

LEE COUNTY ORDINANCE NO. 21-03

Lee County Homes
CPA2020-00001 & CPA2020-00002

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 COUNTY HOMES TEXT AND MAP AMENDMENTS (CPA2020-00001 & CPA2020-00002) 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 7, 2020; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on January 20, 2021. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Lee County Homes Text and Map Amendments (CPA2020-00001 & CPA2020-00002) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 20, 2021 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on April 7, 2021 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 "Lee County Homes Text and Map Amendments Ordinance (CPA2020-00001 & CPA2020-00002)."**

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 future land use designation from Sub-Outlying Suburban to Outlying Suburban on 345+ acres located on the east side of Buckingham Road south of Palm Beach Boulevard and amend the Lee Plan Table 1(b) to correspond with the future land use change. The amendments would allow development of up to 1,035 dwelling units known as Lee County Homes Text and Map Amendments Ordinance (CPA2020-00001 & CPA2020-00002).

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 Hamman. The vote was as follows:

Kevin Ruane	Aye
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DONE AND ADOPTED this 7th day of April 2021.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Missy Flint
Deputy Clerk



BY: [Signature]
Kevin Ruane, Chair

DATE: 04/22/21

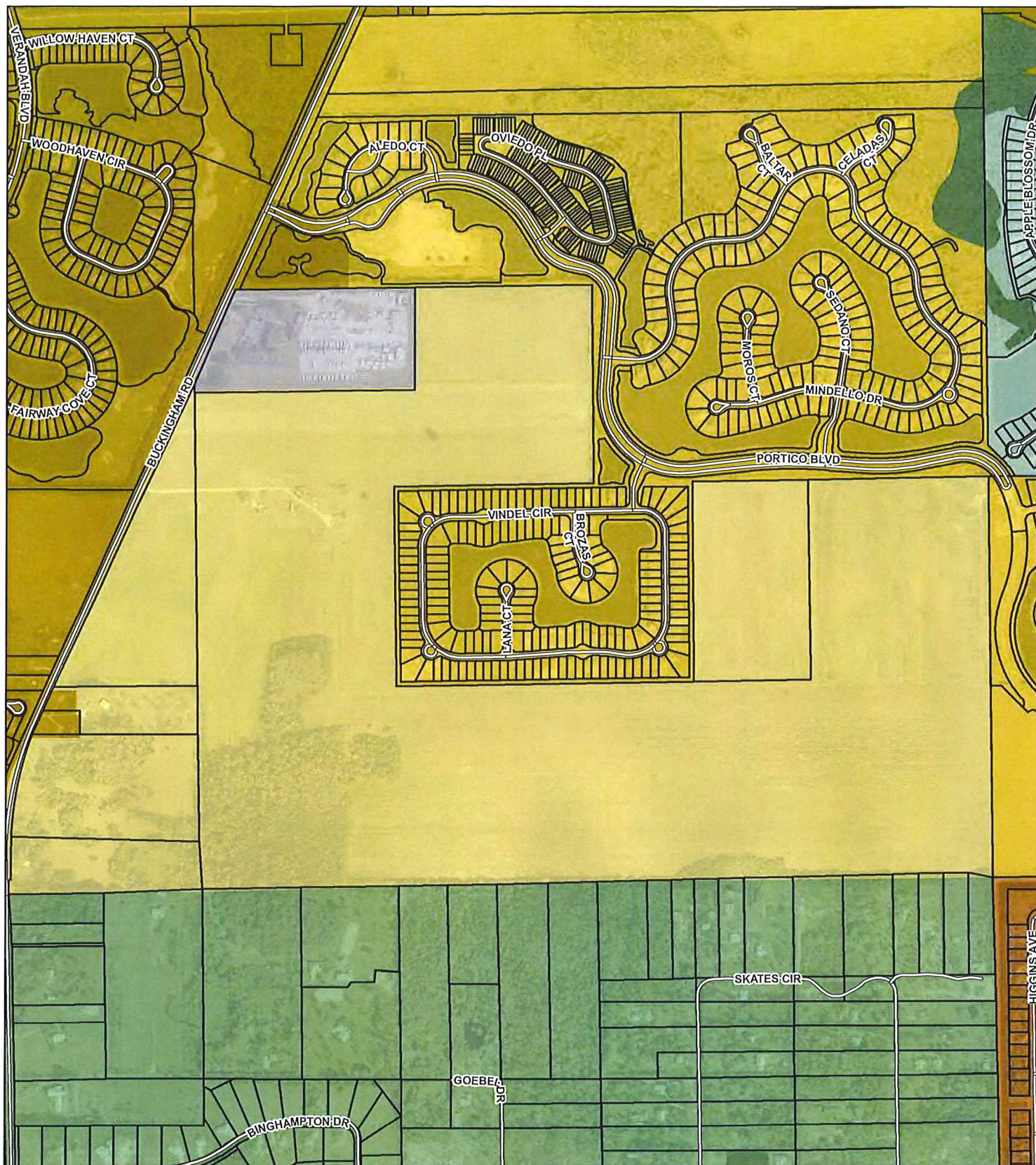
APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

[Signature]
County Attorney's Office

Exhibit A: Adopted revisions to Future Land Use Map, Table 1B (Adopted by BOCC April 7, 2021)

EXHIBIT A

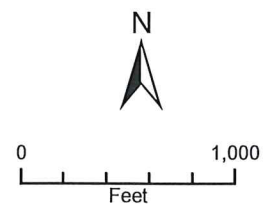
Note: Text depicted with underscore represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.

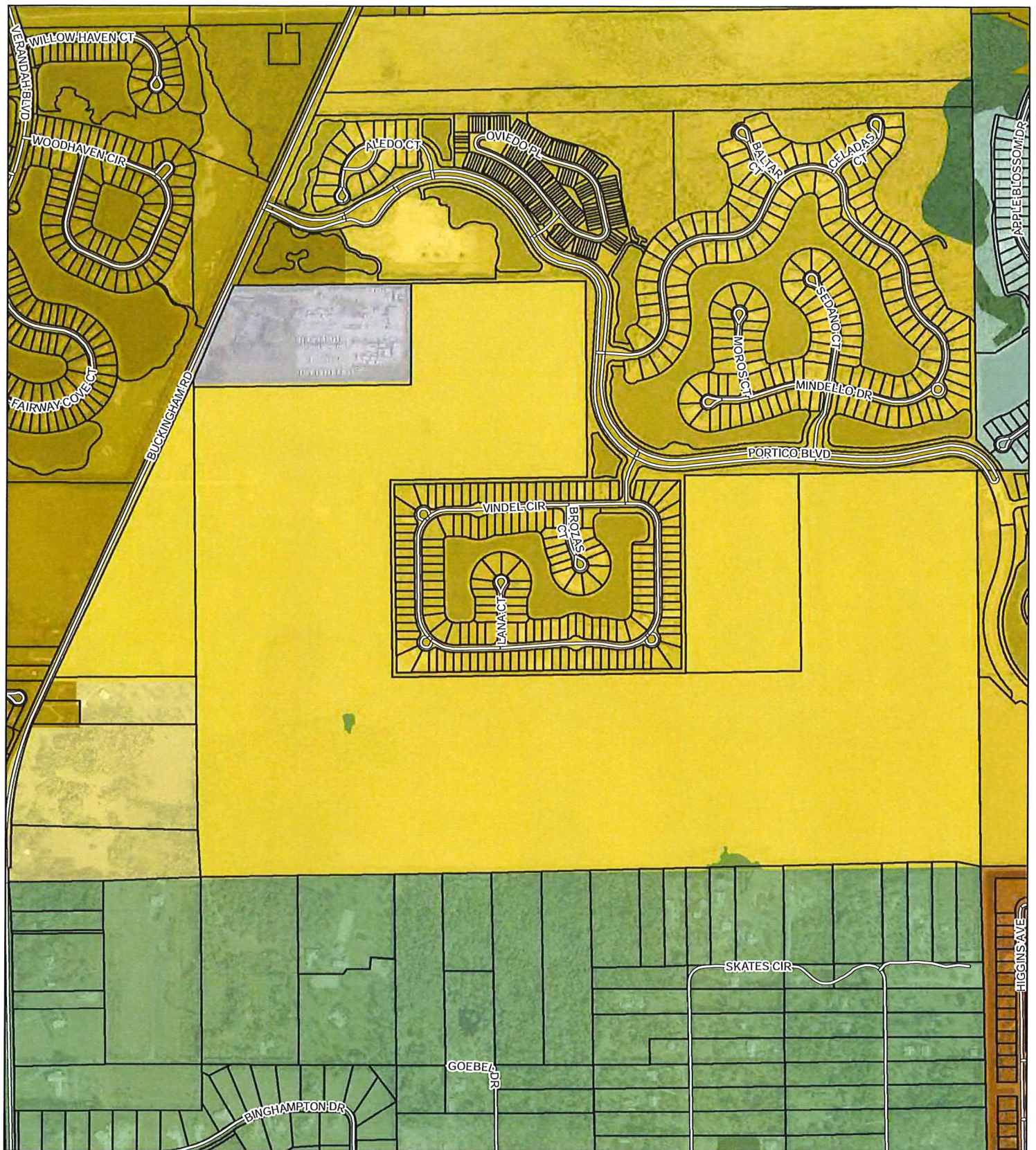


**CPA2020-00001 and
CPA2020-00002
Lee County Homes
Existing Future Land Use**



- | | |
|---|---|
| Urban Community | Rural |
| Suburban | Rural Community Preserve |
| Outlying Suburban | Wetlands |
| Sub-Outlying Suburban | |
| Public Facilities | |

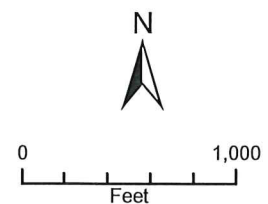




CPA2020-00001 and
CPA2020-00002
Lee County Homes
Proposed Future Land Use



- | | |
|--|---|
| Urban Community | Rural |
| Suburban | Rural Community Preserve |
| Outlying Suburban | Wetlands |
| Sub-Outlying Suburban | |
| Public Facilities | |



Map Generated: Sept 2020

CPA2020-00001

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
Intensive Development	1,361				5		27		250			
Central Urban	14,766				225				230			
Urban Community	17,021 16,902	520	485		637						250	
Suburban	16,623				1,810				85			
Outlying Suburban	2,843 4,031	30			40 228	20	2	500				1,438
Sub-Outlying Suburban	1,955 1,762				547 354						227	
Commercial												
Industrial	79								39		20	
Public Facilities	1							1				
University Community	850											
Destination Resort Mixed Use Water Dependent	8											
Burnt Store Marina Village	4					4						
Industrial Interchange												
General Interchange	151										11	58
General Commercial Interchange												
Industrial Commercial Interchange												
University Village Interchange												
Mixed Use Interchange												
New Community	2,100	1,200									900	
Airport												
Tradeport	9										9	
Rural	8,313	1,948			1,400	636						1,500
Rural Community Preserve	3,100											
Coastal Rural	1,300											
Outer Island	202	5			1			150				
Open Lands	2,805	250				590						120
Density Reduction/ Groundwater Resource	6,905	711									94	
Conservation Lands Upland												
Wetlands												
Conservation Lands Wetland												
Unincorporated County Total Residential	81,396 81,727	4,664	485		4,665 4,660	1,250	29	651	604		1,511	3,416 3,416
Commercial	12,793	177	52		400	50	17	125	150		1,100	440 440
Industrial	13,801	26	3		400	5	26		300		3,100	10 10
Non Regulatory Allocations												
Public	82,565 82,570	7,100	421		2,000 2,005	7,000	20	1,961	350		7,752	2,477 2,477
Active AG	17,027	5,100			550	150						20
Passive AG	43,786	12,229			2,500	109					1,241	20
Conservation	81,933	2,214	611		1,142	3,236	133	1,603	748		2,947	1,733
Vacant	23,874 23,993	1,953			61	931	34		45		300	151

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TABLE 1(b) Year 2030 Allocation

Total	357,176	33,463	1,572		11,718	12,731	259	4,340	2,197		17,951	7,967
Population Distribution (unincorporated Lee County)	495,000	9,266	1,531		30,861	3,270	225	530	5,744		18,333	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
Residential By Future Land Use Category	Intensive Development				660	3	42		365		9	
	Central Urban	375	17		3,140		8,179		2,600			
	Urban Community	850	1,000		860	500	11,359 11,240			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	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 19,475	4,015	10,753	3,326	3,254	6,230
Commercial		1,100	1,944		2,100	226	1,300	68	1,687	18	1,700	139
Industrial		320	450		900	64	300	7,246	554	5	87	5
Non Regulatory Allocations												
Public		3,550	3,059		3,500	2,100	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	31,210	1,317	336	5,068	864
Vacant		975	594		309	3,781	9,880 9,999	470	2,060	1,000	800	530
Total		19,355	12,978		12,867	27,466	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	1,270	71,001	6,117	25,577	8,760



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 12, 2021

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 Lee County Ordinance No. 21-03, which was filed in this office on April 12, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 21-03
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Lee County Homes Amendment
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; REPEAL #3: _____

REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: _____

KEYFIELD 1 CODE: _____

KEYFIELD 2 CODE: _____

KEYFIELD 3 CODE: _____

Rev. 09/11/02

CODING