

LEE COUNTY ORDINANCE NO. 25-04
(Airport Master Plan Update)
(CPA2024-00008)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE AIRPORT MASTER PLAN UPDATE (CPA2024-00008) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, 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 the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (“LPA”) held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on December 9, 2024; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on January 22, 2025. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Airport Master Plan Update (CPA2024-00008) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 22, 2025 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on April 2, 2025, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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 public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and 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 "Airport Master Plan Update Ordinance (CPA2024-00008)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Policy 1.1.12 to update references to the Airport Master Plan as required by Florida Statute 163.3177(1)(b) and 163.3177(6)(b)4, and Policy 47.3.3 to update references to the Board of Port Commissioners. The subject property occupies approximately 6,431 acres of land and is located south of Daniels Parkway, east of Interstate 75 and Treeline Avenue and north of Alico Road.

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

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 that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, 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 renumbered or relettered 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 public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE


The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Greenwell, who moved its adoption. The motion was seconded by Commissioner Hamman. The vote was as follows:

| | |
|---------------------|--------|
| Kevin Ruane | Absent |
| Cecil L Pendergrass | Aye |
| David Mulicka | Aye |
| Brian Hamman | Aye |
| Mike Greenwell | Aye |

DONE AND ADOPTED this 2nd day of April 2025.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY FLORIDA

BY: 
Cecil L. Pendergrass, Vice-Chairman

DATE: 4-3-25



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


County Attorney's Office

Exhibit A (Adopted by BOCC April 2, 2025):
Adopted revisions to Lee Plan Policies 1.1.12 and 47.3.3

EXHIBIT A

Note: Text depicted with underscore represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.

PROPOSED TEXT AMENDMENTS

II. FUTURE LAND USE ELEMENT

a. Growth Management

POLICY 1.1.12: The Airport Lands future land use category accommodates the Port Authority's airports and its projected growth needed, as economic engines, to meet the region's demands for air travel and for the non-aviation related uses necessary to continue viable airport operations. Allowable land uses and intensities within the Airport Lands future land use category are according to the plans for the airport properties outlined in the *Southwest Florida International Airport Master Plan Update* dated ~~March 2004~~ October, 2023, by ~~DMJM Aviation, Inc.~~ Johnson Engineering, LLC, on behalf of Lee County Port Authority and the *Page Field General Aviation Airport Master Plan Update* dated May 2002 by Birk Hillman Consultants, Inc. on behalf of Lee County Port Authority.

Development will include aviation related facilities such as hangars, terminals, and runways and non-residential, non-aviation related uses as approved through the Airport Operations Planned Development (AOPD) zoning process. Compatible non-aviation related uses support the continued development of airports by providing a supplementary revenue source and economic growth for the community.

In cooperation with local, state, and federal regulatory agencies, the Port Authority will work to minimize and correct any wildlife hazards arising from existing wetlands or water bodies located on properties designated Airport Lands in accordance with ~~FAA~~ Federal Aviation Administration directives. Site improvements on properties designated Airport Lands will be designed to minimize attractiveness to wildlife of natural areas and man-made features such as detention/retention ponds, landscaping, and wetlands, which can provide wildlife with ideal locations for feeding, loafing, reproduction, and escape. Specific to Southwest Florida International Airport, any future expansion or development of aviation-related facilities and non-aviation uses will offset environmental impacts through the Airport Mitigation Lands Overlay, depicted on Map 1-D, or other appropriate mitigation. The physical design of the airport expansion will minimize any degradation of the recharge capability of land being developed. All non-aviation land use development will meet the indigenous vegetation requirements set forth in the Land Development Code (LDC).

If the airport master planning process precipitates a change to the airport boundaries, or a substantive change to development intensities, the Port Authority will initiate the appropriate amendments to reflect such changes.

- Policy 1.1.12 revised to reflect Southwest Florida International Airport Master Plan Update and clarify acronyms.

II. TRANSPORTATION ELEMENT

a. Ports, Aviation & Related Facilities

POLICY 47.3.3: New or expanded facilities will be planned as part of the normal Airport Master Plan update approval process, subject to approval by the ~~FAA~~ Federal Aviation Administration, ~~FDOT~~ Florida Department of Transportation, and the Board of ~~County~~ Port Commissioners.

- Policy 47.3.3 revised to reflect Board of Port Commissioners endorsement and clarify acronyms.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 4, 2025

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. 25-04, which was filed in this office on April 4, 2025.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp

RECEIVED

By Melissa Butler at 12:40 pm, Apr 04, 2025

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

COUNTY: Lee

COUNTY ORDINANCE #: 25-04
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Airport Master Plan

(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: _____