

ORDINANCE 17 - 24

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM INTENSIVE DEVELOPMENT (A LEE COUNTY DESIGNATION) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR PROPERTY DESCRIBED AS LOTS 1, 2, 14 AND 15, BLOCK 3, PONDELLA HEIGHTS, UNIT 2; AND LOTS 20 AND 21, BLOCK 2, PONDELLA HEIGHTS, UNIT 2; PROPERTY LOCATED AT 1205-1212 PINE LAKE DRIVE AND 1206-1212 WESTWOOD DRIVE; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on February 13, 1989, the City of Cape Coral, Florida, adopted a Comprehensive Plan as required by the Community Planning Act, Chapter 163, Part II, Florida Statutes; and

WHEREAS, the City of Cape Coral, Florida, adopted the Comprehensive Plan Future Land Use Map to delineate the future land use designations throughout the City of Cape Coral, Florida; and

WHEREAS, Samuel V. Johnson owns property located at 1205-1212 Pine Lake Drive and 1206-1212 Westwood Drive; and

WHEREAS, the City of Cape Coral, Florida City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by SAMUEL V. JOHNSON regarding the below described property, and considered the recommendation of the Planning & Zoning Commission/Local Planning Agency and City staff.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. That the below described real property located within the City of Cape Coral, Florida, is hereby amended consistent with the City of Cape Coral Comprehensive Plan as follows:

FROM INTENSIVE DEVELOPMENT (A LEE COUNTY DESIGNATION) TO
COMMERCIAL/PROFESSIONAL (CP) LAND USE

LOTS 1, 2, 14 AND 15, BLOCK 3, PONDELLA HEIGHTS, UNIT 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 25, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND LOTS 20 AND 21, BLOCK 2, PONDELLA HEIGHTS, UNIT 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 25, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LESS AND EXCEPT: ROAD RIGHT OF WAY DESCRIBED IN THAT CERTAIN INSTRUMENT RECORDED IN O.R. BOOK 3009, PAGE 3602, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SECTION 2. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. The effective date of this small scale development amendment to the Comprehensive Plan shall be thirty-one (31) days after the adoption of this ordinance. Alternatively, if the small scale development amendment adopted by this ordinance is challenged by an "affected person" within thirty (30) days after adoption, then the effective date of this amendment shall be the date upon which either the state land planning agency or the Administration Commission issues a "final order" determining that this small scale development amendment is "in compliance" as provided in Section 163.3187(5), Florida Statutes.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


GUNTER _____
STEINKE _____
SHEPPARD _____
HAYDEN _____

CARR _____
WELSH _____
LONG _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
ord/FLUM23-000007

