

LEE COUNTY ORDINANCE NO. 23-02

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2021-00012 AND CPA2022-00008) PERTAINING TO ALICO CROSSROADS; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN TEXT AND 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 December 12, 2022. 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 January 18, 2023. At that hearing, the Board approved a motion to adopt proposed amendments CPA2021-00012 and CPA2022-00008 pertaining to Alico Crossroads, amending the Future Land Use Map and Table 1(b) of the Lee Plan. The subject parcel is located at the east side of Three Oaks Parkway, approximately 0.25 miles north of Alico Road, and is immediately west of I-75.

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 "Alico Crossroads (CPA2021-00012 and CPA2022-00008)".

SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP 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 designation on ±46.7 acres from Industrial Commercial Interchange to General Interchange and amend Table 1(b) 2045 Population Allocation to accommodate residential development on the subject property, The subject parcel is located at the east side of Three Oaks Parkway, approximately 0.25 miles north of Alico Road, and is immediately west of I-75. 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

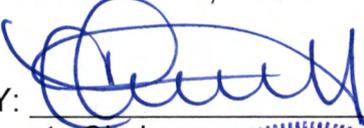
The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Economic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

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

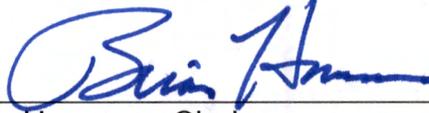
DONE AND ADOPTED this 18th day of January 2023.

ATTEST:
KEVIN KARNES, CLERK

BY: 
Deputy Clerk



LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

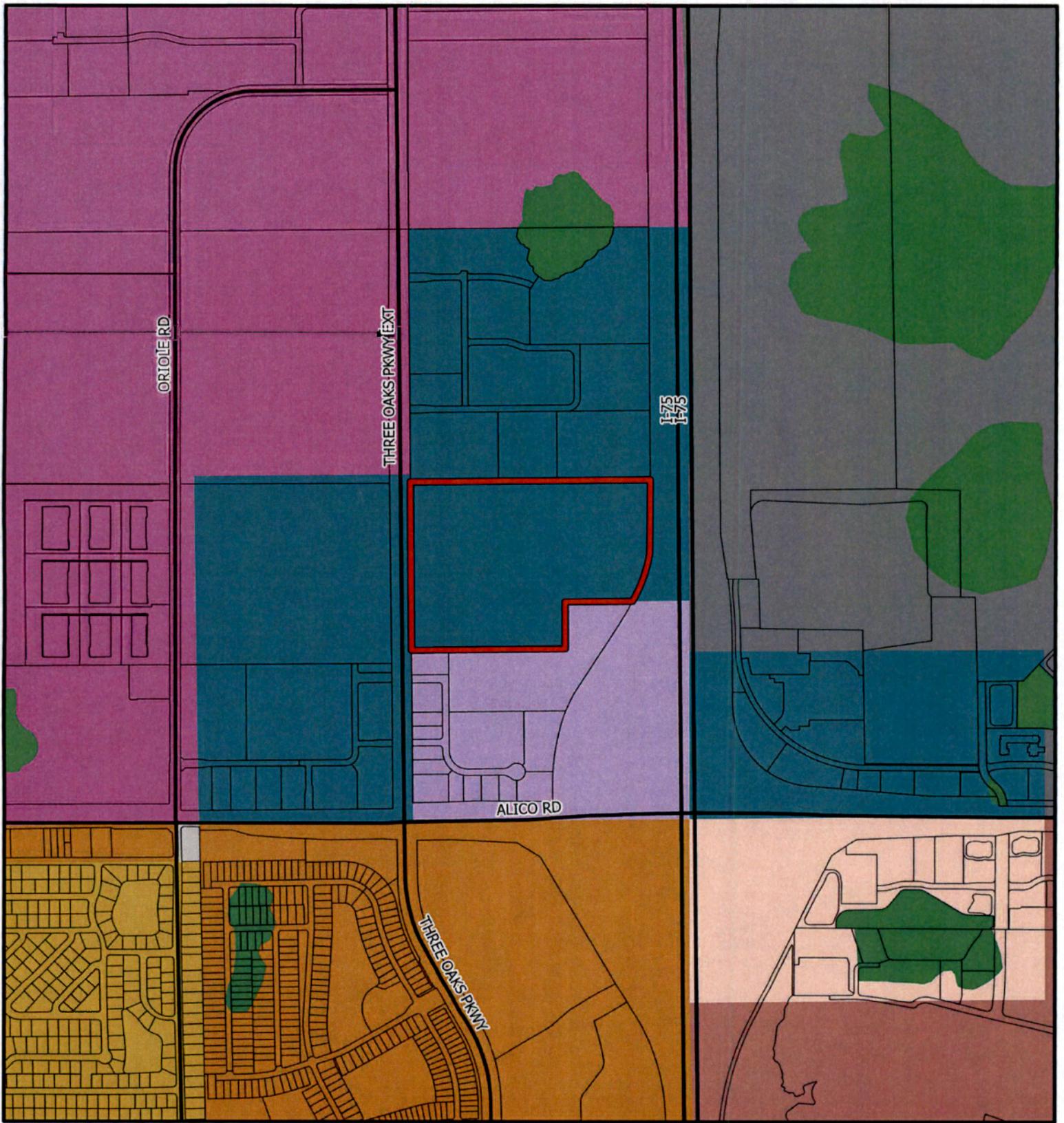
BY: 
Brian Hamman, Chair

DATE: 1/18/2023

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Lee County Attorney's Office

Exhibit A: (Adopted by BOCC January 18, 2023)
Adopted existing Future Land Use Map
Adopted revisions to Future Land Use Map
Adopted revisions to Table 1(b)

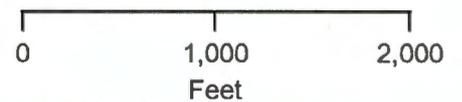
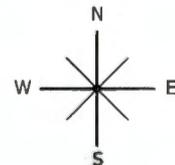


CPA2021-00012

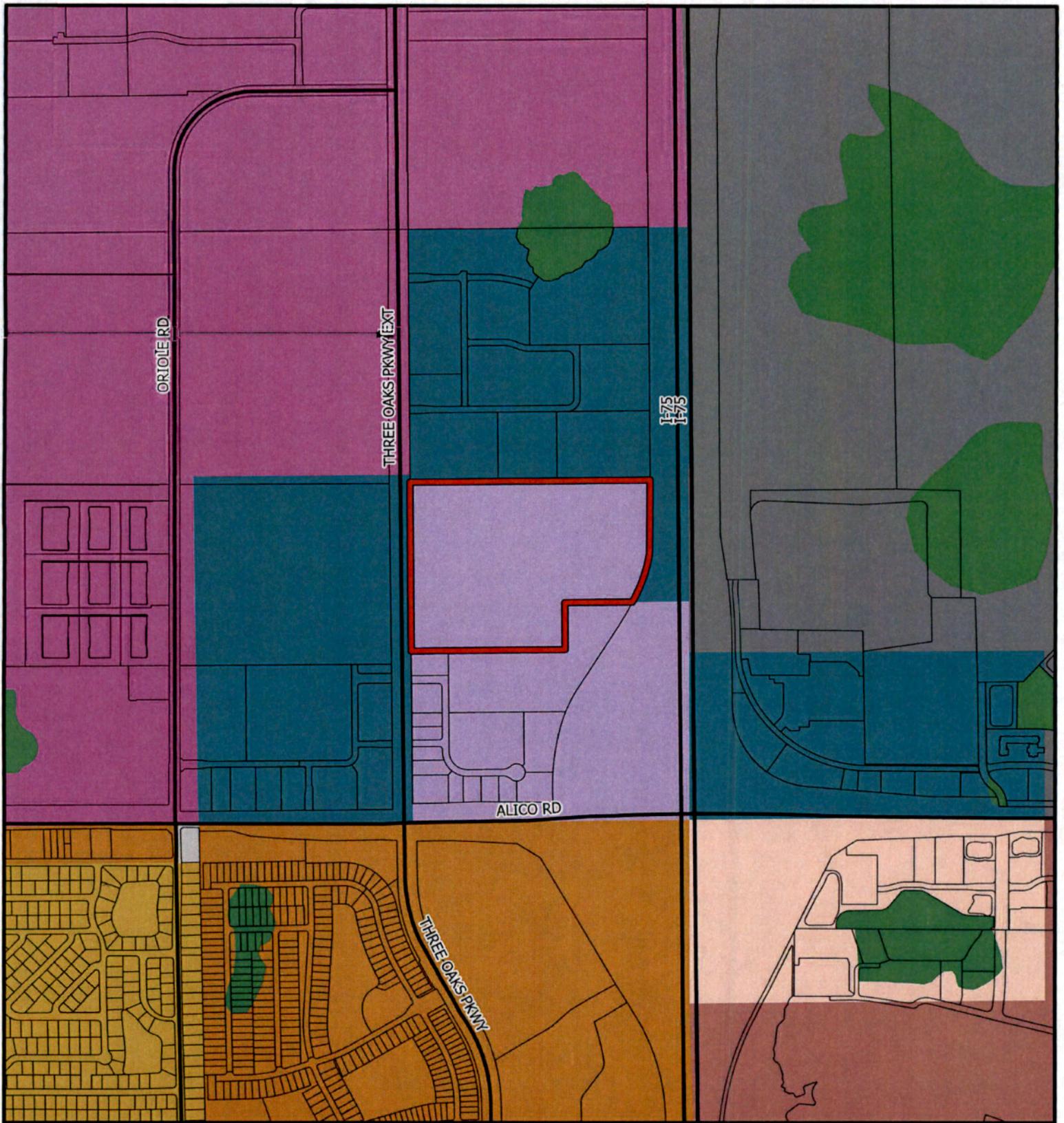
Existing Future Land Use



- | | |
|----------------------|-----------------------------------|
| Urban Community | University Village Interchange |
| Suburban | Industrial Commercial Interchange |
| Industrial | Tradeport |
| Public Facilities | Rural |
| University Community | Wetlands |
| General Interchange | Subject Property |



Map Generated: November 2022

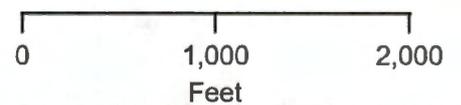
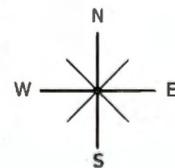


CPA2021-00012

Proposed Future Land Use



- | | |
|----------------------|-----------------------------------|
| Urban Community | University Village Interchange |
| Suburban | Industrial Commercial Interchange |
| Industrial | Tradeport |
| Public Facilities | Rural |
| University Community | Wetlands |
| General Interchange | Subject Property |



Map Generated: November 2022

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 | | | | | | | | | Existing | Proposed | |
| Residential By Future Land Use Category | | | | | | | | | | | | | |
| Intensive Development | 1,483 | 1,483 | - | - | - | 17 | - | 21 | - | 238 | - | - | - |
| Central Urban | 13,838 | 13,838 | - | - | - | 207 | - | - | - | 230 | - | 25 | 25 |
| Urban Community | 22,739 | 22,676 | 813 | 453 | - | 475 | - | - | - | - | - | 150 | 150 |
| Suburban | 14,913 | 14,913 | - | - | - | 1,950 | - | - | - | 80 | - | - | - |
| Outlying Suburban | 3,648 | 3,648 | 25 | - | - | 490 | 13 | 3 | 429 | - | - | - | - |
| Sub-Outlying Suburban | 1,731 | 1,731 | - | - | - | 330 | - | - | - | - | - | 227 | 227 |
| Commercial | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Industrial | 15 | 15 | - | - | - | - | - | - | - | - | - | 6 | 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 | 114 | 134 | - | - | - | - | - | - | - | - | - | 15 | 35 |
| General Commercial Interchange | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Industrial Commercial Interchange | - | - | - | - | - | - | - | - | - | - | - | - | - |
| University Village Interchange | - | - | - | - | - | - | - | - | - | - | - | - | - |
| New Community | 2,104 | 2,104 | 1,115 | - | - | - | - | - | - | - | - | 989 | 989 |
| Airport | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Tradeport | 3 | 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 | 83,113 | 83,071 | 4,669 | 457 | - | 4,270 | 1,002 | 24 | 598 | 548 | - | 1,415 | 1,435 |
| Commercial | 8,916 | 8,916 | 300 | 53 | - | 450 | 27 | 9 | 125 | 150 | - | 1,216 | 1,216 |
| Industrial | 4,787 | 4,787 | 30 | 3 | - | 300 | 10 | 15 | 70 | 315 | - | 2,134 | 2,134 |
| Non Regulatory Allocations | | | | | | | | | | | | | |
| Public | 120,211 | 120,211 | 14,191 | 622 | - | 4,864 | 7,323 | 6 | 2,340 | 583 | - | 9,660 | 9,660 |
| Active AG | 21,944 | 21,944 | 5,500 | - | - | 240 | 90 | - | - | - | - | 2 | 2 |
| Passive AG | 13,685 | 13,665 | 5,500 | - | - | 615 | 100 | - | - | - | - | 485 | 465 |
| Conservation | 87,746 | 87,746 | 2,458 | 297 | - | 1,163 | 3,186 | 67 | 1,595 | 926 | - | 2,206 | 2,206 |
| Vacant | 26,117 | 26,180 | 1,145 | 28 | - | 733 | 766 | 8 | 103 | 17 | - | 88 | 88 |
| Total | 366,520 | 366,520 | 33,793 | 1,460 | - | 12,634 | 12,505 | 129 | 4,831 | 2,538 | - | 17,205 | 17,205 |
| Population Distribution (unincorporated Lee County) | 584,331 | 584,331 | 8,235 | 1,470 | - | 35,253 | 2,179 | 152 | 725 | 5,273 | - | 22,281 | 23,340 |

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 | - | 376 | - | - | |
| | Central Urban | - | 656 | 20 | 20 | - | 3,113 | - | 7,362 | - | 2,225 | - | - | |
| | Urban Community | - | 978 | 1,318 | 1,255 | - | 863 | 540 | 17,034 | - | - | 115 | - | |
| | Suburban | - | 2,566 | 2,069 | 2,069 | - | 1,202 | 659 | - | - | 6,387 | - | - | |
| | Outlying Suburban | 1,253 | 438 | - | - | - | - | 502 | - | - | 406 | - | 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 | 4,024 | 3,962 | - | 5,982 | 3,322 | 24,440 | 4,750 | 10,035 | 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 | 6,364 | 6,364 | - | 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 | 2,232 | - | 211 | 15,489 | 1,077 | 41,028 | 1,607 | 382 | 1,465 | 895 | |
| Vacant | 20 | 55 | 158 | 220 | - | 4 | 2,200 | 14,804 | 2,400 | 1,183 | 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 | 54,615 | 53,556 | - | 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

January 19, 2023

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

Attn: Chris Jagodzinski

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. 23-02, which was filed in this office on January 19, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/rra

RECEIVED

By Chris Jagodzinski at 4:56 pm, Jan 19, 2023