

LEE COUNTY ORDINANCE NO. 94-23

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, SO AS TO AMEND THE FUTURE LAND USE MAP SERIES, MAP 17, THE YEAR 2010 OVERLAY, FOR A DRI DEVELOPMENT KNOWN AS PELICAN LANDING LOCATED IN THE BONITA SPRINGS PORTION OF THE UNINCORPORATED LEE COUNTY SO AS TO ADOPT THE REVISED ALLOCATIONS CONTAINED IN MAP 17 FOR SUBDISTRICTS 709, 801, AND 806; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENTS TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF THE "LEE PLAN"; PROVIDING FOR GEOGRAPHIC APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENERS' ERRORS; AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan"), Policy 2.4 2 and Chapter XIII, provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt, and,

WHEREAS, the Lee County Board of County Commissioners, through Lee County Administrative Code AC-13-6 provides for a process for amendments to the Lee Plan to be initiated in conjunction with a Development of Regional Impact; and,

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

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on April 12, 1994; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the amendments being proposed on April 20, 1994, and at said hearing approved a motion to send, and did later send, the proposed amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for their review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the April 20, 1994 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written

comments, commonly referred to as the "ORC Report," which were later received on July 25, 1994, by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendment on August 29, 1994 also considered the adoption of the application for development approval for the DRI in accordance with Section 380.06(6)(b)6., Florida Statutes; and,

WHEREAS, in accordance with Section 380.06(6)(b)5., Florida Statutes, the adoption hearing held on August 29, 1994 was held at least 30 days after the receipt of the ORC Report; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendment on August 29, 1994 moved to adopt said proposed amendments as more particularly 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, has conducted a series of public hearings to review a proposed amendment to the Lee Plan. The purpose of this ordinance is to adopt that amendment to the Lee Plan discussed at said meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, shall continue to be the "Lee Plan." This ordinance may be referred to as the "Pelican Landing DRI Plan Amendment Ordinance."

**SECTION TWO: ADOPTION OF AMENDMENT TO THE LEE PLAN**

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting the amendments described in Exhibit A to this ordinance which amends the Future Land Use Map series, Map 17, the Year 2010 Overlay. The data and analysis required by Chapter 163, Part II, Florida Statutes is included in the following documents: the transmittal report entitled "Lee Plan Map Amendment PAM 93-03 BCC Transmittal Submission" and dated May 1, 1994; the plan amendment application submitted by Westinghouse Bayside Communities on behalf of Pelican Landing DRI and the single volume document titled "Support Data and Analysis for the 2010 Amendment Requested by Pelican Landing" dated April 1994; and, the report entitled "Staff Response to ORC Report for PAM 93-03, Pelican Landing Communities Amendment to the Year 2010 Overlay, Lee Plan Map 17" which includes the Motions and Findings of Fact Summary. These documents are hereby adopted as the data and analysis attendant to the plan amendment. Said

documents have been placed on file with the Clerk of the Circuit Court, Minutes Department, as part of the official records of Lee County and are incorporated by reference as an integral part of this ordinance.

### **SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"**

No public or private development shall be permitted except in conformity with the Lee Plan, and all land development regulations and land development orders shall be consistent with the Lee Plan as so amended.

### **SECTION FOUR: GEOGRAPHIC APPLICABILITY**

The Lee Plan shall be applicable throughout the unincorporated area of Lee County, Florida, except in such unincorporated areas as are included in any joint or interlocal agreements with other local governments that specifically provide otherwise

This ordinance shall also be applicable to those portions of the incorporated areas of Lee County, Florida, for which the Florida Statutes have delegated regulatory jurisdiction to county governments over municipal governments

### **SECTION FIVE: 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 shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any other provisions of this ordinance which are legislative intent of the Board of County Commissioners that this ordinance would have been adopted had such unconstitutional provisions not been included therein.

### **SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR**

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

### **SECTION SEVEN: EFFECTIVE DATE**

The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Community Affairs or Administration Commission finding the amendment in compliance with Section 163.3184,

Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it 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 states, a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Manning who moved its adoption. The motion was seconded by Commissioner St. Cerny and, being put to a vote, the vote was as follows:

JOHN MANNING	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
JOHN ALBION	<u>AYE</u>
FRANKLIN MANN	<u>AYE</u>

DONE AND ADOPTED this 29th day of August, 1994.

ATTEST  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: Lisa L. Pierce

Deputy Clerk

By: Ray Judah

Chairman

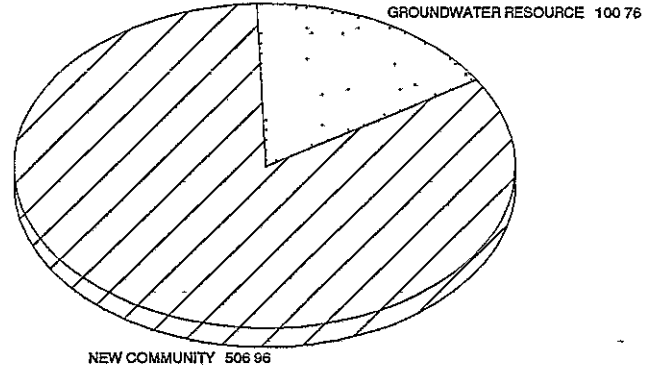
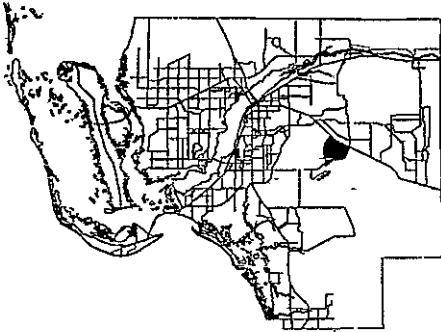
APPROVED AS TO FORM:  
LEE COUNTY ATTORNEY'S OFFICE

By: Annmarie Collins

Assistant County Attorney

# Year 2010 Overlay Map 17-709

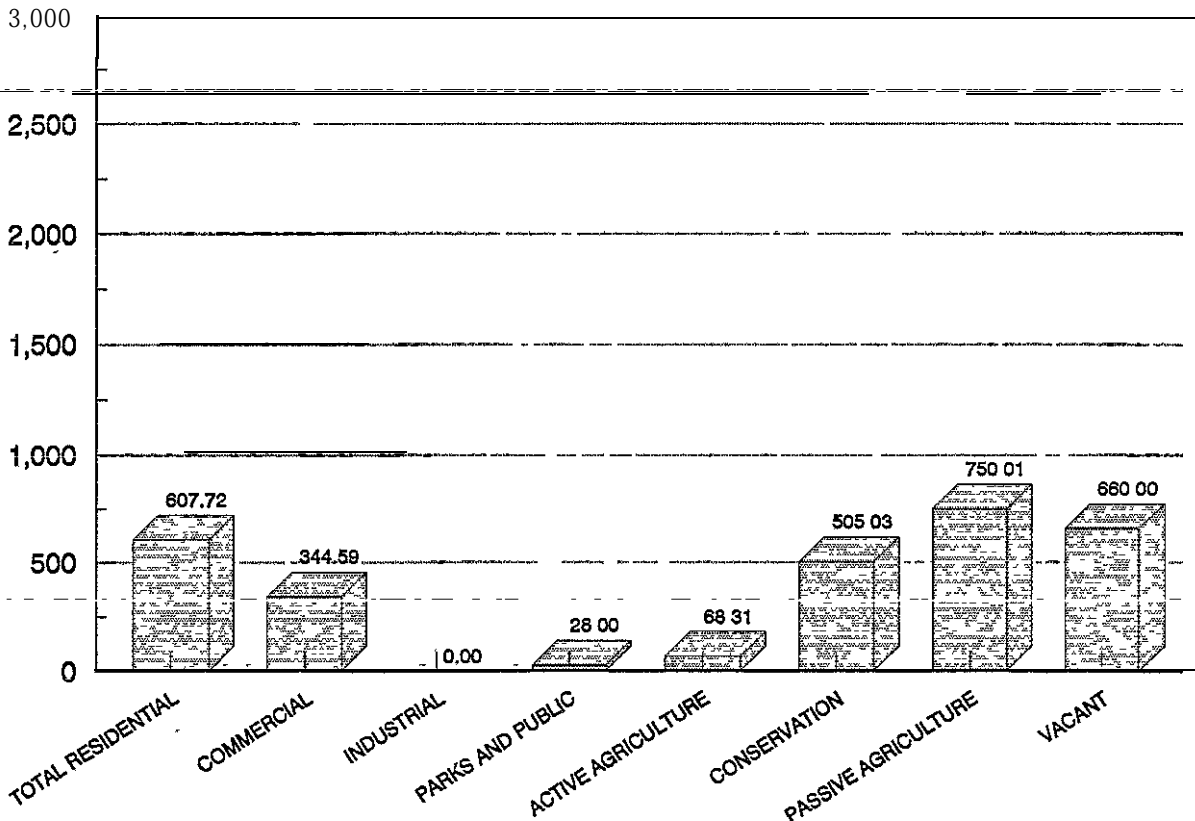
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Subdistrict 709

### Subdistrict 709

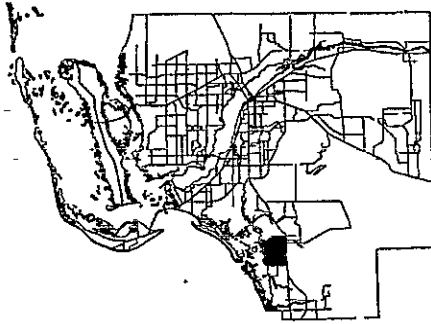
#### Acreage Allocations



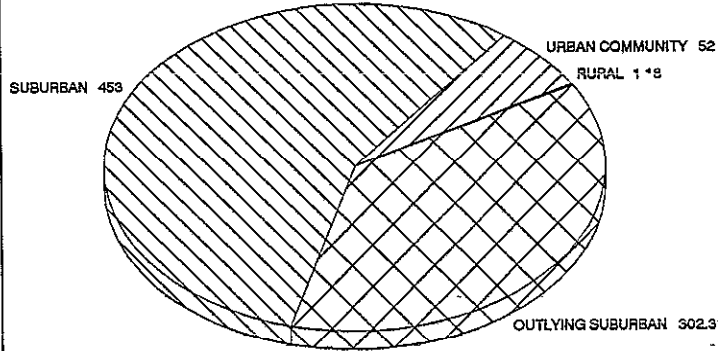
Land Use Categories From Rule 9J-5, F.A.C.

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# Year 2010 Overlay Map 17-801



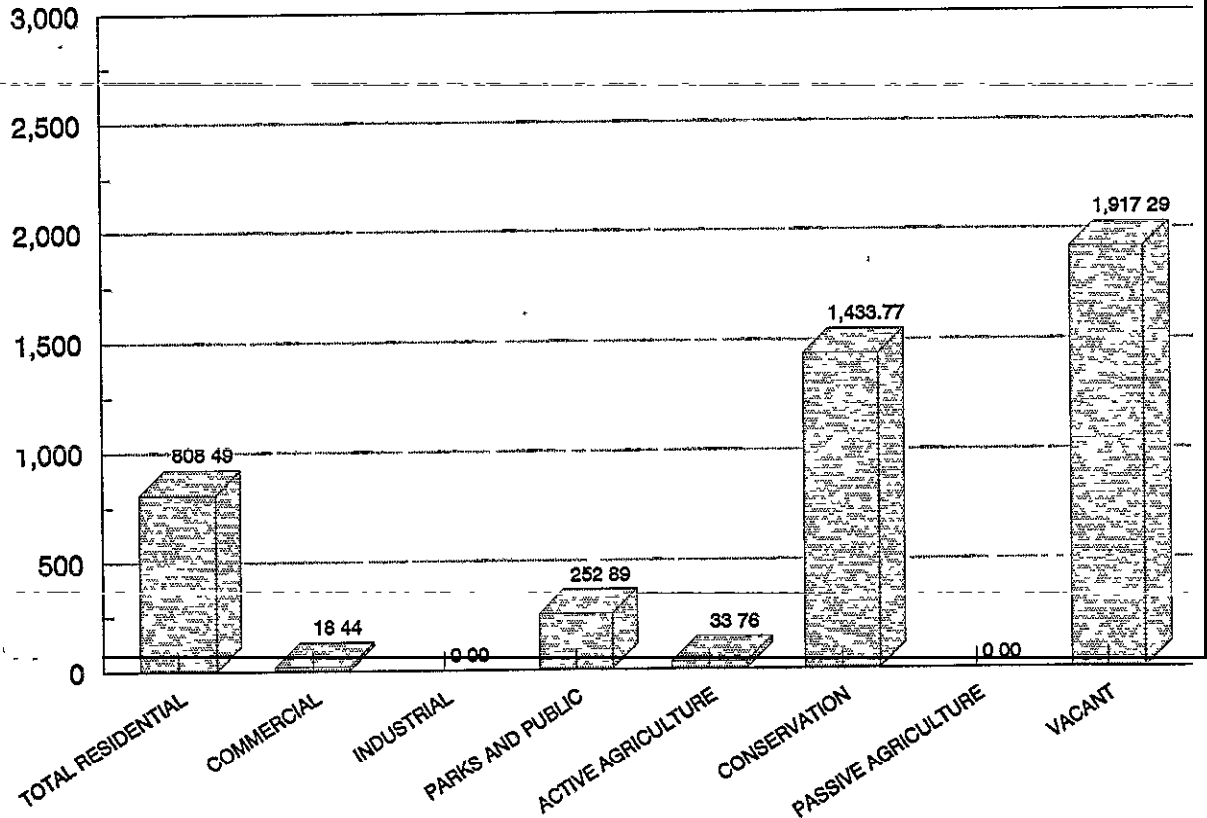
## Residential Acreage Allocation By Lee Plan Land Use Categories



Subdistrict 801

## Subdistrict 801

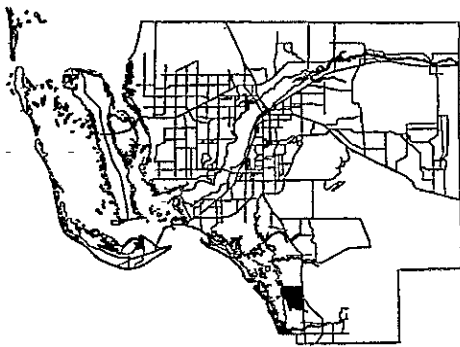
### Acreage Allocations



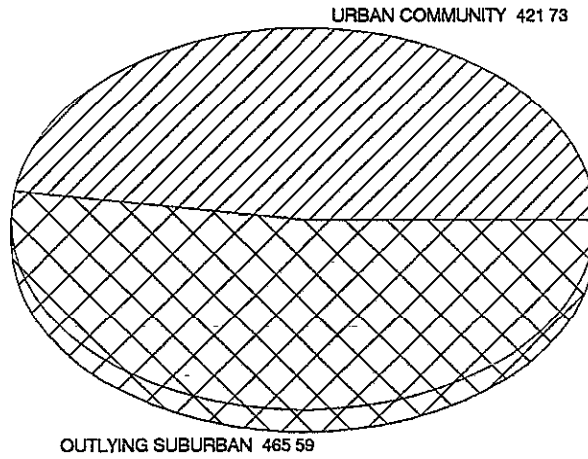
Land Use Categories From Rule 9J-5, F.A.C.

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# Year 2010 Overlay Map 17-806



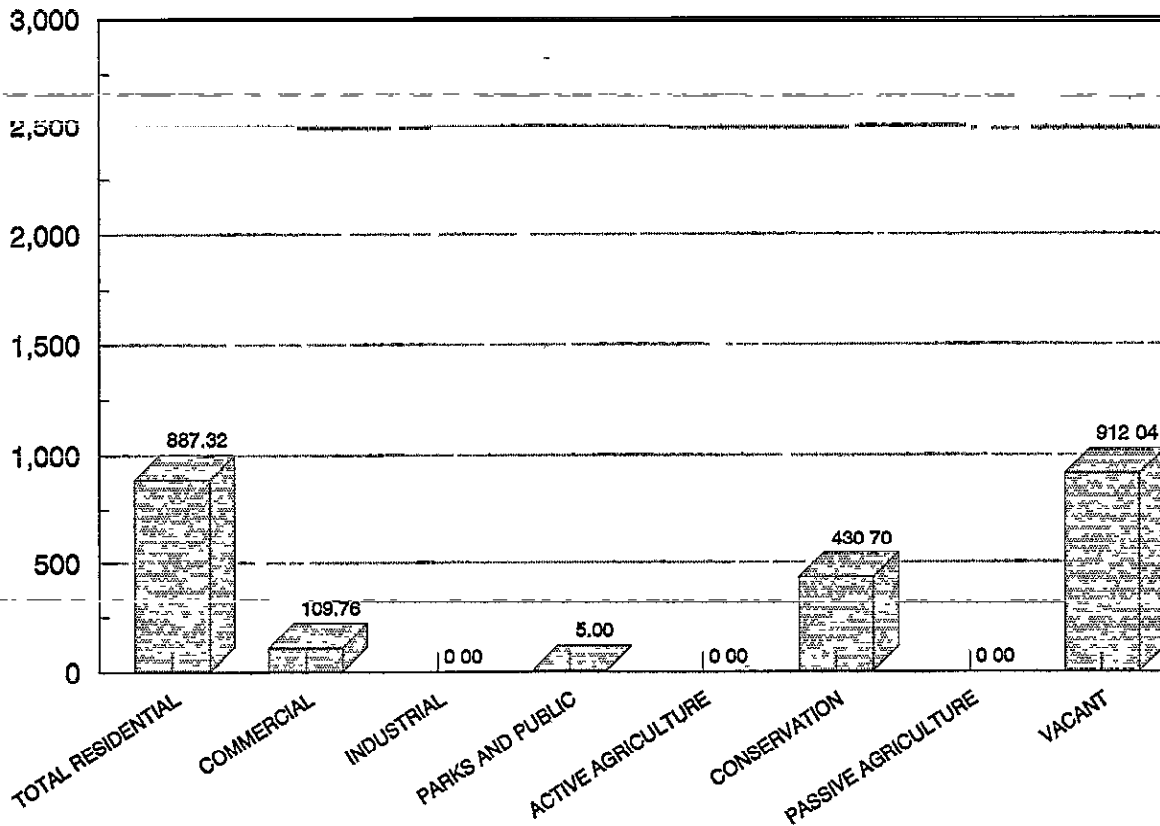
## Residential Acreage Allocation By Lee Plan Land Use Categories



Subdistrict 806

### Subdistrict 806

#### Acreage Allocations



Land Use Categories From Rule 9J-5, F.A.C.

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