

LEE COUNTY ORDINANCE NO. _____
(Clean-Up Amendments – Text Amendment)
(CPA2026-00003)

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 CLEANUP AMENDMENTS – TEXT AMENDMENT (CPA2026-00003) 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, provides 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 April 27, 2026; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 3, 2026. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Cleanup Amendments (CPA2026-00003) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the June 3, 2026, meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on October 21, 2026, 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 "Cleanup Amendments, Ordinance (CPA2026-00003)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee Plan, initially adopted by Ordinance Number 89-02, is hereby amended to amend Lee Plan Policies 2.1.3, 6.1.2, 11.2.1, 25.1.5, 25.8.4, Chapter XIII, and the Glossary of the Lee Plan. These amendments remove out-of-date policies, improve consistency, reflect current conditions and practices, and other general cleanup items.

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 Administration 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 _____, who moved its adoption. The motion was seconded by Commissioner _____. The vote was as follows:

Kevin Ruane	_____
Cecil L. Pendergrass	_____
David Mulicka	_____
Brian Hamman	_____
Trish Petrosky	_____

DONE AND ADOPTED this 21st day of October 2026.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY FLORIDA

BY: _____
Deputy Clerk

BY: _____
Cecil L. Pendergrass, Chair

DATE: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

Exhibit A (Adopted by BOCC October 21, 2026):
Adopted existing & revisions to Text Amendments

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

FUTURE LAND USE ELEMENT

POLICY 2.1.3: All land use categories and Planning Districts permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones A and B), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasicommercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations. (Ord. No. 94-30, 98-09, 21-09)

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POLICY 6.1.2: Commercial development in non-urban future land use categories is limited to Minor Commercial except that:

- ~~Neighborhood Commercial uses serving the Lee County Civic Center are permitted within one quarter mile of SR31 between North River Road and the Caloosahatchee River in the North Olga Community Planning Area and may be expanded to Community Commercial when approved as part of a Planned Development that is located at the intersection of two arterial roadways and has direct access to, or the ability to extend, existing water and sanitary sewer utilities.~~
- Neighborhood Commercial uses are permitted in the Southeast Lee County Planning District as provided for in Objectives 13.3 and 33.2.5.

Minor Commercial development may include limited commercial uses serving rural areas and agricultural needs, and commercial marinas. Minor Commercial development must be located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting road. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads.

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POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities ~~though~~ through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

1. ~~Located within the extended pedestrian shed of established transit routes; and, Has access to a transit route located within:~~
 - a. the extended pedestrian shed of established transit routes; or,
 - b. mobility on demand transit zones; and,

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2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,
 3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,
 4. Availability of adequate public facilities and infrastructure; and
 5. Will not intrude into predominately single-family residential neighborhoods.
- (Ord. No. 07-15, 17-13)

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POLICY 25.1.5: Within these nodes, promote pedestrian friendly mixed use development:

- a. Buffer walls between commercial and residential uses are not required.
- b. Bicycle and pedestrian facilities will be provided throughout these developments.
- c. Connections between all uses are ~~required~~ encouraged to facilitate alternative modes of transportation.
- d. ~~Connections to adjacent developments will be provided.~~
- e. ~~Vehicular connections between different uses will be provided to facilitate the internal capture of trips.~~

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POLICY 25.8.4: To minimize driveway connections to arterial and major collector roadways, all All new commercial development must provide parking lot interconnections, with accompanying cross-access easement rights, to adjacent properties unless physical constraints prevent the interconnection, and must not prevent pedestrian or vehicular access from adjacent residential areas.

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XIII. Administration

b. Administrative Interpretations of the Plan

no changes are proposed to Chapter 13, Part b.1 through Part b.2.e.(1)(a)

- (b) Minimum Lot Requirements:
 - (i) A lot/parcel created before June 27, 1962 must be a minimum of 4,000 square feet in area; or
 - (ii) A lot/parcel that is part of a subdivision recorded in the official Plat Books of Lee County on or after June 27, 1962, and prior to December 21, 1984, must have a width of at least 50 feet and an area of at least 5,000 square feet; or

- (iii) A lot/parcel created on or after June 27, 1962, and prior to December 21, 1984, that is not part of a subdivision recorded in the official Plat Books of Lee County must be a minimum of 7,500 square feet in area; or
- (iv) A lot/parcel created on or after December 21, 1984 was in conformance with the zoning regulations in effect at the time the lot/parcel was recorded; or
- (v) A lot/parcel approved as part of a planned unit development or planned development.
- (vi) Platted subdivisions with lots/parcels that do not meet current minimum lot requirements may obtain a Minimum Use Determination based on established precedent.

no changes are proposed to Chapter 13, Part b.2.e.(1)(c) through Part b.2.e.(2)(d).

- (e) If two or more contiguous properties have each qualified for the right to construct a single-family residence and if the lots/parcels are located in a zoning district that permits duplex, ~~or two-family dwellings,~~ or multi-family dwellings, the lots/parcels may be combined to build a single duplex, ~~or two-family,~~ or multi-family building in lieu of constructing two single-family residences, provided the overall density will not increase.

no changes are proposed to Chapter 13, Part b.2.e.(3) through Part b.2.e.(4).

- (5) A Minimum Use Determination ~~may~~will be ~~considered~~ vacated on a property that is brought into compliance with the standard density requirement of the Lee Plan.

no changes are proposed to Chapter 13, Part b.2.e.(6) through Part b.2.e.(8)

- (9) Lots/parcels of record with a lawfully existing residence are not required to obtain a Minimum Use Determination.

..... **XIV Glossary**

FUTURE NON-URBAN AREAS – Those categories on the Future Land Use Map that are designated primarily for single use developments with a density equal to or less than 1 unit per acre unless otherwise allowed within a special treatment area identified in Objective 1.7: Rural, Rural Community Preserve, Coastal Rural, Outer Island, Open Lands, ~~Wetlands~~, Conservation Lands (upland and wetland), New Community within the North Olga Planning Community and Density Reduction/Groundwater Resource. (Ord. No. 17-13, 18-06, 20-06)

FUTURE SUBURBAN AREAS – Those future urban categories on the Future Land Use Map that are designated primarily for single use developments: Suburban, Outlying Suburban, Sub-Outlying Suburban, Industrial Development, Airport, Tradeport, Commercial, Industrial Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, University Community, ~~Public Facilities~~, and the New Community within the Gateway/Airport Planning Community. (Ord. No. 17-13, 18-06)