

**LEE COUNTY ORDINANCE NO. 24-18**  
(Daniels Town Square Map and Text Amendments)  
(CPA2022-00010, CPA2022-00011)

**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 TOWN SQUARE MAP AND TEXT AMENDMENTS (CPA2022-00010, CPA2022-00011) 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 August 26, 2024; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on September 18, 2024. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Daniels Town Square Map and Text Amendments (CPA2022-00010, CPA2022-00011) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the September 18, 2024 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on December 4, 2024, 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 Town Square Map and Text Amendments Ordinance (CPA2022-00010, CPA2022-00011)."**

## 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 to the Future Land Use Map designation on ±61.25 acres from General Interchange and Wetlands to Intensive Development and Wetlands; to Map 1-C to add ±53.13 acres to the Mixed Use Overlay; and to Table 1(b): 2045 Population Allocations to accommodate residential development on the subject property. The subject parcel is located on the south side of Daniels Parkway, at the southwest corner of Interstate 75 exit 131.

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.

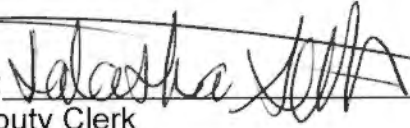
THE FOREGOING ORDINANCE was offered by Commissioner Pendergrass, who moved its adoption. The motion was seconded by Commissioner Mulicka. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
David Mulicka	Aye
Brian Hamman	Absent
Mike Greenwell	Aye

DONE AND ADOPTED this 4<sup>th</sup> day of December 2024.

ATTEST:  
KEVIN C. KARNES  
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY FLORIDA

BY:   
Deputy Clerk

BY:   
Kevin Ruane, Chair

DATE: 12042024



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY


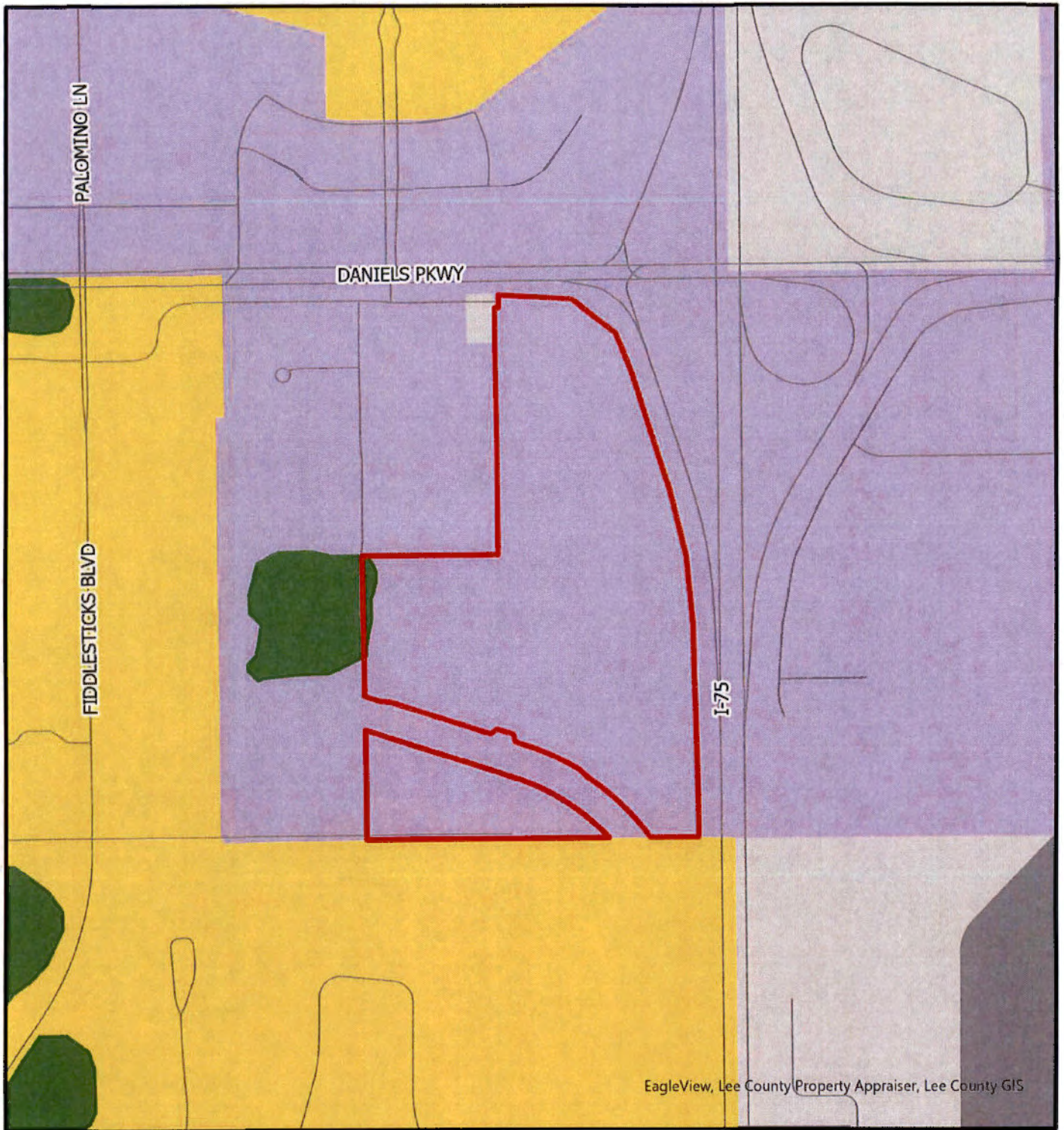
  
County Attorney's Office

Exhibit A (Adopted by BOCC December 4, 2024):  
Adopted Map 1A Existing Future Land Use Map  
Adopted Map 1A Proposed Future Land Use Map  
Adopted Map 1C Proposed Future Land Use Map  
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.**



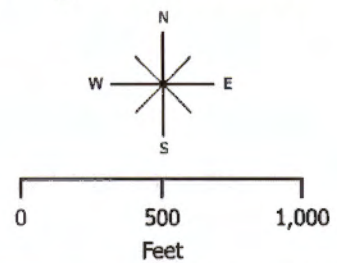
CPA2022-00010

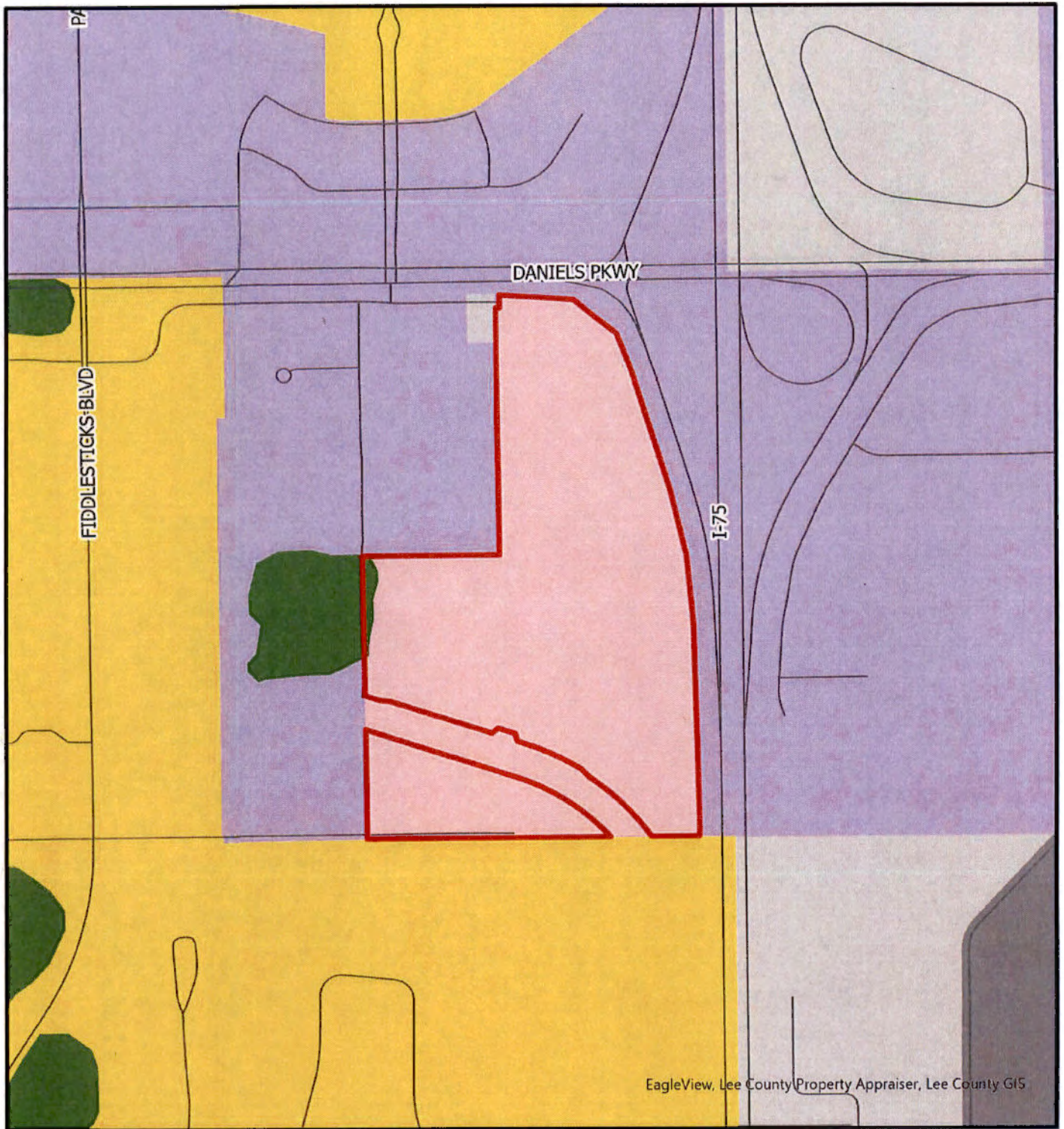


Map Generated: August 2024

- Outlying Suburban
- Public Facilities
- General Interchange
- Tradeport
- Wetlands
- Subject Property

### Existing Future Land Use





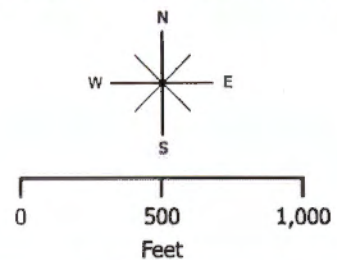
CPA2022-00010

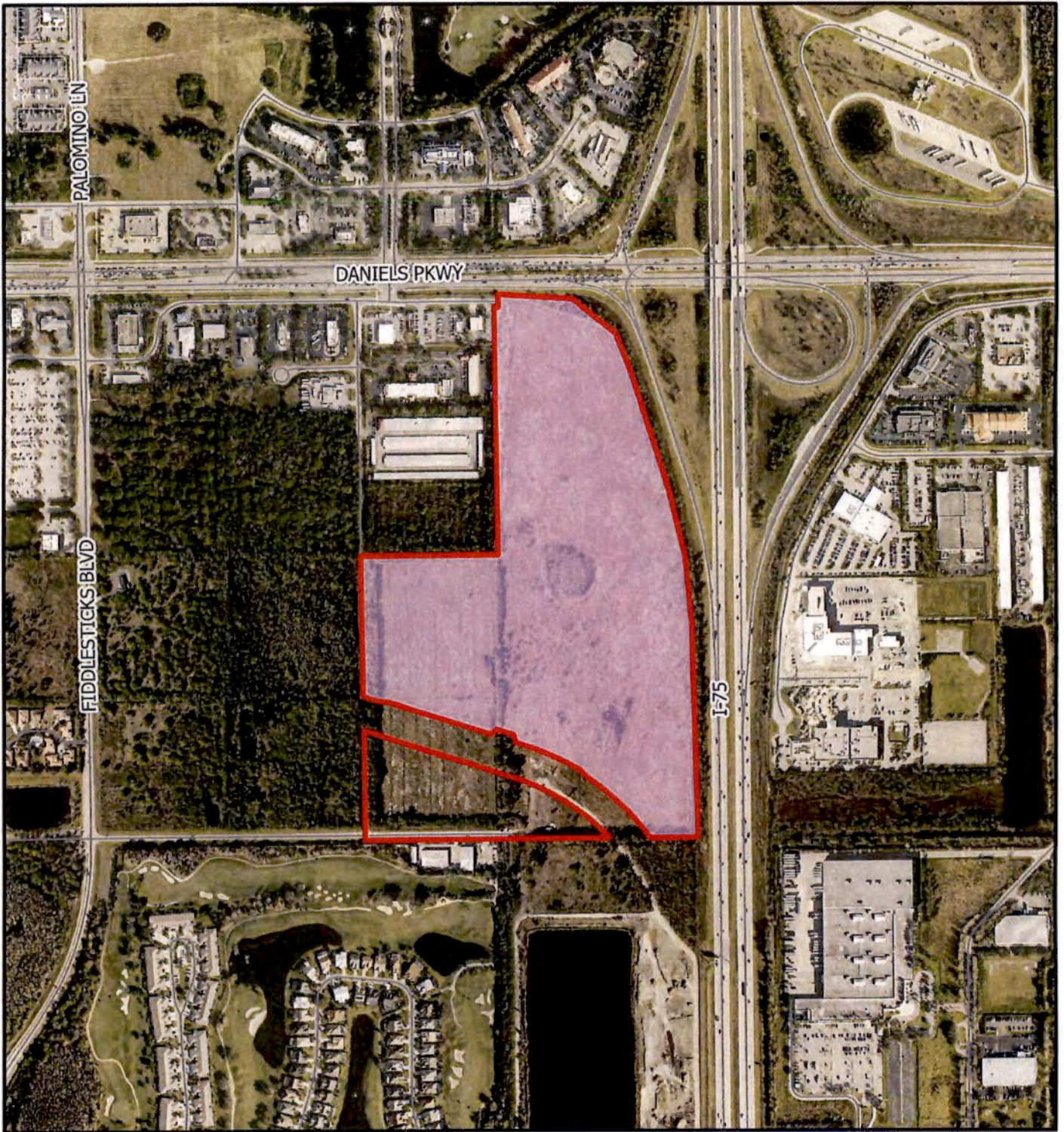


Map Generated: August 2024

- Intensive Development
- Outlying Suburban
- Public Facilities
- General Interchange
- Tradeport
- Wetlands
- Subject Property

## Proposed Future Land Use







CPA2022-00010

Mixed Use Overlay



-  Proposed Mixed Use Overlay
-  Subject Property



Map Generated: August 2024

EXHIBIT A



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
Intensive Development	1,460	1,516	-	-	-	17	-	21	-	238	-	-
Central Urban	19,729	13,729	-	-	-	207	-	-	-	230	-	25
Urban Community	22,601	22,453	813	453	-	475	-	-	-	-	-	150
Suburban	14,871	14,871	-	-	-	1,950	-	-	-	80	-	-
Outlying Suburban	3,652	3,652	38	-	-	490	13	3	429	-	-	-
Sub-Outlying Suburban	1,787	1,787	-	-	-	330	-	-	-	-	-	227
Commercial	-	-	-	-	-	-	-	-	-	-	-	-
Industrial	15	15	-	-	-	-	-	-	-	-	-	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	195	110	-	-	-	-	-	-	-	-	-	35
General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-
New Community	2,975	2,025	1,115	-	-	-	-	-	-	-	-	960
Airport	-	-	-	-	-	-	-	-	-	-	-	-
Tradeport	8	3	-	-	-	-	-	-	-	-	-	3
Rural	7,564	7,564	2,230	-	-	800	730	-	-	-	-	-
Rural Community Preserve	3,517	3,517	-	-	-	-	-	-	-	-	-	-
Coastal Rural	1,336	1,336	-	-	-	-	-	-	-	-	-	-
Outer Island	233	233	2	4	-	1	-	-	169	-	-	-
Open Lands	2,186	2,187	153	-	-	-	257	-	-	-	-	-
Density Reduction/ Groundwater Resource	6,974	6,974	131	-	-	-	-	-	-	-	-	-
Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-
Wetlands	-	-	-	-	-	-	-	-	-	-	-	-
Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-
<b>Unincorporated County Total Residential</b>	<b>62,075</b>	<b>82,535</b>	<b>4,482</b>	<b>457</b>	<b>-</b>	<b>4,270</b>	<b>1,002</b>	<b>24</b>	<b>598</b>	<b>546</b>	<b>-</b>	<b>1,406</b>
Commercial	8,918	8,816	300	53	-	450	27	9	125	190	-	1,216
Industrial	4,788	4,788	30	3	-	300	10	15	70	315	-	2,134
<b>Non Regulatory Allocations</b>												
Public	120,273	120,273	14,219	822	-	4,884	7,323	6	2,340	583	-	3,689
Active AG	21,888	21,888	5,500	-	-	240	90	-	-	-	-	2
Passive AG	13,658	13,658	5,500	-	-	615	100	-	-	-	-	465
Conservation	87,756	87,256	2,468	297	-	1,163	3,186	67	1,595	926	-	2,206
Vacant	26,582	26,702	1,284	28	-	733	766	8	103	17	-	88
<b>Total</b>	<b>386,565</b>	<b>386,923</b>	<b>33,793</b>	<b>1,480</b>	<b>-</b>	<b>12,635</b>	<b>12,504</b>	<b>129</b>	<b>4,631</b>	<b>2,539</b>	<b>-</b>	<b>17,206</b>
<b>Population Distribution (unincorporated Lee County)</b>	<b>584,591</b>	<b>584,331</b>	<b>8,235</b>	<b>1,470</b>	<b>-</b>	<b>35,253</b>	<b>2,179</b>	<b>152</b>	<b>725</b>	<b>5,273</b>	<b>-</b>	<b>22,586</b>

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					
	33	-	-	-	801	1	30	30	-	376	-	-	-
7	7	656	32	-	3,113	-	7,233	7,233	-	2,225	-	-	-
		978	1,207	-	863	540	17,000	16,651	-	7	115	-	-
		2,566	2,069	-	1,202	659			-	6,345	-	-	-
1,258	1,253	438	-	-	-	502			-	396	-	90	-
		-	13	-	-	-			55	145	66	-	950
		-	-	-	-	-			-	-	-	-	-
		3	3	-	3	-			-	-	-	-	-
		-	-	-	-	-			-	-	-	-	-
		-	503	-	-	-			-	-	-	-	-
		8	-	-	-	-			-	-	-	-	-
		-	-	-	-	-			-	-	-	-	-
		-	-	-	-	-			-	-	-	-	-
50	33	-	-	-	-	-			8	14	-	-	20
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1,579	1,573	-	99	-	-	227	14	14	-	454	50	-	1,367
		-	-	-	-	-			-	-	3,517	-	-
		-	-	-	-	1,338			-	-	-	-	-
		2	-	-	-	55			-	-	-	-	-
60	80	-	-	-	-	-			-	30	-	-	1,667
		-	-	-	-	-			4,742	-	-	-	2,101
		-	-	-	-	-			-	-	-	-	-
		-	-	-	-	-			-	-	-	-	-
		-	-	-	-	-			-	-	-	-	-
2,971	2,979	4,651	3,926	-	5,982	3,322	24,877	24,128	4,805	5,992	3,748	90	6,125
826	328	774	938	-	2,012	288	606	800	118	1,121	19	18	72
5	5	198	387	-	566	87	218	218	215	244	4	2	4
9,214	3,214	4,698	6,375	-	5,983	4,831	20,267	20,267	17,992	10,117	3,052	653	3,351
5	5	13	5	-	-	2,780	35	35	11,945	90	630	4	550
3	3	-	5	-	-	70	50	50	2,500	250	2,000	-	2,100
1,677	1,677	9,786	2,232	-	211	15,489	1,077	1,077	41,028	1,607	382	1,465	895
20	12	85	245	-	4	2,290	14,967	15,115	2,400	1,228	850	130	1,425
8,221	8,221	20,375	14,114	-	14,658	29,047	61,791	61,791	61,093	24,649	10,685	2,362	14,522
14,785	15,083	44,132	53,974	-	76,362	13,431	181,991	180,670	18,538	110,722	5,951	741	8,653



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

December 5, 2024

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 Lee County Ordinance No. 24-18, which was filed in this office on December 5, 2024.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL

**RECEIVED**

*By Latasha Seth at 2:14 pm, Dec 05, 2024*

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 24-18

(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Daniels Town Square CPA

(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: 89-02

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: \_\_\_\_\_

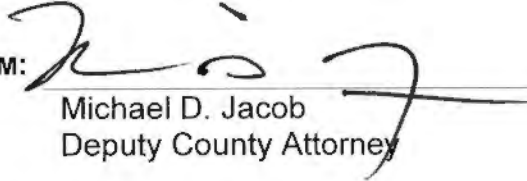
# RUSH

MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY

VIA HAND DELIVERY

DATE: December 4, 2024

To: Commissioner Kevin Ruane  
Chair, Board of County  
Commissioners

FROM:   
Michael D. Jacob  
Deputy County Attorney

RE: **Lee County Ordinance Amending the Lee County Comprehensive Plan  
Ord # 24-18 (CPA2022-00010, CPA2022-00011)  
Adoption Hearing on December 4, 2024**

On December 4, 2024, the Board of County Commissioners adopted an ordinance amending the Lee County Comprehensive Plan. The original ordinance is attached to this memorandum for execution. Kindly execute the ordinance at your earliest convenience and then forward to Eileen Gabrick in the Minutes Department.

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

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 December 14, 2024. Also attached please find the Data Retrieval form to accompany the ordinance when transmitted to the State.

Thank you for your assistance.

MDJ/les

Attachment: Ord #24-18 (CPA2022-00010, CPA2022-00011)

cc via email only: Laurel Chick, Internal Services Manager  
Samantha Westen, Executive Assistant  
Rose Bahena, Administrative Specialist, Senior  
Eileen Gabrick, Manager, Minutes Department  
[leeclerkminutes@leeclerk.org](mailto:leeclerkminutes@leeclerk.org)  
Brandon Dunn, Principal Planner, Planning  
Becky Sweigert, Principal Planner, DCD  
Janet Miller, Administrative Specialist/DCD  
Erica Temerario, Legal Administrative Specialist

RECEIVED  
MINUTES OFFICE  
2024 DEC -5 AM 9:25