

**PETITION TO AMEND LEE COUNTY ORDINANCE 23-16  
TO MODIFY THE BOUNDARIES OF THE SALTLEAF UNIFORM COMMUNITY DEVELOPMENT DISTRICT**

**STAFF ANALYSIS  
DEPARTMENT OF COMMUNITY DEVELOPMENT**

**Request**

The Saltleaf Uniform Community Development District (District) submitted the attached petition to change the boundaries of the Saltleaf Uniform Community Development District (UCDD).

The Petitioner requests that the Lee County Board of County Commissioners grant the petition to add 11.96± acres to the Saltleaf UCDD boundary. Upon approval, the Saltleaf UCDD will include approximately 209.32± acres of land and is located within Lee County, Florida, and the City of Bonita Springs. The property being added to the existing Saltleaf UCDD, as part of this amendment, is located entirely within unincorporated portions of Lee County, Florida.

The land area is generally located west of US 41, south of Corkscrew Road, and north of Coconut Road. The approximate location and configuration of the proposed District appears in **Exhibit 1** of the petition. The metes and bounds description of the existing Saltleaf UCDD boundary is provided **Exhibit 2** and **Exhibit 5** of the petition. The metes and bounds description of the proposed expansion area is shown in **Exhibit 3** of the petition, and the complete amended metes and bounds description of the amended Saltleaf UCDD boundary is shown in **Exhibit 4** of the petition.

The existing Saltleaf UCDD consists of 197.36± acres. Approval of this Petition would result an addition of 11.96± acres. This represents a 6.06% increase in land area.

Therefore, the Petition will be processed in accordance with 190.046(1)(a) Florida Statutes which requires that in addition to the requirements in 190.046, the Petition must include the information contained in 190.005(1)(a)(1) and 190.005(1)(a)(8) *Florida Statutes*.

The Petition contains the following as required:

- If the petitioner seeks to expand the district, the petition shall describe the proposed timetable for construction of any district services to the area, the estimated cost of constructing the proposed services, and the designation of the future general distribution, location, and extent of public and private uses of land proposed for the area by the future land use plan element of the adopted local government local comprehensive plan. [190.046(1)(a), F.S.]
- A description of the land to be added or deleted. [190.046(1)(d)(5)F.S.]
- A metes and bounds description of the external boundaries of the District. [190.005(1)(a)(1), F.S.]
- The cumulative net total of boundary change [190.046(1)(e)(2)F.S.]
- A statement of estimated regulatory costs in accordance with the requirements of s. 120.541. [190.005(1)(a)(8) F.S.]
- Written consent of the landowners. [190.046(1)(g) F.S.]

The Saltleaf UCDD is a Uniform Community Development District created pursuant to Chapter 190, *Florida Statutes*. It was established by Lee County Ordinance 23-16 on June 20, 2023. Approval allowed the District to establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and

maintain additional systems and facilities for basic infrastructure, security, parks, and facilities for indoor and outdoor recreational, cultural, and educational uses.

Kersey Smoot Investments, LLC, owns the lands to be added to the UCDD and has provided their written consent dated July 20, 2023 in the petition as **Exhibit 6**.

### **UCDD Overview**

Florida law (Chapter 190, *Florida Statutes*) authorizes the establishment of the UCDD by the Lee County Board of County Commissioners. Only a county commission may establish a UCDD in an unincorporated area with a size less than 2,500 acres.

Uniform Community Development Districts (UCDDs) serve their property owners and residents as independent units of local special purpose government. They operate independent of the county government and the Lee County Board of County Commissioners in the provision of certain services. While UCDDs operate as units of local government, they do not have all of the powers of a city government or a county government. For example, they do not have police powers or zoning authority.

A UCDD serves a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services for the use and enjoyment of the general public. Only property owners within the UCDD are assessed through the District for these improvements within its boundaries.

Some of the powers of a UCDD include the ability to create, operate, and maintain water management systems, water supply, sewers, wastewater systems, effluent disposal systems, bridges, culverts, and roads within the District. With the consent of the Board of County Commissioners, a UCDD may also exercise additional powers, such as the creation, operation, and maintenance of parks and recreational facilities, fire prevention and control, school buildings, security systems, mosquito control, and waste collection and disposal.

Contraction and expansion of an established UCDD must be consistent with *Florida Statutes* Section 190.046. The process specified in Section 190.046, *Florida Statutes*, for establishing, terminating, contracting, or expanding a UCDD addresses only factors material to managing and financing the facilities and service delivery functions of the District. The statute treats matters concerning permitting or planning of the development as not material and not relevant to this process. Regardless of the powers and duties of the District, all land development projects within the District must still abide by the county's local government comprehensive plan and local land development regulations.

### **Discussion**

The land within the existing UCDD boundary is designated as Outlying Suburban and Wetlands on the Lee Plan Future Land Use Map. The land proposed to be added to the UCDD is designated as Outlying Suburban on the Future Land Use Map; is currently undeveloped; and, is zoned Residential Planned Development. There is no additional UCDD public infrastructure required for the development of the expansion parcel.

The District will fund and construct all infrastructure and other community facilities. The District will own, operate, and maintain storm water management features, landscaping, irrigation systems, environmental maintenance, recreational facilities, parks and security. Landowners in the UCDD will continue to pay assessments levied by the District. The District will use the assessments to pay District

debts (e.g., any bonds that financed infrastructure construction) and District expenses (e.g., operation and maintenance of its facilities and services).

Any action on the Petition does not set a precedent for future Uniform Community Development District requests and does not grant any entitlement for development of the site. Lee County reviews all submitted petitions dealing with UCDDs on a case-by-case basis in accordance with the criteria specified in Section 190.005(1)(e), *Florida Statutes*.

**Review Factors 190.046 Florida Statutes:**

Filing Fee of \$1,500: [190.046(1)(d)2,F.S.]

**PAID.**

**THE PETITION MUST CONTAIN THE FOLLOWING:**

- A. The petition shall describe the proposed timetable for construction of any district services to the area, the estimated cost of constructing the proposed services, and the designation of the future general distribution, location, and extent of public and private uses of land proposed for the area by the future land use plan element of the adopted local government local comprehensive plan. [190.046(1)(a)F.S.]

**The services provided, timetable for construction and estimated cost in Petition Exhibit 9 are the same as provided and that was approved by Ordinance 23-16.**

- B. Describe the land to be added and deleted. [190.046(1)(d)(5)F.S.]

**See Petition Exhibit 3 describing the land to be added.**

- C. A metes and bounds description of the external boundaries of the district. [190.005(1)(a)(1), F.S.]

**See Petition Exhibit 4 describing the external boundaries of the amended UCDD.**

- D. During the existence of a district initially established by county or municipal ordinance, the process to amend the boundaries of the district pursuant to paragraphs (a)-(d) shall not permit a cumulative net total greater than 50 percent of the land in the initial district, and in no event greater than 1,000 acres on a cumulative net basis. [190.046(1)(e)(2), F.S.]

**The Saltleaf UCDD originally contained 197.36± acres. Approval of this Petition would result an addition of 11.96± acres for a total of 209.32± acres. This represents a 6.06% increase in land area and is less than 1,000 acres on a cumulative net basis.**

- F. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but shall not be binding and may be subject to change. [190.005(1)(a)(6), F.S.]

**See Petition paragraphs number 6 and 7 as well as Exhibits 9 and 10.**

- G. Written consent of the landowners. [190.046(1)(f) F.S.]

**See Petition Exhibit 6.**

H. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.  
[190.005(1)(a)(8)]

**See Petition Exhibit 10.**

**Estimated Regulatory Costs**

The petition includes a Statement of Estimated Regulatory Costs (SERC) as required by Section 190.005(1)(a)8 Florida Statutes. The statement must address the impact on small businesses, the entities affected by the District, and the cost to governments. The statement provided with the petition includes an adequate analysis as required by state law.

The District will generate nominal costs to the state and county governments for processing this petition. The petitioner paid an application fee to Lee County and the City of Bonita Springs to compensate for these costs to the local governments for the original petition and an application fee to Lee County for the amended petition.

Small businesses will not suffer or enjoy significant impacts from this District.

The establishment of the District will eventually affect the future property owners planned for the District. They will pay taxes and/or assessments to the District for the construction, maintenance, operation, and administration of District facilities and services within the District.

**Recommendation**

Staff recommends adoption of the Petition to amend the boundary of the Saltleaf UCDD boundaries. Staff further recommends that any and all agreements for the sale of property within the boundaries of the Saltleaf UCDD must include the disclosure statement required in Section 190.048 *Florida Statutes*, for the initial sale of the property. This requirement applies to the initial seller of the property as well as all subsequent sellers, successors and assigns for the life of the Saltleaf UCDD.

Attachments:

- Location Map of District with proposed boundary
- Petition to Amend Lee County Ordinance 23-16 to modify the external boundaries of the district through expansion.