

**LEE COUNTY ORDINANCE NO. 20-08**  
**Central Park Mixed Use Overlay**  
**(CPA2019-00010)**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT PERTAINING TO THE CENTRAL PARK MIXED USE OVERLAY (CPA2019-00010); PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN MAP 1, THE MIXED USE OVERLAY 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 July 27, 2020. 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 Map 1. At that hearing, the Board approved a motion to adopt proposed amendment CPA2019-00010 pertaining to Central Park Mixed Use Overlay, amending Map 1 of the Lee Plan, the Mixed Use Overlay Map. The subject parcel is located on Cypress Terrace Circle, west of US 41, approximately ¼ mile south of Cypress Lake Drive.

**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 "Central Park Mixed Use Overlay (CPA2019-00010)".

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

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, the Mixed Use Overlay Map, Page 6 of 7, to add a 6.4± acre parcel located on Cypress Terrace Circle to the Mixed Use Overlay. The subject parcel is located on Cypress Terrace Circle, west of US 41, approximately ¼ mile south of Cypress Lake Drive. 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 FOUR: 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 FIVE: 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 SIX: 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 SEVEN: 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 Manning made a motion to adopt the foregoing ordinance, seconded by Commissioner Pendergrass. The vote was as follows:

John Manning	Aye
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Absent

DONE AND ADOPTED this 19<sup>th</sup> of August 2020.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: Missy Flint  
Deputy Clerk

BY: Brian Hamman  
Brian Hamman, Chair



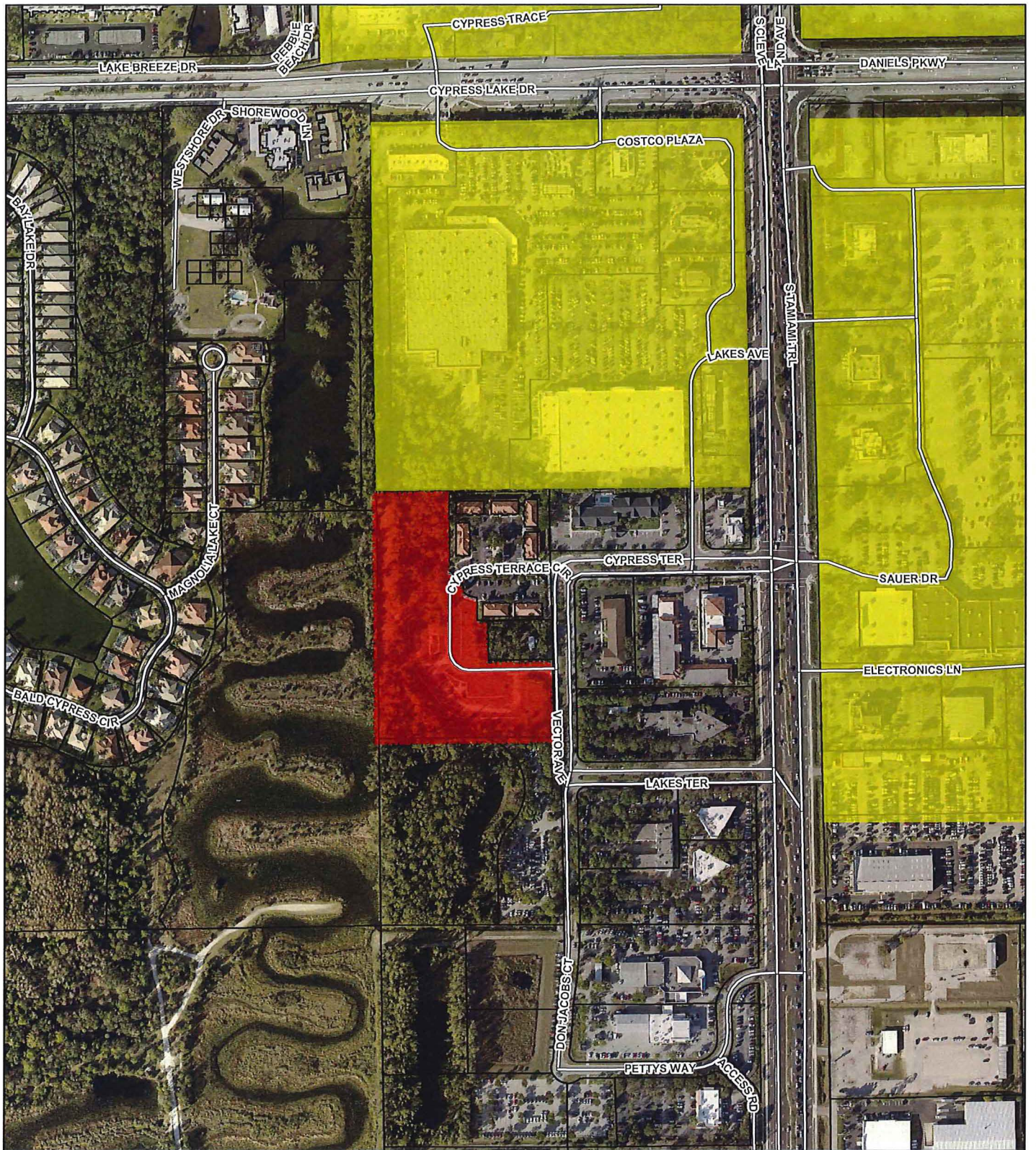
DATE: 8/21/2020

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

M. O. J.  
Lee County Attorney's Office

Exhibit A: Adopted revisions to Map 1 (Adopted by BOCC August 19, 2020)





CPA2019-00010  
 Central Park  
 Existing and Proposed  
 Mixed Use Overlay

- Proposed Mixed Use Overlay
- Existing Mixed Use Overlay







## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

August 24, 2020

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

Attn: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 20-08, which was filed in this office on August 21, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb