

LEE COUNTY ORDINANCE NO. 19-14
(Portico)
(CPA2018-00004)

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 PORTICO (CPA2018-00004) 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 December 17, 2018; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on February 6, 2019. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Portico (CPA2018-00004) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the February 6, 2019 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on August 7, 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 "Portico Ordinance (CPA2018-00004)."**

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 future land use designation and Lee Plan Table 1(b), known as Portico (CPA2018-00004).

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 Sandelli. The vote was as follows:

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

DONE AND ADOPTED this 7th day of August 2019.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Missy Flint
Deputy Clerk

BY: Brian Hamman
Brian Hamman, Vice Chair



DATE: 08/08/19

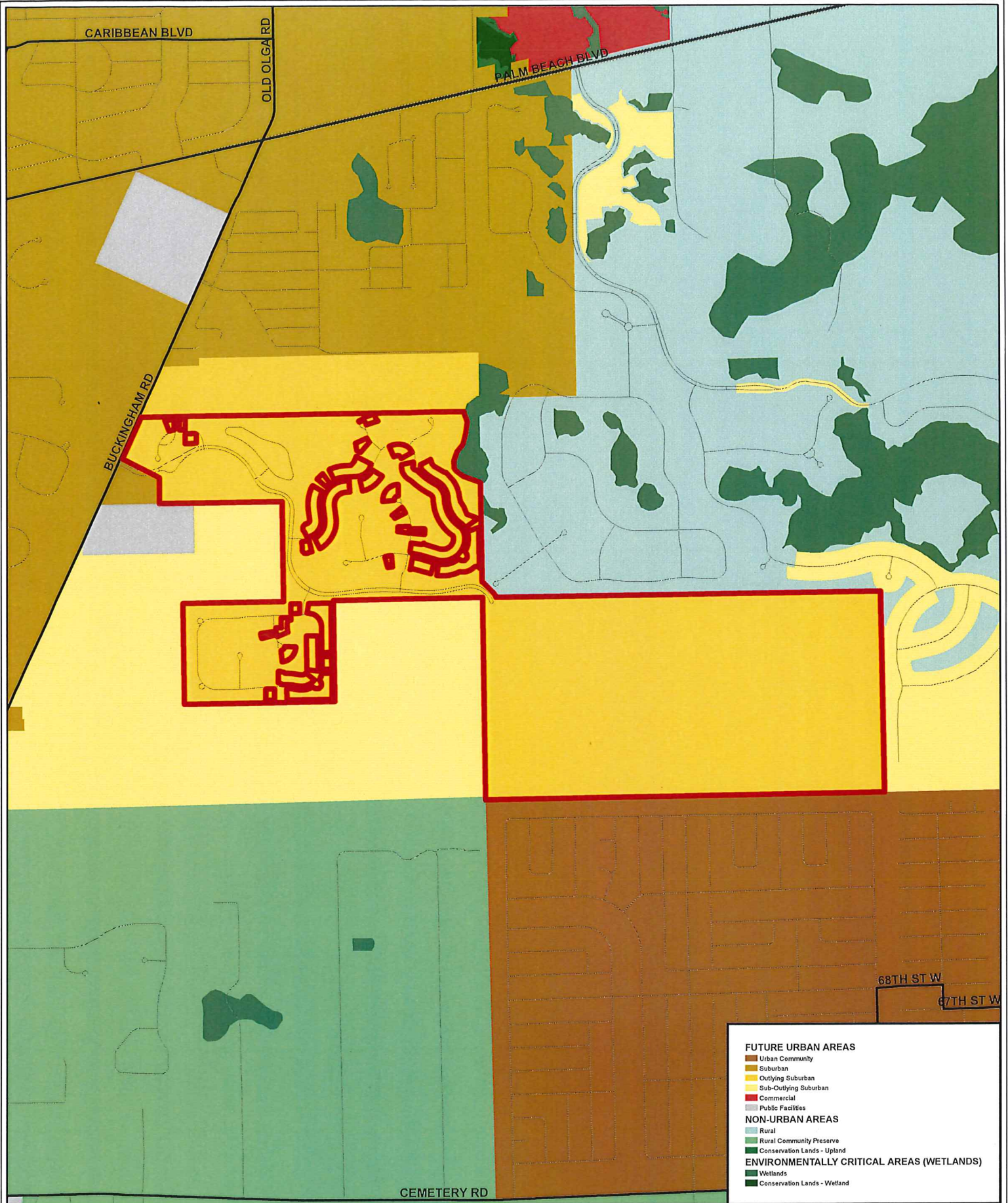
APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Misj
County Attorney's Office

Exhibit A: Adopted revisions to Future Land Use Map and Table 1(b)
(Adopted by BOCC August 7, 2019)

EXHIBIT A

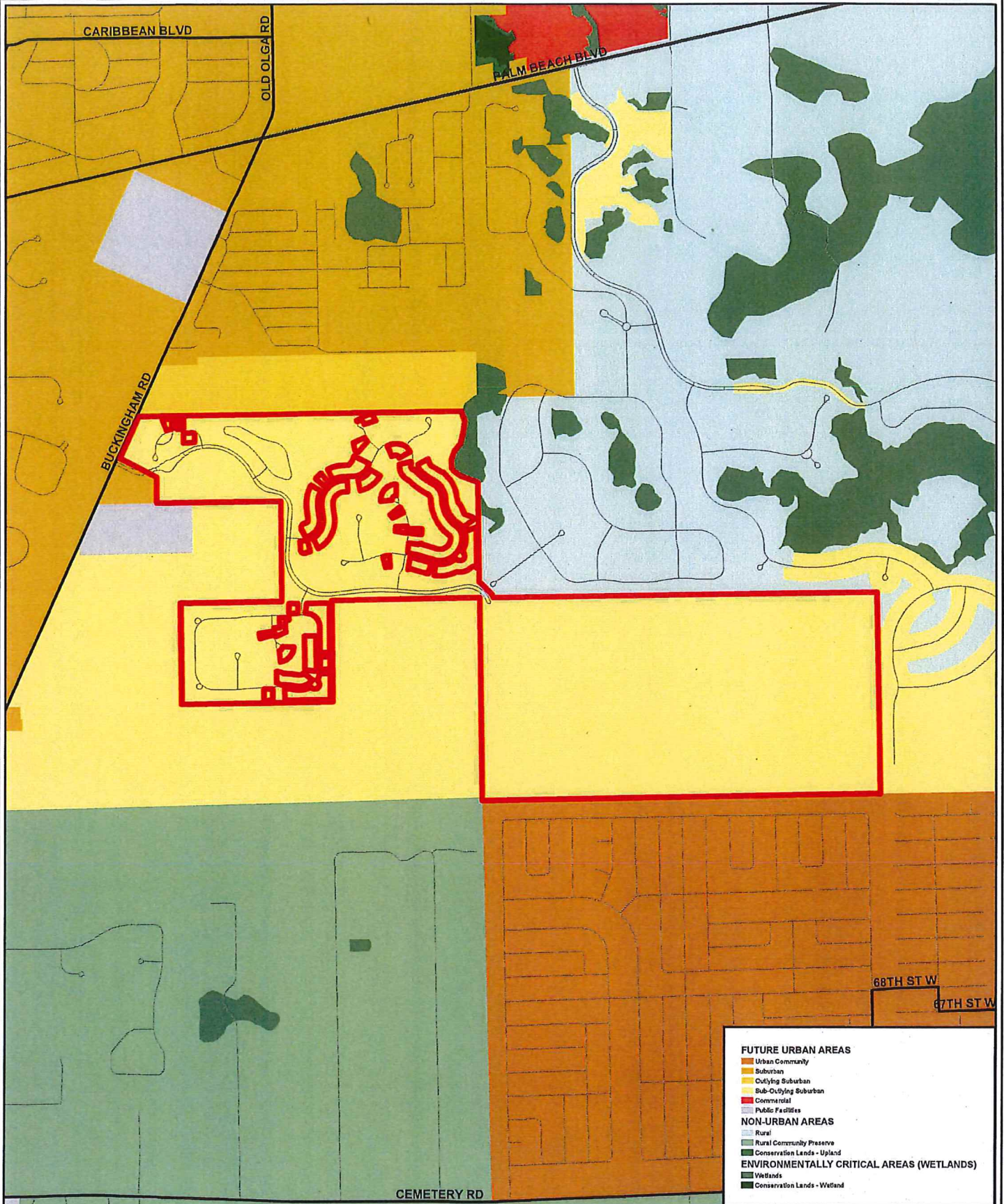
Note: Text depicted with underscore represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.



FUTURE URBAN AREAS	
[Brown Box]	Urban Community
[Gold Box]	Suburban
[Yellow Box]	Outlying Suburban
[Light Yellow Box]	Sub-Outlying Suburban
[Red Box]	Commercial
[Light Blue Box]	Public Facilities
NON-URBAN AREAS	
[Light Blue Box]	Rural
[Light Green Box]	Rural Community Preserve
[Dark Green Box]	Conservation Lands - Upland
[Medium Green Box]	Wetlands
[Dark Green Box]	Conservation Lands - Wetland

0 500 1,000 2,000 3,000
Feet
Map Generated February 2019

CPA2018-00004 - Portico
PROPOSED LEE PLAN
FUTURE LAND USE MAP



FUTURE URBAN AREAS

- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Public Facilities

NON-URBAN AREAS

- Rural
- Rural Community Preserve
- Conservation Lands - Upland

ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)

- Wetlands
- Conservation Lands - Wetland

Lee County
Southwest Florida

0 500 1,000 2,000 3,000
Feet

Map Generated November 2018

CPA2018-00004 - Portico
EXISTING LEE PLAN
FUTURE LAND USE MAP

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								
Residential By Future Land Use Category	Intensive Development	1,361	1,361			5	5		27		250				
	Central Urban	44,766	14,766			225	225				230				
	Urban Community	17,021	16,663	520	485	637	637						250		
	Suburban	16,623	16,623			1,810	1,810					85			
	Outlying Suburban	3,843	4,113	30		40	310	20	2	500					1,438
	Sub-Outlying Suburban	1,955	1,880			547	472							227	
	Commercial														
	Industrial	79	79									39		20	
	Public Facilities	1	1							1					
	University Community	850	850												
	Destination Resort Mixed Use Water Dependent	8	8												
	Burnt Store Marina Village	4	4					4							
	Industrial Interchange														
	General Interchange	151	151											11	58
	General Commercial Interchange														
	Industrial Commercial Interchange														
	University Village Interchange														
	Mixed Use Interchange														
	New Community	2,100	2,100	1,200										900	
	Airport														
	Tradeport	9	9											9	
	Rural	8,313	8,313	1,948			1,400	1,400	636						1,500
	Rural Community Preserve	3,100	3,100												
	Coastal Rural	1,300	1,300												
	Outer Island	202	202	5			1	1			150				
	Open Lands	2,805	2,805	250					590						120
	Density Reduction/ Groundwater Resource	6,905	6,905	711										94	
Conservation Lands Upland															
Wetlands															
Conservation Lands Wetland															
Unincorporated County Total Residential	81,396	81,233	4,664	485		4,665	4,860	1,250	29	651	604		1,511	3,116	
Commercial	12,793	12,793	177	52		400	400	50	17	125	150		1,100	440	
Industrial	13,801	13,801	26	3		400	400	5	26		300		3,100	10	
Non Regulatory Allocations															
Public	82,565	82,565	7,100	421		2,000	2,000	7,000	20	1,961	350		7,752	2,477	
Active AG	17,027	17,027	5,100			550	550	150						20	
Passive AG	43,786	43,591	12,229			2,500	2,305	109					1,241	20	
Conservation	81,933	81,933	2,214	611		1,142	1,142	3,236	133	1,603	748		2,947	1,733	
Vacant	23,874	24,232	1,953			61	61	931	34		45		300	151	
Total	357,175	357,175	33,463	1,572		11,718	11,718	12,731	259	4,340	2,197		17,951	7,967	
Population Distribution (unincorporated Lee County)	495,000	495,000	9,266	1,531		30,861	33,348	3,270	225	530	5,744		18,332	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					
Intensive Development				660	3	42	42		365		9	
Central Urban	375	17		3,140		8,179	8,179		2,600			
Urban Community	850	1,000		860	500	11,359	11,001			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								15	31		6	30
General Commercial Interchange												
Industrial Commercial Interchange												
University Village Interchange												
Mixed Use Interchange												
New Community												
Airport												
Tradeport												
Rural		90			190	44	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				2,100
Conservation Lands Upland												
Wetlands												
Conservation Lands Wetland												
Unincorporated County Total Residential	4,104	3,962		5,870	3,313	19,594	19,236	4,015	10,753	3,326	3,254	6,230
Commercial	1,100	1,944		2,100	226	1,300	1,300	68	1,687	18	1,700	139
Industrial	320	450		900	64	300	300	7,246	554	5	87	5
Non Regulatory Allocations												
Public	3,550	3,059		3,500	2,100	15,289	15,289	12,000	4,000	1,486	7,000	1,500
Active AG					2,400			7,171	200	411	125	900
Passive AG					815			17,521	1,532	3,619	200	4,000
Conservation	9,306	2,969		188	14,767	1,541	1,541	31,210	1,317	336	5,068	864
Vacant	975	594		309	3,781	9,880	10,238	470	2,060	1,000	800	530
Total	19,355	12,978		12,867	27,466	47,904	47,904	79,701	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)	34,538	36,963		58,363	13,265	153,011	150,524	1,270	71,001	6,117	25,577	8,760



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 9, 2019

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

Attention: 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. 19-14, which was filed in this office on August 9, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb