

**LEE COUNTY ORDINANCE NO. 13-16**  
(West Lakes Excavation IPD Small Scale Amendment)  
(CPA2013-00001)

**AN ORDINANCE AMENDING THE LEE COUNTY  
COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE  
AMENDMENT TO LEE PLAN MAP 6, THE LEE COUNTY  
UTILITIES FUTURE WATER SERVICE AREAS MAP TO  
PROVIDE SERVICES TO PROPERTY LOCATED AT 15401  
ALICO ROAD, FORT MYERS FLORIDA.**

WHEREAS, the Lee County Comprehensive Plan ("*Lee Plan*") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("*Board*"); and

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and

WHEREAS, the Local Planning Agency ("*LPA*") held a public hearing on the adoption of the proposed amendment on July 22, 2013. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption the proposed amendment on August 19, 2013. At that hearing, the Board approved a motion to adopt proposed amendment CPA2013-00001 pertaining to West Lakes Excavation, amending Map 6 of the Lee Plan, the Lee County Utilities Future Water Service Areas Map. The subject parcel is located at 15401 Alico Road, Fort Myers, Florida 33913.

**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, conducted a public hearing to review a proposed small scale amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the

Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "West Lakes Excavation IPD Small Scale Amendment CPA2013-00001".

**SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 6**

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 6, the Lee County Utilities Future Water Service Areas Map to provide service to an existing office building on 2.62± acres within the West Lakes Excavation IPD project. The subject parcel is located at 15401 Alico Road, Fort Myers, Florida 33913. The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

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

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

**SECTION FOUR: GEOGRAPHIC APPLICABILITY**

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

**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 are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to "section," "article" or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of

this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent may be authorized by the County Manager, or her designee, without need of a public hearing, by filing a corrected or re-codified copy with the Clerk of the Circuit Court.

**SECTION SEVEN: EFFECTIVE DATE**

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Economic Opportunity or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

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

John E. Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 19<sup>th</sup> day of August, 2013.

ATTEST:  
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson  
Deputy Clerk

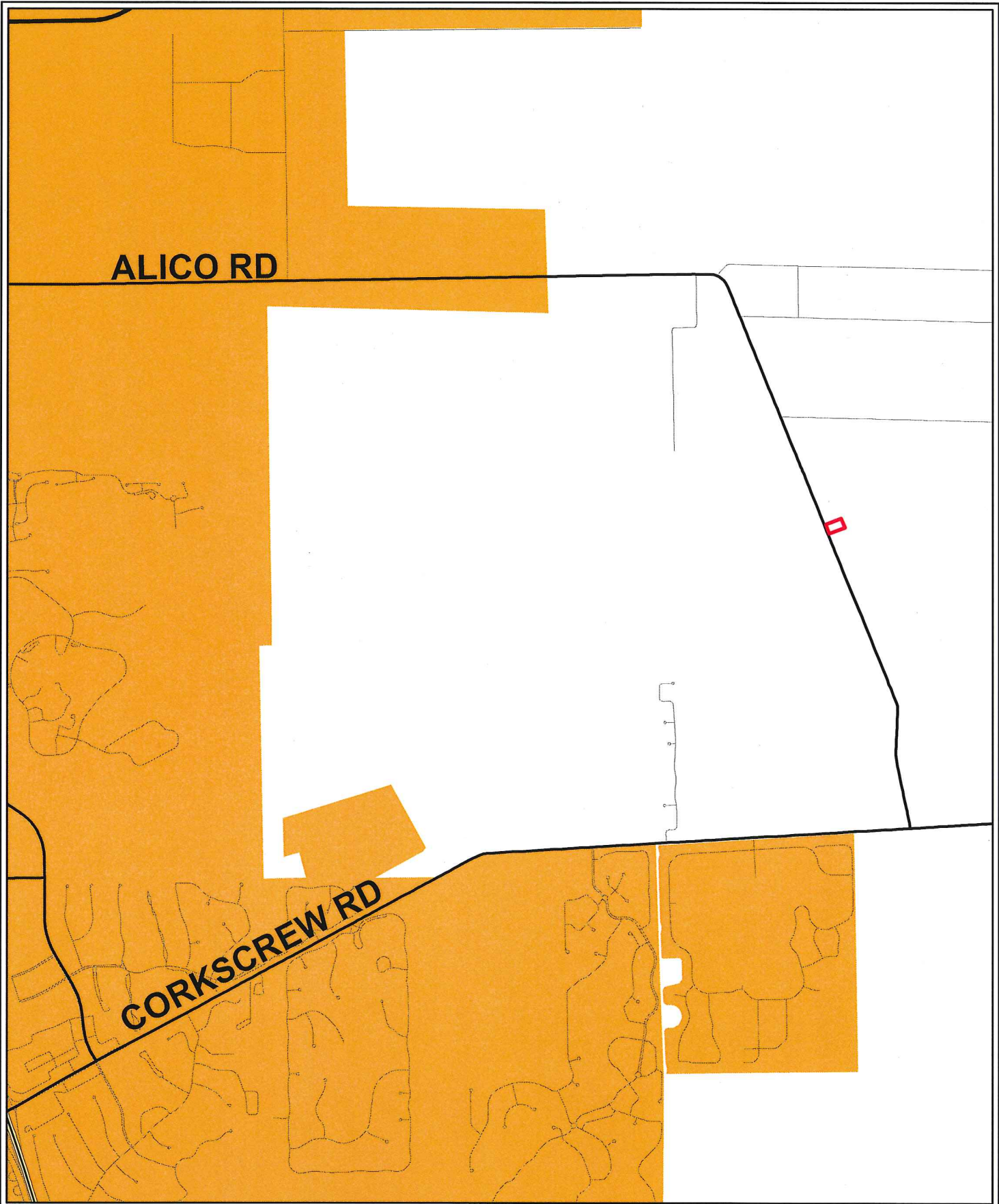
BY: [Signature]  
Cecil L Pendergrass, Chair

Approved as to form by:

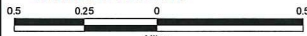
[Signature]  
Michael D. Jacob  
Assistant County Attorney  
County Attorney's Office



Exhibit A: Future Land Use Map Series, Map 6, the Lee County Utilities Future Water Service Areas Map



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING



Map Generated July 2013

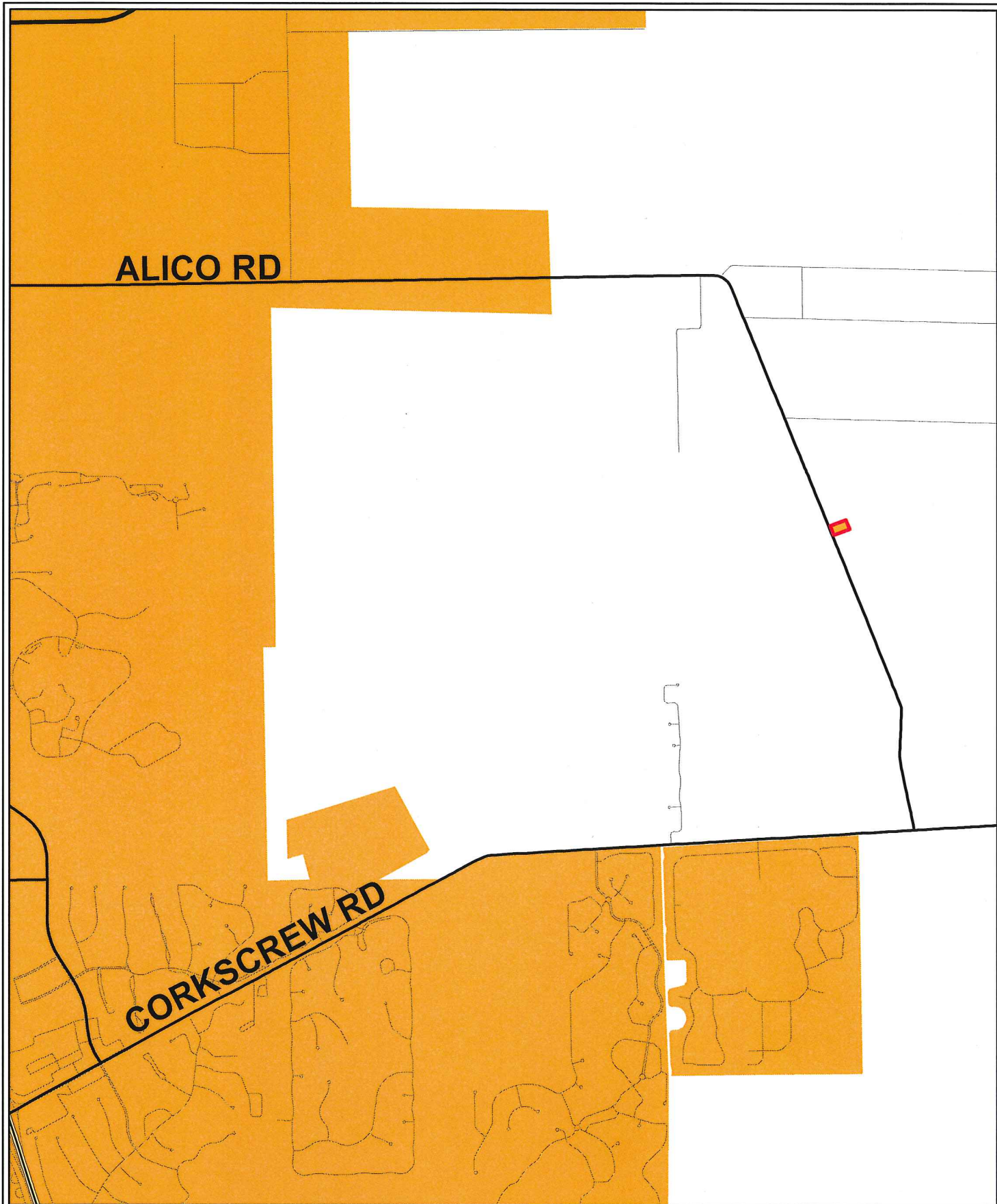


**CPA2013-00001 - WEST LAKES EXCAVATION  
EXISTING LEE PLAN MAP 6**

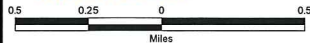
Legend

- Future Water Service Area
- Subject Property

**LEE COUNTY UTILITIES  
FUTURE WATER SERVICE AREAS**



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING



Map Generated July 2013



**CPA2013-00001 - WEST LAKES EXCAVATION  
PROPOSED LEE PLAN MAP 6**

Legend

- Future Water Service Area
- Subject Property

**LEE COUNTY UTILITIES  
FUTURE WATER SERVICE AREAS**

STATE OF FLORIDA

COUNTY OF LEE

I Linda Doggett, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing, is a true and correct copy of Ordinance No. 13-16, adopted by the Board of Lee County Commissioners, at their meeting held on the 19th day of August, 2013 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 20th day of August, 2013.

LINDA DOGGETT,  
Clerk of Circuit Court  
Lee County, Florida

By:

Marcia Wilson

Deputy Clerk

