

## LEE COUNTY ORDINANCE NO. 22-13

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2021-00010) PERTAINING TO 3640 SW PINE ISLAND ROAD; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN MAPS 1-A, FUTURE LAND USE MAP AND 4-B, LEE COUNTY UTILITIES FUTURE SEWER SERVICE AREAS MAP; LEGAL EFFECT OF THE "LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY; INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("*Lee Plan*") 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 March 28, 2022. 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 of the proposed amendment on May 4, 2022. At that hearing, the Board approved a motion to adopt proposed amendment CPA2021-00010 pertaining to 3640 SW Pine Island Road Small-Scale Map, amending Future Land Use Map, Map 1-A, and Lee County Utilities (LCU) Future Sewer Service Areas Map, Map 4-B of the Lee Plan. The subject property is located on the south side of Pine Island Road, approximately ½ mile west of Veteran's Parkway/Burnt Store Road.

**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 "3640 SW Pine Island Road Small-Scale Map Amendment (CPA2021-00010)".

## **SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 1-A AND LEE COUNTY UTILITIES FUTURE SEWER SERVICE AREAS MAP, MAP 4-B**

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 1-A to re-designate 1.4± acres from the Rural future land use category to the Commercial future land use category and Map 4-B to add the subject property to the LCU Future Sewer Service Areas Map. The subject property is located on the south side of Pine Island Road, approximately ½ mile west of Veteran's Parkway/Burnt Store Road. 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: MODIFICATION**

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 FIVE: 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 SIX: 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 SEVEN: 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 his designee, without need of a public hearing, by filing a corrected or re-codified copy with the Clerk of the Circuit Court.

## SECTION EIGHT: 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 Hamman made a motion to adopt the foregoing ordinance, seconded by Commissioner Sandelli. The vote was as follows:


Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Absent

DONE AND ADOPTED this 18<sup>th</sup> of May 2022.

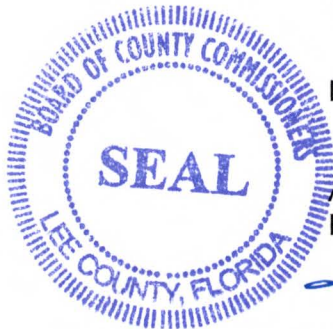
ATTEST:  
KEVIN KARNES, CLERK

BY:   
Deputy Clerk

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY:   
Cecil L. Pendergrass, Chairman  
Lee County Board of County Commissioners  
District 2

DATE: 5-19-22

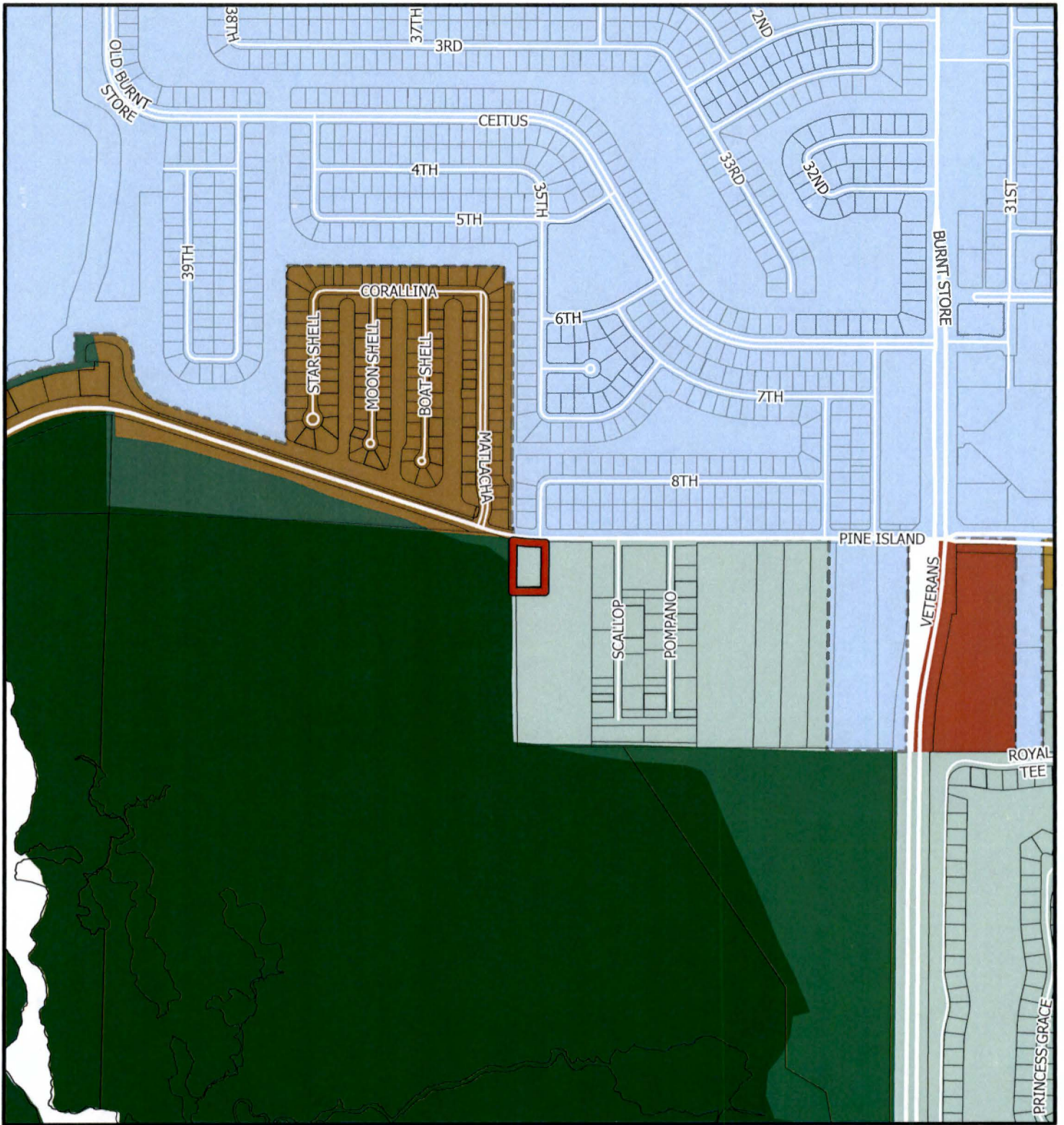


APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

  
Lee County Attorney's Office

Exhibit A:

Existing Map 1-A, Future Land Use Map  
Adopted revisions to Map 1-A, Future Land Use Map (Adopted by BOCC May 18, 2022)  
Adopted revisions to Map 4-B, LCU Future Sewer Service Areas Map (Adopted by BOCC May 18, 2022)



CPA2021-00010 3640 SW Pine Island Rd

Existing Future Land Use

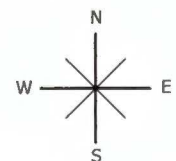


Lee County  
Southwest Florida

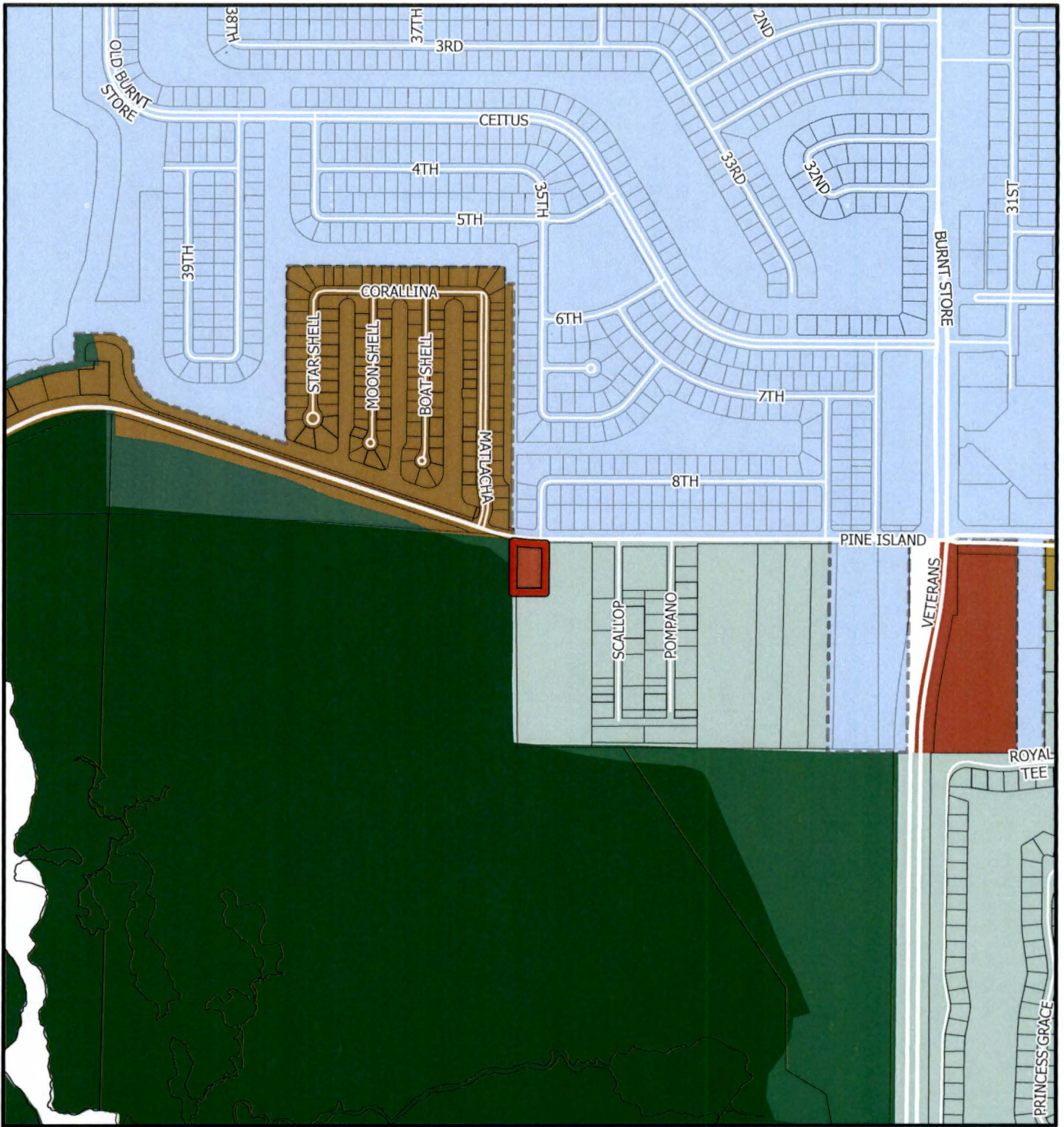
Map Generated: March 2022

- Urban Community
- Suburban
- Commercial
- Rural
- Conservation Lands - Upland

- Wetlands
- Conservation Lands - Wetland
- City Limits
- Subject Property



0 500 1,000  
Feet



CPA2021-00010 3640 SW Pine Island Rd

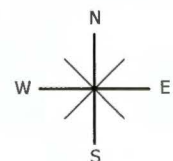
Proposed Future Land Use



Map Generated: March 2022

- Urban Community
- Suburban
- Commercial
- Rural
- Conservation Lands - Upland

- Wetlands
- Conservation Lands - Wetland
- City Limits
- Subject Property



0 500 1,000  
Feet



# CPA2021-00010 3640 SW Pine Island Rd Future Sanitary Sewer Service Areas



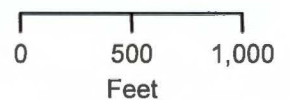
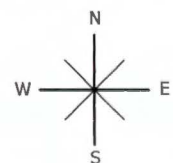
City Limits



Addition to Future Sewer Service Areas



Future Sewer Service Areas



Map Generated: March 2022



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

May 23, 2022

Honorable Kevin Karnes  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attn: Chris Jagodzinski

Dear Kevin Karnes:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 22-13, which was filed in this office on May 19, 2022.

Sincerely,

Anya Owens  
Program Administrator

ACO/mas

**RECEIVED**

*By Chris Jagodzinski at 11:10 am, May 23, 2022*

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM**

COUNTY: Lee

COUNTY ORDINANCE #: 22-13

(e.g., 93-001)

**PRIMARY KEYFIELD**

DESCRIPTOR: Comprehensive Planning

**SECONDARY KEYFIELD**

DESCRIPTOR: Planning

**OTHER KEYFIELD**

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: 3640 SW Pine Island Rd

(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02

AMENDMENT #2: \_\_\_\_\_

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: \_\_\_\_\_ ; REPEAL #3: \_\_\_\_\_

REPEAL #2: \_\_\_\_\_ ; REPEAL #4: \_\_\_\_\_

(Others Repealed: List All That Apply): \_\_\_\_\_

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(FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: \_\_\_\_\_

KEYFIELD 1 CODE: \_\_\_\_\_

KEYFIELD 2 CODE: \_\_\_\_\_

KEYFIELD 3 CODE: \_\_\_\_\_

RECEIVED  
MINUTES OFFICE

**MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY**

2022 MAY 19 PM 3:19

VIA HAND DELIVERY

DATE: May 18, 2022

TO: Commissioner Pendergrass

Chair, Board of County  
Commissioners

FROM:

Michael D. Jacob  
Deputy County Attorney

RE: **Lee County Ordinance Amending the Lee County Comprehensive Plan  
Ord #22-13, 3640 SW Pine Island Road Small-Scale Map Amendment  
(CPA2021-00010)  
Adoption Hearing – May 18, 2022**

On May 18, 2022, the Board of County Commissioners adopted an ordinance amending the Lee County Comprehensive Plan. The original ordinance is attached to this memorandum for execution. Kindly execute the ordinance at your earliest convenience and then forward to Eileen Gabrick in the Minutes Department.

By copy of this memorandum to Eileen Gabrick, I request that a clerk attest to the Chair's signature on the attached ordinance and email a copy of the fully executed ordinance with all exhibits to my attention.

Insofar as State Statute mandates that the ordinance reach Tallahassee within ten (10) days of the adoption, please expedite the above request so that the ordinance arrives in Tallahassee no later than May 27, 2022.

**Joyce**, attached please find the Data Retrieval Form. Kindly include the amendments in the Lee County Ordinance History.

Thank you for your assistance.

MDJ:tlb

Attachment:

Ord #22-13, 3640 SW Pine Island Road Small-Scale Map Amendment (CPA2021-00010)

cc via email only: Joyce Conatser, Senior Fiscal Officer  
Samantha Westen, Executive Assistant  
Rose Bahena, Administrative Specialist, Senior  
Eileen Gabrick, Manager, Minutes Department  
Mikki Rozdolski, Section Manager, Planning  
Brandon Dunn, Principal Planner, Planning  
Janet Miller, Administrative Specialist/DCD  
Debbie Carpenter, Administrative Specialist/DCD