

LEE COUNTY ORDINANCE NO. 23-03

Greenwell SR31
(CPA2021-00015)

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 GREENWELL SR31 (CPA2021-00015) 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 July 25, 2022; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on September 21, 2022. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Greenwell SR31 (CPA2021-00015) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the September 21, 2022 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on February 8, 2023 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 "Greenwell SR31 Ordinance (CPA2021-00015)."**

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 amendments, which amend the Future Land Use Map (Map 1A) to re-designate the future land use categories of approximately 265 acres from the Rural and Wetlands to Outlying Suburban and Wetlands; amend the Lee County Utilities (LCU) Future Water Service Areas (Map 4A) to add property to the service area; and, amend Table 1(b) to accommodate the development, known as Greenwell SR31 (CPA2021-00015).

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

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

DONE AND ADOPTED this 8th day of February 2023.

ATTEST:
KEVIN C. KARNES, CLERK

BY: 
Deputy Clerk

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: 
Brian Hamman, Chair



DATE: 2/10/23

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


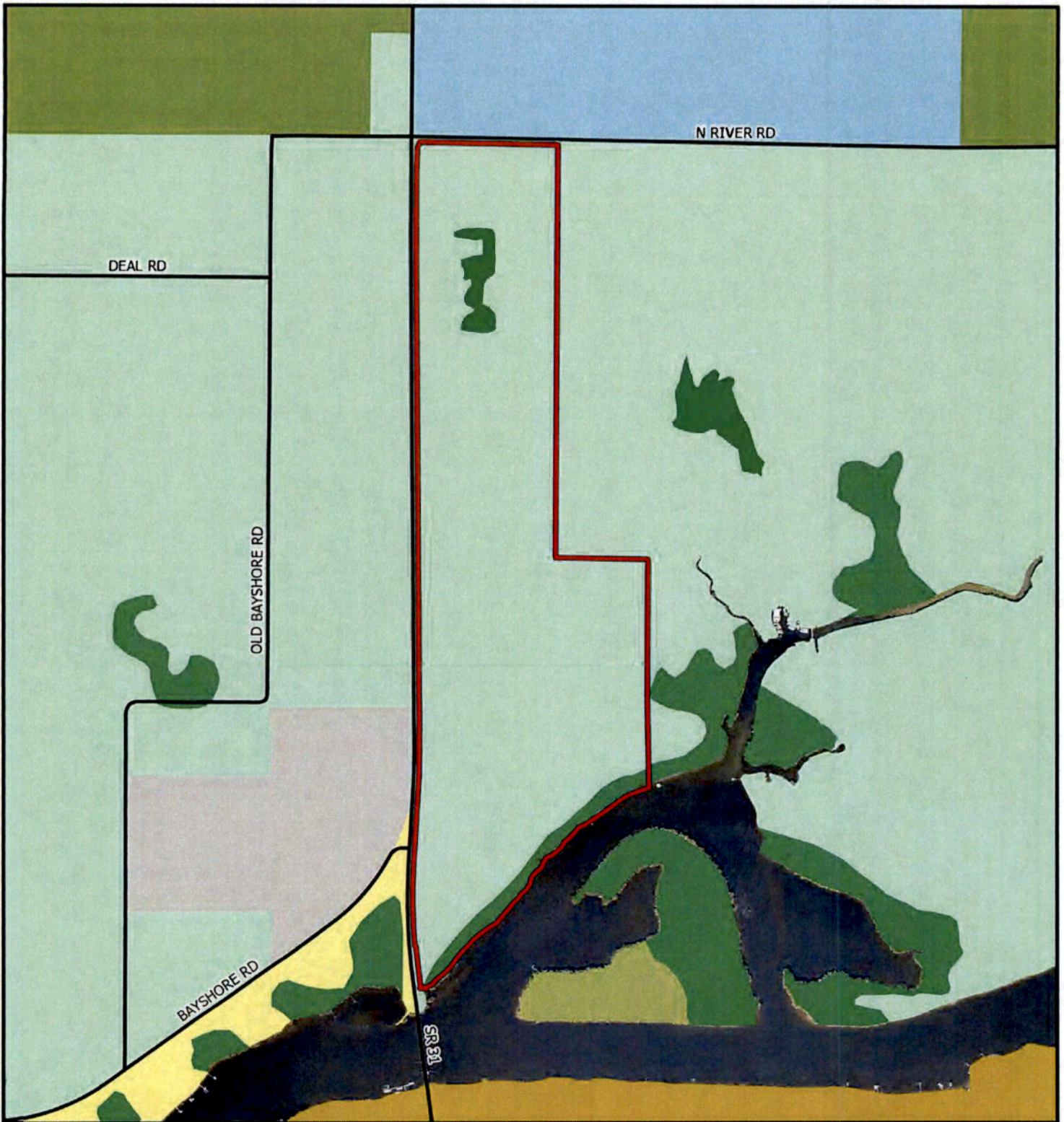

County Attorney's Office

Exhibit A (Adopted by BOCC February 8, 2023):
Adopted existing Future Land Use Map 1A
Adopted revisions to Future Land Use Map 1A
Adopted revisions to Future Land Use Map 4A
Adopted revisions to Table 1(b)

EXHIBIT A


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

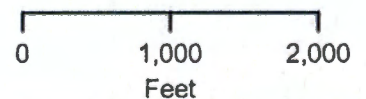
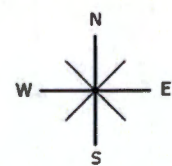


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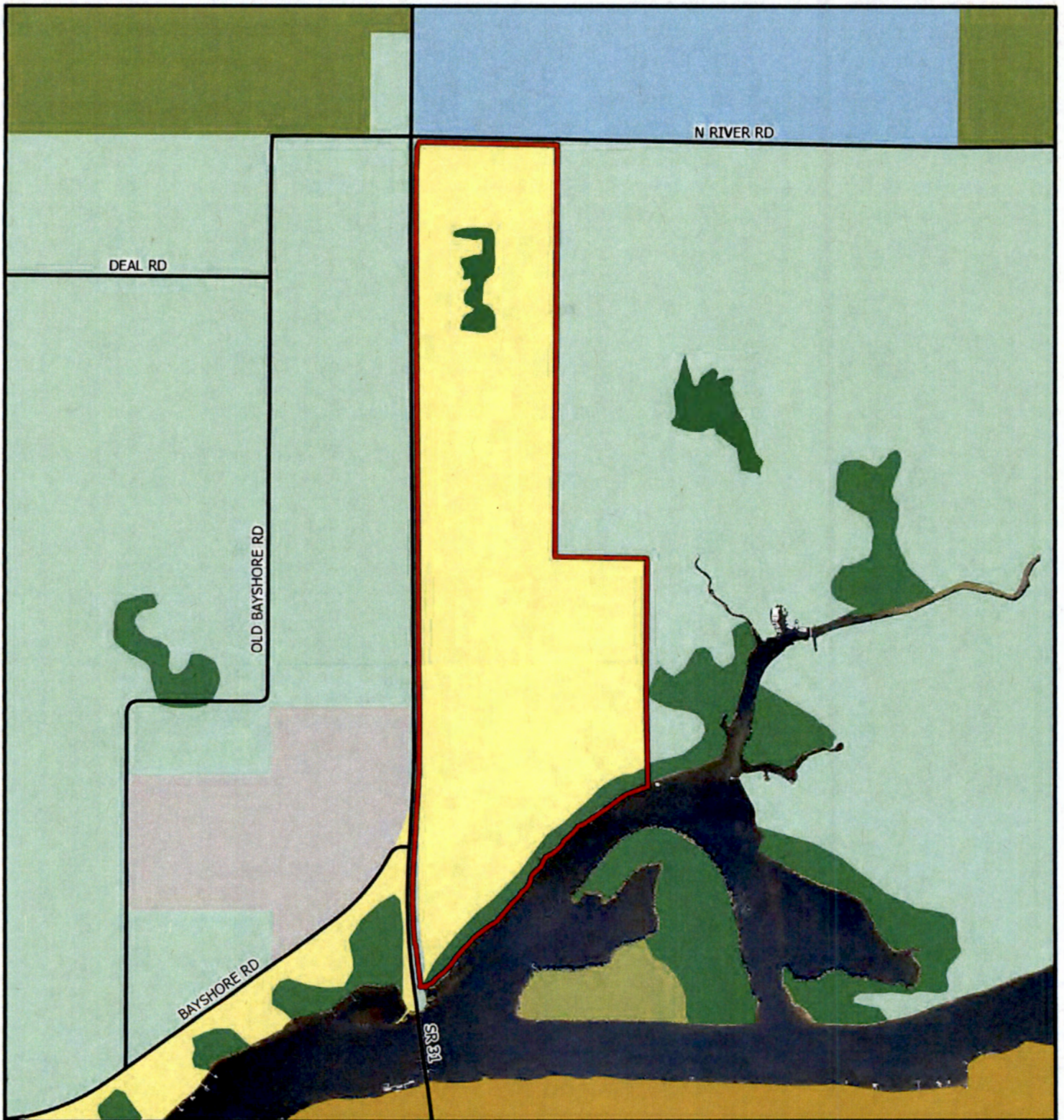
Existing Future Land Use



- | | |
|---|--|
|  Suburban |  Outer Island |
|  Sub-Outlying Suburban |  Density Reduction/Groundwater Resource |
|  Public Facilities |  Wetlands |
|  New Community |  Subject Property |
|  Rural | |



Map Generated: November 2022



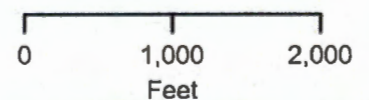
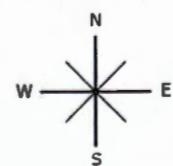
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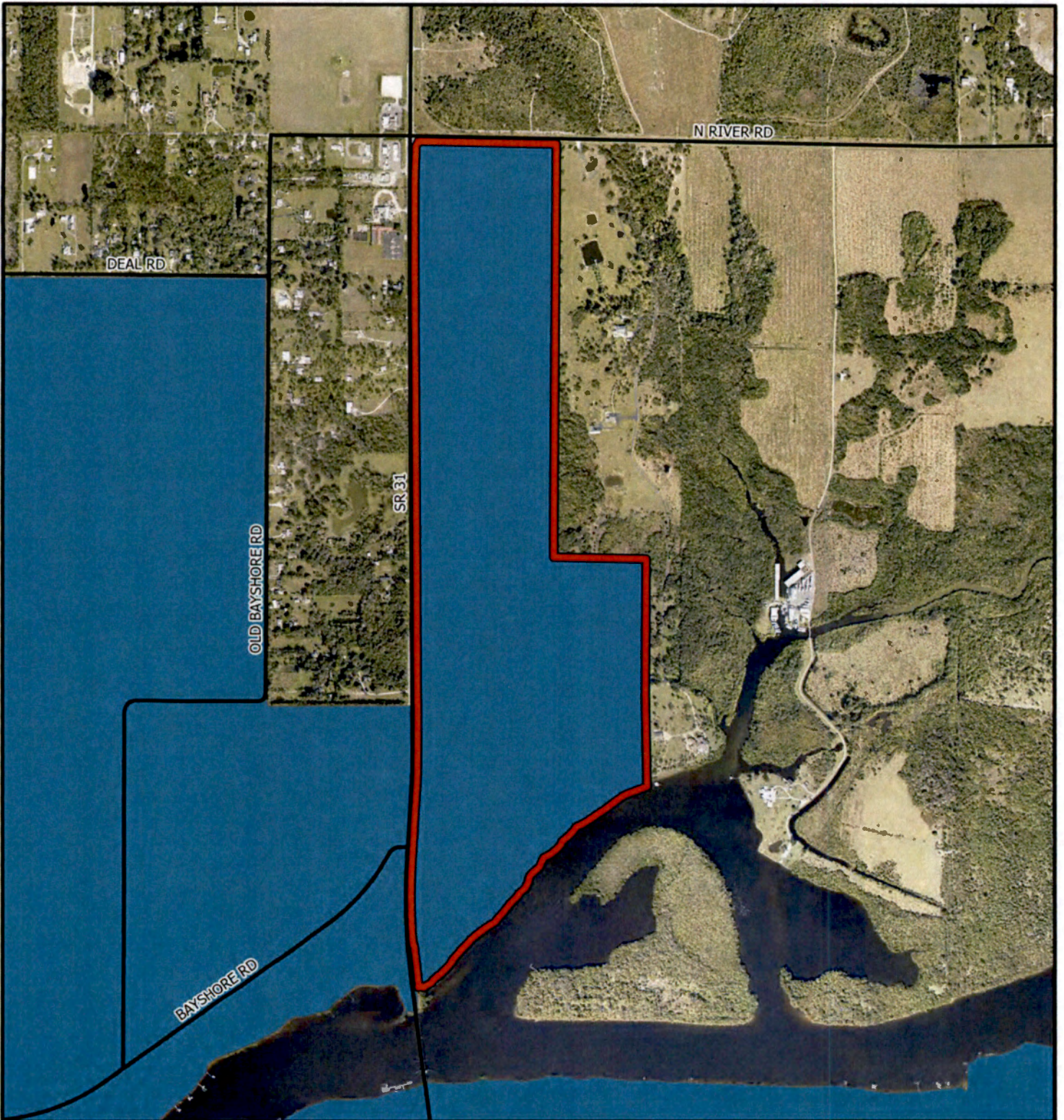
Proposed Future Land Use



Map Generated: November 2022

- | | |
|---|--|
|  Outlying Suburban |  Rural |
|  Suburban |  Outer Island |
|  Sub-Outlying Suburban |  Density Reduction/Groundwater Resource |
|  Public Facilities |  Wetlands |
|  New Community |  Subject Property |





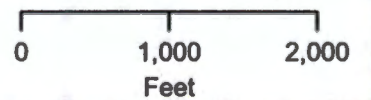
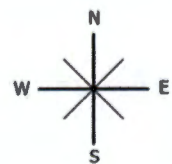


CPA2021-00015
 Future Water Service Areas



Map Generated: November 2022

-  Proposed Future Water Service Areas
-  Existing Future Water Service Areas



**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
Residential By Future Land Use Category											
Intensive Development	1,483	-	-	-	17	-	21	-	238	-	-
Central Urban	13,838	-	-	-	207	-	-	-	230	-	25
Urban Community	22,739	813	453	-	475	-	-	-	-	-	150
Suburban	14,913	-	-	-	1,950	-	-	-	80	-	-
Outlying Suburban	3,661 3,648	38 25	-	-	490	13	3	429	-	-	-
Sub-Outlying Suburban	1,731	-	-	-	330	-	-	-	-	-	227
Commercial	-	-	-	-	-	-	-	-	-	-	-
Industrial	15	-	-	-	-	-	-	-	-	-	6
Public Facilities	-	-	-	-	-	-	-	-	-	-	-
University Community	503	-	-	-	-	-	-	-	-	-	-
Destination Resort Mixed Use Water Dependent	8	-	-	-	-	-	-	-	-	-	-
Burnt Store Marina Village	2	-	-	-	-	2	-	-	-	-	-
Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-
General Interchange	114	-	-	-	-	-	-	-	-	-	15
General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-
Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-
University Village Interchange	-	-	-	-	-	-	-	-	-	-	-
New Community	2,104	1,115	-	-	-	-	-	-	-	-	989
Airport	-	-	-	-	-	-	-	-	-	-	-
Tradeport	3	-	-	-	-	-	-	-	-	-	3
Rural	7,563 7,764	2,230 2,431	-	-	800	730	-	-	-	-	-
Rural Community Preserve	3,517	-	-	-	-	-	-	-	-	-	-
Coastal Rural	1,338	-	-	-	-	-	-	-	-	-	-
Outer Island	233	2	4	-	1	-	-	169	-	-	-
Open Lands	2,186	153	-	-	-	257	-	-	-	-	-
Density Reduction/ Groundwater Resource	6,974	131	-	-	-	-	-	-	-	-	-
Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-
Wetlands	-	-	-	-	-	-	-	-	-	-	-
Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential	82,925 83,113	4,482 4,669	457	-	4,270	1,002	24	598	548	-	1,415
Commercial	8,916	300	53	-	450	27	9	125	150	-	1,216
Industrial	4,787	30	3	-	300	10	15	70	315	-	2,134
Non Regulatory Allocations											
Public	120,239 120,211	14,219 14,191	622	-	4,864	7,323	6	2,340	583	-	9,660
Active AG	21,944	5,500	-	-	240	90	-	-	-	-	2
Passive AG	13,685	5,500	-	-	615	100	-	-	-	-	485
Conservation	87,758 87,746	2,468 2,458	297	-	1,163	3,186	67	1,595	926	-	2,206
Vacant	26,266 26,118	1,294 1,145	28	-	733	766	8	103	17	-	88
Total	366,520	33,793	1,460	-	12,634	12,505	129	4,831	2,538	-	17,205
Population Distribution (unincorporated Lee County)	584,331	8,235	1,470	-	35,253	2,179	152	725	5,273	-	22,281



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 10, 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. 23-03, which was filed in this office on February 10, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/rra

RECEIVED

By Chris Jagodzinski at 3:59 pm, Feb 10, 2023