

LEE COUNTY ORDINANCE NO. 23-27

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2023-00001) PERTAINING TO BABCOCK ROAD US-41 MAP AMENDMENT; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN MAP 1-A, THE FUTURE LAND USE 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 August 28, 2023. 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 October 4, 2023. At that hearing, the Board approved a motion to adopt proposed amendment CPA2023-00001 pertaining to Babcock Road US-41 Map Amendment, amending Map 1-A of the Lee Plan, the Future Land Use Map. The subject parcel is located at the at 7084 Babcock Road, Estero, Florida.

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 "Babcock Road US-41 Map Amendment (CPA2023-00001)".

SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 1-A

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, the Future Land Use Map to redesignate the +25.60 acre property from the Urban Community future land use category to the Central Urban future land use category. The subject parcel is located at 7084 Babcock Road, Estero, Florida. 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

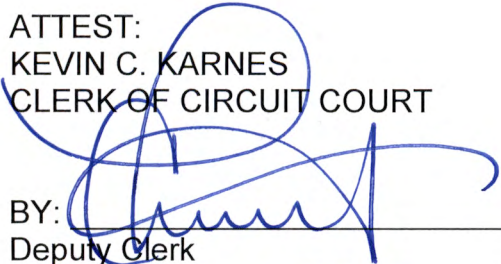
The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Economic 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 Pendergrass made a motion to adopt the foregoing ordinance, seconded by Commissioner Ruane. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DONE AND ADOPTED this 4th day of October 2023.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Brian Hamman, Chair



DATE: 10/6/23

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

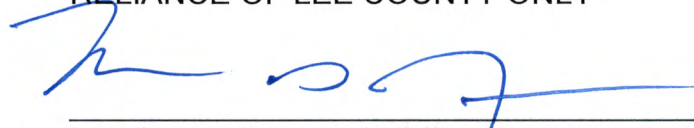
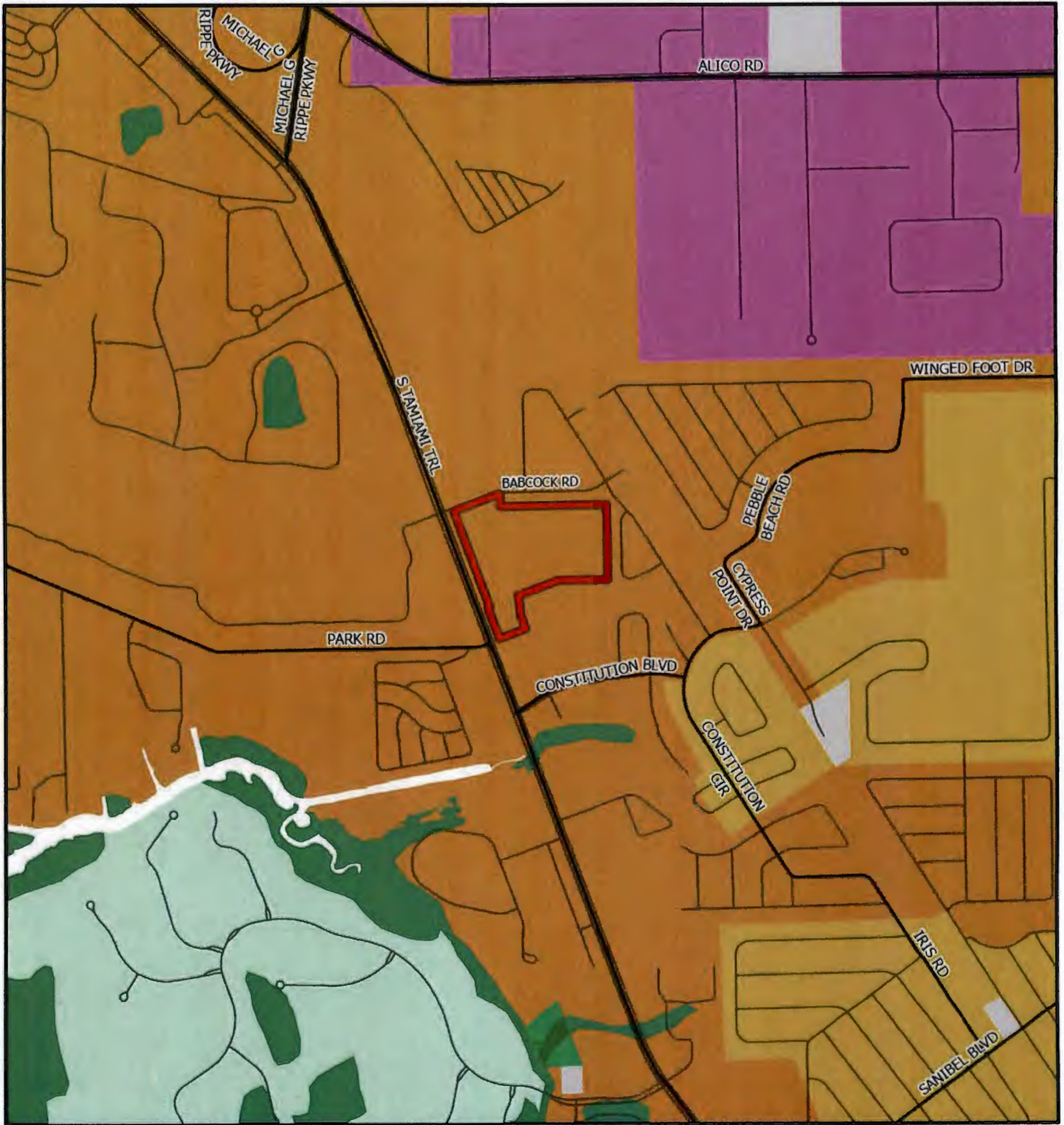

Lee County Attorney's Office

Exhibit A (Adopted by BOCC October 4, 2023):
Adopted existing Future Land Use Map 1-A
Adopted revisions to Future Land Use Map 1-A
Adopted revisions to Table 1(b)

RECEIVED
MINUTES OFFICE
2023 OCT 10 AM 10:18

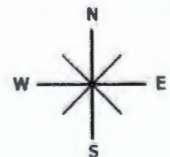


CPA2023-00001

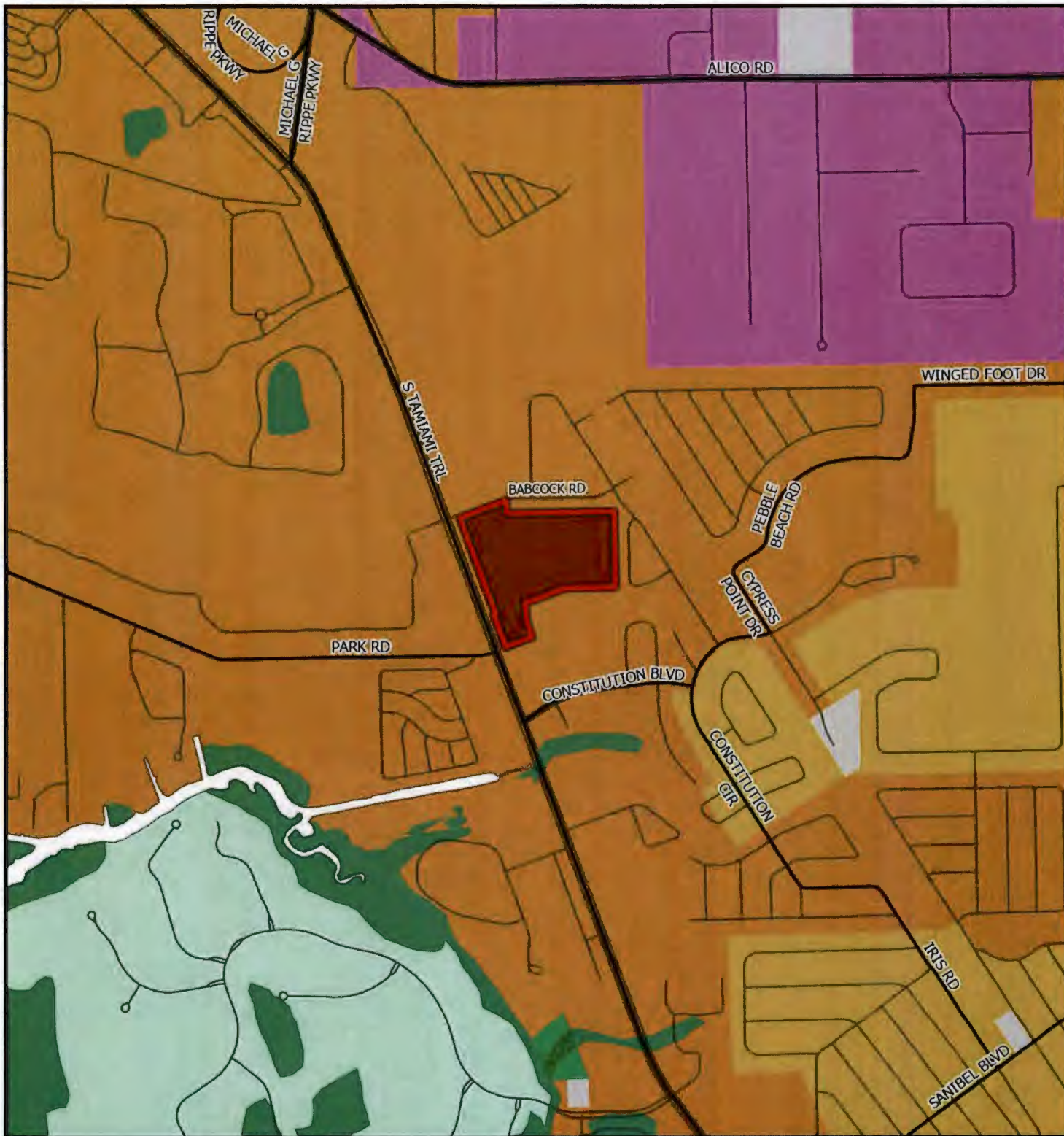
Existing Future Land



- | | |
|-------------------|------------------------------|
| Urban Community | Conservation Lands - Upland |
| Suburban | Wetlands |
| Industrial | Conservation Lands - Wetland |
| Public Facilities | Subject Property |
| Rural | |



Map Generated: August 2023

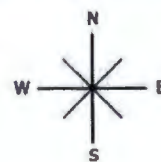


CPA2023-00001

Proposed Future Land



- Central Urban
- Urban Community
- Suburban
- Industrial
- Public Facilities
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- Subject Property



Map Generated: August 2023

Table 1(b) Year 2045 Allocations

Future Land Use Category	Unincorporated County		Planning District											
			District 1 Northeast Lee County	District 2 Boca Grande	District 3 Bonita	District 4 Fort Myers Shores	District 5 Burnt Store	District 6 Cape Coral	District 7 Captiva	District 8 Fort Myers	District 9 Fort Myers Beach	District 10 Gateway / Airport		
	Existing	Proposed												
Residential By Future Land Use Category	Intensive Development	1,483	1,483	-	-	-	17	-	21	-	238	-	-	
	Central Urban	13,838	13,850	-	-	-	207	-	-	-	230	-	25	
	Urban Community	22,683	22,635	813	453	-	475	-	-	-	-	-	150	
	Suburban	14,871	14,871	-	-	-	1,950	-	-	-	80	-	-	
	Outlying Suburban	3,638	3,638	25	-	-	490	13	3	429	-	-	-	
	Sub-Outlying Suburban	1,731	1,731	-	-	-	330	-	-	-	-	-	227	
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-	
	Industrial	15	15	-	-	-	-	-	-	-	-	-	-	6
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	503	503	-	-	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	8	8	-	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	2	2	-	-	-	-	2	-	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	134	134	-	-	-	-	-	-	-	-	-	-	35
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	2,104	2,104	1,115	-	-	-	-	-	-	-	-	-	989
	Airport	-	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	3	3	-	-	-	-	-	-	-	-	-	-	3
	Rural	7,764	7,764	2,431	-	-	800	730	-	-	-	-	-	-
	Rural Community Preserve	3,517	3,517	-	-	-	-	-	-	-	-	-	-	-
	Coastal Rural	1,338	1,338	-	-	-	-	-	-	-	-	-	-	-
	Outer Island	233	233	2	4	-	1	-	-	169	-	-	-	-
	Open Lands	2,186	2,186	153	-	-	-	257	-	-	-	-	-	-
	Density Reduction/ Groundwater Resource	6,974	6,974	131	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-	-
Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-	-	
Unincorporated County Total Residential	82,026	82,990	4,669	457	-	4,270	1,002	24	598	548	-	1,435		
Commercial	8,915	8,915	300	53	-	450	27	9	125	150	-	1,216		
Industrial	4,787	4,787	30	3	-	300	10	15	70	315	-	2,134		
Non Regulatory Allocations	-	-	-	-	-	-	-	-	-	-	-	-		
Public	120,211	120,222	14,191	622	-	4,864	7,323	6	2,340	583	-	9,660		
Active AG	21,944	21,944	5,500	-	-	240	90	-	-	-	-	2		
Passive AG	13,665	13,665	5,500	-	-	615	100	-	-	-	-	465		
Conservation	87,746	85,514	2,458	297	-	1,163	3,186	67	1,595	926	-	2,206		
Vacant	26,224	26,250	1,145	28	-	733	766	8	103	17	-	88		
Total	366,520	366,520	33,793	1,460	-	12,634	12,505	129	4,831	2,538	-	17,205		
Population Distribution (unincorporated Lee County)	584,331	585,390	8,235	1,470	-	35,253	2,179	152	725	5,273	-	23,340		

Table 1(b) Year 2045 Allocations

Future Land Use Category	Planning District												
	District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos		District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers	District 20 Buckingham	District 21 Estero	District 22 Bayshore
			Existing	Proposed									
Intensive Development	-	-	-	-	-	801	1	30	-	376	-	-	-
Central Urban	-	656	20	32	-	3,113	-	7,362	-	2,225	-	-	-
Urban Community	-	978	1,255	1,207	-	863	540	17,034	-	7	115	-	-
Suburban	-	2,566	2,069	2,069	-	1,202	659	-	-	6,345	-	-	-
Outlying Suburban	1,253	438	-	-	-	-	502	-	-	396	-	90	-
Sub-Outlying Suburban	-	-	13	13	-	-	-	-	-	145	66	-	950
Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-
Industrial	-	3	3	3	-	3	-	-	-	-	-	-	-
Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-
University Community	-	-	503	503	-	-	-	-	-	-	-	-	-
Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-	-
Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-	-
Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
General Interchange	58	-	-	-	-	-	-	-	8	14	-	-	20
General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
New Community	-	-	-	-	-	-	-	-	-	-	-	-	-
Airport	-	-	-	-	-	-	-	-	-	-	-	-	-
Tradeport	-	-	-	-	-	-	-	-	-	-	-	-	-
Rural	1,573	-	99	99	-	-	227	14	-	454	50	-	1,387
Rural Community Preserve	-	-	-	-	-	-	-	-	-	-	3,517	-	-
Coastal Rural	-	-	-	-	-	-	1,338	-	-	-	-	-	-
Outer Island	-	2	-	-	-	-	55	-	-	-	-	-	-
Open Lands	80	-	-	-	-	-	-	-	-	30	-	-	1,667
Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	-	4,742	-	-	-	2,101
Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-	-
Wetlands	-	-	-	-	-	-	-	-	-	-	-	-	-
Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential	2,964	4,650	3,862	3,926	-	5,982	3,322	24,440	4,750	9,991	3,748	90	6,125
Commercial	326	774	938	938	-	2,012	288	900	118	1,121	19	18	72
Industrial	5	198	387	387	-	566	67	218	215	244	4	2	4
Non Regulatory Allocations													
Public	3,214	4,898	6,264	6,375	-	5,883	4,831	20,267	17,992	10,117	3,052	653	3,351
Active AG	5	13	5	5	-	-	2,780	35	12,000	90	630	4	550
Passive AG	10	-	5	5	-	-	70	50	2,500	250	2,000	-	2,100
Conservation	1,677	9,786	2,232	-	211	15,489	1,077	41,028	1,607	382	1,465	895	-
Vacant	20	55	320	246	-	4	2,200	14,804	2,400	1,227	850	130	1,425
Total	8,221	20,374	14,114	14,114	-	14,658	29,047	61,791	81,003	24,649	10,684	2,362	14,523
Population Distribution (unincorporated Lee County)	14,322	44,132	53,556	54,615	-	76,582	13,431	162,245	17,369	110,722	5,951	741	8,653



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 10, 2023

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

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. 23-27, which was filed in this office on October 10, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

RECEIVED

By Chris Jagodzinski at 11:04 am, Oct 10, 2023