

**LEE COUNTY ORDINANCE NO. 23-11**  
Daniels Falls Encore Multi-Family  
(CPA2022-00003)

**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 FALLS ENCORE MULTI-FAMILY (CPA2022-00003) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP; 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 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 March 27, 2023. 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 May 17, 2023. At that hearing, the Board approved a motion to adopt proposed amendment CPA2022-00003 pertaining to Daniels Falls Encore Multi-Family, amending Map 1-C of the Lee Plan, the Future Land Use Map. The subject property is located on the south side of Daniels Pkwy, approximately 0.1 miles west of Fiddlesticks Blvd.

**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 “Daniels Falls Encore Multi-Family Ordinance (CPA2022-00003).”**

## SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

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 Series, Map 1-C and Table 1(b), to allow for the development of approximately 240 multi-family dwelling units in an existing commercial planned development, creating a mixed-use development. The amendments will amend the Future Land Use Map designation on ±29.02 acres from Outlying Suburban and Wetlands to Central Urban, amend Map 1-C to add ±29.02 acres to the Mixed-use Overlay, and amend Table 1(b) - 2045 Population Allocation to accommodate residential development on the subject property. The subject parcel is located at on the south side of Daniels Pkwy, approximately 0.1 miles west of Fiddlesticks Blvd. 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 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 Ruane. 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 17<sup>th</sup> day of May 2023.

ATTEST:  
KEVIN C. KARNES, CLERK

BY: Melena Butler  
Deputy Clerk

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: Brian Hamman  
Brian Hamman, Chair

DATE: 5/19/23



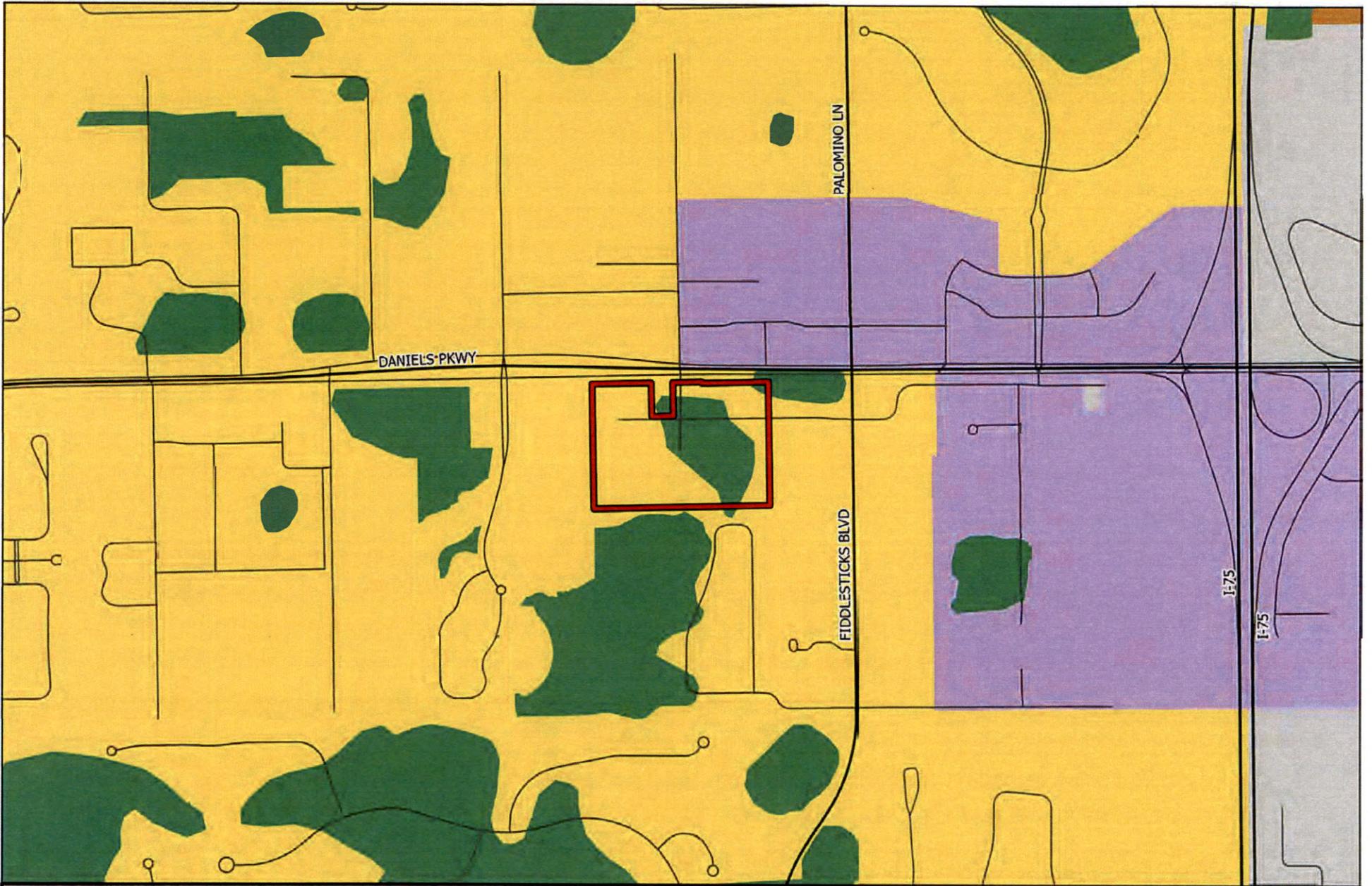
APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

[Signature]  
County Attorney's Office

Exhibit A (Adopted by BOCC May 17, 2023):  
Adopted existing Future Land Use Map, Map 1-C  
Adopted revisions Future Land Use Map, Map 1-C  
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.**



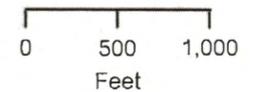
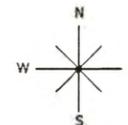
CPA2022-00003

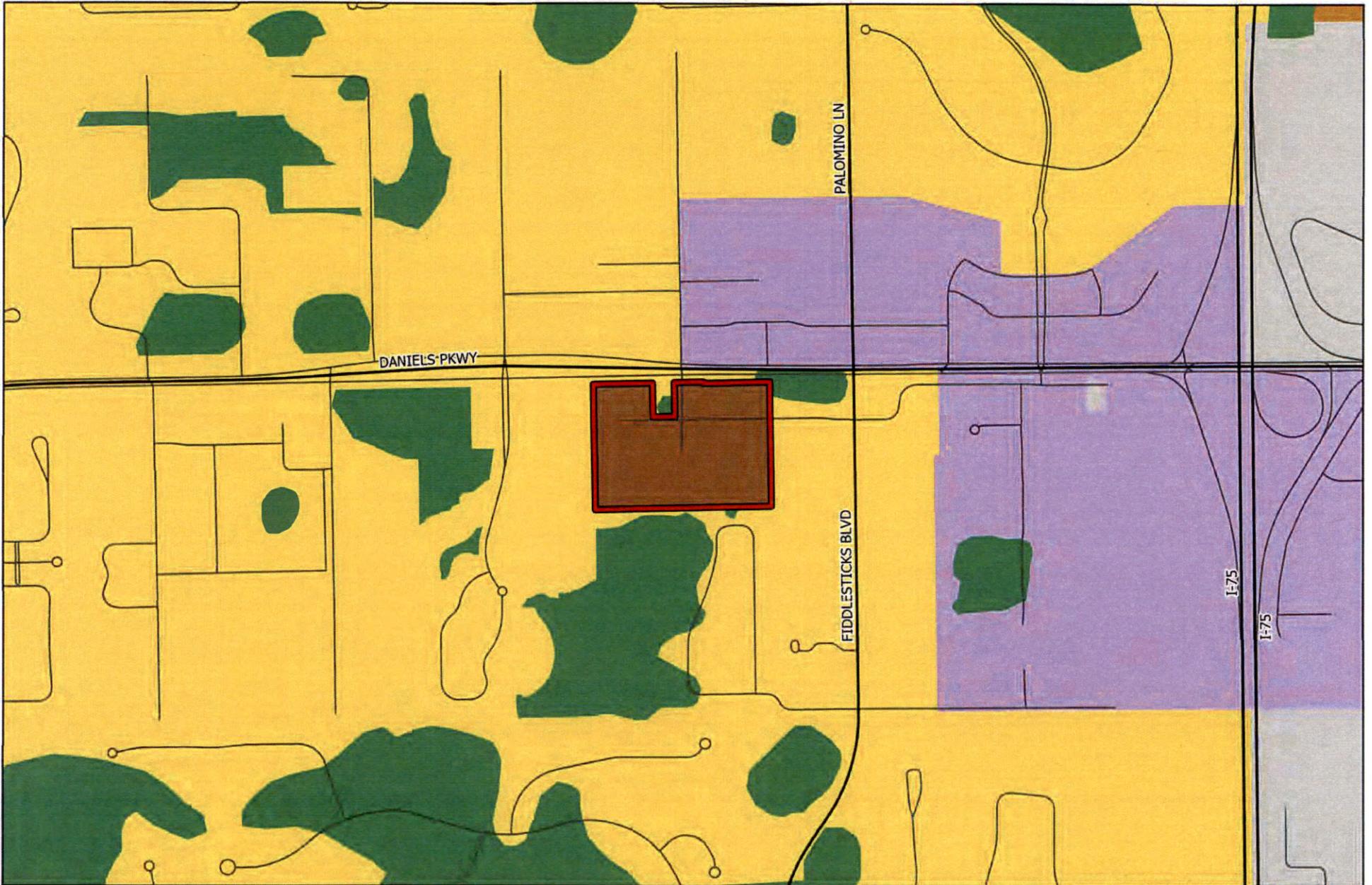


Map Generated: March 2023

- |                     |                  |
|---------------------|------------------|
| Urban Community     | Tradeport        |
| Outlying Suburban   | Wetlands         |
| Public Facilities   | Subject Property |
| General Interchange |                  |

Existing Future Land Use





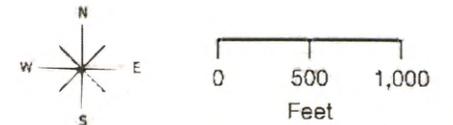
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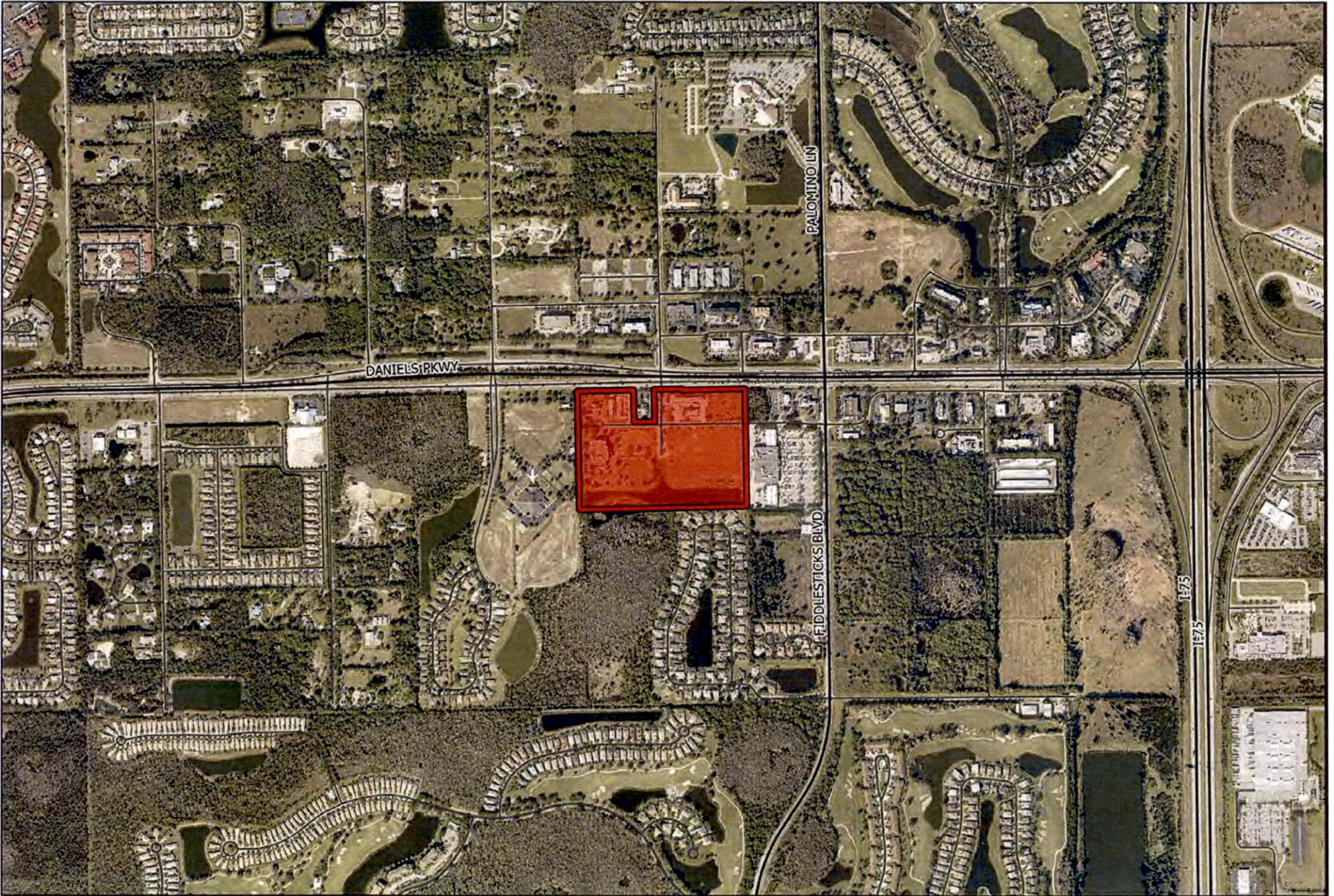


Map Generated: March 2023

- |                     |                  |
|---------------------|------------------|
| Urban Community     | Tradeport        |
| Outlying Suburban   | Wetlands         |
| Public Facilities   | Central Urban    |
| General Interchange | Subject Property |

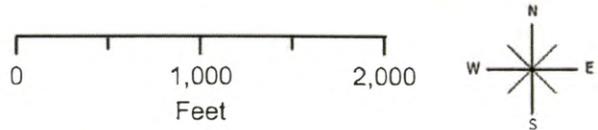
Proposed Future Land Use





CPA2022-00003  
Mixed Use Overlay

- Proposed Mixed Use Overlay
- Subject Property



**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	
<b>Residential By Future Land Use Category</b>	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	3,648	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	7,764	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	-	-	-	-	-	-	-	-	-	-	-	
<b>Unincorporated County Total Residential</b>	<b>83,113</b>	<b>4,669</b>	<b>457</b>	<b>-</b>	<b>4,270</b>	<b>1,002</b>	<b>24</b>	<b>598</b>	<b>548</b>	<b>-</b>	<b>1,415</b>	
<b>Commercial</b>	<b>8,916</b>	<b>300</b>	<b>53</b>	<b>-</b>	<b>450</b>	<b>27</b>	<b>9</b>	<b>125</b>	<b>150</b>	<b>-</b>	<b>1,216</b>	
<b>Industrial</b>	<b>4,787</b>	<b>30</b>	<b>3</b>	<b>-</b>	<b>300</b>	<b>10</b>	<b>15</b>	<b>70</b>	<b>315</b>	<b>-</b>	<b>2,134</b>	
<b>Non Regulatory Allocations</b>												
Public	120,211	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	87,746	2,458	297	-	1,163	3,186	67	1,595	926	-	2,206	
Vacant	26,118	1,145	28	-	733	766	8	103	17	-	88	
<b>Total</b>	<b>366,520</b>	<b>33,793</b>	<b>1,460</b>	<b>-</b>	<b>12,634</b>	<b>12,505</b>	<b>129</b>	<b>4,831</b>	<b>2,538</b>	<b>-</b>	<b>17,205</b>	
<b>Population Distribution (unincorporated Lee County)</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>22,281</b>	

**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	
<b>Residential By Future Land Use Category</b>	Intensive Development	-	-	-	-	801	1	30	-	376	-	-	
	Central Urban	7	656	20	-	3,113	-	<del>7,362</del> 7,312	-	2,225	-	-	
	Urban Community	-	978	1,318	-	863	540	17,034	-	-	115	-	
	Suburban	-	2,566	2,069	-	1,202	659	-	-	6,387	-	-	
	Outlying Suburban	1,253	438	-	-	-	502	-	-	406	-	90	
	Sub-Outlying Suburban	-	-	13	-	-	-	-	-	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	14	-	-	20
	General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-
	New Community	-	-	-	-	-	-	-	-	-	-	-	-
	Airport	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	-	-	-	-	-	-	-	-	-	-	-	-
	Rural	1,573	-	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	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Unincorporated County Total Residential</b>	<b>2,971</b> <del>3,964</del>	<b>4,650</b>	<b>4,024</b>	<b>-</b>	<b>5,982</b>	<b>3,322</b>	<b>24,390</b> <del>24,440</del>	<b>4,750</b>	<b>10,035</b>	<b>3,748</b>	<b>90</b>	<b>6,125</b>	
<b>Commercial</b>	<b>326</b>	<b>774</b>	<b>938</b>	<b>-</b>	<b>2,012</b>	<b>288</b>	<b>900</b>	<b>118</b>	<b>1,121</b>	<b>19</b>	<b>18</b>	<b>72</b>	
<b>Industrial</b>	<b>5</b>	<b>198</b>	<b>387</b>	<b>-</b>	<b>566</b>	<b>67</b>	<b>218</b>	<b>215</b>	<b>244</b>	<b>4</b>	<b>2</b>	<b>4</b>	
<b>Non Regulatory Allocations</b>													
Public	3,214	4,898	6,364	-	5,883	4,831	20,267	17,992	10,117	3,052	653	3,351	
Active AG	5	13	5	-	-	2,780	35	12,000	90	630	4	550	
Passive AG	340	-	5	-	-	70	50	2,500	250	2,000	-	2,100	
Conservation	1,677	9,786	2,232	-	211	15,489	1,077	41,028	1,607	382	1,465	895	
Vacant	20	55	158	-	4	2,200	<del>14,854</del> 14,804	2,400	1,183	850	130	1,425	
<b>Total</b>	<b>8,221</b>	<b>20,374</b>	<b>14,114</b>	<b>-</b>	<b>14,658</b>	<b>29,047</b>	<b>61,791</b>	<b>81,003</b>	<b>24,649</b>	<b>10,684</b>	<b>2,362</b>	<b>14,523</b>	
<b>Population Distribution (unincorporated Lee County)</b>	<b>14,711</b> <del>14,322</del>	<b>44,132</b>	<b>54,615</b>	<b>-</b>	<b>76,582</b>	<b>13,431</b>	<b>161,856</b> <del>162,245</del>	<b>17,369</b>	<b>110,722</b>	<b>5,951</b>	<b>741</b>	<b>8,653</b>	



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

May 23, 2023

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

Attn: Melissa Butler

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. 23-11, which was filed in this office on May 22, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh

**RECEIVED**

*By Melissa Butler at 4:46 pm, May 23, 2023*

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 23-11  
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Daniels Falls Encore  
(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: \_\_\_\_\_

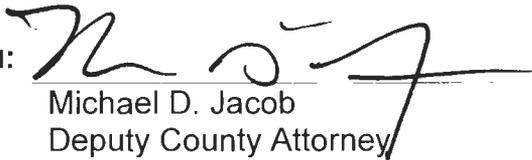
KEYFIELD 3 CODE: \_\_\_\_\_

**MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY**

VIA HAND DELIVERY

DATE: May 17, 2023

TO: Commissioner Hamman  
Chair, Board of County  
Commissioners

FROM:   
Michael D. Jacob  
Deputy County Attorney

RE: **Lee County Ordinance Amending the Lee County Comprehensive Plan  
Ord #23-11 – Daniels Falls Encore Multi-Family (CPA2022-00003)  
Adoption Hearing – May 17, 2023**

On May 17, 2023, 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 May 26, 2023.

**Admin**, attached please find the Data Retrieval Form. Kindly include the amendments in the Lee County Ordinance History.

Thank you for your assistance.

MDJ:tlb

Attachment:

Ord #23-11 - Daniels Falls Encore Multi-Family (CPA2022-00003)

cc via email only: Laurel Chick, Manager, Internal Services  
Samantha Westen, Executive Assistant  
Rose Bahena, Administrative Specialist, Senior  
Eileen Gabrick, Manager, Minutes Department  
Mikki Rozdolski, Interim Director, DCD  
Brandon Dunn, Principal Planner, Planning  
Janet Miller, Administrative Specialist/DCD  
Erica Temerario, Legal Administrative Specialist (for ordinance history)

2023 MAY 19 PM 3:05  
