

**Lee County Board of County Commissioners
Agenda Item Summary**

Date Critical
Blue Sheet No. 20040644

1. REQUESTED MOTION:

ACTION REQUESTED: Direct amendment of Lee County Land Development Code regarding Estero Special Development Areas (Sunset Provision) to Public Hearings.

Recommended hearing dates are as follows: Local Planning Agency: May 24, 2004
BOCC First Public Hearing: June 8, 2004
BOCC Second Public Hearing: June 22, 2004

WHY ACTION IS NECESSARY: Public Hearings are necessary to adopt amendments to the LDC.

WHAT ACTION ACCOMPLISHES: Set hearing dates before the LPA and Board of County Commissioners for advertising purposes.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #CW

C12A

3. MEETING DATE:

06-01-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
-
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE (LDC)
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION Land Use
- BY: *Joan C. Henry*
Joan C. Henry
Assistant County Attorney

7. BACKGROUND: LDC Section 34-1042 contains a sunset provision for the public informational session within the Estero Planning Community prior to submission of a development order application. The provision requiring this session expires on June 25, 2004, unless the BOCC takes specific action to extend the sunset date. Staff recommends extending this provision one year to June 25, 2005.

Attachment: Draft of LDC Amendment

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>Joan C. Henry</i>	<i>5/18/04</i>	<i>5/19/04</i>	<i>5/19/04</i>	<i>5/19/04</i>	<i>5-18-04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
5/18/04 4:00pm

RECEIVED BY
COUNTY ADMIN:
5/18/04
4:45 pm
COUNTY ADMIN
FORWARDED TO:
5/20/04
9:50 am

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTER 34 (ZONING); AMENDING PURPOSE AND INTENT (§ 34-1042); AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 125.01(1)(h) authorizes counties to establish, coordinate, and enforce zoning regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners adopted the Lee County Land Development Code (LDC), which contains regulations applicable to the development of land in Lee County; and

WHEREAS, Goal 24 of the Lee County Comprehensive Land Use Plan (Lee Plan) mandates that the county maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts, yet function in a streamlined manner; and

WHEREAS, Lee Plan Policies 14.5.3, 24.1.9, 52.1.1 and 110.6.2 require county staff and private citizen committees to review existing development regulations to determine whether the regulations can be further fine tuned and streamlined in order meet the goals, objectives and policies of the Lee Plan; and

WHEREAS, the Board of County Commissioners of Lee County, Florida has adopted a comprehensive Land Development Code; and

WHEREAS, the Land Development Code Advisory Committee was created by the Board of County Commissioners to explore amendments to the Land Development Code (LDC); and

WHEREAS, the Land Development Code Advisory Committee has reviewed the proposed amendments to the Code on _____ and recommended _____; and

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on _____ and recommended _____; and

WHEREAS, the Local Planning Agency reviewed the proposed amendments on _____ and found them consistent with the Lee Plan.

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

SECTION ONE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 34

Lee County Land Development Code Chapter 34 is amended to read as follows with strike through identifying deleted language and underline identifying additional language:

ARTICLE VI. DISTRICT REGULATIONS

DIVISION 10. SPECIAL PURPOSE DISTRICTS

Subdivision V. Estero Special Development Areas of High Growth

Sec. 34-1042. Purpose and intent.

[Sections 34-1042, (1), and (2) remain otherwise unchanged]

- (3) *Sunset of these regulations.* The provisions of sections 34-1042, 2nd paragraph, requiring the applicant to conduct a public informational session within the Estero Planning Community prior to the submission of a development order application will sunset ~~24~~36 months from June 25, 2002, unless the Lee County Board of County Commissioners takes specific action to extend the sunset date.

SECTION TWO: CONFLICTS OF LAW

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

SECTION THREE: SEVERABILITY

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such invalid or unconstitutional provision was not included.

SECTION FOUR: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intend 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 FIVE: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State. The provisions of this ordinance will apply to all projects or applications subject to the LDC unless the application for such project is complete and found sufficient before the effective date hereof.

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

- Robert P. Janes
- Douglas St. Cerny
- Ray Judah
- Andrew W. Coy
- John E. Albion

DULY PASSED AND ADOPTED THIS ____ day of _____, 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of County Attorney