

LEE COUNTY ORDINANCE NO. 24-16
BSR 40
(CPA2023-00010)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT PERTAINING TO BSR 40 (CPA2023-00010); 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 September 23, 2024. 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 November 6, 2024. At that hearing, the Board approved a motion to adopt proposed amendment CPA2023-00010 pertaining to BSR 40, amending Map 1-A of the Lee Plan, the Future Land Use Map. The subject parcel is located at the east side of Burnt Store Road, east of the Cape Coral City Limits, and approximately one mile south of the Charlotte County boundary.

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 "BSR 40 (CPA2023-00010)".

SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 1-A AND TABLE 1(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, the Future Land Use Map to re-designate the future land use categories of ±38.51 acres from Open Lands and Wetlands to Central Urban and Wetlands and to Table 1(b):Year 2045 Population Allocations to accommodate residential development in the Burnt Store Planning District. The subject parcel is located on the east side of Burnt Store Road, east of the Cape Coral City Limits, and approximately one mile south of the Charlotte County boundary. 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
Mike Greenwell	Absent

DONE AND ADOPTED this 6th of November, 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

BY: 
Mike Greenwell, Chair *Kevin Ruane, Vice Chair*



DATE: 11/7/2024

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Lee County Attorney's Office

Exhibit A (Adopted by BOCC November 6, 2024):
Adopted existing Future Land Use Map 1-A
Adopted revisions to Future Land Use Map 1-A
Adopted revisions to Table 1(b) Year 2045 Allocations

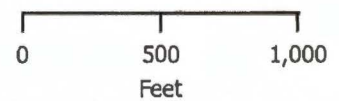
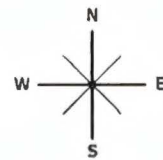


CPA2023-00010

Existing Future Land Use



- Central Urban
- Rural
- Open Lands
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- Subject Property
- City Limits



Map Generated: August 2024

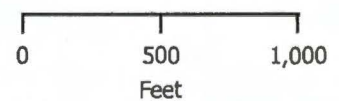
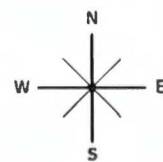


CPA2023-00010

Proposed Future Land Use



- Central Urban
- Rural
- Open Lands
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- Subject Property
- City Limits



Map Generated: August 2024

Lee County Property Appraiser, Lee County, FL

Table 1(b) Year 2045 Allocations

Future Land Use Category	Unincorporated County		Planning District											
	Existing	Proposed	District 1	District 2	District 3	District 4	District 5		District 6	District 7	District 8	District 9	District 10	
			Northeast Lee County	Boca Grande	Bonita	Fort Myers Shores	Burnt Store		Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway / Airport	
						Existing	Proposed							
Residential By Future Land Use Category	Intensive Development	1,469	1,483	-	-	-	17	-	-	21	-	238	-	-
	Central Urban	13,639	13,768	-	-	-	207	-	24	-	-	230	-	25
	Urban Community	22,739	22,739	813	453	-	475	-	-	-	-	-	-	150
	Suburban	14,919	14,913	-	-	-	1,950	-	-	-	-	80	-	-
	Outlying Suburban	3,648	3,648	25	-	-	490	19	13	3	429	-	-	-
	Sub-Outlying Suburban	1,792	1,732	-	-	-	330	-	-	-	-	-	-	227
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	15	15	-	-	-	-	-	-	-	-	-	-	6
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	669	503	-	-	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	8	8	-	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	2	2	-	-	-	-	2	2	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	115	115	-	-	-	-	-	-	-	-	-	-	15
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	2,104	2,104	1,115	-	-	-	-	-	-	-	-	-	989
	Airport	-	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	8	3	-	-	-	-	-	-	-	-	-	-	3
	Rural	7,764	7,764	2,431	-	-	800	798	730	-	-	-	-	-
	Rural Community Preserve	3,517	3,517	-	-	-	-	-	-	-	-	-	-	-
	Coastal Rural	1,998	1,338	-	-	-	-	-	-	-	-	-	-	-
	Outer Island	233	233	2	4	-	1	-	-	-	169	-	-	-
	Open Lands	2,166	2,186	153	-	-	-	257	257	-	-	-	-	-
	Density Reduction/ Groundwater Resource	6,974	6,974	131	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-	-
Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-	-	
unincorporated county total	83,115	83,044	4,669	457	-	4,270	1,002	1,026	24	598	548	-	1,415	
Residential	8,916	8,916	300	53	-	450	27	27	9	125	150	-	1,216	
Industrial	4,788	4,788	30	3	-	300	10	10	15	.70	315	-	2,134	
Non Regulatory Allocations														
Public	120,211	120,211	14,191	622	-	4,864	7,929	7,323	6	2,340	583	-	9,660	
Active AG	21,944	21,944	5,500	-	-	240	98	90	-	-	-	-	2	
Passive AG	13,685	13,685	5,500	-	-	615	106	100	-	-	-	-	485	
Conservation	87,746	87,746	2,458	297	-	1,163	3,106	3,186	67	1,595	926	-	2,206	
Vacant	26,118	26,189	1,145	28	-	733	766	742	8	103	17	-	88	
Total	366,529	366,523	33,793	1,460	-	12,635	12,504	12,504	129	4,831	2,539	-	17,206	
Population Distribution (unincorporated county total)	584,931	584,331	8,235	1,470	-	35,253	2,179	2,949	152	725	5,273	-	22,566	

Table 1(b) Year 2045 Allocations

Future Land Use Category		Planning District													
		District 11	District 12	District 13	District 14	District 15	District 16	District 17	District 18	District 19		District 20	District 21	District 22	
		Daniels Parkway	Iona / McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers		Buckingham	Estero	Bashore	
		Existing	Proposed												
Residential By Future Land Use Category	Intensive Development	-	-	-	-	801	1	30	-	-	976	378	-	-	-
	Central Urban	-	656	20	-	3,113	-	7,362	-	-	2,225	2,130	-	-	-
	Urban Community	-	978	1,318	-	863	540	17,034	-	-	-	-	115	-	-
	Suburban	-	2,566	2,069	-	1,202	659	-	-	-	6,967	6,387	-	-	-
	Outlying Suburban	1,253	438	-	-	-	502	-	-	-	466	406	-	90	-
	Sub-Outlying Suburban	-	-	13	-	-	-	-	-	-	145	145	68	-	950
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	-	3	3	-	3	-	-	-	-	-	-	-	-	-
	Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Community	-	-	503	-	-	-	-	-	-	-	-	-	-	-
	Destination Resort	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	58	-	-	-	-	-	-	8	-	14	14	-	-	20
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Rural	1,573	-	99	-	-	227	14	-	-	454	454	50	-	1,387
	Rural Community Preserve	-	-	-	-	-	-	-	-	-	-	-	3,517	-	-
	Coastal Rural	-	-	-	-	-	1,338	-	-	-	-	-	-	-	-
	Outer Island	-	2	-	-	-	55	-	-	-	-	-	-	-	-
	Open Lands	80	-	-	-	-	-	-	-	-	98	30	-	-	1,667
	Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	4,742	-	-	-	-	-	2,101
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wetlands	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
unincorporated County Total	2,964	4,651	4,024	-	5,982	3,322	24,440	4,750	-	10,007	9,942	3,748	90	6,125	
Residential	326	774	938	-	2,012	288	900	118	-	1,121	1,121	19	18	72	
Industrial	5	198	387	-	566	67	218	215	-	244	244	4	2	4	
Non Regulatory Allocations															
Public	3,214	4,898	6,364	-	5,883	4,831	20,267	17,992	-	10,117	10,117	3,052	653	3,351	
Active AG	5	13	5	-	-	2,780	35	12,000	-	90	90	630	4	550	
Passive AG	10	-	5	-	-	70	50	2,500	-	250	250	2,000	-	2,100	
Conservation	1,677	9,786	2,232	-	211	15,489	1,077	41,028	-	1,607	1,607	382	1,465	895	
Vacant	20	55	158	-	4	2,200	14,804	2,400	-	1,188	1,183	850	130	1,425	
Total	8,221	20,375	14,113	-	14,658	29,047	61,791	81,003	-	24,649	24,649	10,685	2,362	14,522	
Population Distribution (unincorporated)	14,723	44,132	53,974	-	76,582	13,431	161,031	18,538	-	110,722	109,952	5,951	741	8,653	



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 13, 2024

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. 24-16, which was filed in this office on November 12, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL

RECEIVED

By Melissa Butler at 10:39 am, Nov 13, 2024

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

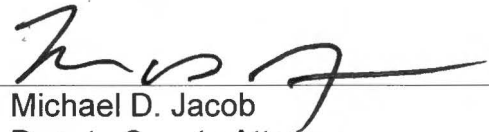
VIA HAND DELIVERY

DATE: November 7, 2024

TO: Commissioner Mike Greenwell

Chair, Board of County
Commissioners

FROM:


Michael D. Jacob
Deputy County Attorney

RE: **Lee County Ordinance Amending the Lee County Comprehensive Plan
Ord #24-16 (CPA2023-00010) BSR 40 Map Amendment
Adoption Hearing on November 6, 2024**

On November 6, 2024, 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 November 16, 2024. Also attached please find the Data Retrieval form to accompany the ordinance when transmitted to the State.

Thank you for your assistance.

MDJ/les

Attachment: Ord #24-16 (CPA2023-00010)

cc via email only: Laurel Chick, Internal Services Manager
Samantha Westen, Executive Assistant
Rose Bahena, Administrative Specialist, Senior
Eileen Gabrick, Manager, Minutes Department
leeclerkminutes@leeclerk.org
Brandon Dunn, Principal Planner, Planning
Becky Sweigert, Principal Planner, DCD
Janet Miller, Administrative Specialist/DCD
Erica Temerario, Legal Administrative Specialist

2024 NOV 12 PM 2:34
MINUTES OFFICE

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 24-16

(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: BSR 40 CPA Map Amendment

(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): _____

(FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: _____

KEYFIELD 1 CODE: _____

KEYFIELD 2 CODE: _____

KEYFIELD 3 CODE: _____