

LEE COUNTY ORDINANCE NO. 23-19

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF LEE COUNTY, FLORIDA, AND TO READOPT AND REENACT THE LAND DEVELOPMENT CODE OF LEE COUNTY, FLORIDA; PROVIDING FOR CODIFICATION OF THE GENERAL AND PERMANENT ORDINANCES OF LEE COUNTY THAT WERE ADOPTED BY THE COUNTY THROUGH ORDINANCE NO. 21-17 (EXCLUDING LEE PLAN AMENDMENTS); PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Code of Ordinances was published in 1974 by Order of the County Commission, which is the official recodification of all Lee County regulations, including a recodification of the Land Development Code, and has been amended and codified through Ordinance No. 21-17 (excluding Lee Plan Amendments); and,

WHEREAS, the Lee County Land Development Code is the official recodification of all Lee County land use regulations, with the exception of the Lee Plan, which was adopted and codified by the Lee County Board of County Commissioner on April 20, 1994, and has been codified through Ordinance No. 22-07 (excluding Lee Plan Amendments); and,

WHEREAS, the County Attorney's Office and MuniCode Services completed a thorough review and legal analysis of County Ordinances to ensure a legally accurate, up-to-date Code that conforms to State statutes and consistency with State law in order to recodify the Lee County Ordinances and the Land Development Code; and,

WHEREAS, the Codification of Ordinances is an essential part of the governmental function. It provides Lee County and its citizens with a body of current, enforceable regulations, in a way that makes the law easy to use and reference; and,

WHEREAS, all future Lee County Ordinances will be incorporated into this Code; and,

WHEREAS, the adoption of this codification must occur through adoption of an Ordinance at a public meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT:

SECTION ONE: The Code entitled "Code of Ordinances of Lee County, Florida," published by Municode, consisting of chapters 1 through 30, each inclusive, [and recodification of the Land Development Code are is](#) adopted.

SECTION TWO: All ordinances of a general and permanent nature enacted on or before November 1, 2022, and not included in the Code or recognized and continued in force by reference therein, are repealed.

SECTION THREE: The repeal provided for in Section Two hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION FOUR: PENALTY

Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00, a definite term of imprisonment not to exceed 60 days, or any combination thereof. Except as otherwise provided by law or ordinance: (i) with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense; and (ii) with respect to violations that are not continuous with respect to time, each act constitutes a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the County may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

SECTION FIVE: Additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

SECTION SIX: Ordinances adopted after November 1, 2022, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

SECTION SEVEN: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of other lawfully adopted ordinances or statutes, the most restrictive requirements will apply.

SECTION EIGHT: SEVERABILITY

If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, it is the Board's intention that such portion will become a separate provision and will not affect the remaining provisions of the ordinance. The Board further declares that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION NINE: CODIFICATION AND SCRIVENER'S ERRORS

The Board intends that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

SECTION TEN: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING

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 ELEVEN: EFFECTIVE DATE

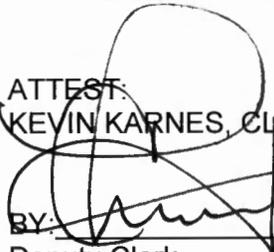
This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner Greenwell made a motion to adopt the foregoing ordinance, seconded by Commissioner Ruane. The vote was as follows:

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

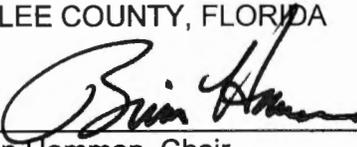
DULY PASSED AND ADOPTED this 1st day of August 2023.

ATTEST:
KEVIN KARNES, CLERK

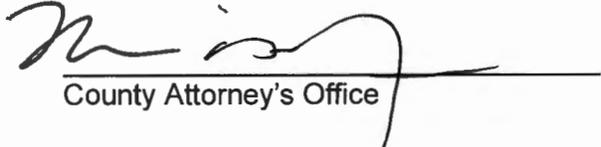
BY: 
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Brian Hamman, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


County Attorney's Office



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 7, 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. 23-19, which was filed in this office on August 4, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

RECEIVED

By Chris Jagodzinski at 9:29 am, Aug 07, 2023

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

VIA HAND DELIVERY

DATE: August 1, 2023

To: Commissioner Hamman
Chair, Board of County
Commissioners

FROM: 
Michael D. Jacob
Deputy County Attorney

RE: Ordinance No. 23-19
Code of Ordinances & LDC Recodification
Agenda Item PH #1, August 1, 2023

Attached, approved as to form, please find the original of the above-referenced ordinance adopted by the Board of County Commissioners on August 1, 2023.

The original ordinance is attached to the memorandum for execution. Kindly execute the ordinance at your earliest convenience and then forward to the Minutes Department for filing and transmittal to Tallahassee.

By copy of this memorandum to Eileen Gabrick, I request that a clerk attest to the Chair's signature on the attached ordinance and return the fully executed copy with all exhibits to my attention via email.

Insofar as State Statute mandates that the ordinance reach Tallahassee within ten (10) days of the adoption, please expedite the above request so that the ordinance arrives in Tallahassee no later than August 11, 2023.

Also attached please find the Data Retrieval form to include the ordinance on the Lee County Website.

Thank you for your prompt attention to this matter.

Attachment

VIA EMAIL ONLY:

Laurel Chick, Manager, Internal Services
Samantha Westen, Executive Assistant
Rose Bahena, Administrative Specialist, Senior
Eileen Gabrick, Office Manager, Minutes Department
leeclerkminutes@leeclerk.org
Erica Temerario, Legal Administrative Specialist (for ordinance history)



RECEIVED
MINUTES OFFICE
2023 AUG -4 PM 12:33

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 23-19
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Board of County Commissioners

SECONDARY KEYFIELD

DESCRIPTOR: Code/Regulations

OTHER KEYFIELD

DESCRIPTOR: Zoning

ORDINANCE DESCRIPTION: Recodification Code of Ord
(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: _____ 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: _____

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

VIA EMAIL ONLY

DATE: September 27, 2023

To: Eileen Gabrick
Minutes Office Manager

FROM: 
Michael D. Jacob
Deputy County Attorney

RE: **Ordinance 23-19, Adopted August 1, 2023,
Code of Ordinances & LDC Recodification
Scrivener's Error**

Lee County Ordinance 23-19, adopting the Code of Ordinances and Land Development Code Recodification contains scrivener's errors on page one. The errors consist of the following:

SECTION ONE: The Code entitled "Code of Ordinances of Lee County, Florida," published by Municode, consisting of chapters 1 through 30, each inclusive, and recodification of the Land Development Code are is adopted.

Consequently, we respectfully request that you replace page one in Ordinance 23-19 with the attached page so that it correctly reflects the text adopted by the County.

We also request that you transmit the attached replacement page to the State to correct the scrivener's error as well. Please copy my office on the transmittal to the State.

Should you have any questions concerning the above, please do not hesitate to contact me.

MDJ/tlb
Attachment

cc via email only: Marc Mora, Assistant County Manager
Mikki Rozdolski, Director, DCD
Laurel Chick, Manager, Internal Services
Samantha Westen, Executive Assistant
Rose Bahena, Administrative Specialist, Senior
Erica Temerario, Legal Administrative Specialist (for ordinance history)
leeclerkminutes@leeclerk.org

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WHEREAS, the County Attorney's Office and MuniCode Services completed a thorough review and legal analysis of County Ordinances to ensure a legally accurate, up-to-date Code that conforms to State statutes and consistency with State law in order to recodify the Lee County Ordinances and the Land Development Code; and,

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 28, 2023

Honorable 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 corrected Lee County Ordinance No. 23-19, which was filed in this office on September 28, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

RECEIVED

By Melissa Butler at 11:45 am, Sep 28, 2023