

LEE COUNTY ORDINANCE NO. 24-XX

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, RELATING TO ANCHORING LIMITATION AREAS PROVIDING FOR DEFINITIONS; INTERLOCAL AGREEMENTS; DESIGNATED ANCHORING LIMITATION AREA(S); FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION ("FWC") NOTICE; ENFORCEMENT; CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 327.4108, Florida Statutes, counties have been granted the exclusive right and authority to enact ordinances establishing anchoring limitation areas adjacent to urban areas that have residential docking facilities and significant recreational boating traffic upon at least thirty (30) days' prior notice to the Florida Fish and Wildlife Conservation Commission ("FWC") before introducing this type of ordinance; and

WHEREAS, Section 327.4108, Florida Statutes, also requires that anchoring limitation areas be marked with signage and buoys permitted by the FWC; and

WHEREAS, Section 327.4108, Florida Statutes, also requires that anchoring limitation areas be less than 100 acres in size; the calculated size of an anchoring limitation area shall not include any portion of the marked channel of the Florida Intracoastal Waterway or any mooring field or marina; and the aggregate total of anchoring limitation areas in Lee County do not exceed ten percent (10%) of the County's delineated navigable-in-fact waterways; and

WHEREAS, the City of Cape Coral has requested that the County establish an anchoring limitation area in the Bimini Basin within the City of Cape Coral.

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

SECTION ONE: DEFINITIONS

For the purposes of this article, the following terms apply:

Anchoring Limitation Area means an area in which a person may not anchor a vessel for more than forty-five (45) consecutive days in any six (6) month period, subject, however, to the exemptions in Sections 327.4108(4)-(5), Florida Statutes.

Person means an individual, partnership, firm, corporation, association, or other entity.

Vessel is synonymous with boat as referenced in Article VII, Section 1(b), of the Florida Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

SECTION TWO: INTERLOCAL AGREEMENTS

Municipalities may be required to enter into an Interlocal Agreement with Lee County in order to set forth respective responsibilities and obligations regarding designated Anchoring Limitation Areas.

SECTION THREE: DESIGNATED ANCHORING LIMITATION AREA(S)

The following area(s) within Lee County, Florida, are hereby designated as an Anchoring Limitation Area:

- i. Exhibit A: Bimini Basin Anchoring Limitation Area ("Bimini Basin ALA"). The Bimini Basin ALA is subject to the terms and conditions of the Interlocal Agreement entered into between the County and the City of Cape Coral on June 18th, 2024, as may be amended. In the event a mooring field or marina is created within the Bimini Basin, the Bimini Basin ALA will be deemed null and void and unenforceable.

SECTION FOUR: FWC NOTICE

At least thirty (30) days' prior notice was provided to FWC before the introduction of this ordinance.

SECTION FIVE: ENFORCEMENT

Enforcement of this article is as provided for in Sections 327.4108(6)-(7) and 327.73(1)(z), Florida Statutes. Any law enforcement officer or agency with jurisdiction can enforce the provisions of this ordinance. The City of Cape Coral will be primarily responsible for the enforcement of the Bimini Basin ALA.

SECTION SIX: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of other lawfully adopted ordinances or statutes, the most restrictive requirements will apply.

SECTION SEVEN: SEVERABILITY

If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, it is the Board's intention that such portion will become a separate provision and will not affect the remaining provisions of the ordinance. The Board further declares that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION EIGHT: CODIFICATION AND SCRIVENER'S ERRORS

The Board intends that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

**SECTION NINE: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT
PUBLIC HEARING**

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 TEN: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner _____ made a motion to adopt the foregoing ordinance, seconded by Commissioner _____. The vote was as follows:

Kevin Ruane	_____
Cecil L Pendergrass	_____
Raymond Sandelli	_____
Brian Hamman	_____
Mike Greenwell	_____

DULY PASSED AND ADOPTED this 19th day of November 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
_____, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

CAO Draft 10/15/2024 3:24:05 PM

BIMINI BASIN ANCHORING LIMITATION AREA
LEGAL DESCRIPTION
"EXHIBIT A"

AN AREA SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF CAPE CORAL, LYING IN A SUBDIVISION OF PORTIONS OF SECTION 13 AND 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST, BEING BIMINI CANAL, LYING IN PORTIONS OF CAPE CORAL UNIT TWO PART THREE RECORDED IN PLAT BOOK 11, PAGE(S) 37 THROUGH 41 TOGETHER WITH BIMINI BASIN LYING IN PORTIONS OF CAPE CORAL UNIT FIVE RECORDED IN PLAT BOOK 11, PAGE(S) 80 THROUGH 90 OF THE PUBLIC RECORDS OF LEE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWESTERLY CORNER OF THE PLAT OF ADMIRALS WALK CONDOMINIUM, RECORDED IN OFFICIAL RECORDS BOOK 2161, PAGE 4779 OF THE PUBLIC RECORDS OF LEE COUNTY, THENCE ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE LEFT HAVING FOR ITS ELEMENTS A RADIUS OF 440.00 FEET, A CENTRAL ANGLE OF 19°05'06", A CHORD OF 145.89 FEET, A CHORD BEARING OF SOUTH 48°27'27" EAST, WITH AN ARC LENGTH OF 146.56 FEET; THENCE SOUTH 58°00'00" EAST FOR A DISTANCE OF 95.63 FEET TO A POINT OF THE SOUTHERLY LINE OF LOT 25 BLOCK 102 SAID PLAT OF CAPE CORAL UNIT 5; THENCE DEPARTING FROM SAID SOUTHERLY LINE SOUTH 32°00'00" WEST FOR A DISTANCE OF 100.00 FEET TO A POINT OF CURVATURE ALONG A NON-TANGENT CURVE OF THE SOUTHERLY LINE OF BIMINI CANAL; THENCE ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE LEFT HAVING FOR ITS ELEMENTS A RADIUS OF 148.75 FEET, A CENTRAL ANGLE OF 32°00'00", A CHORD OF 82.00 FEET, A CHORD BEARING OF NORTH 74°00'00" WEST, WITH AN ARC LENGTH OF 83.08 FEET; THENCE NORTH 90°00'00" WEST FOR A DISTANCE OF 73.56 FEET TO A POINT SAID RIGHT OF WAY LINE OF BIMINI BASIN AND A POINT OF CURVATURE ALONG A NON-TANGENT CURVE; THENCE ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE LEFT HAVING FOR ITS ELEMENTS A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 38°30'01", A CHORD OF 148.36 FEET, A CHORD BEARING OF SOUTH 70°45'00" WEST, WITH AN ARC LENGTH OF 151.19 FEET; THENCE SOUTH 51°30'00" WEST FOR A DISTANCE OF 383.75 FEET; THENCE SOUTH 55°29'49" WEST FOR A DISTANCE OF 230.55 FEET; THENCE SOUTH 65°00'00" WEST FOR A DISTANCE OF 689.92 FEET TO A POINT ON THE RIGHT OF WAY LINE OF BIMINI CANAL; THENCE DEPARTING FROM SAID RIGHT OF WAY LINE NORTH 25°00'00" WEST FOR A DISTANCE OF 213.39 FEET TO A POINT OF CURVATURE ON THE SOUTHEASTERLY LINE OF LOT 60 BLOCK 93 SAID CAPE CORAL UNIT 2 PART 3; THENCE ALONG A NON-TANGENT ARC OF A CIRCULAR CURVE CONCAVE TO THE LEFT HAVING FOR ITS ELEMENTS A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 64°59'57", A CHORD OF 214.92 FEET, A CHORD BEARING OF NORTH 32°41'25" EAST, WITH AN ARC LENGTH OF 226.89 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE OF BIMINI BASIN NORTH 00°11'26" EAST FOR A DISTANCE OF 52.31 FEET; THENCE NORTH 00°00'00" WEST FOR A DISTANCE OF 54.23 FEET AND A POINT OF CURVATURE ALONG A NON-TANGENT CURVE ; THENCE ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE RIGHT HAVING FOR ITS ELEMENTS A RADIUS OF 700.00 FEET, A CENTRAL ANGLE OF 90°00'01", A CHORD OF 989.95 FEET, A CHORD BEARING OF NORTH 45°00'00" EAST, WITH AN ARC LENGTH OF 1099.56 FEET; THENCE NORTH 90°00'00" EAST FOR A DISTANCE OF 65.00 FEET; THENCE SOUTH 77°46'11" EAST FOR A DISTANCE OF 126.14 FEET AND A POINT OF CURVATURE ALONG A NON-TANGENT CURVE; THENCE ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE RIGHT HAVING FOR ITS ELEMENTS A RADIUS OF 700.00 FEET, A CENTRAL ANGLE OF 35°29'02", A CHORD OF 426.62 FEET, A CHORD BEARING OF SOUTH 56°39'25" EAST, WITH AN ARC LENGTH OF 433.52 FEET TO THE POINT OF BEGINNING

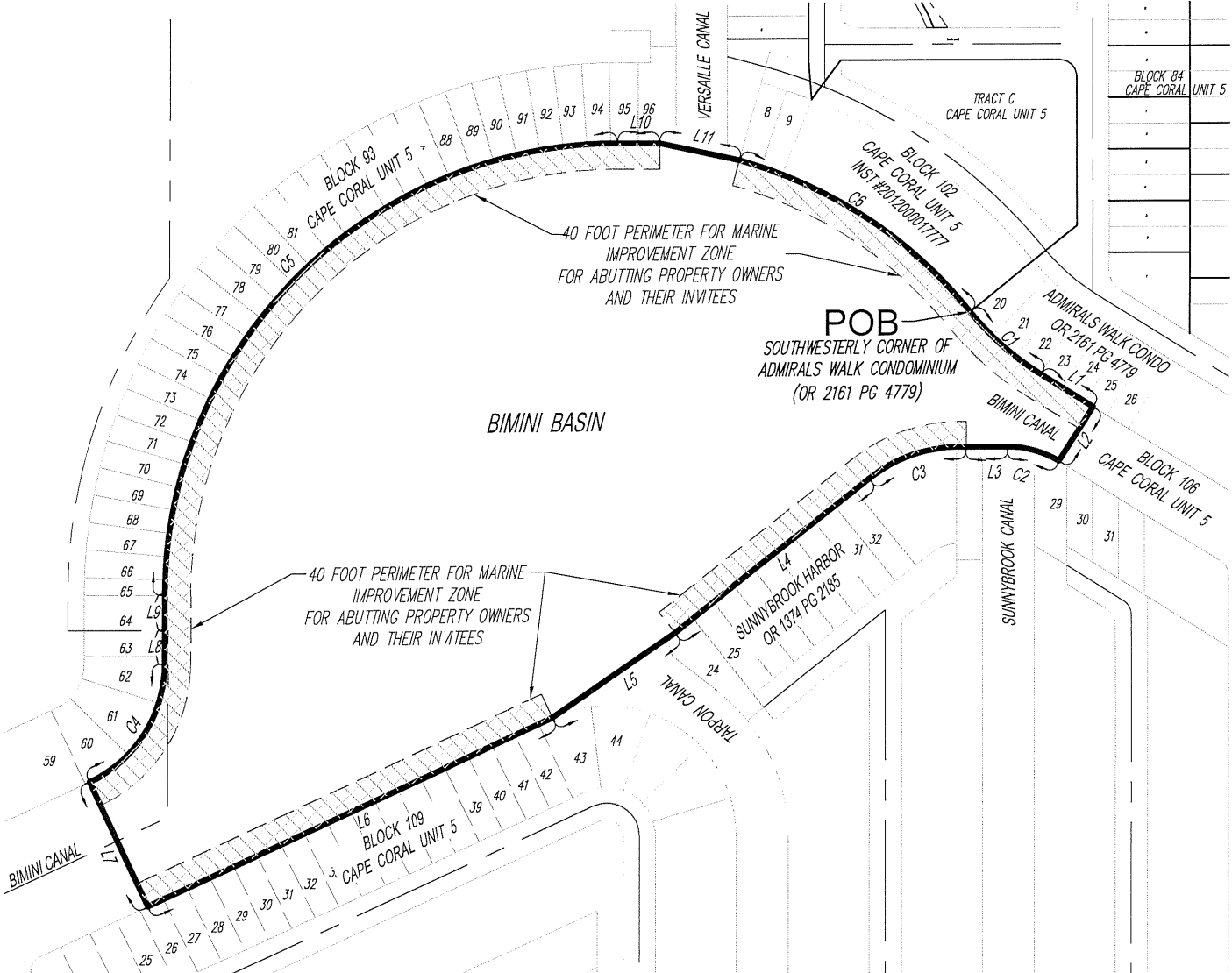
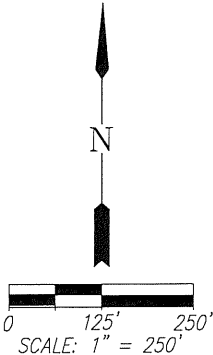
PARCEL CONTAINS AREA 934908.32 SQUARE FEET OR 21.46 ACRES +/-, WITH A PERIMETER OF 4225 FEET +/-

<div>CY – PROJECT NUMBER: 2023-0017</div> <div>FY –SURVEY WORK ORDER NUMBER: 23-017</div>	<div>CALCULATED BY: ML</div>	<div> PUBLIC WORKS DEPARTMENT 815 NICHOLAS PARKWAY EAST, CAPE CORAL, FL. 33990 PHONE: (239) 574-0701</div>	SKETCH TO ACCOMPANY DESCRIPTION		
	<div>CHECKED BY: KC</div>		BININI BASIN CAPE CORAL UNIT 5, P.B. 11, PGS. 80-90 SECTION 13, TOWNSHIP 45 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA		
	<div>DRAWN BY: ML</div>		FIELD BOOK(S) / PAGE(S):	SURVEY JOB: 2023-0017	DRAWING NUMBER: CC-24-0017-R1.DWG
	<div>APPROVED: MBN</div>				
	<div>SCALE: 1"=250'</div>				

BIMINI BASIN ANCHORING LIMITATION AREA
SKETCH TO ACCOMPANY DESCRIPTION
"EXHIBIT A"

LINE	BEARING	DISTANCE
L1	S 58°00'00" E	95.63'
L2	S 32°00'00" W	100.00'
L3	N 90°00'00" W	73.56'
L4	S 51°30'00" W	383.75'
L5	S 55°29'49" W	230.55'
L6	S 65°00'00" W	689.92'
L7	N 25°00'00" W	213.39'
L8	N 00°11'26" E	52.31'
L9	N 00°00'00" W	54.23'
L10	N 90°00'00" E	65.00'
L11	S 77°46'11" E	126.14'

CURVE TABLE (PLAT)					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	440.00'	146.56'	145.89'	S 48°27'27" E	19°05'06"
C2	148.75'	83.08'	82.00'	N 74°00'00" W	32°00'00"
C3	225.00'	151.19'	148.36'	S 70°45'00" W	38°30'01"
C4	200.00'	226.89'	214.92'	N 32°41'25" E	64°59'57"
C5	700.00'	1099.56'	989.95'	N 45°00'00" E	90°00'01"
C6	700.00'	433.52'	426.62'	S 56°39'25" E	35°29'02"



40 FOOT MARINE IMPROVEMENT ZONE



SURVEYORS NOTES:

- THIS IS A SKETCH OF DESCRIPTION, THE PURPOSE OF THIS SKETCH IS TO DEPICT THE VISUAL REPRESENTATION OF THE PROPERTY SHOWN HEREON.
- INSTRUMENTS OF RECORD REFLECTING EASEMENTS, ENCUMBRANCES, RIGHTS-OF-WAY, AND OR OWNERSHIP WERE NOT FURNISHED TO THIS SURVEYOR, EXCEPT AS SHOWN HEREON.
- BEARINGS SHOWN HEREON REFERENCE THE STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE, NORTH AMERICAN DATUM 1983, 1990 ADJUSTMENT, NATIONAL GEODETIC SURVEY HIGH REFERENCE NETWORK CONTROL POINTS "HOLT" AND "MARHENKE"; WITH THE NORTH LINE OF AVALON DRIVE BEING NORTH 65°00'00" EAST.
- THIS IS NOT A SURVEY
- LEGAL DESCRIPTION SHOWN ON PAGE 1 OF 2
- AREA = 934908.32 SQUARE FEET OR 21.46 ACRES +/-

LEGEND

AC.	ACRES	PGS.	PAGES
CY	CALENDAR YEAR	(P)	PLAT
D.E.	DRAINAGE EASEMENT	P.U.E.	PERMANENT UTILITY EASEMENT
EOP	EDGE OF PAVEMENT	P.O.B.	POINT OF BEGINNING
FND	FOUND	P.O.C.	POINT OF COMMENCEMENT
FY	FISCAL YEAR	(R)	RADIAL
I.N.	INSTRUMENT NUMBER	RNG.	RANGE
L.B.	LICENSED BUSINESS	R.O.W.	RIGHT-OF-WAY
N.E.	NORTHEAST	SEC.	SECTION
N.W.	NORTHWEST	S.E.	SOUTHEAST
O.R.B.	OFFICIAL RECORDS BOOK OF LEE COUNTY, FLORIDA	S.F.	SQUARE FEET
P.B.	PLAT BOOK	S.W.	SOUTHWEST
PG.	PAGE	TWP.	TOWNSHIP
		U.E.	UTILITY EASEMENT

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH OF DESCRIPTION OF THE DESCRIBED AREA IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THEY CONFORM WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND IS NOT VALID WITHOUT THE ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR.

William Nix

Digitally signed by William Nix
Date: 2024.05.17 09:56:37
-04'00'

WILLIAM B. NIX PSM
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER LS6576

SHEET 2 OF 2

CY - PROJECT NUMBER:	CALCULATED BY:	WL
2024-0017	CHECKED BY:	KC
FY - SURVEY WORK ORDER NUMBER:	DRAWN BY:	WL
23-017	APPROVED:	WBN
	SCALE:	1"=250'


PUBLIC WORKS DEPARTMENT
815 NICHOLAS PARKWAY EAST, CAPE CORAL, FL. 33990
PHONE: (239) 574-0701

SKETCH TO ACCOMPANY DESCRIPTION

BIMINI BASIN
CAPE CORAL UNIT 5, P.B. 11, PGS. 80-90
SECTIONS 13 AND 14, TOWNSHIP 45 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA

FIELD BOOK(S) / PAGE(S):	SURVEY JOB: 2024-0017	DRAWING NUMBER: CC-24-0017-R1.DWG
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