

LEE COUNTY ORDINANCE NO. 23-24
Daniels Parkway South
(CPA2021-00017 and CPA2021-00018)

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 DANIELS PARKWAY SOUTH (CPA2021-00017 and CPA2021-00018) 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 March 27, 2023; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on April 19, 2023. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Daniels Parkway South (CPA2021-00017 and CPA2021-00018) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the April 19, 2023 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, the Board made a formal finding that no significant impacts on present or future water resources will result from changing the Future Land Use Category, as required in Lee Plan Policy 2.3.1 and 2.3.2; and

WHEREAS, on September 6, 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 "Daniels Parkway South Ordinance (CPA2021-00017 and CPA2021-00018)."**

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 amendment, which amends: Text amendments to Policy 33.2.2 and Table I(b) to accommodate residential development between Lehigh Acres Mixed Use Community identified on Map 2-D and existing residential development within the Southeast Lee County Plan Area (CPA2021-00017). Map amendments to amend Map 1-A to redesignate 149.02 acres from Density Reduction/Groundwater Resource (DR/ GR) future land use category to the Sub-Outlying Suburban future land use category; add 1,148 acres of the subject property to Map 4-A, Future Water Service Area; add 1,148 acres of the subject property to Map 4-B, Future Sewer Service Area; and remove 515.4 acres of the subject property from Map 1-F, Private Recreation Facilities Overlay (CPA2021-00018). This amendment is known as Daniels Parkway South.

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

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

DONE AND ADOPTED this 6th day of September 2023.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: 
Deputy Clerk

CHRIS JAGODZINSKI
DEPUTY CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: 
Brian Hamman, Chair

DATE: 9/7/2023



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


County Attorney's Office

Exhibit A (Adopted by BOCC September 6, 2023):
Adopted existing Map 1A, Future Land Use Map
Adopted proposed Map 1A, Future Land Use Map
Adopted revisions to Map 4-A, Future Water Service Area
Adopted revisions to Map 4-B, Future Sewer Service Area
Adopted revisions to Table 1(b)

EXHIBIT A

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

PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

POLICY 33.2.2: Map 2-D identifies future locations for Mixed-Use Communities where development rights can be concentrated from large Southeast Lee County tracts ~~into Traditional Neighborhood Developments~~. The preferred pattern for residential development is to cluster density within Mixed-Use Communities along existing roads and away from Future Limerock Mining areas.

1. Southeast Lee County Mixed-Use Communities must be concentrated from contiguous property owned under single ownership or control. Residential density is calculated from the upland and wetland acreage of the entire contiguous Southeast Lee County property. Increases in residential densities may be approved through incentives as specified in the LDC for permanent protection of indigenous native uplands on the contiguous tract (up to one extra dwelling unit allowed for each five acres of preserved or restored indigenous native uplands) and through the acquisition of TDUs from TDR sending areas within Southeast Lee County as provided in Objective 33.3.
 - a. The maximum gross density is 5 dwelling units per acre of total land designated as a Mixed-Use Community when TDUs are used.
 - b. Properties that concentrate development rights and/or use TDUs created from Southeast Lee County within the Mixed-Use Communities identified on Map 2-D will be allowed to develop using permitted uses and the property development regulations for the C-2A zoning district.
 - ~~c.~~ Contiguous property under the same ownership may be developed as part of a Mixed-Use Community, provided it does not extend more than 400 feet beyond the perimeter of the Mixed-Use Community as designated on Map 2-D.
 - d. Commercial uses developed as part of a Mixed-Use Community will be consistent with Policy 33.2.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County.
2. Contiguous property adjacent to the Mixed-Use Community located within the Lehigh Acres Community Plan Area may sum allowable dwelling units for entire property. The resulting allowable dwelling units may be allocated across the project regardless of the underlying future land use category, provided:
 - a. the project is developed as a Planned Development, and
 - b. the project maintains a minimum of 60 percent open space.
3. Central water and wastewater services are required to develop a Mixed-Use Community.
- ~~4. Commercial uses developed as part of a Mixed-Use Community will be consistent with Policy 33.2.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County.~~

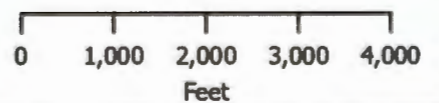
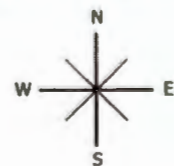


CPA2021-00018

Existing Future Land



- | | |
|-----------------------|--|
| Central Urban | Airport |
| Urban Community | Density Reduction/Groundwater Resource |
| Sub-Outlying Suburban | Conservation Lands - Upland |
| Public Facilities | Wetlands |
| New Community | Conservation Lands - Wetland |
| Tradeport | CPA2021-00018 |















Map Generated: July 2023

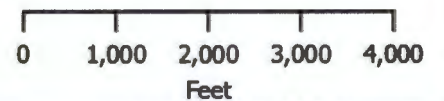
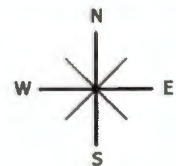


CPA2021-00018

Proposed Future Land



- | | |
|---|--|
|  Central Urban |  Airport |
|  Urban Community |  Density Reduction/Groundwater Resource |
|  Sub-Outlying Suburban |  Conservation Lands - Upland |
|  Public Facilities |  Wetlands |
|  New Community |  Conservation Lands - Wetland |
|  Tradeport |  CPA2021-00018 |



Map Generated: July 2023

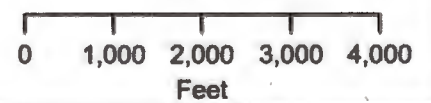
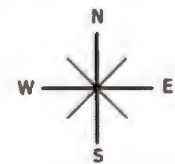


CPA2021-00018

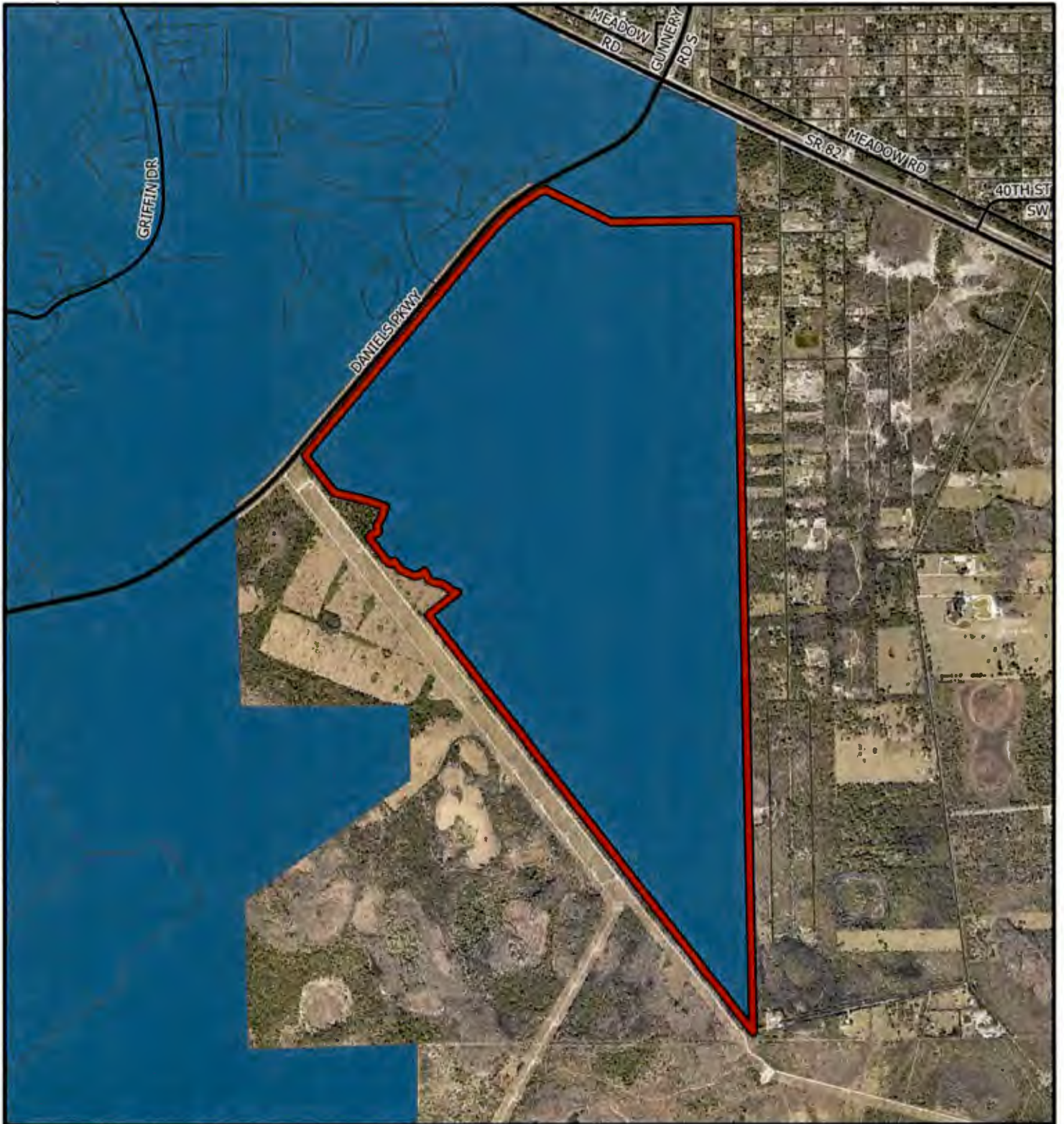
Private Recreational Facilities



-  Subject Property (to be removed)
-  Private Recreational Facilities





Map Generated: March 2023

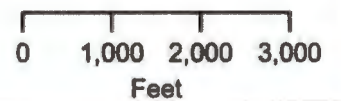
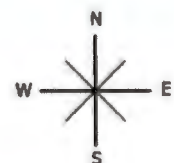


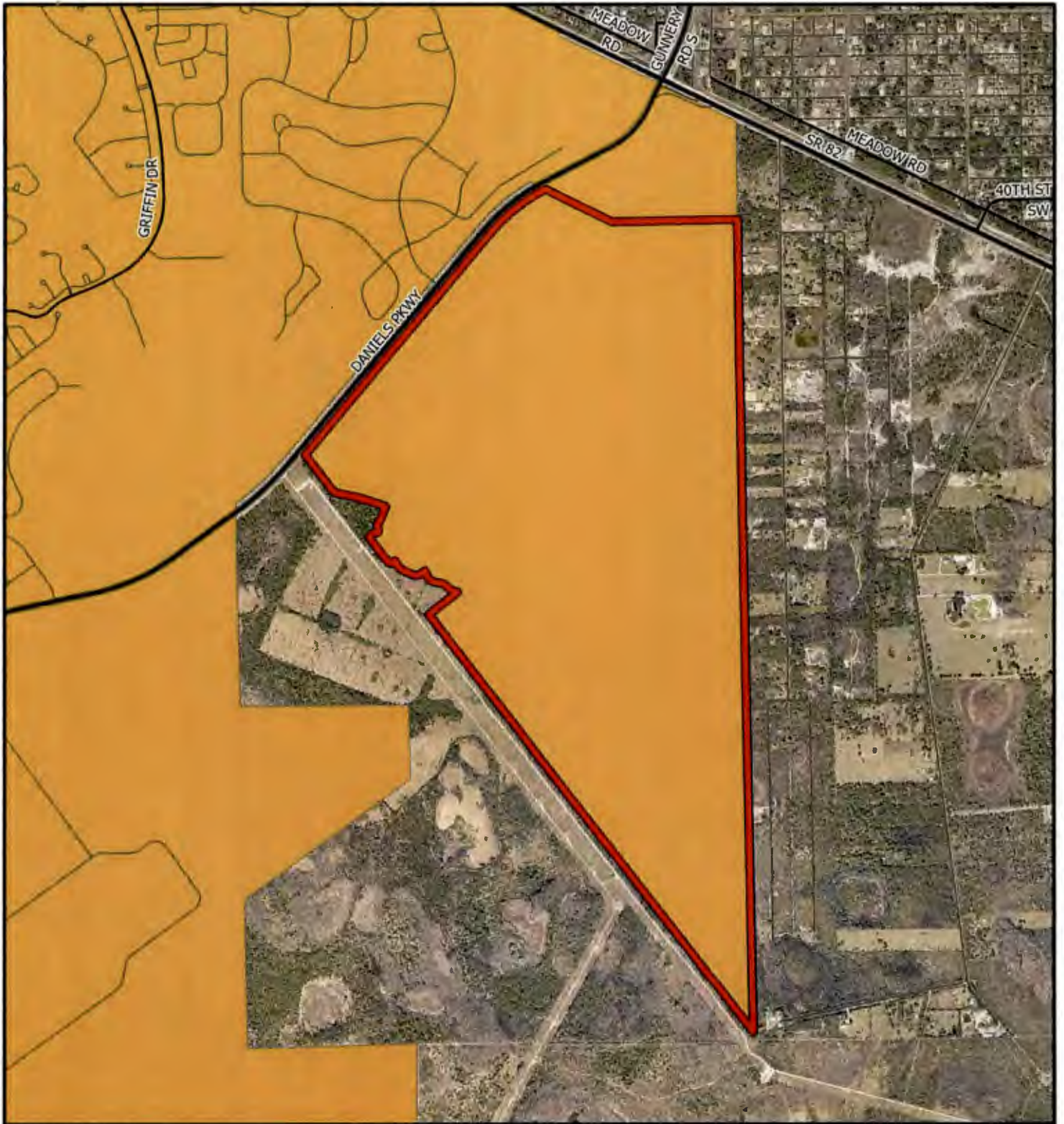
CPA2021-00018
 Future Water Service Areas



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

Map Generated: March 2023







CPA2021-00018
Future Sewer Service Areas



Map Generated: March 2023

-  Proposed Future Water Service Areas
-  Future Sewer Service Areas

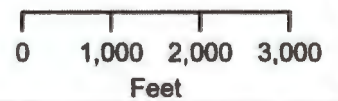
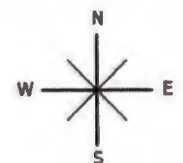


Table 1(b) Year 2045 Allocations

Future Land Use Category	Unincorporated County		Planning District										
	Existing	Proposed	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	District 9	District 10	
			Northeast Lee County	Boca Grande	Bonita	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway / Airport	Existing
Residential By Future Land Use Category													
Intensive Development	1,483	1,483	-	-	-	17	-	21	-	238	-	-	-
Central Urban	13,828	13,760	-	-	-	207	-	-	-	230	-	25	25
Urban Community	22,729	22,704	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	1,734	1,786	-	-	-	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	3	2	-	-	-	-	2	-	-	-	-	-	-
Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
General Interchange	114	114	-	-	-	-	-	-	-	-	-	15	15
General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-
New Community	2,104	2,075	1,115	-	-	-	-	-	-	-	-	969	960
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	83,027	4,669	457	-	4,270	1,002	24	598	548	-	1,415	1,386
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	120,240	120,240	14,191	622	-	4,864	7,323	6	2,340	583	-	9,660	9,689
Active AG	21,889	21,889	5,500	-	-	240	90	-	-	-	-	3	2
Passive AG	13,685	13,685	5,500	-	-	615	100	-	-	-	-	485	485
Conservation	87,746	87,746	2,458	297	-	1,163	3,186	67	1,595	926	-	2,206	2,206
Vacant	26,230	26,230	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	-	17,305	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	21,926

Table 1(b) Year 2045 Allocations

Future Land Use Category	Planning District													
	District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos	District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres		District 18 Southeast Lee County		District 19 North Fort Myers	District 20 Buckingham	District 21 Estero	District 22 Bashore
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
Intensive Development	-	-	-	-	801	1	30	30	-	-	376	-	-	-
Central Urban	-	656	20	-	3,113	-	7,862	7,284	-	-	2,225	-	-	-
Urban Community	-	978	1,318	-	863	540	17,034	17,000	-	-	-	115	-	-
Suburban	-	2,566	2,069	-	1,202	659	-	-	-	-	6,387	-	-	-
Outlying Suburban	1,253	438	-	-	-	502	-	-	-	-	406	-	90	-
Sub-Outlying Suburban	-	-	13	-	-	-	-	-	55	145	66	-	-	950
Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Industrial	-	3	3	-	3	-	-	-	-	-	-	-	-	-
Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-
University Community	-	-	503	-	-	-	-	-	-	-	-	-	-	-
Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-	-	-
Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Interchange	58	-	-	-	-	-	-	-	8	8	14	-	-	20
General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-	-
University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New Community	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tradeport	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rural	1,573	-	99	-	-	227	14	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	4,742	-	-	-	2,101
Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wetlands	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential	2,964	4,650	4,024	-	5,982	3,322	34,440	24,327	4,760	4,805	10,035	3,748	90	6,125
Commercial	326	774	938	-	2,012	288	990	900	118	118	1,121	19	18	72
Industrial	5	198	387	-	566	67	318	218	316	215	244	4	2	4
Non Regulatory Allocations														
Public	3,214	4,898	6,364	-	5,883	4,831	20,267	20,267	17,993	17,992	10,117	3,052	653	3,351
Active AG	5	13	5	-	-	2,780	88	35	12,000	11,945	90	630	4	550
Passive AG	10	-	5	-	-	70	60	50	3,500	2,500	250	2,000	-	2,100
Conservation	1,677	9,786	2,232	-	211	15,489	1,077	1,077	41,028	41,028	1,607	382	1,465	895
Vacant	20	55	158	-	4	2,200	14,894	14,917	3,400	2,400	1,183	850	130	1,425
Total	8,221	20,374	14,114	-	14,658	29,047	61,791	61,791	31,002	31,003	24,649	10,684	2,362	14,523
Population Distribution (unincorporated Lee County)	14,322	44,132	54,615	-	76,582	13,431	162,346	161,430	17,266	18,540	110,722	5,951	741	8,653



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 11, 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. 23-24, which was filed in this office on September 8, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

RECEIVED

By Chris Jagodzinski at 10:15 am, Sep 11, 2023