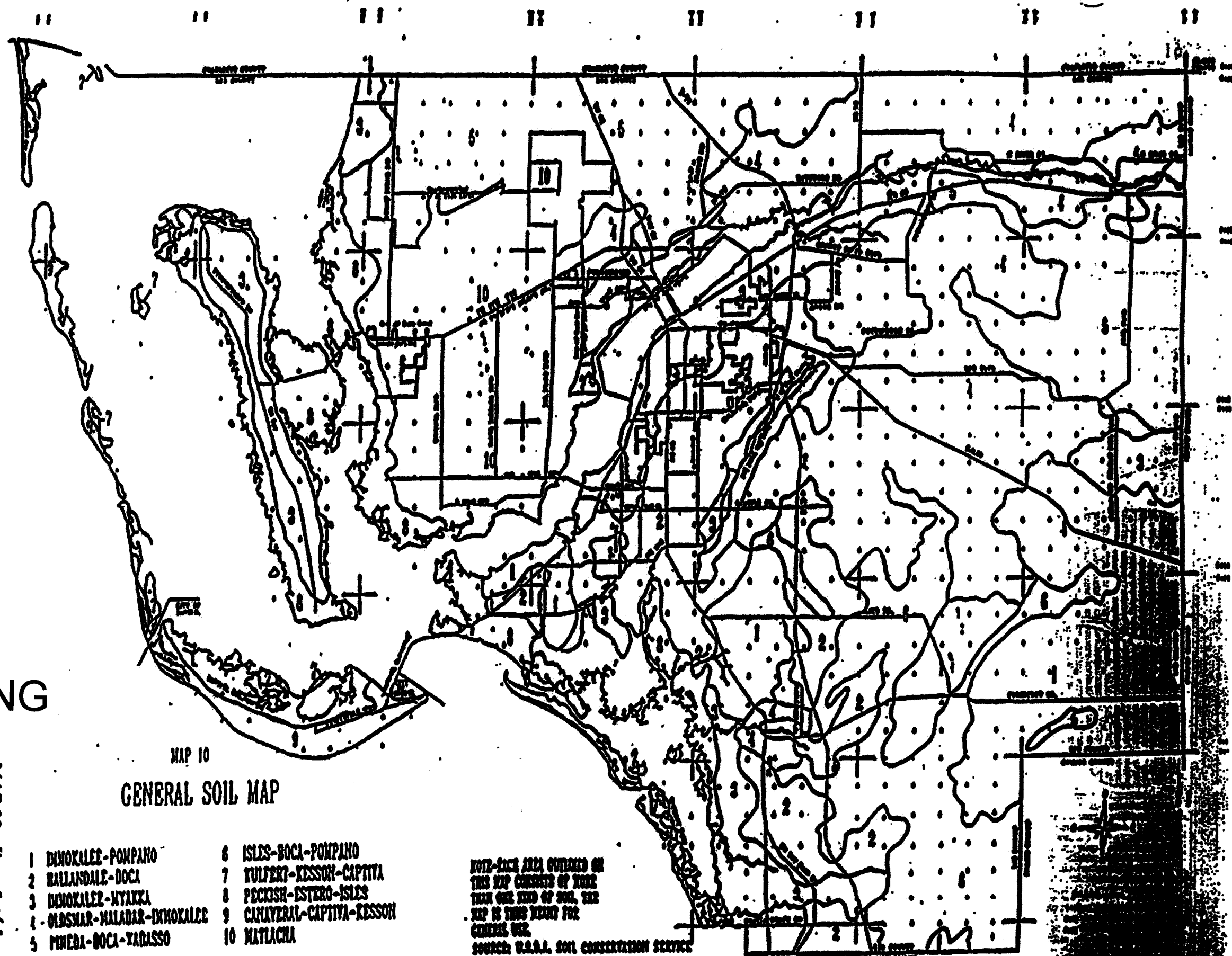
EXHIBIT D  
EXISTING

MAP 10 - Page 1 of 1

MAP 10  
GENERAL SOIL MAP

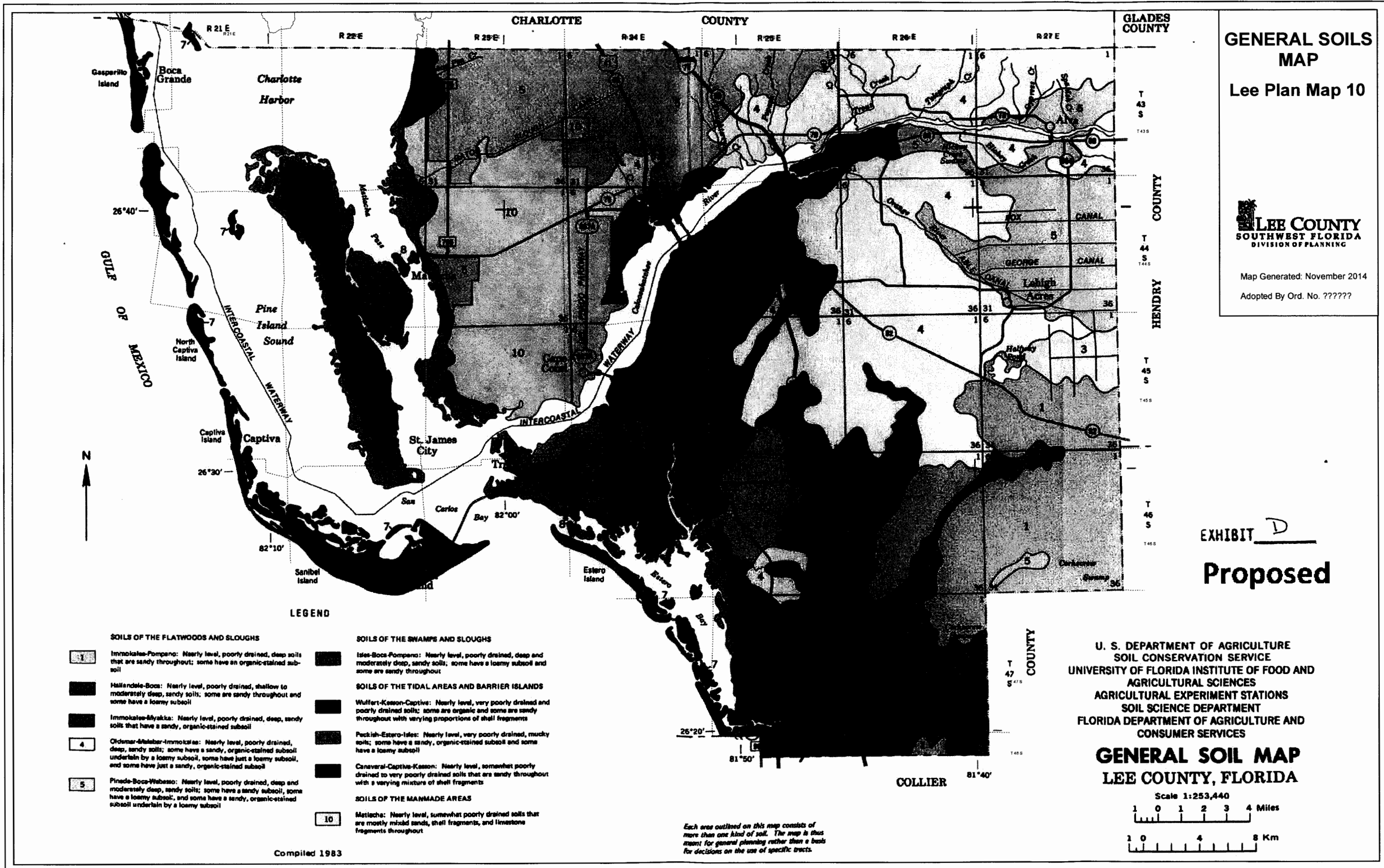
- |                             |                           |
|-----------------------------|---------------------------|
| 1 DYNOKALEE-POMPANO         | 6 ISLES-BOCA-POMPANO      |
| 2 HALLANDALE-BOCA           | 7 KULFERT-KESSON-CAPTIVA  |
| 3 DYNOKALEE-MYAKKA          | 8 PECKISH-ESTERO-ISLES    |
| 4 OLDSMAR-HALADAR-DYNOKALEE | 9 CANAVIAL-CAPTIVA-KESSON |
| 5 PINEDA-BOCA-YADASSO       | 10 MATLACHA               |

NOTE: AREA OUTLINED ON  
THIS MAP CONSISTS OF THOSE  
THAT ARE USED FOR  
GENERAL USE.  
SOURCE: U.S.A. SOIL CONSERVATION SERVICE



AS MAP 10  
JANUARY 1960







## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

August 19, 2016

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

Attention: Michelle Miller

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 16-13, which was filed in this office on August 19, 2016.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**RECEIVED**

By mmmiller at 9:56 am, Aug 19, 2016