

kwiktag<sup>®</sup>

022 562 371



**CPA 2001-22  
BoCC SPONSORED  
AMENDMENT  
TO THE**

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

---

**BoCC Adoption Document**

---

*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585*

**January 9, 2003**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2001-22**

Text Amendment

Map Amendment

	<b>This document contains the following reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Transmittal</b>
✓	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
✓	<b>Board Of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: July 2, 2002

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Amend the Future Land Use Map Series, Map 12, the Water Dependent Overlay (WDO) Zones, by evaluating and updating the status of the overlay areas and the Goals Objectives, and Policies that pertain to the WDO.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- Lee County economic prosperity, in part, has historically been dependent on sufficient access to water and water dependent activities such as commercial fishing, freight, and recreational uses.

- The proposed amendment clarifies the exact location, extent, and current status of the WDO zones.
- The proposed amendment will help conserve limited waterfront areas for those uses that require such space.
- Lee Plan Map 12, the WDO zones map, does not reflect the current conditions in many WDO zones or past changes in their boundaries.
- Staff has acquired improved mapping software since the last maps of the WDO zones were created.
- Some of the WDO zones have undergone significant development since their creation.
- The proposed amendment will further Lee Plan Objective 8.1, 98.1, 98.2, and 98.4 by identifying possible water dependent uses within the WDO zones.
- The WDO zones on San Carlos Island are addressed by Map 2, not Map 12.
- Existing Lee Plan Goals, Objectives, and Policies sufficiently address WDO zones.

### **C. BACKGROUND INFORMATION**

Marinas, boat-docking facilities, and other water-access sites are a limited commodity in Lee County. Public access to water resources is essential to the County's economic prosperity. Marinas, docks, fish-houses, fishing piers and other types of uses actually require location on the water. Likewise, Lee County's fishing industry depends heavily on sufficient access to water. It is important to identify and preserve these sites in order to prevent the displacement of water-dependent uses by other land uses such as residential or non-water-dependent commercial and industrial uses.

The Water Dependent Overlays were adopted by ordinance 89-02 in 1989 as part of the 1989 Lee Plan. The overlays were intended to protect marine-oriented land uses from incompatible or preemptive land uses. In 1991, Lee Plan Amendment PAM89-04 added the Rialto Harbor WDO zone and PAM90-20 amended the FPL power plant WDO zone. In 1992 PAM91-16 added the Weeks Fish Camp to the WDO zones. In 1993, PAM92-19 amended the WDO zone in the Burnt Store Marina. In 2001, CPA2000-02 deleted the Boca Grande Pass Marina WDO zone from page 1 of map 12. Since their adoption, varying levels of development have occurred within the WDO zones. Much of this development is residential in nature or otherwise non-water dependent. In addition, the cartographic software employed by the County has significantly improved. The older maps currently used in the Lee Plan would be improved through remapping with the newer software.

The Lee Plan Glossary defines Water Dependent Uses as land uses for which water access is essential and which could not exist without water access. Several Lee Plan Objectives and policies address WDO zones. The WDO zones were added to the Future Land Use element of the Lee Plan in Policy 1.7.5 as a specific type of Special Treatment Area. Goal 8 gives some protection to water-dependent uses by mandating the rezoning of specific uses to marine zoning districts. In the Conservation and Coastal Management element, Goal 98 seeks to preserve the marine-oriented nature of the shoreline. The goal addresses protection of water-dependent commercial and industrial land uses. Objectives 98.1 and 98.2 contain policies outlining the location of WDO zones and reiterating the mandate to rezone these areas to marine zoning districts

These are the Goals, Objectives, and Policies that concern the WDO zones:

**GOAL 1: FUTURE LAND USE MAP** To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage Urban Sprawl.

**OBJECTIVE 1.7: SPECIAL TREATMENT AREAS.** Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.

**POLICY 1.7.5:** The Water-Dependent Overlay Zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Greater Pine Island Area under Goal 14, and for other areas in Lee County in the Conservation and Coastal Management Element.

**GOAL 8: MARINE-ORIENTED LAND USES.** To designate prime locations for marine-oriented land uses and protect them from incompatible or pre-emptive land uses.

**OBJECTIVE 8.1:** Existing marinas, fish houses, and port facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.

**GOAL 98: SHORELINE MANAGEMENT.** To encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water-dependent uses.

**OBJECTIVE 98.1: COMMERCIAL WATER-DEPENDENT USES.** The County will continue to monitor and implement its program to enhance and protect commercial water-dependent uses.

**POLICY 98.1.1:** Commercial and government-operated multi-slip docking facilities indicated on the Future Land Use Map as having Water-Dependent overlay zones will be reclassified by the county to Marina zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.

**POLICY 98.1.2:** The Future Land Use Map will designate water-dependent overlay zones over existing commercial fishing, port and docking sites and commercial marinas to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.

**OBJECTIVE 98.2: INDUSTRIAL WATER-DEPENDENT USES.** The County will continue to monitor and implement its program to enhance and protect industrial water dependent uses.

***POLICY 98.2.1: Industrial water-dependent facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.***

***POLICY 98.2.2: The County will maintain an inventory of all industrial water-dependent facilities, including name, location, and STRAP number of the facility. This inventory will be updated as needed.***

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The majority of the WDO zones are defined as being 150 feet landward of the shoreline within the parcel or parcels designated on Map 12 or to include the entire parcel, if it is less than 150 feet in depth. However, some of the WDO zones are uniquely defined and their definitions are listed alongside the map of the relevant parcels. Therefore, Map 12 designates entire parcels whenever possible even though the WDO may only be a part of the parcel. In some cases, development within a single parcel includes both water-dependent and non-water-dependent uses. In such cases, the WDO zone may follow other boundaries such as zoning district lines. Many of the designated parcels contain vacant or undeveloped land. In these cases, the vacant land is left in the WDO zone in order to encourage future development to be in the form of water-dependent uses.

The WDO zones on San Carlos Island are not addressed by the proposed amendment. This amendment is concerned with Lee Plan Map 12. The San Carlos Island WDO zones are addressed on Lee Plan Map 2 which is not a part of the proposed amendment.

The proposed amendment is not intended to address local marina issues on Pine Island. Staff believes that this amendment is of a technical mapping nature. Other, ongoing issues concerning the Pine Island marinas are beyond the scope of this amendment at this time.

In evaluating each WDO zone, staff used two main criteria. First, whether the site contains water-dependent uses. Second, what portions (if any) of the site have been altered to non-water-dependent uses and how significant the change is. These were determined using aerial photography, site visits and data from the Lee County Property Appraiser. Third, was whether the change in the WDO zone was compelling enough to warrant a change in Map 12. Based on these criteria staff recommends the following changes:

#### **Map 12, Page 2**

Amend the Four Winds Marina WDO to follow the CM zoning district boundary. The commercial portion of the site was rezoned to CM in 1991, leaving the rest of the site in the C-2 zoning district. The non-commercial portion of the site is developed with condominiums, an allowable use in C-2 zoning. It is inappropriate to maintain the WDO on residential development.

Amend the Harbor Hideaway WDO to include parcel 30-43-22-07-0000B.0010. This vacant parcel is zoned CM, abuts the WDO, and is used by Harbor Hideaway for boat and boat trailer storage.

Boat storage is an ancillary use for the site. These factors make inclusion in the WDO appropriate. Additionally, the WDO would help to preserve a vacant, waterfront parcel for water dependent uses.

**Map 12, Page 8**

Amend the Hideaway Yacht and Racquet Club WDO. The parcel that originally defined the Hideaway Yacht and Racquet Club WDO has been subdivided and developed with residential uses. Portions of the original parcel remain as common elements such as road rights of way and the marina. The WDO zone should be restricted to those areas that are zoned CM to reflect these uses. In addition, the name of the WDO should be amended to "Water's Edge At Peppertree Point." This is the name of the Residential Planned Development that was created in the WDO and is the publicly used name for the Marina.

Amend the Deep Lagoon Marina WDO to follow current parcel lines. The parcels in the Deep Lagoon Marina WDO have been combined since its creation. Now, the WDO is part of a single-parcel marina CPD. Further, the marina was approved by resolution Z-99-13 to put water dependent uses in the majority of the new, combined parcel.

**Map 12, Page 9**

Amend the Burnt Store Marina WDO to follow the CM zoning district within the WDO parcel(s) as originally proposed by Lee Plan Amendment PAM92-19. A large portion of the water front is now developed with residential uses. The remaining undeveloped portions of the WDO parcel will also be developed with residential uses. This change in the WDO zone was originally created by Lee Plan amendment PAM92-19 but subsequent mapping did not reflect the change.

**Map 12, Page 10**

Amend the Getaway Marina WDO to include the three parcels to the north of the existing WDO parcel. The three parcels to the north of the WDO parcel are part of the marina, providing parking on the land portions and docking slips along the waterline. The parcels are listed as vacant commercial by the Property Appraiser. As they are now, these parcels could be converted to non-water dependent uses without a public hearing. By including them in the WDO zone, there is a much greater chance of preserving them for water-dependent uses. The parcels to the south of Getaway Marina are a mix of water-dependent and non-water-dependent uses. As such it would be inappropriate to include the parcels to the south of the marina in the WDO zone.

**Coastal Issues**

The proposed amendment would help preserve the limited water access points within Lee County. It will also preserve the amount of land available to water-dependent land uses such as fishing piers, marinas, boat docks, fish houses, and others.

**Transportation**

The Lee County 2020 transportation plan, to a certain extent, already estimates the impact of future development in WDO zones on traffic in the county. However, the effect of future coastal development upon transportation issues will have to be addressed on a case by case basis. Future

developments will be required to address their impacts on the area road network during the development order process, usually through a traffic impact study.

### **Emergency Services**

Future development in the WDO zones could increase the demand on emergency services. This increased demand would be addressed by the County prior to the issuance of a development order. Increased demand would require mitigation measures by the developer.

### **Hurricane Evacuation**

Sections 2-481 through 2-486 of the Lee County Land Development Code address hurricane preparedness. Hurricane preparedness impacts and mitigation are determined by the number of residential and hotel/motel units in a development. WDO policies discourage residential use on waterfront property by rezoning those areas to CM and IM zoning districts. These districts restrict residences to caretaker houses and hotel/motels to special exception only. Therefore, WDO zones help reduce the hurricane evacuation impact on the County's road network.

### **Utilities**

Increased development in the WDO zones could increase the demand upon water and sewer utilities. Lee plan Standard 11.1 requires that any commercial or industrial use that exceeds 30,000 square feet would be required to connect to a public water system. Likewise, Lee Plan Standard 11.2 requires that any development that generates over 5,000 gallons of sewage per day must connect to a sanitary sewer system. Any future development in the WDO zones that meet these criteria will be required to install the necessary infrastructure during the development order process.

### **Environmental Concerns**

Future development within WDO zones will be required to address environmental concerns on a case by case basis. The developer will follow standard mitigation measures for any environmental impacts caused by future development as required by the Lee Plan and the Lee County Land Development Code.

### **Development Intensity**

Suitable water access points are an increasingly rare commodity in Lee County and the WDO zones help to preserve them for those uses that cannot be placed inland. The proposed amendment does not effect the amount of waterfront development. Instead, it influences the type of waterfront development, encouraging water-dependent uses. Therefore, the proposed amendment does not affect development intensity.

### **Residential Density**

The WDO zones are intended to limit residential uses in waterfront parcels. Lee Plan Objective 8.1 mandates reclassifying water-dependent uses to marina zoning districts. These districts do not permit residential uses beyond caretaker residences. In order to create residential development in a WDO zone, an applicant would be required to have a public meeting before the Board of County

Commissioners to remove the WDO designation. Then, the property in question would have to be rezoned to a zoning district that permitted residential uses. Therefore, the proposed amendment would help limit residential uses in waterfront parcels.

#### **Historic Preservation**

There are some historic structures known to be within WDO zones although Lee County does not have an exclusive inventory of historic properties in WDO zones. Any identified historic structures within a WDO zone will be addressed on a case by case basis. Standard historic preservation procedures per Chapter 22 of the Land Development Code and Chapter IX of the Lee Plan will be used within the WDO zones.

#### **B. CONCLUSIONS**

This amendment addresses 40 WDO zones. Of this 40, 6 are proposed for amendment. The remaining zones do not present compelling reasons for amendment. This amendment addresses Map 12 only. The WDO zones on San Carlos Island are addressed by Map 2 and therefore are beyond the scope of this amendment. Likewise, ongoing marina issues on Pine Island are beyond the scope of this amendment. The proposed amendment will clarify and update the WDO zones in Lee County. This will correct scrivener's errors as well as remove inconsistencies and outdated information from Map 12. The amendment will also help preserve increasingly rare water access and water dependent land uses within the county. As currently codified, the Lee Plan Goals, Objectives, and Policies sufficiently address WDO zones.

#### **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.



**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC LPA HEARING: July 22, 2002

**A. LOCAL PLANNING AGENCY REVIEW**

Staff gave a brief presentation. Staff stated that the amendment was of a technical nature and did not address Lee Plan Policies. One LPA member stated that the amendment appeared to be simply "cleaning up."

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

The LPA recommend that the Board of County Commissioners transmit the proposed amendments to Map 12 of the Lee Plan Map series.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>NOEL ANDRESS</b>	<u>          <b>AYE</b></u>
<b>MATT BIXLER</b>	<u>          <b>AYE</b></u>
<b>SUSAN BROOKMAN</b>	<u>          <b>AYE</b></u>
<b>RONALD INGE</b>	<u>          <b>AYE</b></u>
<b>GORDON REIGELMAN</b>	<u>          <b>AYE</b></u>
<b>ROBERT SHELDON</b>	<u>          <b>AYE</b></u>
<b>GREG STUART</b>	<u>          <b>ABSENT</b></u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: September 4, 2002

**A. BOARD REVIEW:** The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

**C. VOTE:**

**JOHN ALBION**

\_\_\_\_\_  
**AYE**  
\_\_\_\_\_

**ANDREW COY**

\_\_\_\_\_  
**ABSENT**  
\_\_\_\_\_

**BOB JANES**

\_\_\_\_\_  
**AYE**  
\_\_\_\_\_

**RAY JUDAH**

\_\_\_\_\_  
**AYE**  
\_\_\_\_\_

**DOUG ST. CERNY**

\_\_\_\_\_  
**AYE**  
\_\_\_\_\_

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: November 22, 2002

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

The DCA had no objections, recommendations, or comments concerning this amendment.

**B. STAFF RESPONSE**

Adopt the amendment as transmitted.

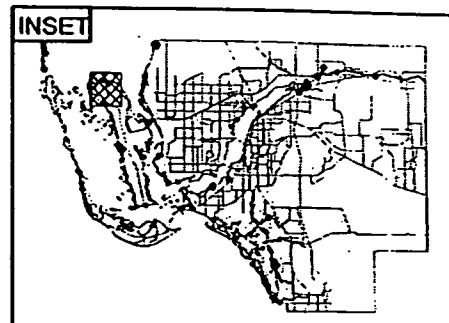
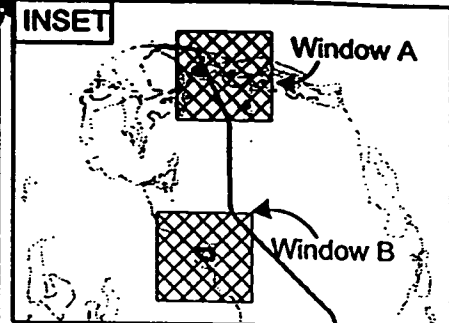
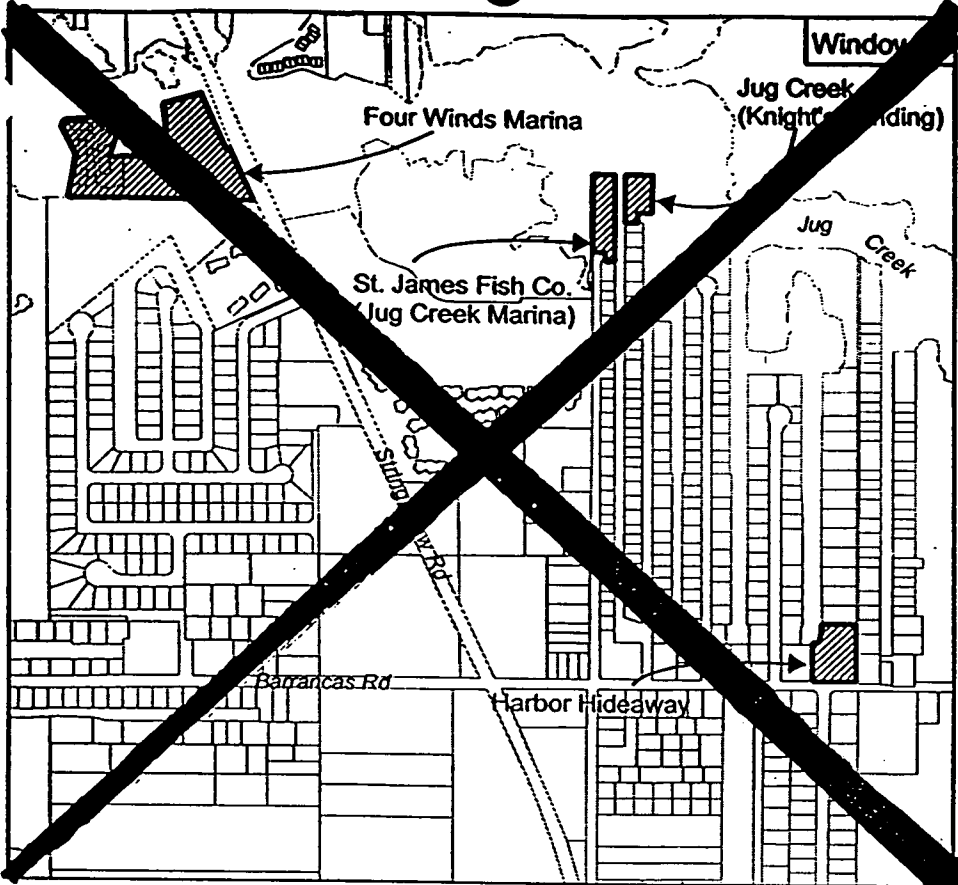


# Attachment 1

## Existing Map 12

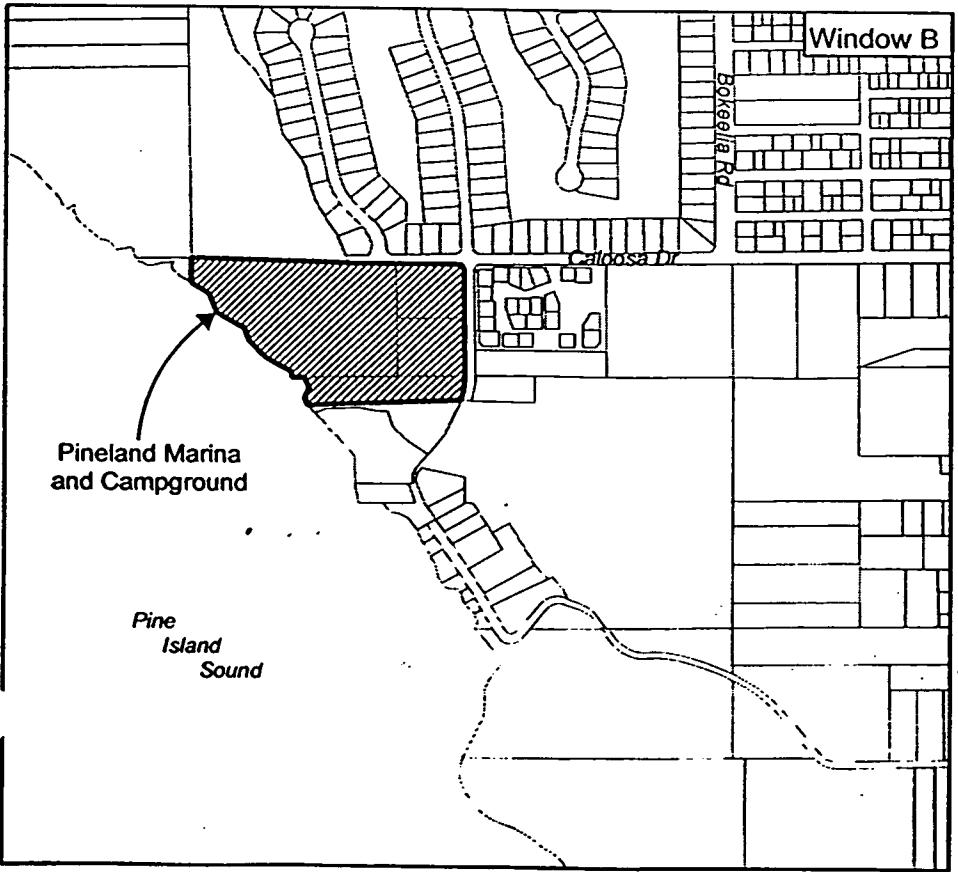
(Note: maps proposed for amendment crossed out)

# MAP 12 WATER-DEPENDENT OVERLAY ZONES



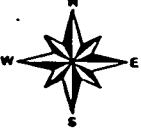
List of STRAPS

- Four Winds Marina
  - 30-43-22-00-00027.0020
  - 30-43-22-14-00000.1010
  - 30-43-22-14-00000.1020
  - 30-43-22-14-00000.1030
  - 30-43-22-14-00000.1040
  - 30-43-22-14-00000.1050
  - 30-43-22-14-00000.1060
  - 30-43-22-14-00000.2010
  - 30-43-22-14-00000.2020
  - 30-43-22-14-00000.2030
  - 30-43-22-14-00000.2040
  - 30-43-22-14-00000.2050
  - 30-43-22-14-00000.2060
  - 30-43-22-16-00000.00CE
  - 30-43-22-16-00000.000A
  - 30-43-22-16-00003.3010
  - 30-43-22-16-00003.3020
- St. James Fish Co. (Jug Creek Marina)
  - 30-43-22-02-0000A.0010
- Jug Creek (Knight's Landing)
  - 30-43-22-02-0000B.0010
- Harbor Hideaway
  - 30-43-22-18-00000.001A
- Pineland Marina and Campground
  - 07-44-22-00-00001.0000
  - 07-44-22-00-00002.0000
  - 07-44-22-00-00002.0020



- 30-43-22-16-00003.3030
- 30-43-22-16-00003.3040
- 30-43-22-16-00003.3050
- 30-43-22-16-00003.3060
- 30-43-22-16-00004.4010
- 30-43-22-16-00004.4020
- 30-43-22-16-00004.4030
- 30-43-22-16-00004.4040
- 30-43-22-16-00004.4050
- 30-43-22-16-00004.4060
- 30-43-22-16-00005.5010
- 30-43-22-16-00005.5020
- 30-43-22-16-00005.5030
- 30-43-22-16-00005.5040
- 30-43-22-16-00005.5050
- 30-43-22-16-00005.5060

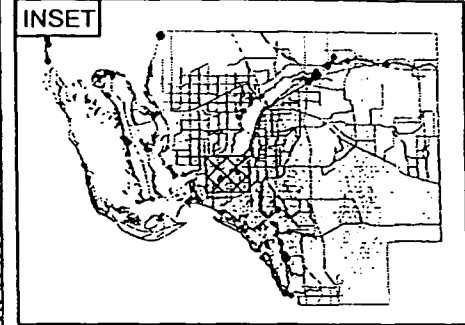
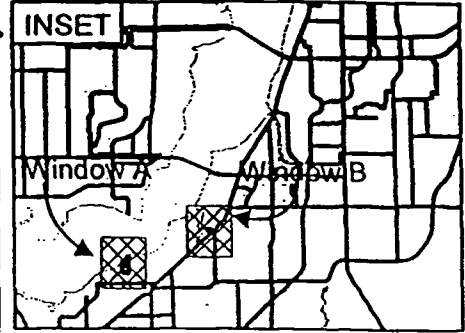
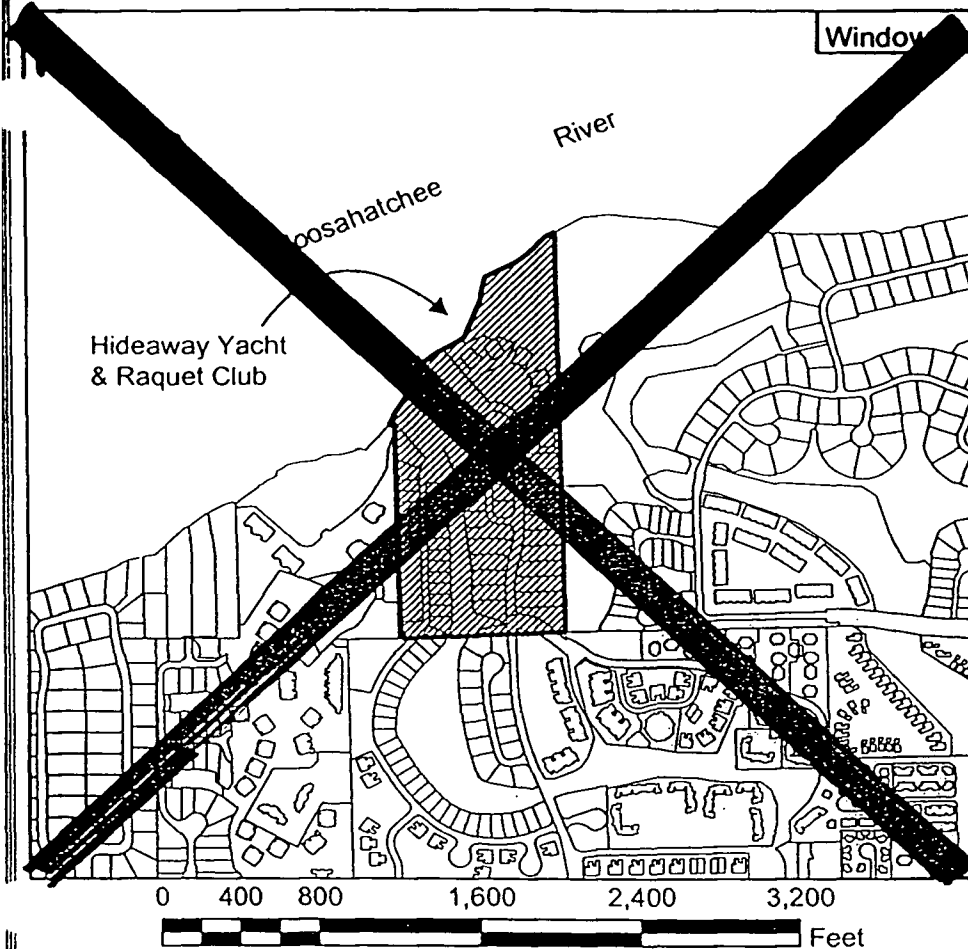
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated August 5, 2001

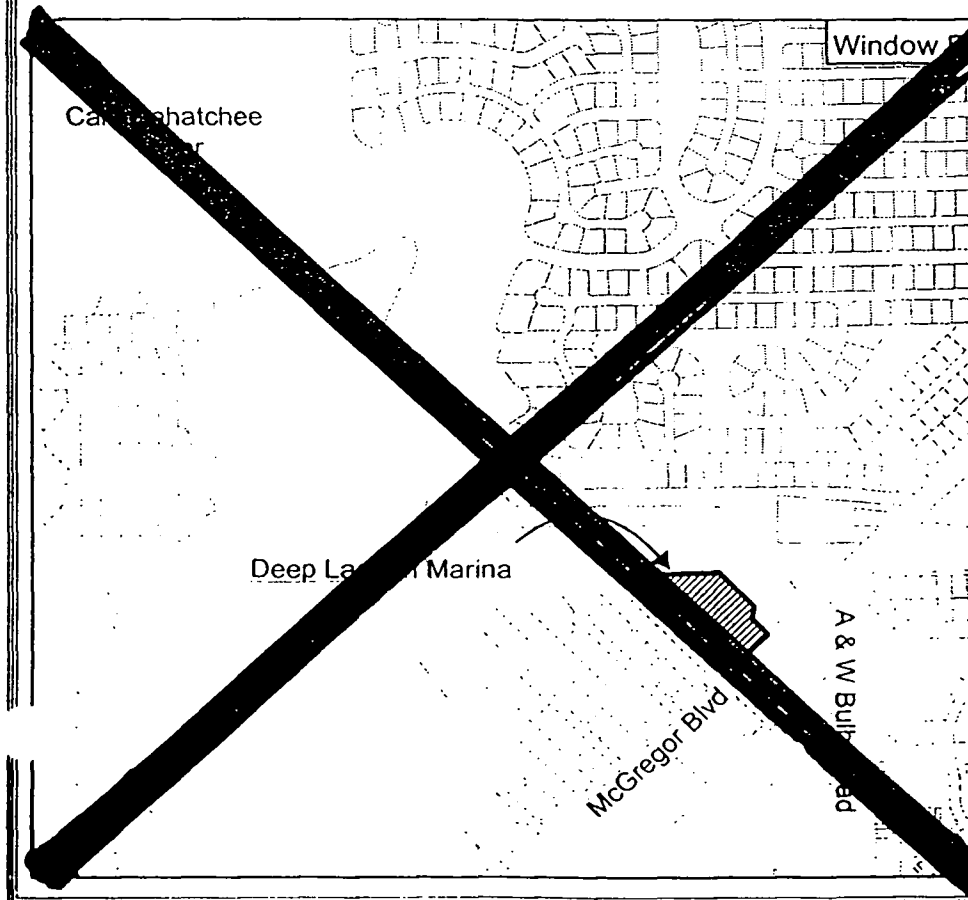
# MAP 12 WATER-DEPENDENT OVERLAY ZONES



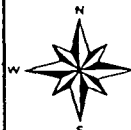
List of STRAPS

Deep Lagoon Marina  
29-45-24-00-00011.002A

Hideaway Yacht & Raquet Club  
25-45-23-00-00001.0000  
25-45-23-11-00000.0230-0340  
25-45-23-11-00000.0360-0520  
25-45-23-31-00000.0280-0450  
25-45-23-33-00000.000A  
25-45-23-33-00000.00CE  
25-45-23-33-Building A through G



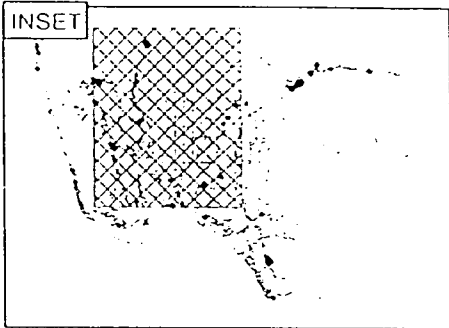
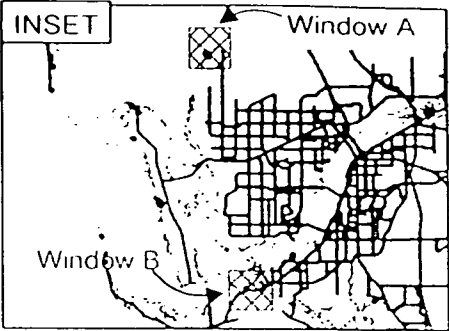
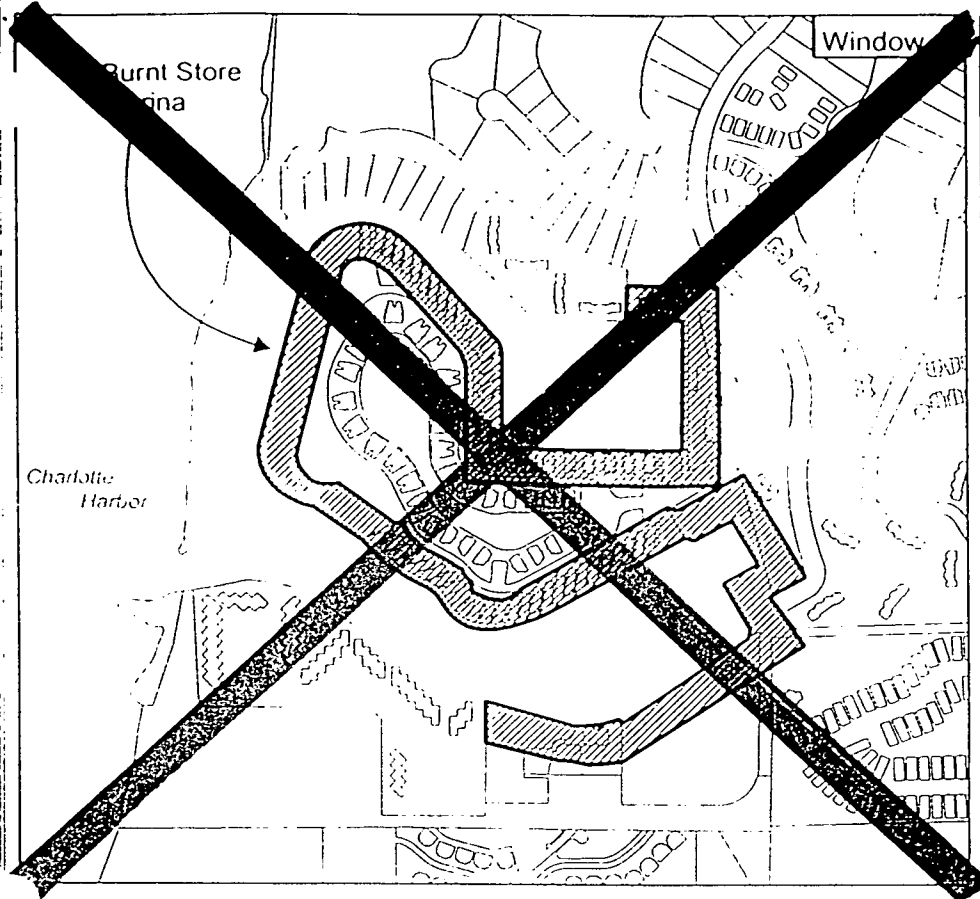
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated August 5, 2001

# MAP 12 WATER-DEPENDENT OVERLAY ZONES

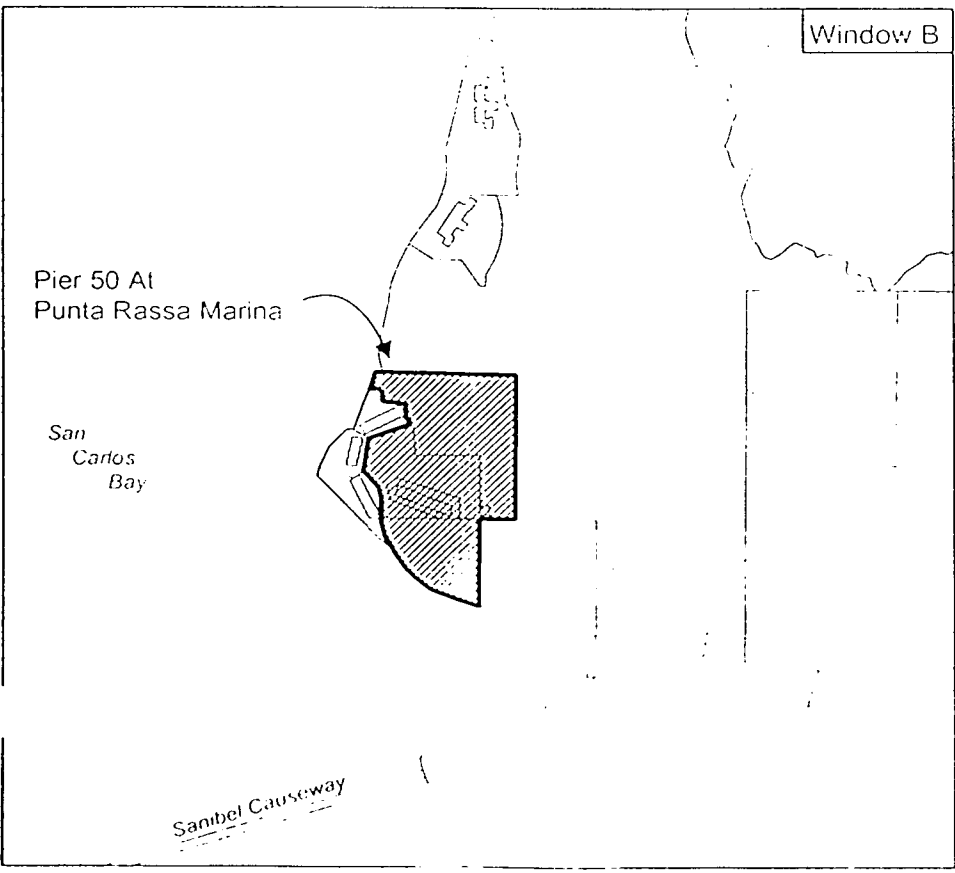


List of STRAPS

- Burnt Store Marina
- 01-43-22-01-0000C 1000
- 01-43-22-02-00000 001A-C, 002A-C
- 01-43-22-02-00000 003A-C, 004A-C
- 01-43-22-02-00000 005A-C, 006A-C
- 01-43-22-02-00000 007A-C, 008A-C
- 01-43-22-04-00000 0010-C250
- 01-43-22-07-00000 1110-1160, 1210-1280, 1310-1360,
- 01-43-22-07-00000 000A, 00CE
- 01-43-22-07-00000 2110-2160, 2210-2280, 2310-2360
- 01-43-22-10-00000 1010-1050, 2010-2060, 3010-3050
- 01-43-22-10-00000 4010-4050, 5010-5060, 6010-6030
- 01-43-22-12-00000 000A, 00CE
- 01-43-22-12-00000 1101-1108, 1201-1208, 1301-1308
- 01-43-22-12-00000 1401-1408, 1501-1508, 1601-1608
- 01-43-22-12-00000 1701-1708, 1801-1804, 2101-2108
- 01-43-22-12-00000, 2201-2208, 2301-2308, 2401-2408
- 01-43-22-12-00000, 2501-2508, 2601-2608, 2701-2708
- 01-43-22-12-00000 2801-2804
- 01-43-22-15-00000 0010-0220

- Pier 50 at Punta Rassa Marina
- 09-46-23-00-00009 0000
- 09-46-23-00-00009 0010
- 09-46-23-00-00009 0020
- 09-46-23-00-00000 00CE
- 09-46-23-01-00000 00CE
- 09-46-23-01-00000 000A

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

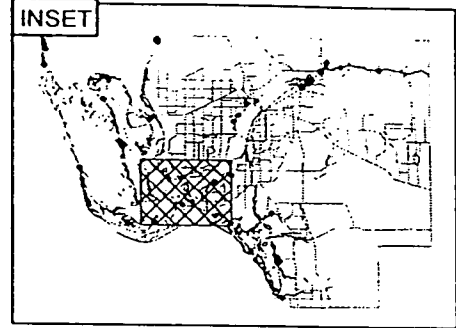
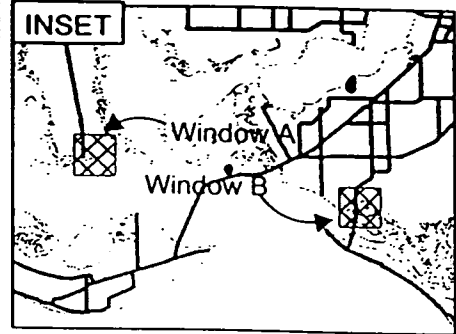
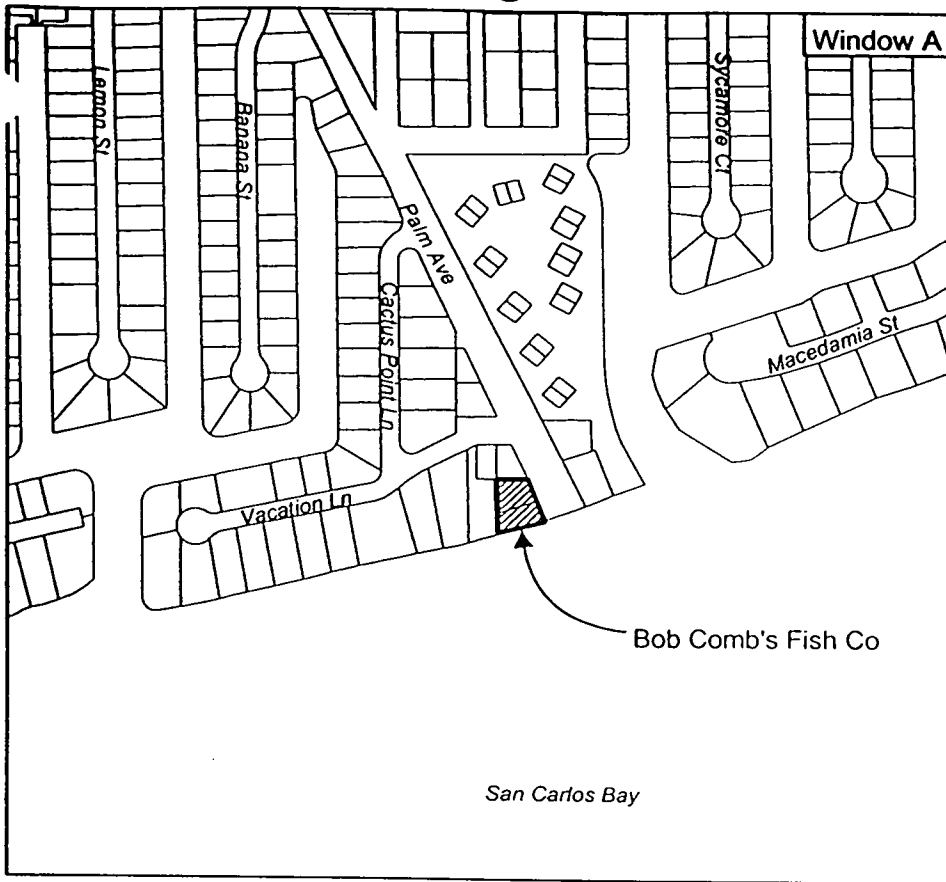


LEE COUNTY  
DIVISION OF PLANNING

Map Generated August 5, 2001



# MAP 12 WATER-DEPENDENT OVERLAY ZONES

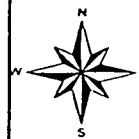


**List of STRAPS**

- Bob Comb's Fish Co.  
02-46-22-05-00494.0110
- Getaway Marina  
13-46-23-00-00027.0000



The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

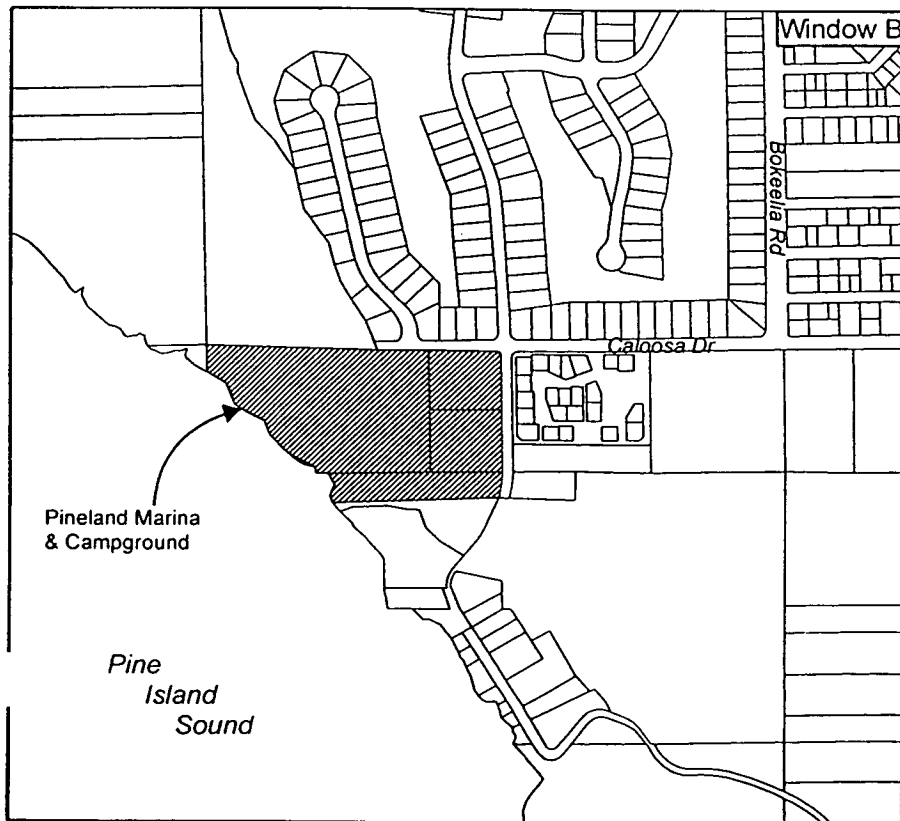
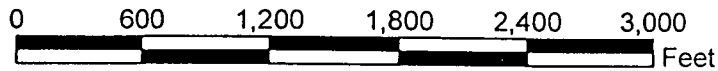
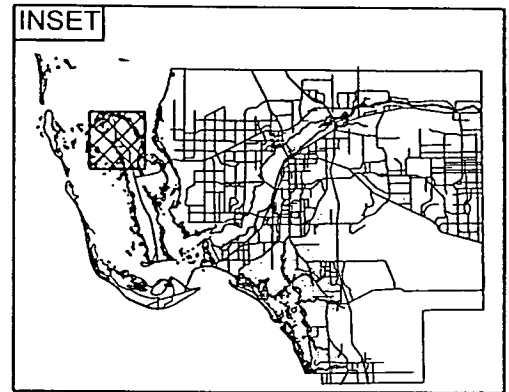
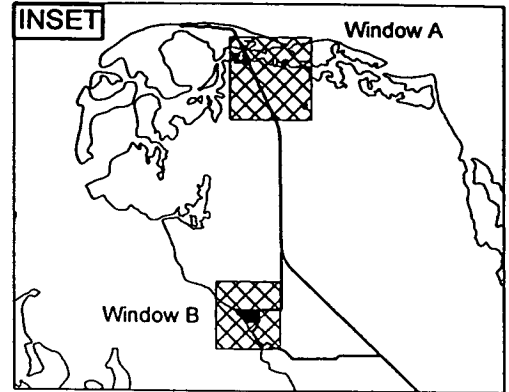
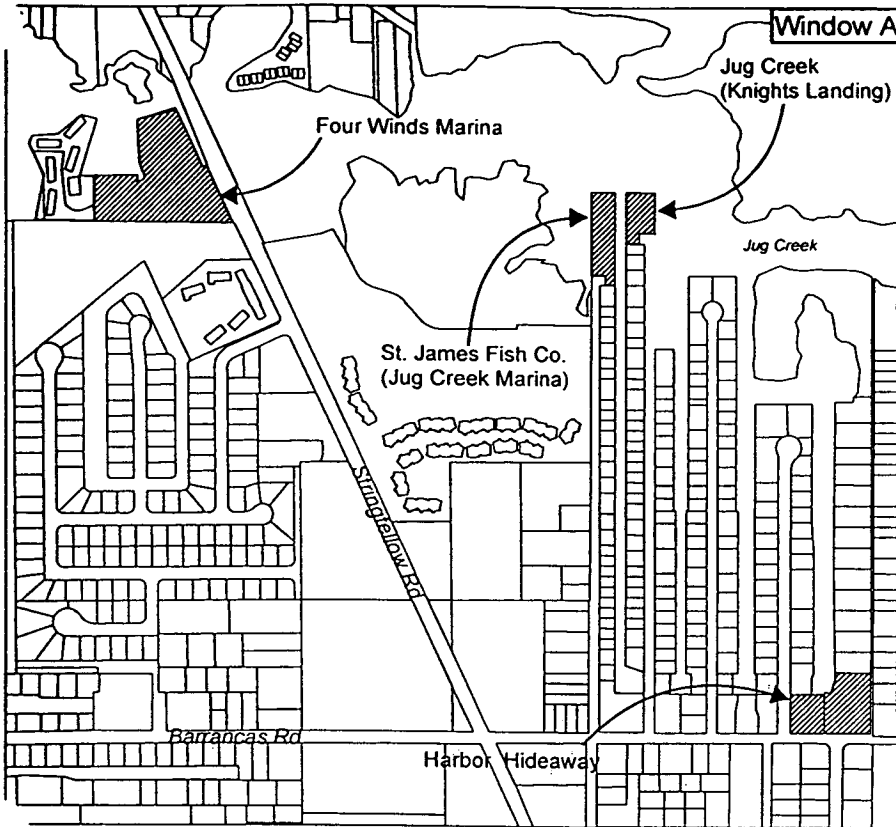


**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated August 5, 2001

Attachment 2  
Proposed Map 12

# Map 12 Water Dependent Overlay Zones



- Four Winds Marina  
 30-43-22-00-00027.0020  
 30-43-22-14-00000.1010 to .1060  
 30-43-22-14-00000.2010 to .2060  
 30-43-22-16-00000.00CE  
 30-43-22-16-00000.000A  
 30-43-22-16-00003.3010 to .3060  
 30-43-22-16-00004.4010 to .4060  
 30-43-22-16-00005.5010 to .5060

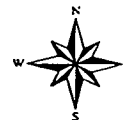
- St. James Fish Co.  
 (Jug Creek Marina)  
 30-43-22-02-0000A.0010

- Jug Creek  
 (Knights Landing)  
 30-43-22-02-0000B.0010

- Harbor Hideaway  
 30-43-22-18-00000.001A

- Pineland Marina & Campground  
 07-44-22-00-00001.0000  
 07-44-22-00-00002.0000  
 07-44-22-00-00002.0020

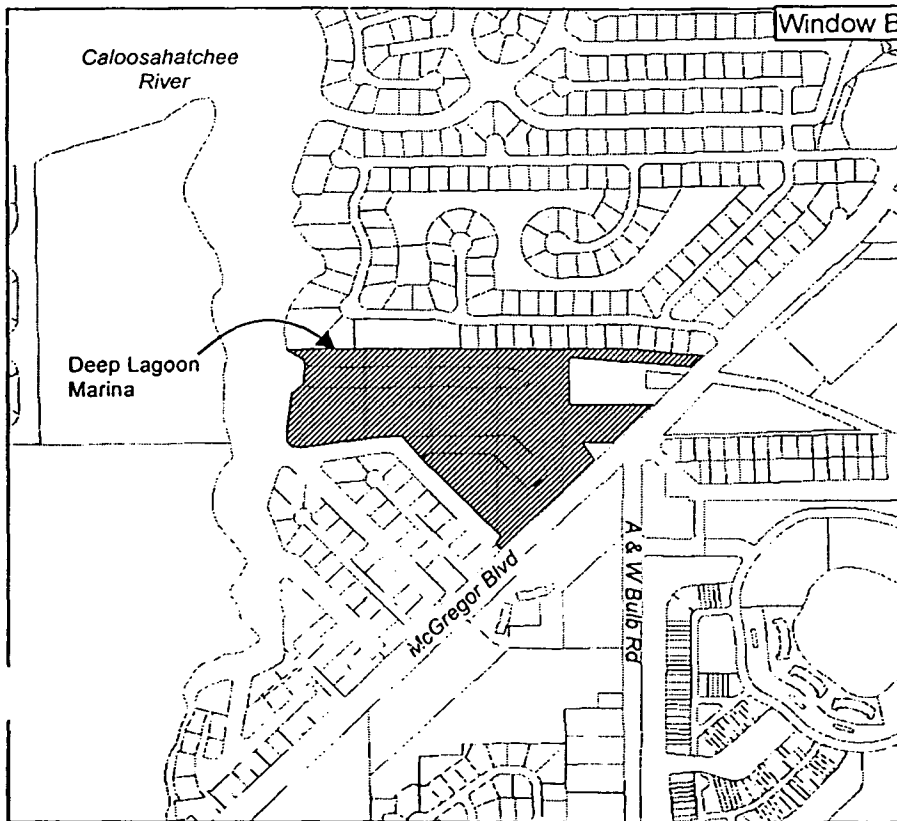
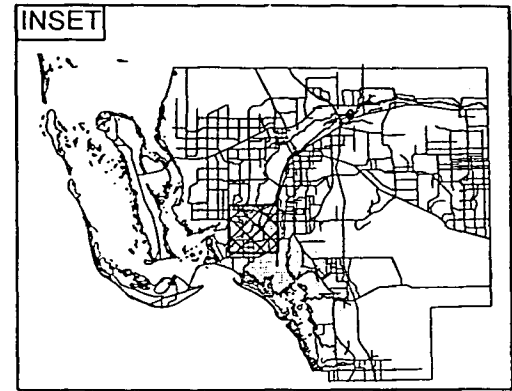
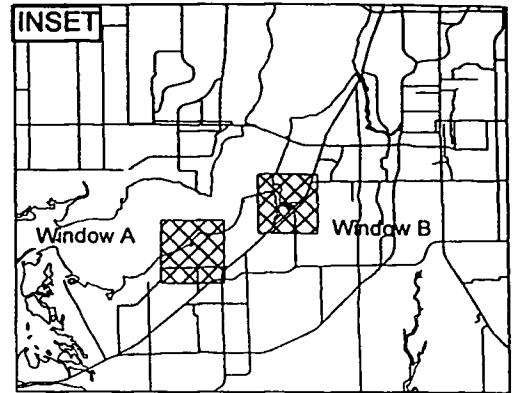
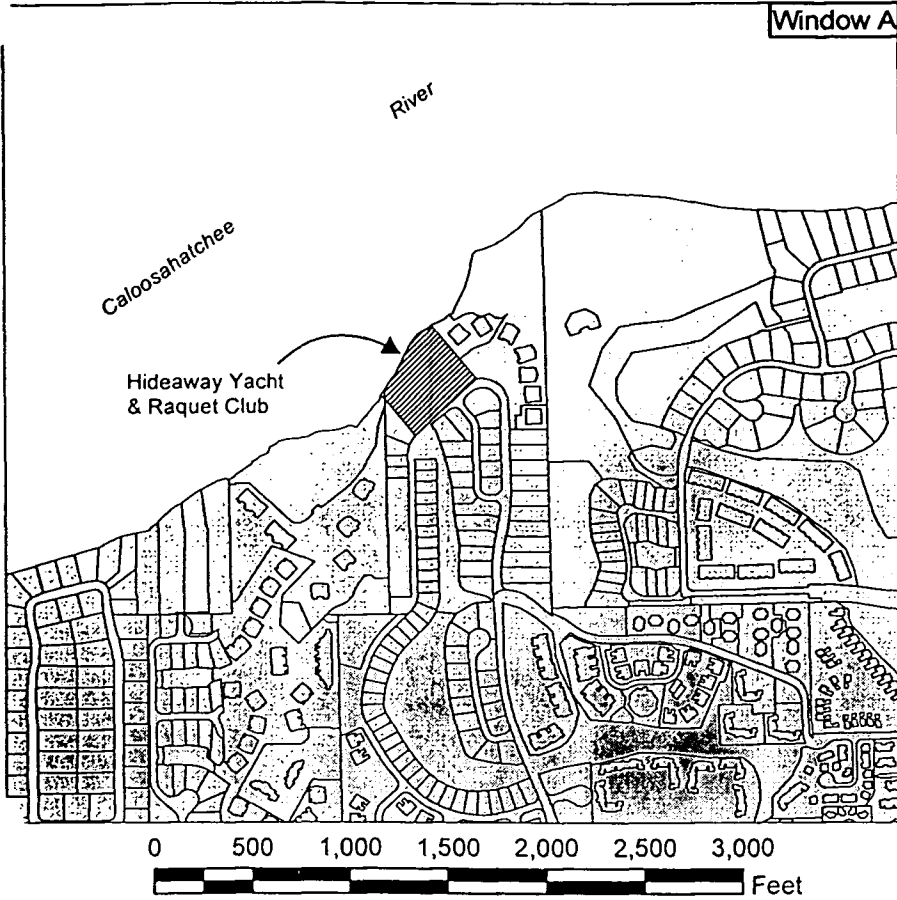
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



**LEE COUNTY**  
 SOUTHWEST FLORIDA  
 DIVISION OF PLANNING

Map generated June 11, 2002

# Map 12 Water Dependent Overlay Zones



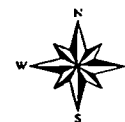
#### List of STRAPS

Deep Lagoon Marina  
29-45-24-00-00011002A

Hideaway Yacht & Raquet Club  
(Peppertree Point)  
25-45-23-00-00001.0000

NOTE: The map shows only those parts of the subject parcel that are zoned for marina use.

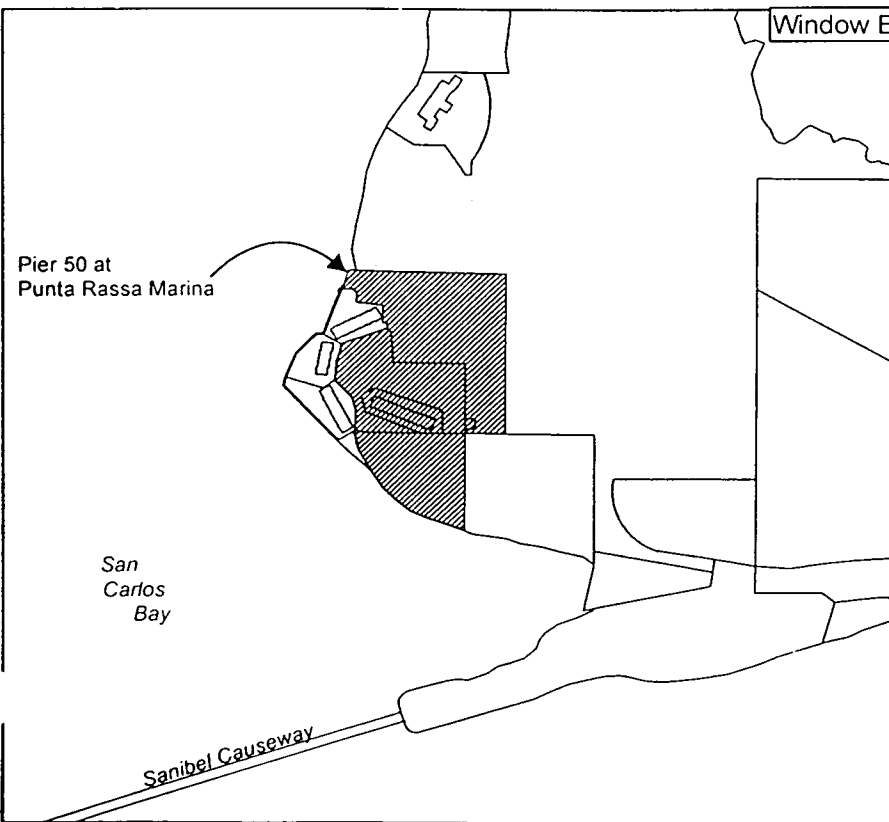
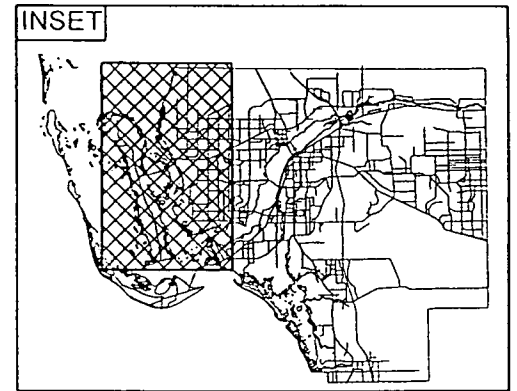
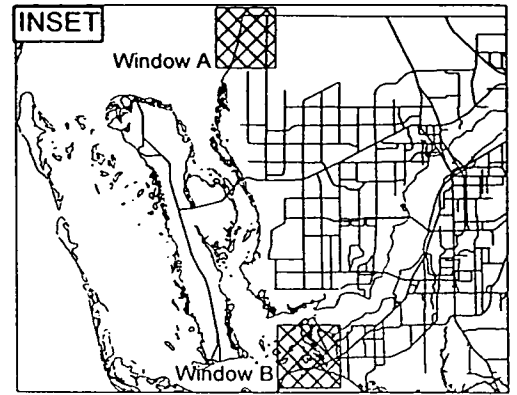
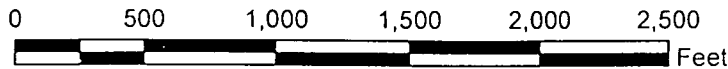
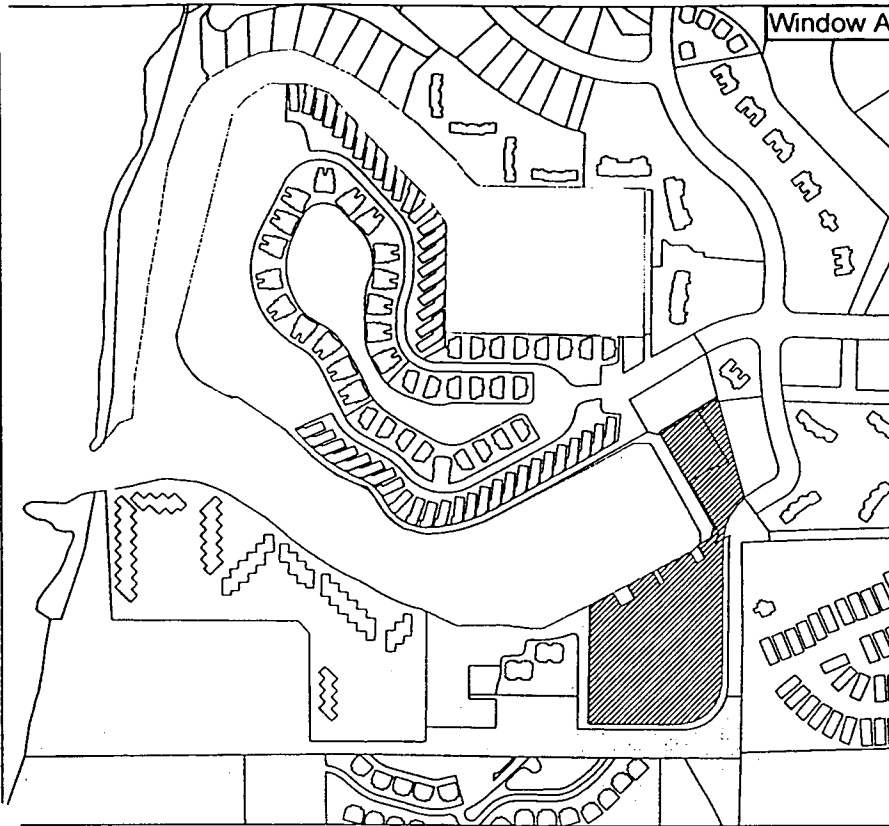
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map generated June 12, 2002

# Map 12 Water Dependent Overlay Zones



### List of STRAPS

Burnt Store Marina  
01-43-22-000000C0010  
NOTE: The map depicts only those parts of the subject parcel that are zoned for marina uses.

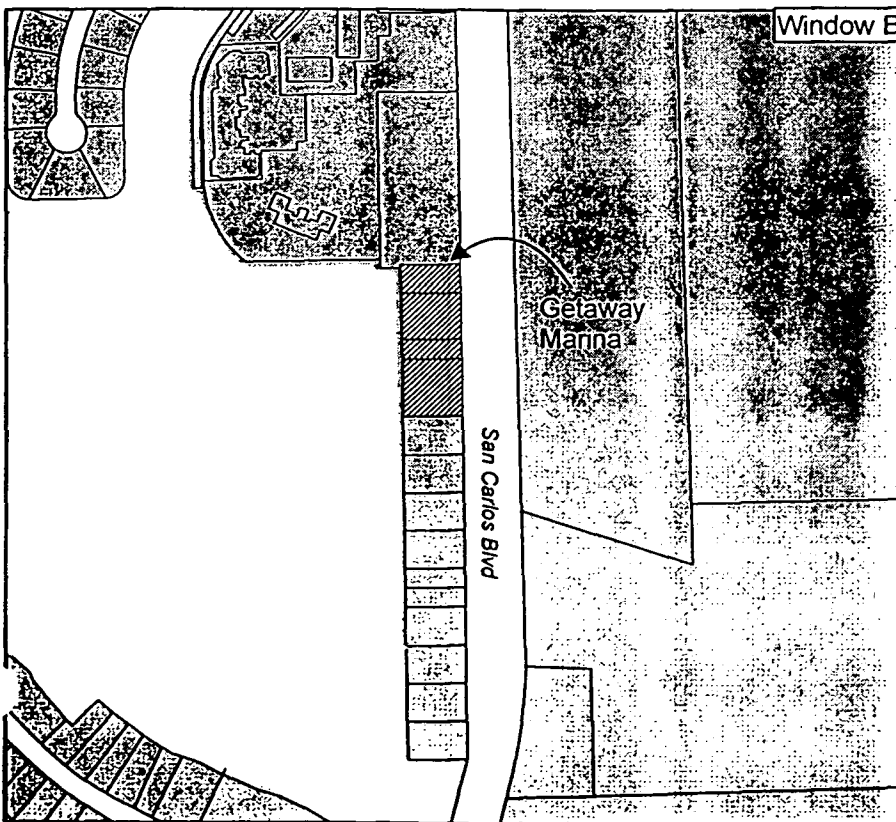
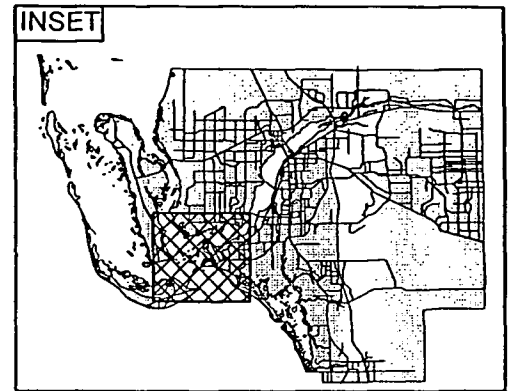
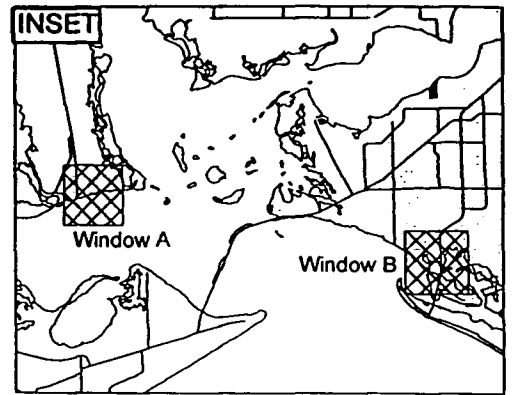
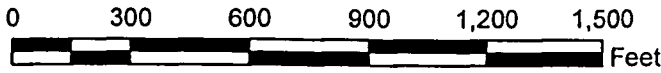
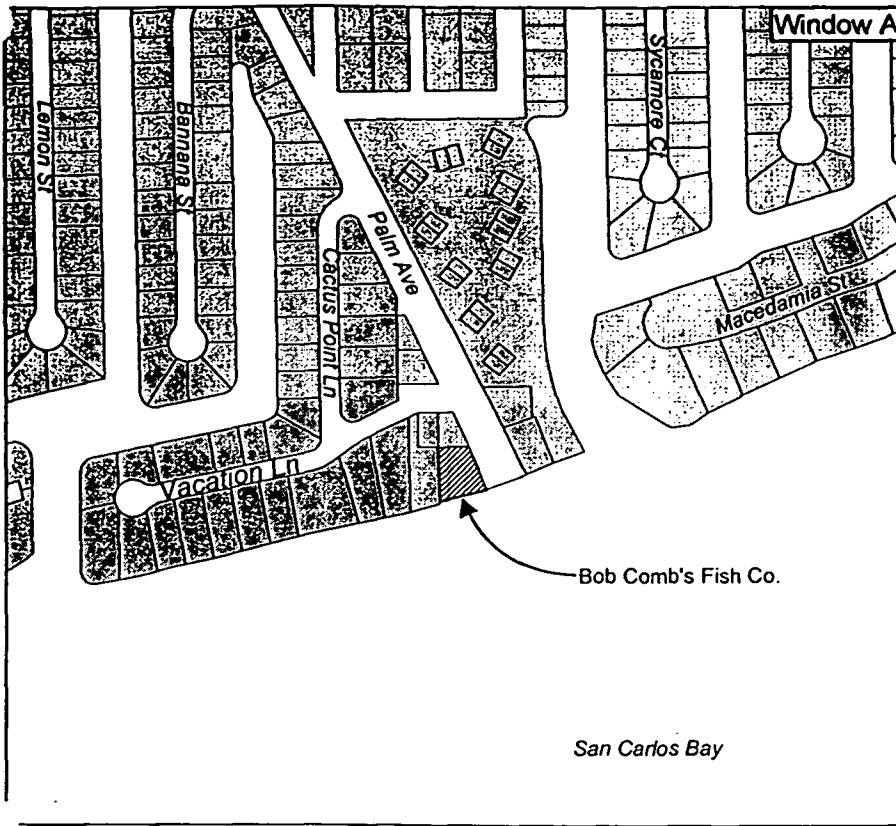
Pier 50 at Punta Rassa  
09-46-23-00-00000.00CE  
09-46-23-00-00009.0000  
09-46-23-00-00009.0010  
09-46-23-00-00009.0020  
09-46-23-01-00000.00CE  
09-46-23-01-00000.000A

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



Map generated June 12, 2002

# Map 12 Water Dependent Overlay Zones



### List of STRAPS

Bob Comb's Fish Co.  
02-46-22-05-00494.0110

Getaway Marina  
13-46-23-00-00007.0000  
13-46-23-00-00006.0000  
13-46-23-00-00006.0010  
13-46-23-00-00006.0020

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



Map generated June 13, 2002

**CPA 2001-22  
BoCC SPONSORED  
AMENDMENT  
TO THE**

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

---

BoCC Public Hearing Document  
for the  
January 9<sup>th</sup> Adoption Hearing

---

*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585*

November 22, 2002

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2001-22**

**Text Amendment**

**Map Amendment**

	<b>This document contains the following reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Transmittal</b>
✓	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board Of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: July 2, 2002

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Amend the Future Land Use Map Series, Map 12, the Water Dependent Overlay (WDO) Zones, by evaluating and updating the status of the overlay areas and the Goals Objectives, and Policies that pertain to the WDO.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- Lee County economic prosperity, in part, has historically been dependent on sufficient access to water and water dependent activities such as commercial fishing, freight, and recreational uses.



- The proposed amendment clarifies the exact location, extent, and current status of the WDO zones.
- The proposed amendment will help conserve limited waterfront areas for those uses that require such space.
- Lee Plan Map 12, the WDO zones map, does not reflect the current conditions in many WDO zones or past changes in their boundaries.
- Staff has acquired improved mapping software since the last maps of the WDO zones were created.
- Some of the WDO zones have undergone significant development since their creation.
- The proposed amendment will further Lee Plan Objective 8.1, 98.1, 98.2, and 98.4 by identifying possible water dependent uses within the WDO zones.
- The WDO zones on San Carlos Island are addressed by Map 2, not Map 12.
- Existing Lee Plan Goals, Objectives, and Policies sufficiently address WDO zones.

### **C. BACKGROUND INFORMATION**

Marinas, boat-docking facilities, and other water-access sites are a limited commodity in Lee County. Public access to water resources is essential to the County's economic prosperity. Marinas, docks, fish-houses, fishing piers and other types of uses actually require location on the water. Likewise, Lee County's fishing industry depends heavily on sufficient access to water. It is important to identify and preserve these sites in order to prevent the displacement of water-dependent uses by other land uses such as residential or non-water-dependent commercial and industrial uses.

The Water Dependent Overlays were adopted by ordinance 89-02 in 1989 as part of the 1989 Lee Plan. The overlays were intended to protect marine-oriented land uses from incompatible or preemptive land uses. In 1991, Lee Plan Amendment PAM89-04 added the Rialto Harbor WDO zone and PAM90-20 amended the FPL power plant WDO zone. In 1992 PAM91-16 added the Weeks Fish Camp to the WDO zones. In 1993, PAM92-19 amended the WDO zone in the Burnt Store Marina. In 2001, CPA2000-02 deleted the Boca Grande Pass Marina WDO zone from page 1 of map 12. Since their adoption, varying levels of development have occurred within the WDO zones. Much of this development is residential in nature or otherwise non-water dependent. In addition, the cartographic software employed by the County has significantly improved. The older maps currently used in the Lee Plan would be improved through remapping with the newer software.

The Lee Plan Glossary defines Water Dependent Uses as land uses for which water access is essential and which could not exist without water access. Several Lee Plan Objectives and policies address WDO zones. The WDO zones were added to the Future Land Use element of the Lee Plan in Policy 1.7.5 as a specific type of Special Treatment Area. Goal 8 gives some protection to water-dependent uses by mandating the rezoning of specific uses to marine zoning districts. In the Conservation and Coastal Management element, Goal 98 seeks to preserve the marine-oriented nature of the shoreline. The goal addresses protection of water-dependent commercial and industrial land uses. Objectives 98.1 and 98.2 contain policies outlining the location of WDO zones and reiterating the mandate to rezone these areas to marine zoning districts

These are the Goals, Objectives, and Policies that concern the WDO zones:

**GOAL 1: FUTURE LAND USE MAP** *To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage Urban Sprawl.*

**OBJECTIVE 1.7: SPECIAL TREATMENT AREAS.** *Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.*

**POLICY 1.7.5:** *The Water-Dependent Overlay Zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Greater Pine Island Area under Goal 14, and for other areas in Lee County in the Conservation and Coastal Management Element.*

**GOAL 8: MARINE-ORIENTED LAND USES.** *To designate prime locations for marine-oriented land uses and protect them from incompatible or pre-emptive land uses.*

**OBJECTIVE 8.1:** *Existing marinas, fish houses, and port facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

**GOAL 98: SHORELINE MANAGEMENT.** *To encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water-dependent uses.*

**OBJECTIVE 98.1: COMMERCIAL WATER-DEPENDENT USES.** *The County will continue to monitor and implement its program to enhance and protect commercial water-dependent uses.*

**POLICY 98.1.1:** *Commercial and government-operated multi-slip docking facilities indicated on the Future Land Use Map as having Water-Dependent overlay zones will be reclassified by the county to Marina zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

**POLICY 98.1.2:** *The Future Land Use Map will designate water-dependent overlay zones over existing commercial fishing, port and docking sites and commercial marinas to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

**OBJECTIVE 98.2: INDUSTRIAL WATER-DEPENDENT USES.** *The County will continue to monitor and implement its program to enhance and protect industrial water dependent uses.*

***POLICY 98.2.1:** Industrial water-dependent facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

***POLICY 98.2.2:** The County will maintain an inventory of all industrial water-dependent facilities, including name, location, and STRAP number of the facility. This inventory will be updated as needed.*

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The majority of the WDO zones are defined as being 150 feet landward of the shoreline within the parcel or parcels designated on Map 12 or to include the entire parcel, if it is less than 150 feet in depth. However, some of the WDO zones are uniquely defined and their definitions are listed alongside the map of the relevant parcels. Therefore, Map 12 designates entire parcels whenever possible even though the WDO may only be a part of the parcel. In some cases, development within a single parcel includes both water-dependent and non-water-dependent uses. In such cases, the WDO zone may follow other boundaries such as zoning district lines. Many of the designated parcels contain vacant or undeveloped land. In these cases, the vacant land is left in the WDO zone in order to encourage future development to be in the form of water-dependent uses.

The WDO zones on San Carlos Island are not addressed by the proposed amendment. This amendment is concerned with Lee Plan Map 12. The San Carlos Island WDO zones are addressed on Lee Plan Map 2 which is not a part of the proposed amendment.

The proposed amendment is not intended to address local marina issues on Pine Island. Staff believes that this amendment is of a technical mapping nature. Other, ongoing issues concerning the Pine Island marinas are beyond the scope of this amendment at this time.

In evaluating each WDO zone, staff used two main criteria. First, whether the site contains water-dependent uses. Second, what portions (if any) of the site have been altered to non-water-dependent uses and how significant the change is. These were determined using aerial photography, site visits and data from the Lee County Property Appraiser. Third, was whether the change in the WDO zone was compelling enough to warrant a change in Map 12. Based on these criteria staff recommends the following changes:

#### **Map 12, Page 2**

Amend the Four Winds Marina WDO to follow the CM zoning district boundary. The commercial portion of the site was rezoned to CM in 1991, leaving the rest of the site in the C-2 zoning district. The non-commercial portion of the site is developed with condominiums, an allowable use in C-2 zoning. It is inappropriate to maintain the WDO on residential development.

Amend the Harbor Hideaway WDO to include parcel 30-43-22-07-0000B.0010. This vacant parcel is zoned CM, abuts the WDO, and is used by Harbor Hideaway for boat and boat trailer storage.

Boat storage is an ancillary use for the site. These factors make inclusion in the WDO appropriate. Additionally, the WDO would help to preserve a vacant, waterfront parcel for water dependent uses.

#### **Map 12, Page 8**

Amend the Hideaway Yacht and Racquet Club WDO. The parcel that originally defined the Hideaway Yacht and Racquet Club WDO has been subdivided and developed with residential uses. Portions of the original parcel remain as common elements such as road rights of way and the marina. The WDO zone should be restricted to those areas that are zoned CM to reflect these uses. In addition, the name of the WDO should be amended to "Water's Edge At Peppertree Point." This is the name of the Residential Planned Development that was created in the WDO and is the publicly used name for the Marina.

Amend the Deep Lagoon Marina WDO to follow current parcel lines. The parcels in the Deep Lagoon Marina WDO have been combined since its creation. Now, the WDO is part of a single-parcel marina CPD. Further, the marina was approved by resolution Z-99-13 to put water dependent uses in the majority of the new, combined parcel.

#### **Map 12, Page 9**

Amend the Burnt Store Marina WDO to follow the CM zoning district within the WDO parcel(s) as originally proposed by Lee Plan Amendment PAM92-19. A large portion of the water front is now developed with residential uses. The remaining undeveloped portions of the WDO parcel will also be developed with residential uses. This change in the WDO zone was originally created by Lee Plan amendment PAM92-19 but subsequent mapping did not reflect the change.

#### **Map 12, Page 10**

Amend the Getaway Marina WDO to include the three parcels to the north of the existing WDO parcel. The three parcels to the north of the WDO parcel are part of the marina, providing parking on the land portions and docking slips along the waterline. The parcels are listed as vacant commercial by the Property Appraiser. As they are now, these parcels could be converted to non-water dependent uses without a public hearing. By including them in the WDO zone, there is a much greater chance of preserving them for water-dependent uses. The parcels to the south of Getaway Marina are a mix of water-dependent and non-water-dependent uses. As such it would be inappropriate to include the parcels to the south of the marina in the WDO zone.

#### **Coastal Issues**

The proposed amendment would help preserve the limited water access points within Lee County. It will also preserve the amount of land available to water-dependent land uses such as fishing piers, marinas, boat docks, fish houses, and others.

#### **Transportation**

The Lee County 2020 transportation plan, to a certain extent, already estimates the impact of future development in WDO zones on traffic in the county. However, the effect of future coastal development upon transportation issues will have to be addressed on a case by case basis. Future

developments will be required to address their impacts on the area road network during the development order process, usually through a traffic impact study.

### **Emergency Services**

Future development in the WDO zones could increase the demand on emergency services. This increased demand would be addressed by the County prior to the issuance of a development order. Increased demand would require mitigation measures by the developer.

### **Hurricane Evacuation**

Sections 2-481 through 2-486 of the Lee County Land Development Code address hurricane preparedness. Hurricane preparedness impacts and mitigation are determined by the number of residential and hotel/motel units in a development. WDO policies discourage residential use on waterfront property by rezoning those areas to CM and IM zoning districts. These districts restrict residences to caretaker houses and hotel/motels to special exception only. Therefore, WDO zones help reduce the hurricane evacuation impact on the County's road network.

### **Utilities**

Increased development in the WDO zones could increase the demand upon water and sewer utilities. Lee plan Standard 11.1 requires that any commercial or industrial use that exceeds 30,000 square feet would be required to connect to a public water system. Likewise, Lee Plan Standard 11.2 requires that any development that generates over 5,000 gallons of sewage per day must connect to a sanitary sewer system. Any future development in the WDO zones that meet these criteria will be required to install the necessary infrastructure during the development order process.

### **Environmental Concerns**

Future development within WDO zones will be required to address environmental concerns on a case by case basis. The developer will follow standard mitigation measures for any environmental impacts caused by future development as required by the Lee Plan and the Lee County Land Development Code.

### **Development Intensity**

Suitable water access points are an increasingly rare commodity in Lee County and the WDO zones help to preserve them for those uses that cannot be placed inland. The proposed amendment does not effect the amount of waterfront development. Instead, it influences the type of waterfront development, encouraging water-dependent uses. Therefore, the proposed amendment does not affect development intensity.

### **Residential Density**

The WDO zones are intended to limit residential uses in waterfront parcels. Lee Plan Objective 8.1 mandates reclassifying water-dependent uses to marina zoning districts. These districts do not permit residential uses beyond caretaker residences. In order to create residential development in a WDO zone, an applicant would be required to have a public meeting before the Board of County Commissioners to remove the WDO designation. Then, the property in question would have to

be rezoned to a zoning district that permitted residential uses. Therefore, the proposed amendment would help limit residential uses in waterfront parcels.

**Historic Preservation**

There are some historic structures known to be within WDO zones although Lee County does not have an exclusive inventory of historic properties in WDO zones. Any identified historic structures within a WDO zone will be addressed on a case by case basis. Standard historic preservation procedures per Chapter 22 of the Land Development Code and Chapter IX of the Lee Plan will be used within the WDO zones.

**B. CONCLUSIONS**

This amendment addresses 40 WDO zones. Of this 40, 6 are proposed for amendment. The remaining zones do not present compelling reasons for amendment. This amendment addresses Map 12 only. The WDO zones on San Carlos Island are addressed by Map 2 and therefore are beyond the scope of this amendment. Likewise, ongoing marina issues on Pine Island are beyond the scope of this amendment. The proposed amendment will clarify and update the WDO zones in Lee County. This will correct scrivener's errors as well as remove inconsistencies and outdated information from Map 12. The amendment will also help preserve increasingly rare water access and water dependent land uses within the county. As currently codified, the Lee Plan Goals, Objectives, and Policies sufficiently address WDO zones.

**C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC LPA HEARING: July 22, 2002

**A. LOCAL PLANNING AGENCY REVIEW**

Staff gave a brief presentation. Staff stated that the amendment was of a technical nature and did not address Lee Plan Policies. One LPA member stated that the amendment appeared to be simply "cleaning up."

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

The LPA recommend that the Board of County Commissioners transmit the proposed amendments to Map 12 of the Lee Plan Map series.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>NOEL ANDRESS</b>	<u>          <b>AYE</b></u>
<b>MATT BIXLER</b>	<u>          <b>AYE</b></u>
<b>SUSAN BROOKMAN</b>	<u>          <b>AYE</b></u>
<b>RONALD INGE</b>	<u>          <b>AYE</b></u>
<b>GORDON REIGELMAN</b>	<u>          <b>AYE</b></u>
<b>ROBERT SHELDON</b>	<u>          <b>AYE</b></u>
<b>GREG STUART</b>	<u>          <b>ABSENT</b></u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: September 4, 2002

**A. BOARD REVIEW:** The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
  
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

**C. VOTE:**

<b>JOHN ALBION</b>	<hr/> <b>AYE</b> <hr/>
<b>ANDREW COY</b>	<hr/> <b>ABSENT</b> <hr/>
<b>BOB JANES</b>	<hr/> <b>AYE</b> <hr/>
<b>RAY JUDAH</b>	<hr/> <b>AYE</b> <hr/>
<b>DOUG ST. CERNY</b>	<hr/> <b>AYE</b> <hr/>



**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: November 22, 2002

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

The DCA had no objections, recommendations, or comments concerning this amendment.

**B. STAFF RESPONSE**

Adopt the amendment as transmitted.

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: January 9, 2003

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

\_\_\_\_\_

**ANDREW COY**

\_\_\_\_\_

**RAY JUDAH**

\_\_\_\_\_

**BOB JANES**

\_\_\_\_\_

**DOUG ST. CERNY**

\_\_\_\_\_

\_\_\_\_\_

**CPA 2001-22  
BoCC SPONSORED  
AMENDMENT  
TO THE**

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

---

**DCA Transmittal Document**

---

*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585*

**September 4, 2002**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2001-22**

Text Amendment                       Map Amendment

	<b>This document contains the following reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board Of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: July 2, 2002

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Amend the Future Land Use Map Series, Map 12, the Water Dependent Overlay (WDO) Zones, by evaluating and updating the status of the overlay areas and the Goals Objectives, and Policies that pertain to the WDO.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- Lee County economic prosperity, in part, has historically been dependent on sufficient access to water and water dependent activities such as commercial fishing, freight, and recreational uses.

- The proposed amendment clarifies the exact location, extent, and current status of the WDO zones.
- The proposed amendment will help conserve limited waterfront areas for those uses that require such space.
- Lee Plan Map 12, the WDO zones map, does not reflect the current conditions in many WDO zones or past changes in their boundaries.
- Staff has acquired improved mapping software since the last maps of the WDO zones were created.
- Some of the WDO zones have undergone significant development since their creation.
- The proposed amendment will further Lee Plan Objective 8.1, 98.1, 98.2, and 98.4 by identifying possible water dependent uses within the WDO zones.
- The WDO zones on San Carlos Island are addressed by Map 2, not Map 12.
- Existing Lee Plan Goals, Objectives, and Policies sufficiently address WDO zones.

### **C. BACKGROUND INFORMATION**

Marinas, boat-docking facilities, and other water-access sites are a limited commodity in Lee County. Public access to water resources is essential to the County's economic prosperity. Marinas, docks, fish-houses, fishing piers and other types of uses actually require location on the water. Likewise, Lee County's fishing industry depends heavily on sufficient access to water. It is important to identify and preserve these sites in order to prevent the displacement of water-dependent uses by other land uses such as residential or non-water-dependent commercial and industrial uses.

The Water Dependent Overlays were adopted by ordinance 89-02 in 1989 as part of the 1989 Lee Plan. The overlays were intended to protect marine-oriented land uses from incompatible or preemptive land uses. In 1991, Lee Plan Amendment PAM89-04 added the Rialto Harbor WDO zone and PAM90-20 amended the FPL power plant WDO zone. In 1992 PAM91-16 added the Weeks Fish Camp to the WDO zones. In 1993, PAM92-19 amended the WDO zone in the Burnt Store Marina. In 2001, CPA2000-02 deleted the Boca Grande Pass Marina WDO zone from page 1 of map 12. Since their adoption, varying levels of development have occurred within the WDO zones. Much of this development is residential in nature or otherwise non-water dependent. In addition, the cartographic software employed by the County has significantly improved. The older maps currently used in the Lee Plan would be improved through remapping with the newer software.

The Lee Plan Glossary defines Water Dependent Uses as land uses for which water access is essential and which could not exist without water access. Several Lee Plan Objectives and policies address WDO zones. The WDO zones were added to the Future Land Use element of the Lee Plan in Policy 1.7.5 as a specific type of Special Treatment Area. Goal 8 gives some protection to water-dependent uses by mandating the rezoning of specific uses to marine zoning districts. In the Conservation and Coastal Management element, Goal 98 seeks to preserve the marine-oriented nature of the shoreline. The goal addresses protection of water-dependent commercial and industrial land uses. Objectives 98.1 and 98.2 contain policies outlining the location of WDO zones and reiterating the mandate to rezone these areas to marine zoning districts

These are the Goals, Objectives, and Policies that concern the WDO zones:

**GOAL 1: FUTURE LAND USE MAP** *To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage Urban Sprawl.*

**OBJECTIVE 1.7: SPECIAL TREATMENT AREAS.** *Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.*

**POLICY 1.7.5:** *The Water-Dependent Overlay Zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Greater Pine Island Area under Goal 14, and for other areas in Lee County in the Conservation and Coastal Management Element.*

**GOAL 8: MARINE-ORIENTED LAND USES.** *To designate prime locations for marine-oriented land uses and protect them from incompatible or pre-emptive land uses.*

**OBJECTIVE 8.1:** *Existing marinas, fish houses, and port facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

**GOAL 98: SHORELINE MANAGEMENT.** *To encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water-dependent uses.*

**OBJECTIVE 98.1: COMMERCIAL WATER-DEPENDENT USES.** *The County will continue to monitor and implement its program to enhance and protect commercial water-dependent uses.*

**POLICY 98.1.1:** *Commercial and government-operated multi-slip docking facilities indicated on the Future Land Use Map as having Water-Dependent overlay zones will be reclassified by the county to Marina zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

**POLICY 98.1.2:** *The Future Land Use Map will designate water-dependent overlay zones over existing commercial fishing, port and docking sites and commercial marinas to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

**OBJECTIVE 98.2: INDUSTRIAL WATER-DEPENDENT USES.** *The County will continue to monitor and implement its program to enhance and protect industrial water dependent uses.*

***POLICY 98.2.1: Industrial water-dependent facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.***

***POLICY 98.2.2: The County will maintain an inventory of all industrial water-dependent facilities, including name, location, and STRAP number of the facility. This inventory will be updated as needed.***

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The majority of the WDO zones are defined as being 150 feet landward of the shoreline within the parcel or parcels designated on Map 12 or to include the entire parcel, if it is less than 150 feet in depth. However, some of the WDO zones are uniquely defined and their definitions are listed alongside the map of the relevant parcels. Therefore, Map 12 designates entire parcels whenever possible even though the WDO may only be a part of the parcel. In some cases, development within a single parcel includes both water-dependent and non-water-dependent uses. In such cases, the WDO zone may follow other boundaries such as zoning district lines. Many of the designated parcels contain vacant or undeveloped land. In these cases, the vacant land is left in the WDO zone in order to encourage future development to be in the form of water-dependent uses.

The WDO zones on San Carlos Island are not addressed by the proposed amendment. This amendment is concerned with Lee Plan Map 12. The San Carlos Island WDO zones are addressed on Lee Plan Map 2 which is not a part of the proposed amendment.

The proposed amendment is not intended to address local marina issues on Pine Island. Staff believes that this amendment is of a technical mapping nature. Other, ongoing issues concerning the Pine Island marinas are beyond the scope of this amendment at this time.

In evaluating each WDO zone, staff used two main criteria. First, whether the site contains water-dependent uses. Second, what portions (if any) of the site have been altered to non-water-dependent uses and how significant the change is. These were determined using aerial photography, site visits and data from the Lee County Property Appraiser. Third, was whether the change in the WDO zone was compelling enough to warrant a change in Map 12. Based on these criteria staff recommends the following changes:

#### **Map 12, Page 2**

Amend the Four Winds Marina WDO to follow the CM zoning district boundary. The commercial portion of the site was rezoned to CM in 1991, leaving the rest of the site in the C-2 zoning district. The non-commercial portion of the site is developed with condominiums, an allowable use in C-2 zoning. It is inappropriate to maintain the WDO on residential development.

Amend the Harbor Hideaway WDO to include parcel 30-43-22-07-0000B.0010. This vacant parcel is zoned CM, abuts the WDO, and is used by Harbor Hideaway for boat and boat trailer storage.

Boat storage is an ancillary use for the site. These factors make inclusion in the WDO appropriate. Additionally, the WDO would help to preserve a vacant, waterfront parcel for water dependent uses.

**Map 12, Page 8**

Amend the Hideaway Yacht and Racquet Club WDO. The parcel that originally defined the Hideaway Yacht and Racquet Club WDO has been subdivided and developed with residential uses. Portions of the original parcel remain as common elements such as road rights of way and the marina. The WDO zone should be restricted to those areas that are zoned CM to reflect these uses. In addition, the name of the WDO should be amended to "Water's Edge At Peppertree Point." This is the name of the Residential Planned Development that was created in the WDO and is the publicly used name for the Marina.

Amend the Deep Lagoon Marina WDO to follow current parcel lines. The parcels in the Deep Lagoon Marina WDO have been combined since its creation. Now, the WDO is part of a single-parcel marina CPD. Further, the marina was approved by resolution Z-99-13 to put water dependent uses in the majority of the new, combined parcel.

**Map 12, Page 9**

Amend the Burnt Store Marina WDO to follow the CM zoning district within the WDO parcel(s) as originally proposed by Lee Plan Amendment PAM92-19. A large portion of the water front is now developed with residential uses. The remaining undeveloped portions of the WDO parcel will also be developed with residential uses. This change in the WDO zone was originally created by Lee Plan amendment PAM92-19 but subsequent mapping did not reflect the change.

**Map 12, Page 10**

Amend the Getaway Marina WDO to include the three parcels to the north of the existing WDO parcel. The three parcels to the north of the WDO parcel are part of the marina, providing parking on the land portions and docking slips along the waterline. The parcels are listed as vacant commercial by the Property Appraiser. As they are now, these parcels could be converted to non-water dependent uses without a public hearing. By including them in the WDO zone, there is a much greater chance of preserving them for water-dependent uses. The parcels to the south of Getaway Marina are a mix of water-dependent and non-water-dependent uses. As such it would be inappropriate to include the parcels to the south of the marina in the WDO zone.

**Coastal Issues**

The proposed amendment would help preserve the limited water access points within Lee County. It will also preserve the amount of land available to water-dependent land uses such as fishing piers, marinas, boat docks, fish houses, and others.

**Transportation**

The Lee County 2020 transportation plan, to a certain extent, already estimates the impact of future development in WDO zones on traffic in the county. However, the effect of future coastal development upon transportation issues will have to be addressed on a case by case basis. Future



developments will be required to address their impacts on the area road network during the development order process, usually through a traffic impact study.

### **Emergency Services**

Future development in the WDO zones could increase the demand on emergency services. This increased demand would be addressed by the County prior to the issuance of a development order. Increased demand would require mitigation measures by the developer.

### **Hurricane Evacuation**

Sections 2-481 through 2-486 of the Lee County Land Development Code address hurricane preparedness. Hurricane preparedness impacts and mitigation are determined by the number of residential and hotel/motel units in a development. WDO policies discourage residential use on waterfront property by rezoning those areas to CM and IM zoning districts. These districts restrict residences to caretaker houses and hotel/motels to special exception only. Therefore, WDO zones help reduce the hurricane evacuation impact on the County's road network.

### **Utilities**

Increased development in the WDO zones could increase the demand upon water and sewer utilities. Lee plan Standard 11.1 requires that any commercial or industrial use that exceeds 30,000 square feet would be required to connect to a public water system. Likewise, Lee Plan Standard 11.2 requires that any development that generates over 5,000 gallons of sewage per day must connect to a sanitary sewer system. Any future development in the WDO zones that meet these criteria will be required to install the necessary infrastructure during the development order process.

### **Environmental Concerns**

Future development within WDO zones will be required to address environmental concerns on a case by case basis. The developer will follow standard mitigation measures for any environmental impacts caused by future development as required by the Lee Plan and the Lee County Land Development Code.

### **Development Intensity**

Suitable water access points are an increasingly rare commodity in Lee County and the WDO zones help to preserve them for those uses that cannot be placed inland. The proposed amendment does not effect the amount of waterfront development. Instead, it influences the type of waterfront development, encouraging water-dependent uses. Therefore, the proposed amendment does not affect development intensity.

### **Residential Density**

The WDO zones are intended to limit residential uses in waterfront parcels. Lee Plan Objective 8.1 mandates reclassifying water-dependent uses to marina zoning districts. These districts do not permit residential uses beyond caretaker residences. In order to create residential development in a WDO zone, an applicant would be required to have a public meeting before the Board of County Commissioners to remove the WDO designation. Then, the property in question would have to

be rezoned to a zoning district that permitted residential uses. Therefore, the proposed amendment would help limit residential uses in waterfront parcels.

#### **Historic Preservation**

There are some historic structures known to be within WDO zones although Lee County does not have an exclusive inventory of historic properties in WDO zones. Any identified historic structures within a WDO zone will be addressed on a case by case basis. Standard historic preservation procedures per Chapter 22 of the Land Development Code and Chapter IX of the Lee Plan will be used within the WDO zones.

#### **B. CONCLUSIONS**

This amendment addresses 40 WDO zones. Of this 40, 6 are proposed for amendment. The remaining zones do not present compelling reasons for amendment. This amendment addresses Map 12 only. The WDO zones on San Carlos Island are addressed by Map 2 and therefore are beyond the scope of this amendment. Likewise, ongoing marina issues on Pine Island are beyond the scope of this amendment. The proposed amendment will clarify and update the WDO zones in Lee County. This will correct scrivener's errors as well as remove inconsistencies and outdated information from Map 12. The amendment will also help preserve increasingly rare water access and water dependent land uses within the county. As currently codified, the Lee Plan Goals, Objectives, and Policies sufficiently address WDO zones.

#### **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC LPA HEARING: July 22, 2002

**A. LOCAL PLANNING AGENCY REVIEW**

Staff gave a brief presentation. Staff stated that the amendment was of a technical nature and did not address Lee Plan Policies. One LPA member stated that the amendment appeared to be simply "cleaning up."

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

The LPA recommend that the Board of County Commissioners transmit the proposed amendments to Map 12 of the Lee Plan Map series.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>NOEL ANDRESS</b>	<u>          <b>AYE</b></u>
<b>MATT BIXLER</b>	<u>          <b>AYE</b></u>
<b>SUSAN BROOKMAN</b>	<u>          <b>AYE</b></u>
<b>RONALD INGE</b>	<u>          <b>AYE</b></u>
<b>GORDON REIGELMAN</b>	<u>          <b>AYE</b></u>
<b>ROBERT SHELDON</b>	<u>          <b>AYE</b></u>
<b>GREG STUART</b>	<u>          <b>ABSENT</b></u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: September 4, 2002

**A. BOARD REVIEW:** The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

**C. VOTE:**

<b>JOHN ALBION</b>	<hr/> <b>AYE</b> <hr/>
<b>ANDREW COY</b>	<hr/> <b>ABSENT</b> <hr/>
<b>BOB JANES</b>	<hr/> <b>AYE</b> <hr/>
<b>RAY JUDAH</b>	<hr/> <b>AYE</b> <hr/>
<b>DOUG ST. CERNY</b>	<hr/> <b>AYE</b> <hr/>

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: \_\_\_\_\_

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**
  
- B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

\_\_\_\_\_

**ANDREW COY**

\_\_\_\_\_

**RAY JUDAH**

\_\_\_\_\_

**BOB JANES**

\_\_\_\_\_

**DOUG ST. CERNY**

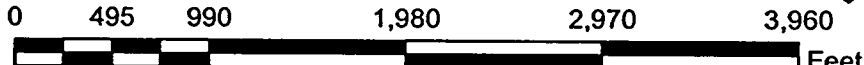
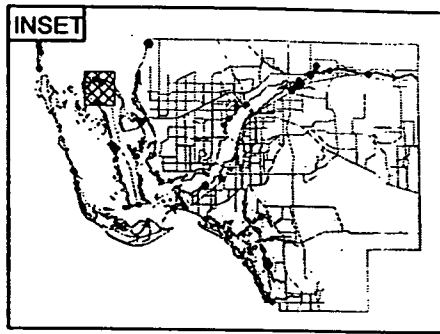
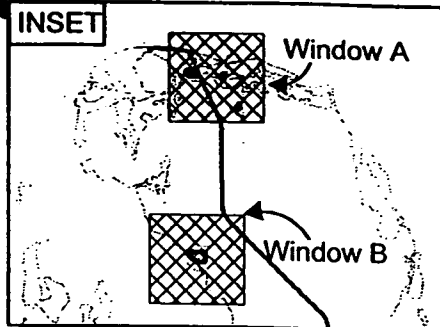
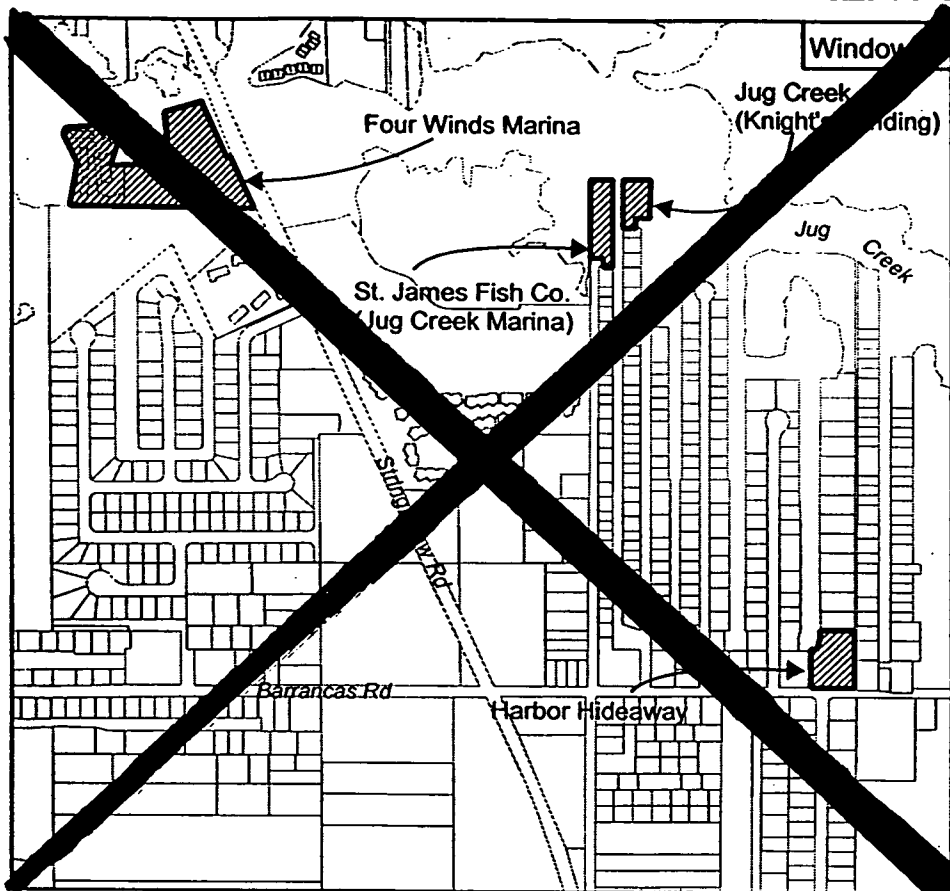
\_\_\_\_\_

# Attachment 1

## Existing Map 12

(Note: maps proposed for amendment crossed out)

# MAP 12 WATER-DEPENDENT OVERLAY ZONES



List of STRAPS

- Four Winds Marina
- |                        |                        |
|------------------------|------------------------|
| 30-43-22-00-00027.0020 | 30-43-22-16-00003.3030 |
| 30-43-22-14-00000.1010 | 30-43-22-16-00003.3040 |
| 30-43-22-14-00000.1020 | 30-43-22-16-00003.3050 |
| 30-43-22-14-00000.1030 | 30-43-22-16-00003.3060 |
| 30-43-22-14-00000.1040 | 30-43-22-16-00004.4010 |
| 30-43-22-14-00000.1050 | 30-43-22-16-00004.4020 |
| 30-43-22-14-00000.1060 | 30-43-22-16-00004.4030 |
| 30-43-22-14-00000.2010 | 30-43-22-16-00004.4040 |
| 30-43-22-14-00000.2020 | 30-43-22-16-00004.4050 |
| 30-43-22-14-00000.2030 | 30-43-22-16-00004.4060 |
| 30-43-22-14-00000.2040 | 30-43-22-16-00005.5010 |
| 30-43-22-14-00000.2050 | 30-43-22-16-00005.5020 |
| 30-43-22-14-00000.2060 | 30-43-22-16-00005.5030 |
| 30-43-22-16-00000.00CE | 30-43-22-16-00005.5040 |
| 30-43-22-16-00000.000A | 30-43-22-16-00005.5050 |
| 30-43-22-16-00003.3010 | 30-43-22-16-00005.5060 |
| 30-43-22-16-00003.3020 |                        |

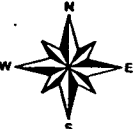
St. James Fish Co.  
(Jug Creek Marina)  
30-43-22-02-0000A.0010

Jug Creek  
(Knight's Landing)  
30-43-22-02-0000B.0010

Harbor Hideaway  
30-43-22-18-00000.001A

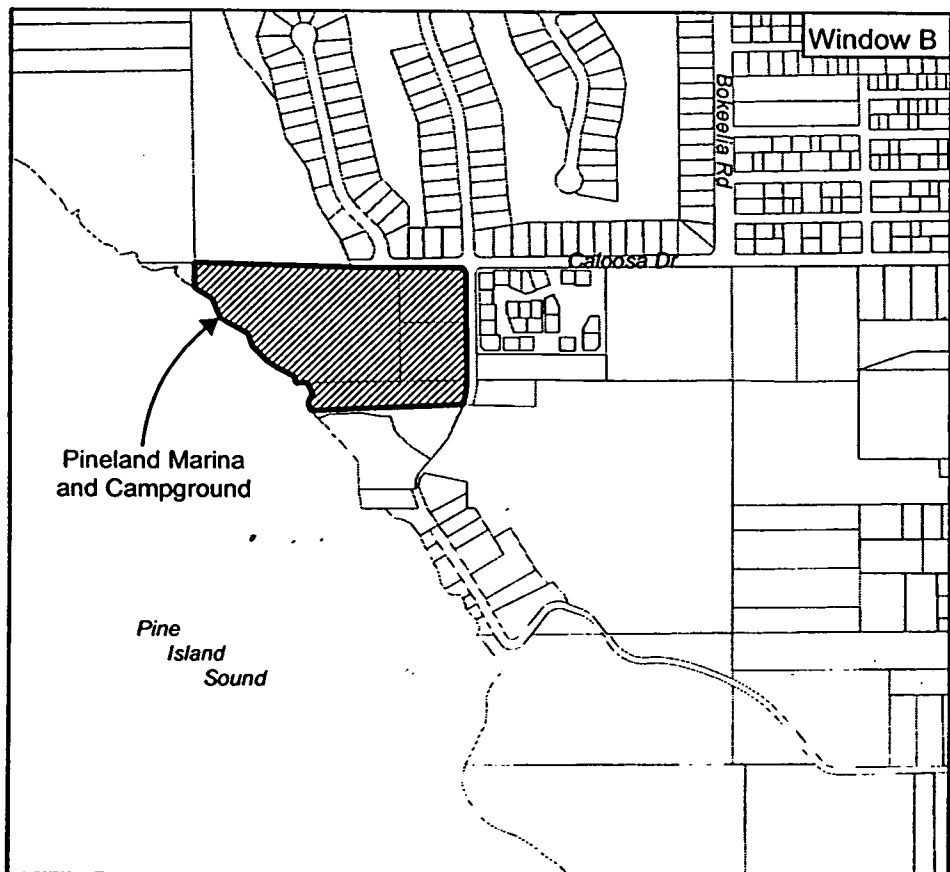
Pineland Marina and Campground  
07-44-22-00-00001.0000  
07-44-22-00-00002.0000  
07-44-22-00-00002.0020

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



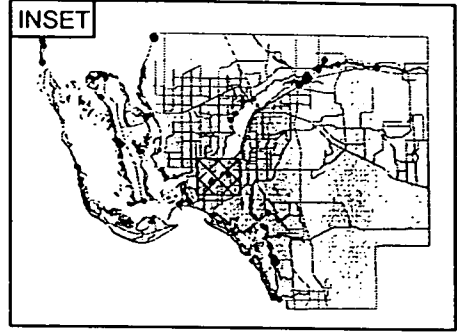
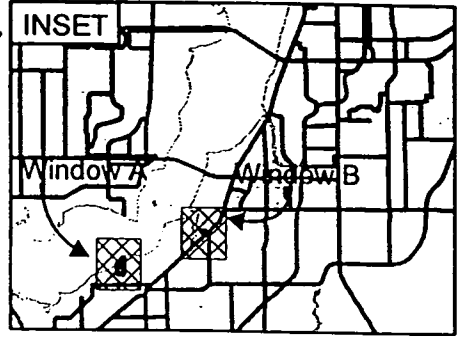
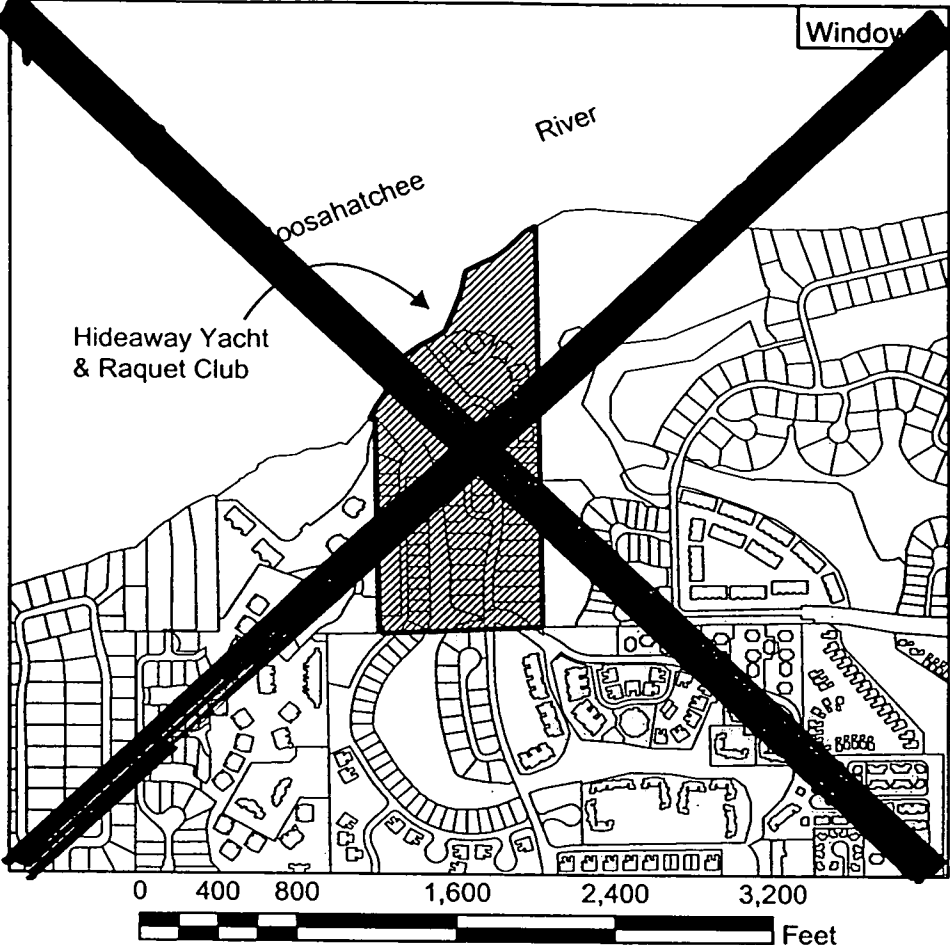
**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated August 5, 2001



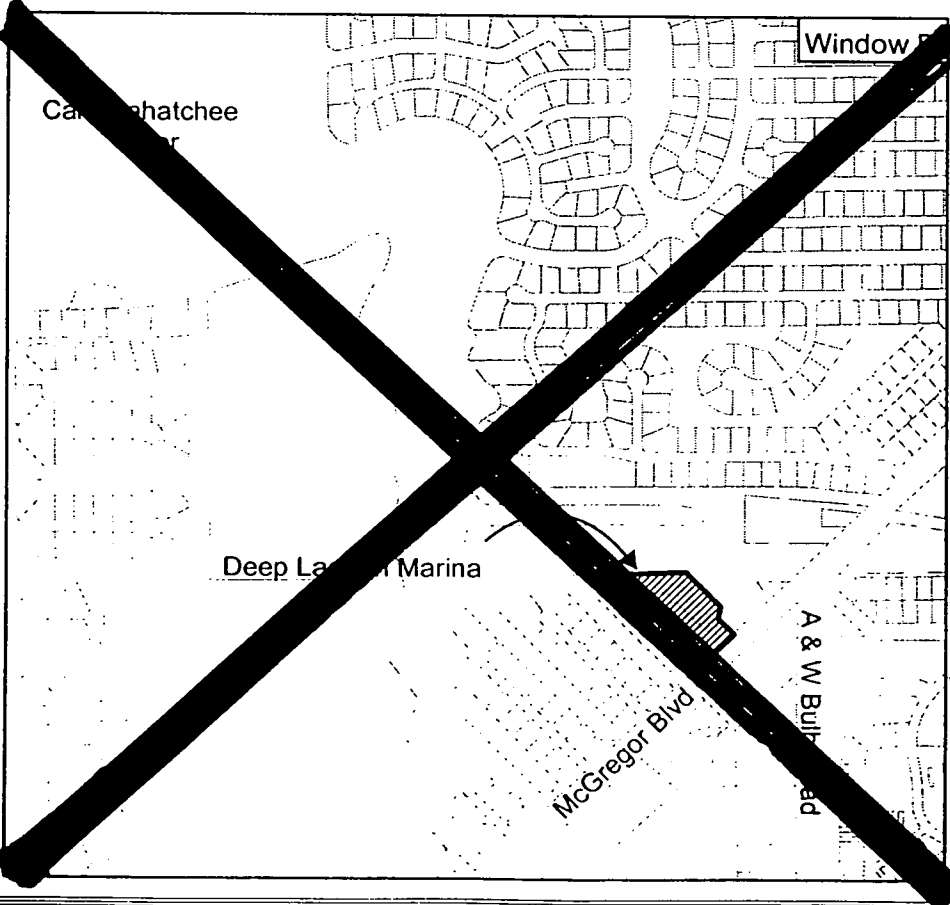


# MAP 12 WATER-DEPENDENT OVERLAY ZONES

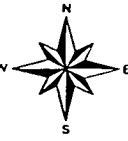


List of STRAPS

- Deep Lagoon Marina  
29-45-24-00-00011.002A
- Hideaway Yacht & Raquet Club  
25-45-23-00-00001.0000  
25-45-23-11-00000.0230-0340  
25-45-23-11-00000.0360-0520  
25-45-23-31-00000.0280-0450  
25-45-23-33-00000.000A  
25-45-23-33-00000.00CE  
25-45-23-33-Building A through G



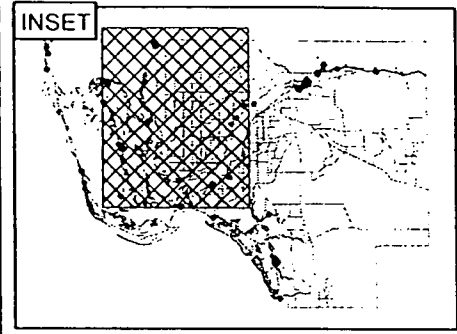
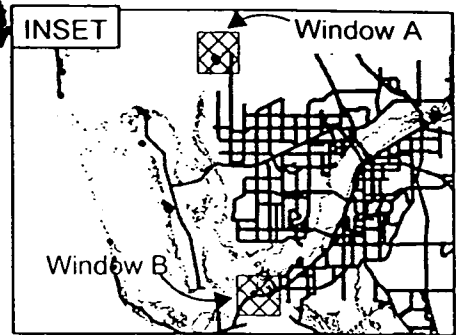
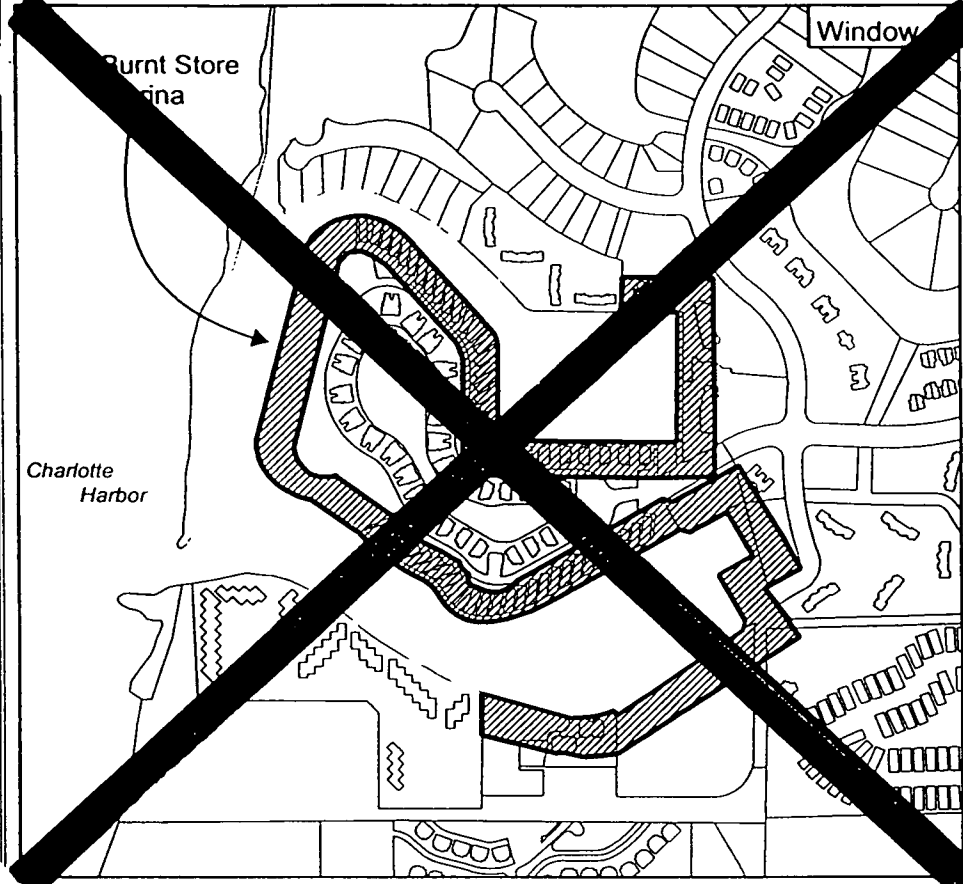
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated August 5, 2001

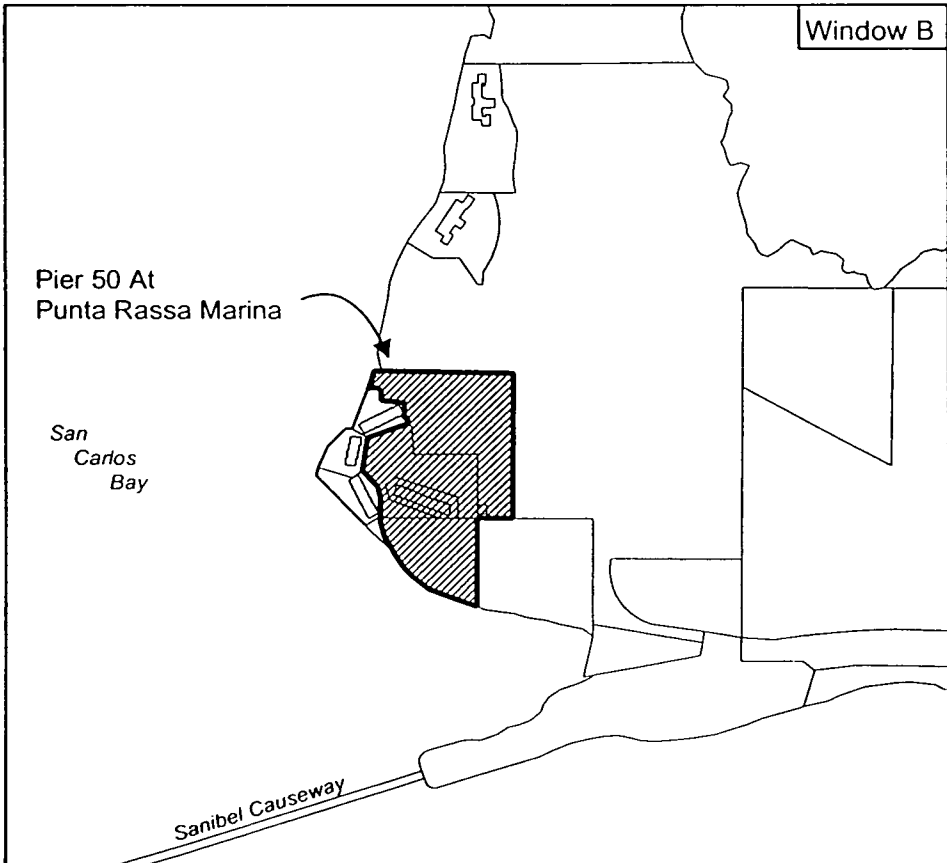
# MAP 12 WATER-DEPENDENT OVERLAY ZONES



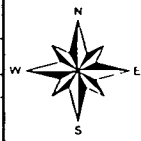
List of STRAPS

- Burnt Store Marina**  
 01-43-22-01-0000C.1000  
 01-43-22-02-00000.001A-C, 002A-C  
 01-43-22-02-00000.003A-C, 004A-C  
 01-43-22-02-00000.005A-C, 006A-C  
 01-43-22-02-00000.007A-C, 008A-C  
 01-43-22-04-00000.0010-0250  
 01-43-22-07-00000.1110-1180, 1210-1280, 1310-1380,  
 01-43-22-07-00000.000A, 00CE  
 01-43-22-07-00000.2110-2180, 2210-2280, 2310-2380  
 01-43-22-10-00000.1010-1060, 2010-2060, 3010-3060  
 01-43-22-10-00000.4010-4060, 5010-5060, 6010-6030  
 01-43-22-12-00000.000A, 00CE  
 01-43-22-12-00000.1101-1108, 1201-1208, 1301-1308  
 01-43-22-12-00000.1401-1408, 1501-1508, 1601-1608  
 01-43-22-12-00000.1701-1708, 1801-1804, 2101-2108  
 01-43-22-12-00000.2201-2208, 2301-2308, 2401-2408  
 01-43-22-12-00000.2501-2508, 2601-2608, 2701-2708  
 01-43-22-12-00000.2801-2804  
 01-43-22-15-00000.0010-0220

- Pier 50 at Punta Rassa Marina**  
 09-46-23-00-00009.0000  
 09-46-23-00-00009.0010  
 09-46-23-00-00009.0020  
 09-46-23-00-00000.00CE  
 09-46-23-01-00000.00CE  
 09-46-23-01-00000.000A



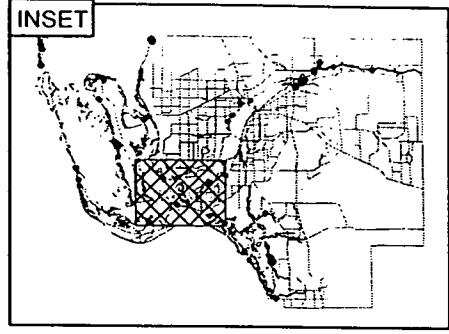
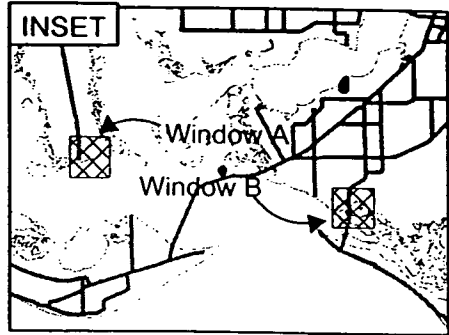
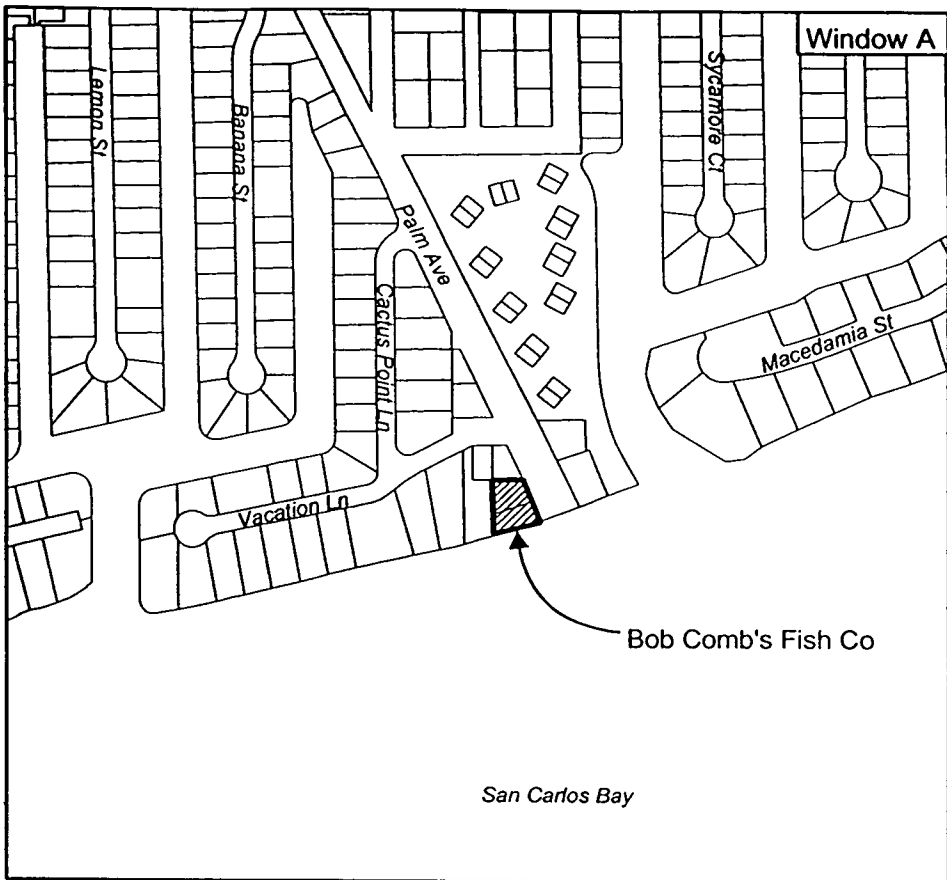
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



**LEE COUNTY**  
 SOUTHWEST FLORIDA  
 DIVISION OF PLANNING

Map Generated August 5, 2001

# MAP 12 WATER-DEPENDENT OVERLAY ZONES



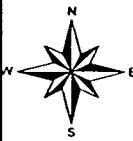
List of STRAPS

Bob Comb's Fish Co.  
02-46-22-05-00494.0110

Getaway Marina  
13-46-23-00-00027.0000



The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

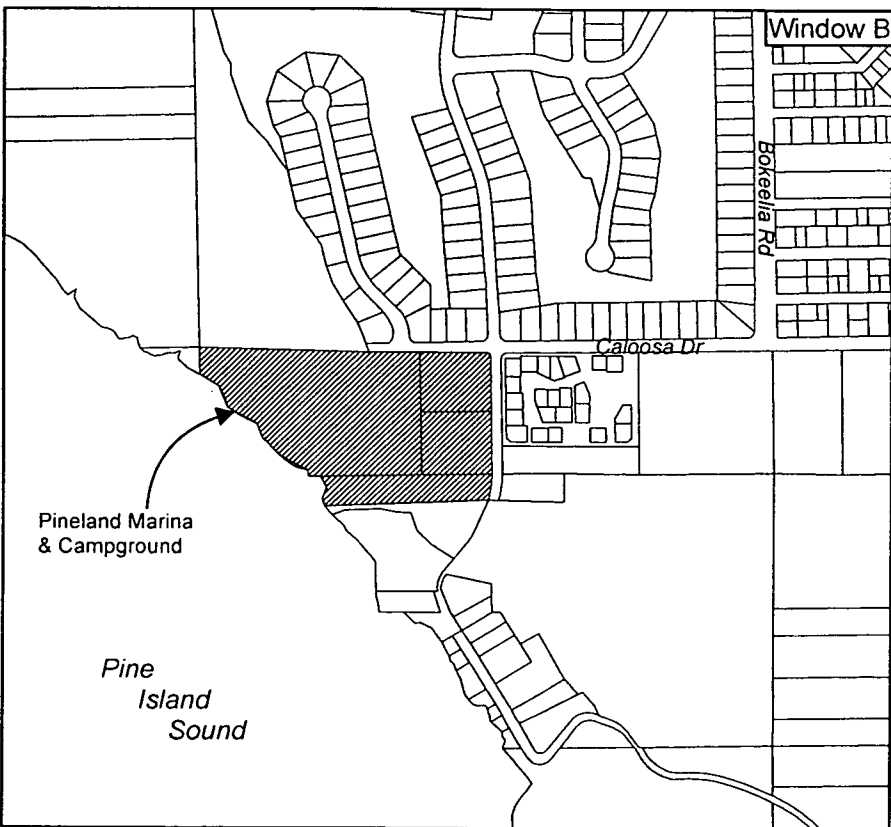
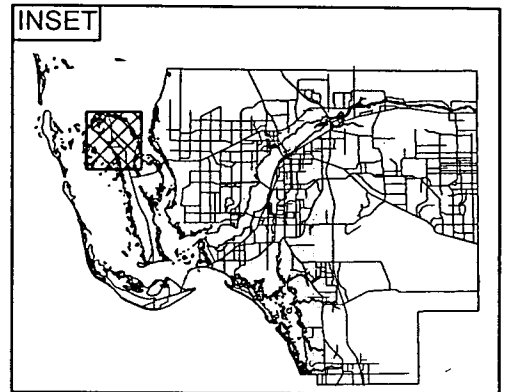
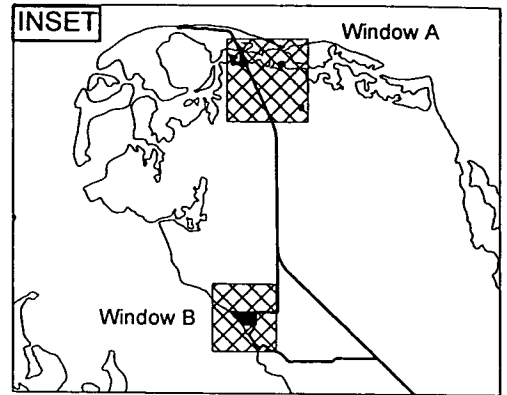
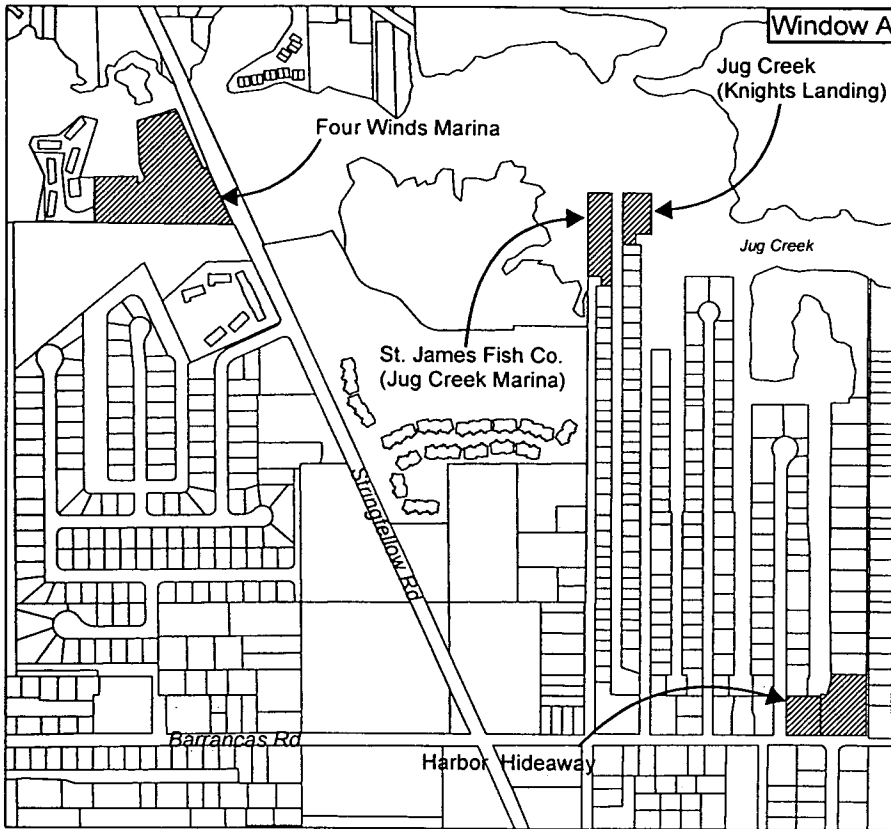


**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated August 5, 2001

Attachment 2  
Proposed Map 12

# Map 12 Water Dependent Overlay Zones



- Four Winds Marina  
 30-43-22-00-00027.0020  
 30-43-22-14-00000.1010 to .1060  
 30-43-22-14-00000.2010 to .2060  
 30-43-22-16-00000.00CE  
 30-43-22-16-00000.000A  
 30-43-22-16-00003.3010 to .3060  
 30-43-22-16-00004.4010 to .4060  
 30-43-22-16-00005.5010 to .5060

- St. James Fish Co.  
 (Jug Creek Marina)  
 30-43-22-02-0000A.0010

- Jug Creek  
 (Knights Landing)  
 30-43-22-02-0000B.0010

- Harbor Hideaway  
 30-43-22-18-00000.001A

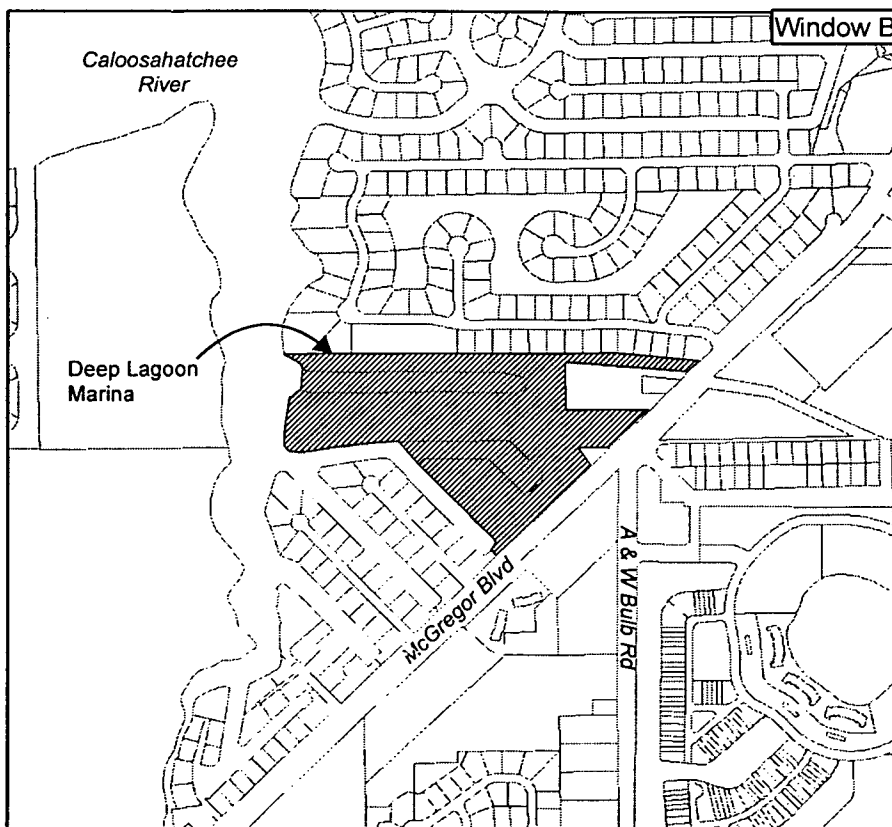
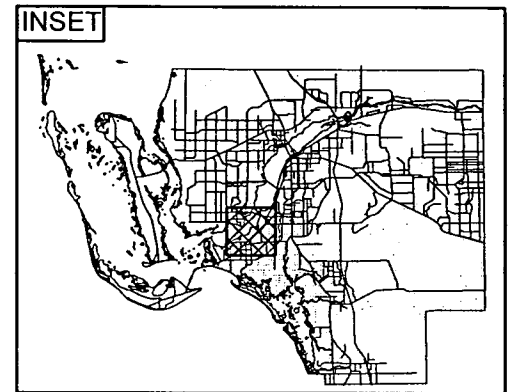
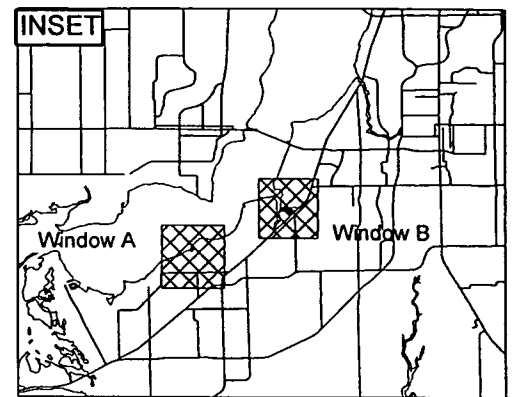
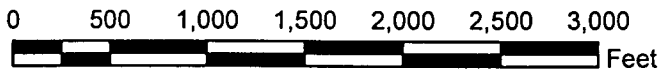
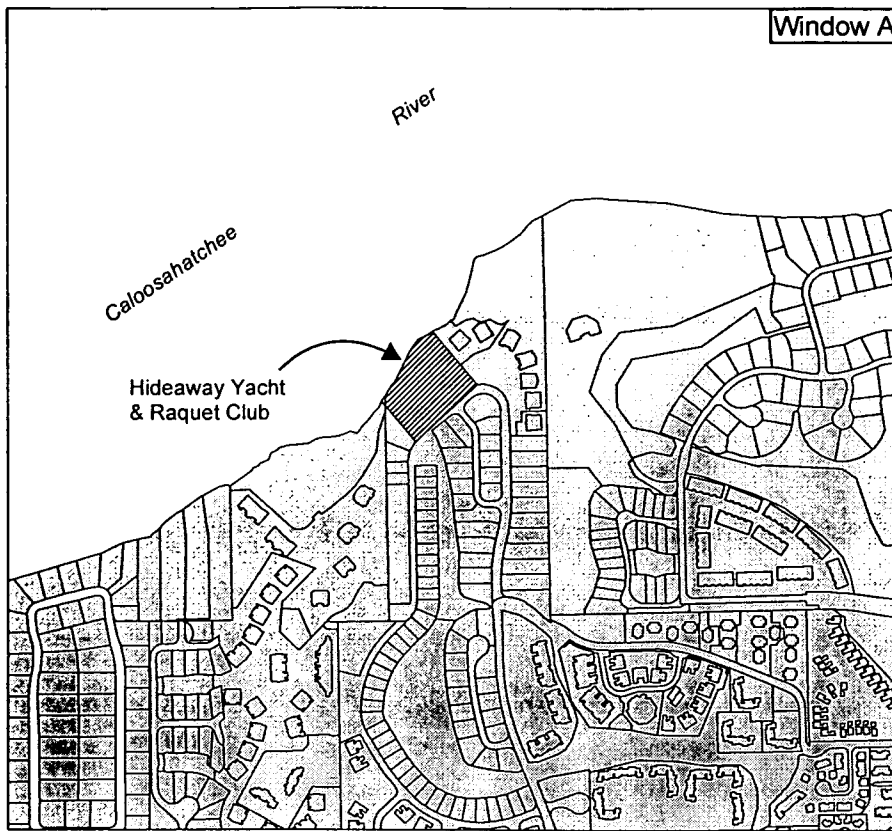
- Pineland Marina & Campground  
 07-44-22-00-00001.0000  
 07-44-22-00-00002.0000  
 07-44-22-00-00002.0020

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



Map generated June 11, 2002

# Map 12 Water Dependent Overlay Zones



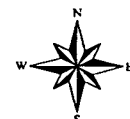
## List of STRAPS

Deep Lagoon Marina  
29-45-24-00-00011002A

Hideaway Yacht & Raquet Club  
(Peppertree Point)  
25-45-23-00-00001.0000

NOTE: The map shows only those parts of the subject parcel that are zoned for marina use.

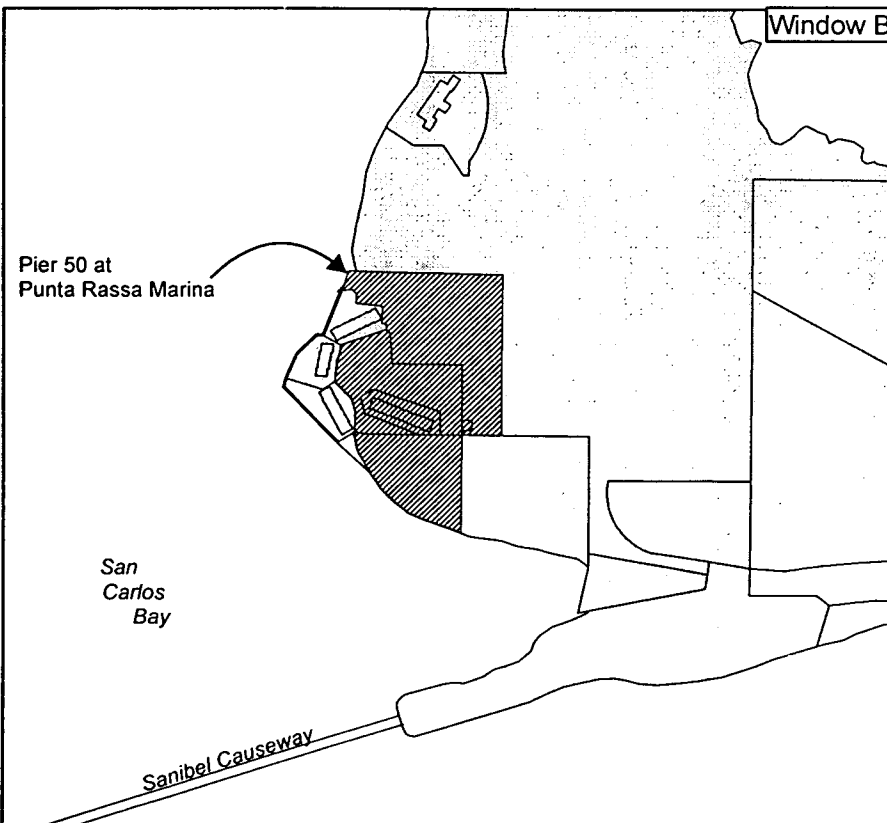
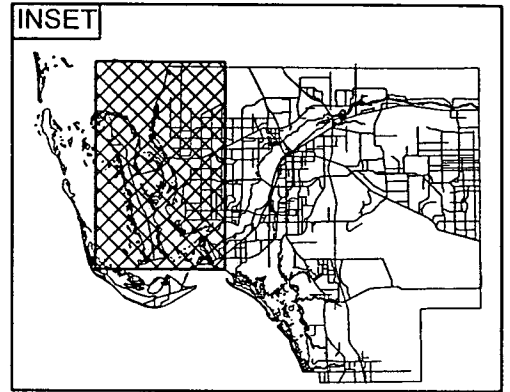
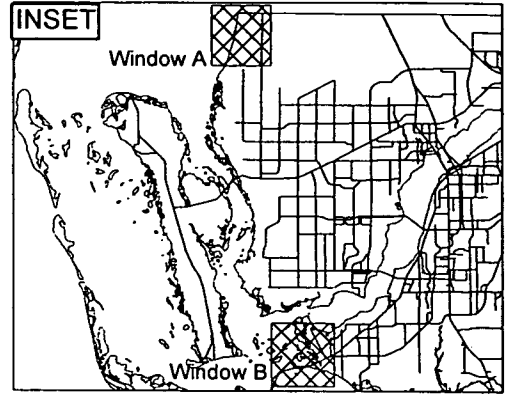
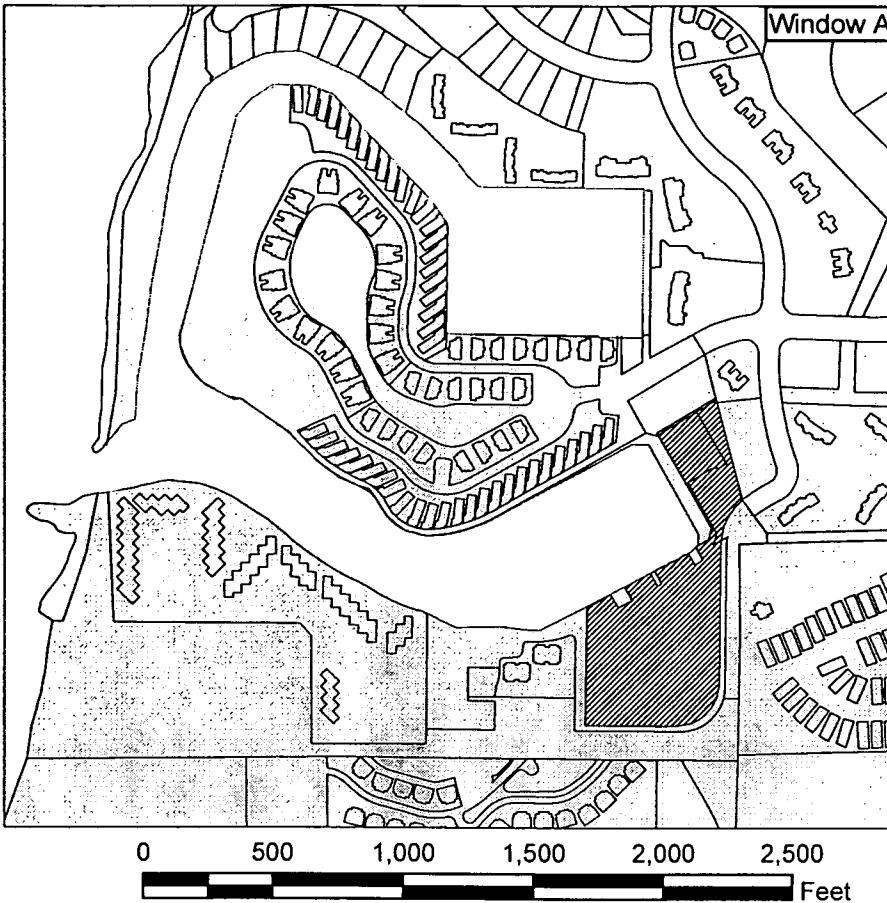
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map generated June 12, 2002

# Map 12 Water Dependent Overlay Zones



### List of STRAPS

Burnt Store Marina  
01-43-22-000000C0010  
NOTE: The map depicts only those parts of the subject parcel that are zoned for marina uses.

Pier 50 at Punta Rassa  
09-46-23-00-00000.00CE  
09-46-23-00-00009.0000  
09-46-23-00-00009.0010  
09-46-23-00-00009.0020  
09-46-23-01-00000.00CE  
09-46-23-01-00000.000A

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

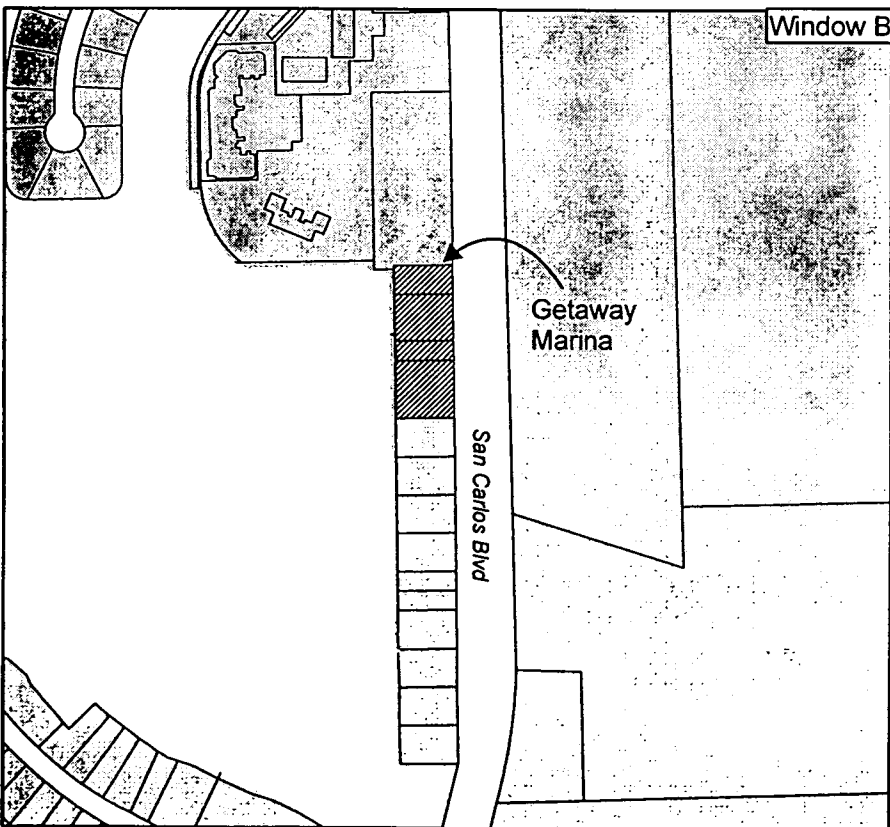
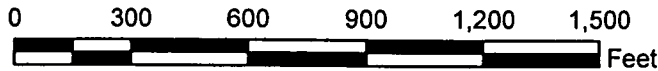
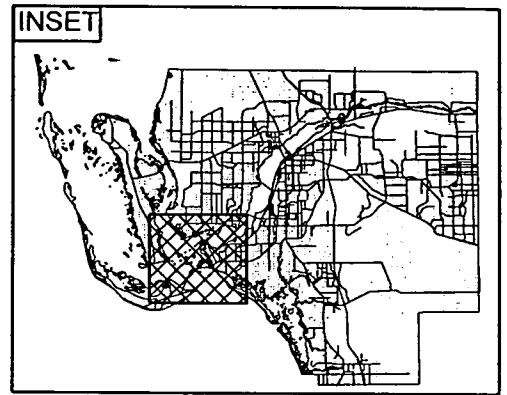
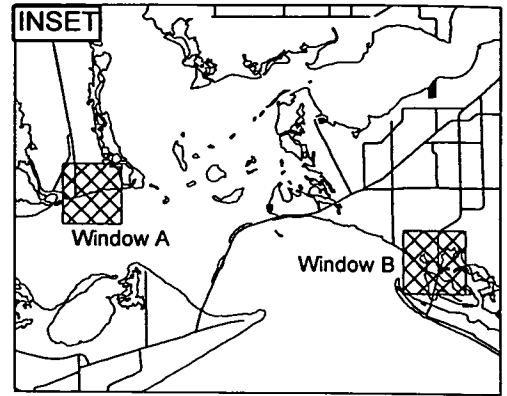
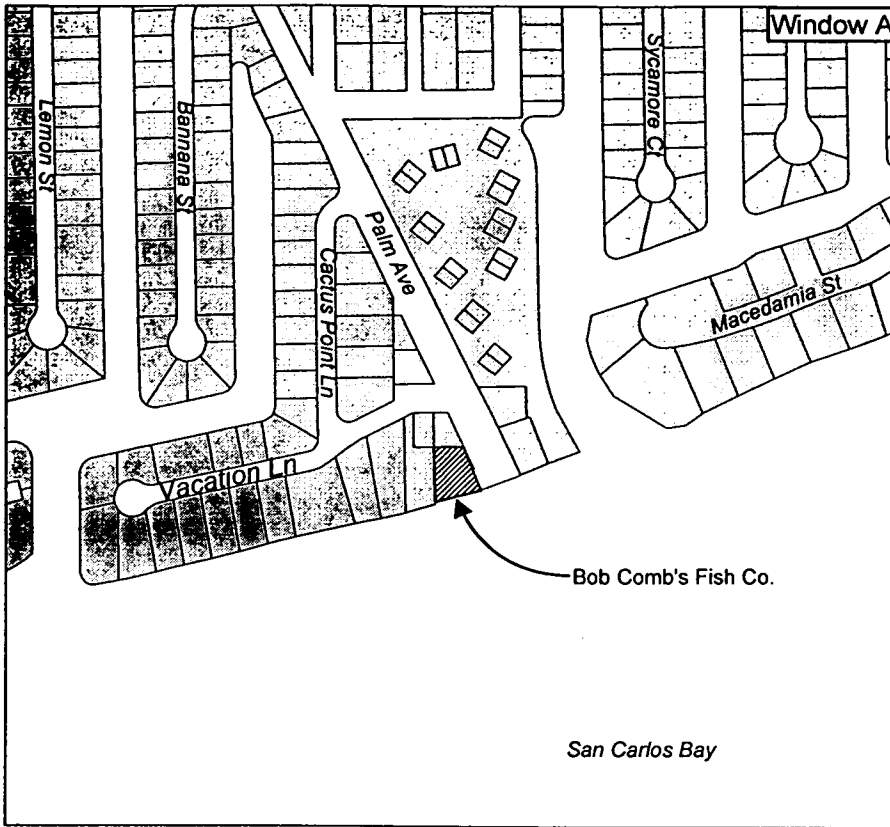


LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map generated June 12, 2002

# Map 12

## Water Dependent Overlay Zones

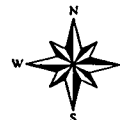


### List of STRAPS

Bob Comb's Fish Co.  
02-46-22-05-00494.0110

Getaway Marina  
13-46-23-00-00007.0000  
13-46-23-00-00006.0000  
13-46-23-00-00006.0010  
13-46-23-00-00006.0020

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map generated June 13, 2002



**CPA 2001-22  
BoCC SPONSORED  
AMENDMENT  
TO THE**

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

---

**BoCC Public Hearing Document  
for the  
September 4th, 2002 Public Hearing**

---

*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585*

**August 16, 2002**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2001-22**

Text Amendment                       Map Amendment

	<b>This document contains the following reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board Of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: July 2, 2002

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Amend the Future Land Use Map Series, Map 12, the Water Dependent Overlay (WDO) Zones, by evaluating and updating the status of the overlay areas and the Goals Objectives, and Policies that pertain to the WDO.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- Lee County economic prosperity, in part, has historically been dependent on sufficient access to water and water dependent activities such as commercial fishing, freight, and recreational uses.

- The proposed amendment clarifies the exact location, extent, and current status of the WDO zones.
- The proposed amendment will help conserve limited waterfront areas for those uses that require such space.
- Lee Plan Map 12, the WDO zones map, does not reflect the current conditions in many WDO zones or past changes in their boundaries.
- Staff has acquired improved mapping software since the last maps of the WDO zones were created.
- Some of the WDO zones have undergone significant development since their creation.
- The proposed amendment will further Lee Plan Objective 8.1, 98.1, 98.2, and 98.4 by identifying possible water dependent uses within the WDO zones.
- The WDO zones on San Carlos Island are addressed by Map 2, not Map 12.
- Existing Lee Plan Goals, Objectives, and Policies sufficiently address WDO zones.

### **C. BACKGROUND INFORMATION**

Marinas, boat-docking facilities, and other water-access sites are a limited commodity in Lee County. Public access to water resources is essential to the County's economic prosperity. Marinas, docks, fish-houses, fishing piers and other types of uses actually require location on the water. Likewise, Lee County's fishing industry depends heavily on sufficient access to water. It is important to identify and preserve these sites in order to prevent the displacement of water-dependent uses by other land uses such as residential or non-water-dependent commercial and industrial uses.

The Water Dependent Overlays were adopted by ordinance 89-02 in 1989 as part of the 1989 Lee Plan. The overlays were intended to protect marine-oriented land uses from incompatible or preemptive land uses. In 1991, Lee Plan Amendment PAM89-04 added the Rialto Harbor WDO zone and PAM90-20 amended the FPL power plant WDO zone. In 1992 PAM91-16 added the Weeks Fish Camp to the WDO zones. In 1993, PAM92-19 amended the WDO zone in the Burnt Store Marina. In 2001, CPA2000-02 deleted the Boca Grande Pass Marina WDO zone from page 1 of map 12. Since their adoption, varying levels of development have occurred within the WDO zones. Much of this development is residential in nature or otherwise non-water dependent. In addition, the cartographic software employed by the County has significantly improved. The older maps currently used in the Lee Plan would be improved through remapping with the newer software.

The Lee Plan Glossary defines Water Dependent Uses as land uses for which water access is essential and which could not exist without water access. Several Lee Plan Objectives and policies address WDO zones. The WDO zones were added to the Future Land Use element of the Lee Plan in Policy 1.7.5 as a specific type of Special Treatment Area. Goal 8 gives some protection to water-dependent uses by mandating the rezoning of specific uses to marine zoning districts. In the Conservation and Coastal Management element, Goal 98 seeks to preserve the marine-oriented nature of the shoreline. The goal addresses protection of water-dependent commercial and industrial land uses. Objectives 98.1 and 98.2 contain policies outlining the location of WDO zones and reiterating the mandate to rezone these areas to marine zoning districts. These are the Goals, Objectives, and Policies that concern the WDO zones:

**GOAL 1: FUTURE LAND USE MAP** To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage Urban Sprawl.

**OBJECTIVE 1.7: SPECIAL TREATMENT AREAS.** Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.

**POLICY 1.7.5:** The Water-Dependent Overlay Zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Greater Pine Island Area under Goal 14, and for other areas in Lee County in the Conservation and Coastal Management Element.

**GOAL 8: MARINE-ORIENTED LAND USES.** To designate prime locations for marine-oriented land uses and protect them from incompatible or pre-emptive land uses.

**OBJECTIVE 8.1:** Existing marinas, fish houses, and port facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.

**GOAL 98: SHORELINE MANAGEMENT.** To encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water-dependent uses.

**OBJECTIVE 98.1: COMMERCIAL WATER-DEPENDENT USES.** The County will continue to monitor and implement its program to enhance and protect commercial water-dependent uses.

**POLICY 98.1.1:** Commercial and government-operated multi-slip docking facilities indicated on the Future Land Use Map as having Water-Dependent overlay zones will be reclassified by the county to Marina zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.

**POLICY 98.1.2:** The Future Land Use Map will designate water-dependent overlay zones over existing commercial fishing, port and docking sites and commercial marinas to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.

**OBJECTIVE 98.2: INDUSTRIAL WATER-DEPENDENT USES.** The County will continue to monitor and implement its program to enhance and protect industrial water dependent uses.

***POLICY 98.2.1:** Industrial water-dependent facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

***POLICY 98.2.2:** The County will maintain an inventory of all industrial water-dependent facilities, including name, location, and STRAP number of the facility. This inventory will be updated as needed.*

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The majority of the WDO zones are defined as being 150 feet landward of the shoreline within the parcel or parcels designated on Map 12 or to include the entire parcel, if it is less than 150 feet in depth. However, some of the WDO zones are uniquely defined and their definitions are listed alongside the map of the relevant parcels. Therefore, Map 12 designates entire parcels whenever possible even though the WDO may only be a part of the parcel. In some cases, development within a single parcel includes both water-dependent and non-water-dependent uses. In such cases, the WDO zone may follow other boundaries such as zoning district lines. Many of the designated parcels contain vacant or undeveloped land. In these cases, the vacant land is left in the WDO zone in order to encourage future development to be in the form of water-dependent uses.

The WDO zones on San Carlos Island are not addressed by the proposed amendment. This amendment is concerned with Lee Plan Map 12. The San Carlos Island WDO zones are addressed on Lee Plan Map 2 which is not a part of the proposed amendment.

The proposed amendment is not intended to address local marina issues on Pine Island. Staff believes that this amendment is of a technical mapping nature. Other, ongoing issues concerning the Pine Island marinas are beyond the scope of this amendment at this time.

In evaluating each WDO zone, staff used two main criteria. First, whether the site contains water-dependent uses. Second, what portions (if any) of the site have been altered to non-water-dependent uses and how significant the change is. These were determined using aerial photography, site visits and data from the Lee County Property Appraiser. Third, was whether the change in the WDO zone was compelling enough to warrant a change in Map 12. Based on these criteria staff recommends the following changes:

#### **Map 12, Page 2**

Amend the Four Winds Marina WDO to follow the CM zoning district boundary. The commercial portion of the site was rezoned to CM in 1991, leaving the rest of the site in the C-2 zoning district. The non-commercial portion of the site is developed with condominiums, an allowable use in C-2 zoning. It is inappropriate to maintain the WDO on residential development.

Amend the Harbor Hideaway WDO to include parcel 30-43-22-07-0000B.0010. This vacant parcel is zoned CM, abuts the WDO, and is used by Harbor Hideaway for boat and boat trailer storage.

Boat storage is an ancillary use for the site. These factors make inclusion in the WDO appropriate. Additionally, the WDO would help to preserve a vacant, waterfront parcel for water dependent uses.

**Map 12, Page 8**

Amend the Hideaway Yacht and Racquet Club WDO. The parcel that originally defined the Hideaway Yacht and Racquet Club WDO has been subdivided and developed with residential uses. Portions of the original parcel remain as common elements such as road rights of way and the marina. The WDO zone should be restricted to those areas that are zoned CM to reflect these uses. In addition, the name of the WDO should be amended to "Water's Edge At Peppertree Point." This is the name of the Residential Planned Development that was created in the WDO and is the publicly used name for the Marina.

Amend the Deep Lagoon Marina WDO to follow current parcel lines. The parcels in the Deep Lagoon Marina WDO have been combined since its creation. Now, the WDO is part of a single-parcel marina CPD. Further, the marina was approved by resolution Z-99-13 to put water dependent uses in the majority of the new, combined parcel.

**Map 12, Page 9**

Amend the Burnt Store Marina WDO to follow the CM zoning district within the WDO parcel(s) as originally proposed by Lee Plan Amendment PAM92-19. A large portion of the water front is now developed with residential uses. The remaining undeveloped portions of the WDO parcel will also be developed with residential uses. This change in the WDO zone was originally created by Lee Plan amendment PAM92-19 but subsequent mapping did not reflect the change.

**Map 12, Page 10**

Amend the Getaway Marina WDO to include the three parcels to the north of the existing WDO parcel. The three parcels to the north of the WDO parcel are part of the marina, providing parking on the land portions and docking slips along the waterline. The parcels are listed as vacant commercial by the Property Appraiser. As they are now, these parcels could be converted to non-water dependent uses without a public hearing. By including them in the WDO zone, there is a much greater chance of preserving them for water-dependent uses. The parcels to the south of Getaway Marina are a mix of water-dependent and non-water-dependent uses. As such it would be inappropriate to include the parcels to the south of the marina in the WDO zone.

**Coastal Issues**

The proposed amendment would help preserve the limited water access points within Lee County. It will also preserve the amount of land available to water-dependent land uses such as fishing piers, marinas, boat docks, fish houses, and others.

**Transportation**

The Lee County 2020 transportation plan, to a certain extent, already estimates the impact of future development in WDO zones on traffic in the county. However, the effect of future coastal development upon transportation issues will have to be addressed on a case by case basis. Future

developments will be required to address their impacts on the area road network during the development order process, usually through a traffic impact study.

### **Emergency Services**

Future development in the WDO zones could increase the demand on emergency services. This increased demand would be addressed by the County prior to the issuance of a development order. Increased demand would require mitigation measures by the developer.

### **Hurricane Evacuation**

Sections 2-481 through 2-486 of the Lee County Land Development Code address hurricane preparedness. Hurricane preparedness impacts and mitigation are determined by the number of residential and hotel/motel units in a development. WDO policies discourage residential use on waterfront property by rezoning those areas to CM and IM zoning districts. These districts restrict residences to caretaker houses and hotel/motels to special exception only. Therefore, WDO zones help reduce the hurricane evacuation impact on the County's road network.

### **Utilities**

Increased development in the WDO zones could increase the demand upon water and sewer utilities. Lee plan Standard 11.1 requires that any commercial or industrial use that exceeds 30,000 square feet would be required to connect to a public water system. Likewise, Lee Plan Standard 11.2 requires that any development that generates over 5,000 gallons of sewage per day must connect to a sanitary sewer system. Any future development in the WDO zones that meet these criteria will be required to install the necessary infrastructure during the development order process.

### **Environmental Concerns**

Future development within WDO zones will be required to address environmental concerns on a case by case basis. The developer will follow standard mitigation measures for any environmental impacts caused by future development as required by the Lee Plan and the Lee County Land Development Code.

### **Development Intensity**

Suitable water access points are an increasingly rare commodity in Lee County and the WDO zones help to preserve them for those uses that cannot be placed inland. The proposed amendment does not effect the amount of waterfront development. Instead, it influences the type of waterfront development, encouraging water-dependent uses. Therefore, the proposed amendment does not affect development intensity.

### **Residential Density**

The WDO zones are intended to limit residential uses in waterfront parcels. Lee Plan Objective 8.1 mandates reclassifying water-dependent uses to marina zoning districts. These districts do not permit residential uses beyond caretaker residences. In order to create residential development in a WDO zone, an applicant would be required to have a public meeting before the Board of County Commissioners to remove the WDO designation. Then, the property in question would have to

be rezoned to a zoning district that permitted residential uses. Therefore, the proposed amendment would help limit residential uses in waterfront parcels.

**Historic Preservation**

There are some historic structures known to be within WDO zones although Lee County does not have an exclusive inventory of historic properties in WDO zones. Any identified historic structures within a WDO zone will be addressed on a case by case basis. Standard historic preservation procedures per Chapter 22 of the Land Development Code and Chapter IX of the Lee Plan will be used within the WDO zones.

**B. CONCLUSIONS**

This amendment addresses 40 WDO zones. Of this 40, 6 are proposed for amendment. The remaining zones do not present compelling reasons for amendment. This amendment addresses Map 12 only. The WDO zones on San Carlos Island are addressed by Map 2 and therefore are beyond the scope of this amendment. Likewise, ongoing marina issues on Pine Island are beyond the scope of this amendment. The proposed amendment will clarify and update the WDO zones in Lee County. This will correct scrivener's errors as well as remove inconsistencies and outdated information from Map 12. The amendment will also help preserve increasingly rare water access and water dependent land uses within the county. As currently codified, the Lee Plan Goals, Objectives, and Policies sufficiently address WDO zones.

**C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.



**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC LPA HEARING: July 22, 2002

**A. LOCAL PLANNING AGENCY REVIEW**

Staff gave a brief presentation. Staff stated that the amendment was of a technical nature and did not address Lee Plan Policies. One LPA member stated that the amendment appeared to be simply "cleaning up."

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

The LPA recommend that the Board of County Commissioners transmit the proposed amendments to Map 12 of the Lee Plan Map series.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>NOEL ANDRESS</b>	<u>AYE</u>
<b>MATT BIXLER</b>	<u>AYE</u>
<b>SUSAN BROOKMAN</b>	<u>AYE</u>
<b>RONALD INGE</b>	<u>AYE</u>
<b>GORDON REIGELMAN</b>	<u>AYE</u>
<b>ROBERT SHELDON</b>	<u>AYE</u>
<b>GREG STUART</b>	<u>ABSENT</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

<b>JOHN ALBION</b>	_____
<b>ANDREW COY</b>	_____
<b>RAY JUDAH</b>	_____
<b>BOB JANES</b>	_____
<b>DOUG ST. CERNY</b>	_____

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: \_\_\_\_\_

- A. **DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**
  
- B. **STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

\_\_\_\_\_

**ANDREW COY**

\_\_\_\_\_

**RAY JUDAH**

\_\_\_\_\_

**BOB JANES**

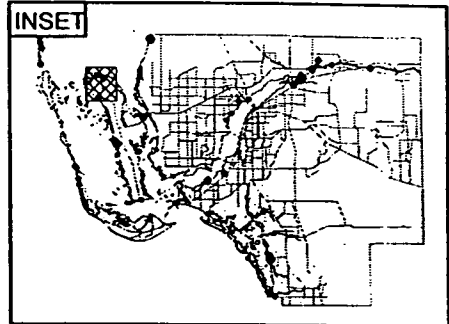
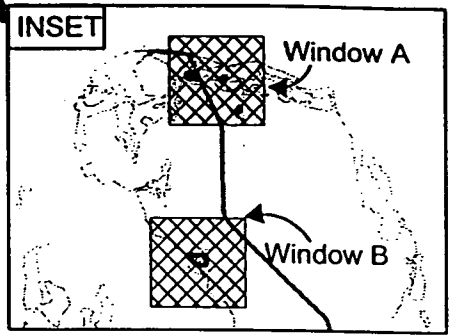
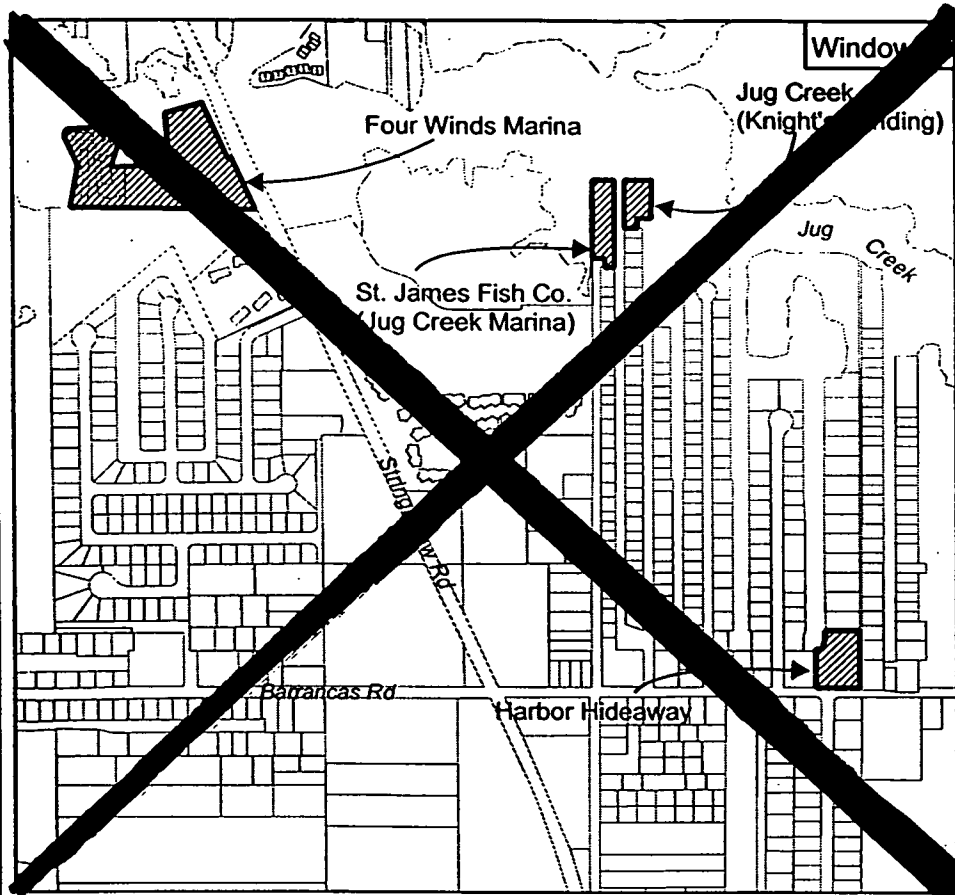
\_\_\_\_\_

**DOUG ST. CERNY**

\_\_\_\_\_

Attachment 1  
Existing Map 12  
(Note: maps proposed for amendment crossed out)

# MAP 12 WATER-DEPENDENT OVERLAY ZONES



**List of STRAPS**

<b>Four Winds Marina</b>	
30-43-22-00-00027.0020	30-43-22-16-00003.3030
30-43-22-14-00000.1010	30-43-22-16-00003.3040
30-43-22-14-00000.1020	30-43-22-16-00003.3050
30-43-22-14-00000.1030	30-43-22-16-00003.3060
30-43-22-14-00000.1040	30-43-22-16-00004.4010
30-43-22-14-00000.1050	30-43-22-16-00004.4020
30-43-22-14-00000.1060	30-43-22-16-00004.4030
30-43-22-14-00000.2010	30-43-22-16-00004.4040
30-43-22-14-00000.2020	30-43-22-16-00004.4050
30-43-22-14-00000.2030	30-43-22-16-00004.4060
30-43-22-14-00000.2040	30-43-22-16-00005.5010
30-43-22-14-00000.2050	30-43-22-16-00005.5020
30-43-22-14-00000.2060	30-43-22-16-00005.5030
30-43-22-16-00000.00CE	30-43-22-16-00005.5040
30-43-22-16-00000.000A	30-43-22-16-00005.5050
30-43-22-16-00003.3010	30-43-22-16-00005.5060
30-43-22-16-00003.3020	

**St. James Fish Co.  
(Jug Creek Marina)**  
30-43-22-02-0000A.0010

**Jug Creek  
(Knight's Landing)**  
30-43-22-02-0000B.0010

**Harbor Hideaway**  
30-43-22-18-00000.001A

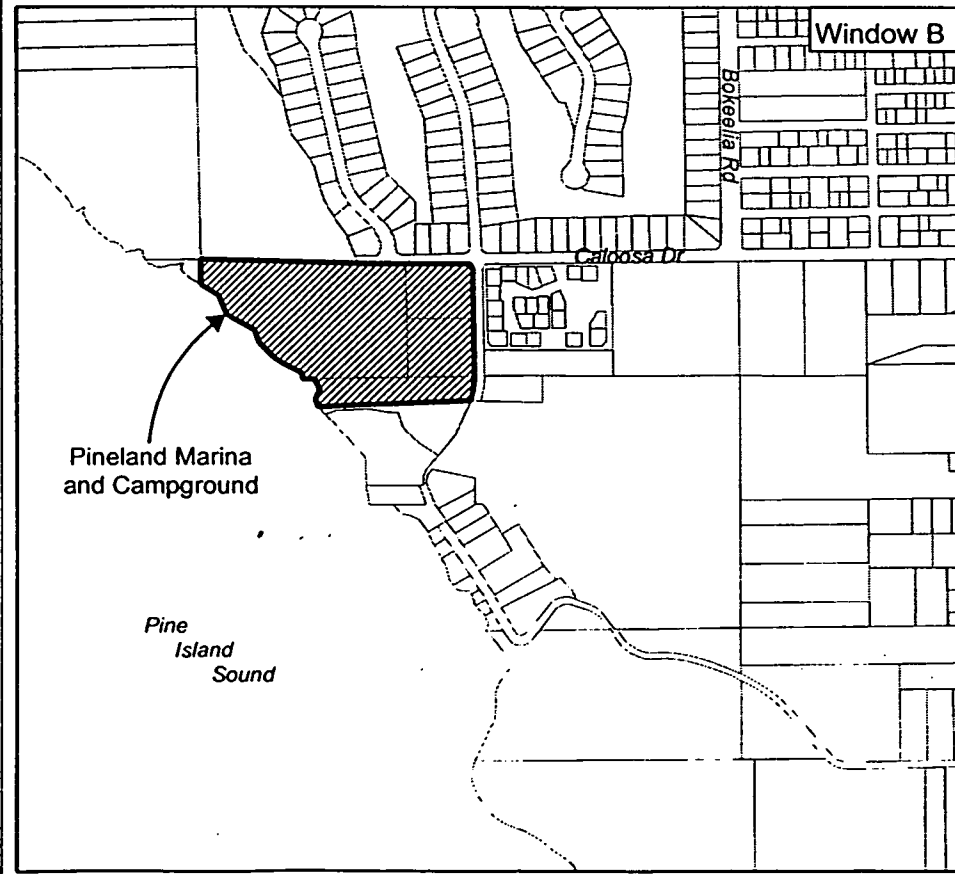
**Pineland Marina and Campground**  
07-44-22-00-00001.0000  
07-44-22-00-00002.0000  
07-44-22-00-00002.0020

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

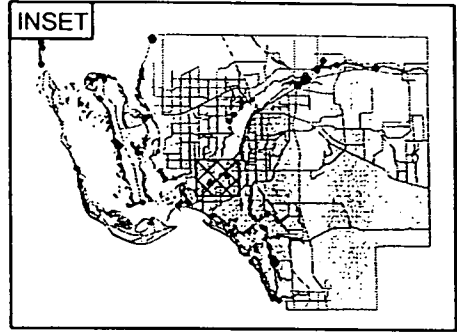
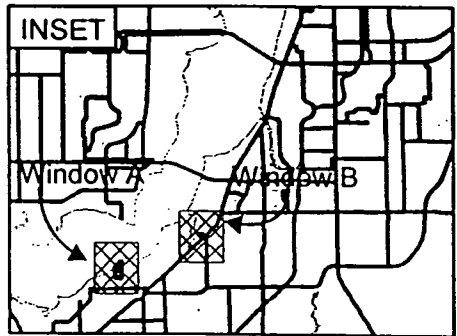
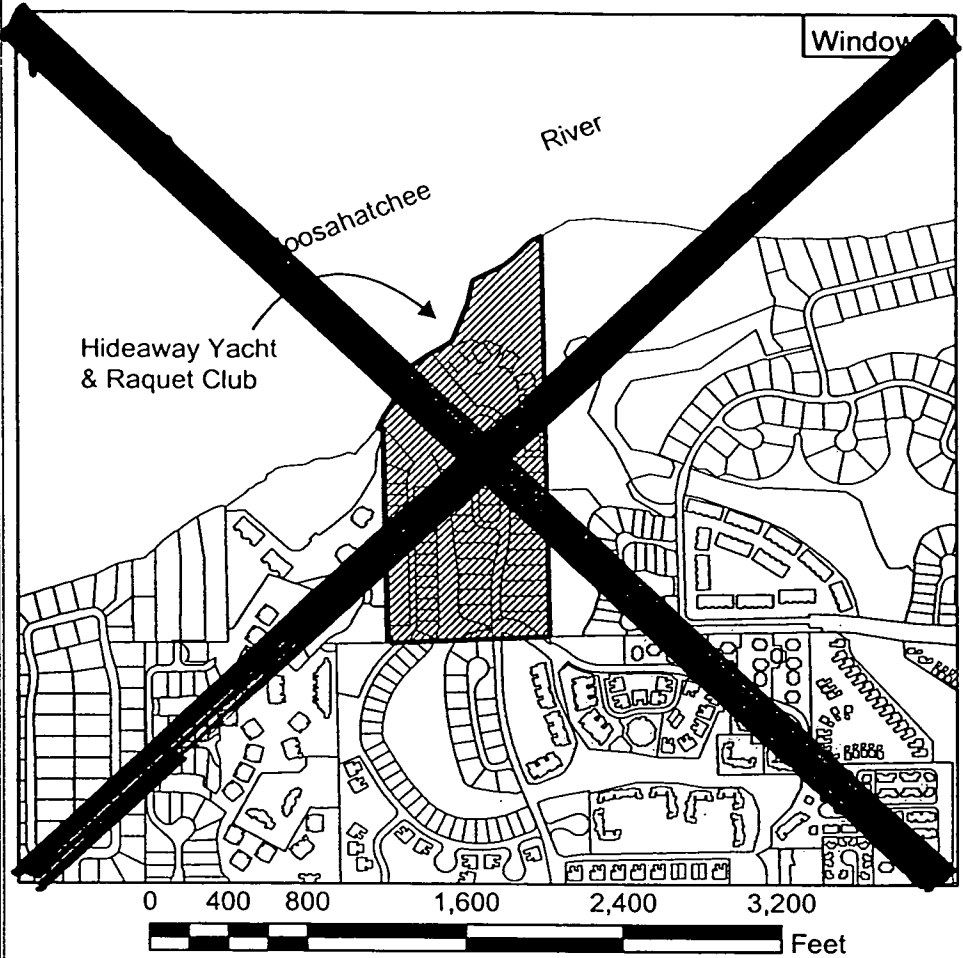


**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated August 5, 2001

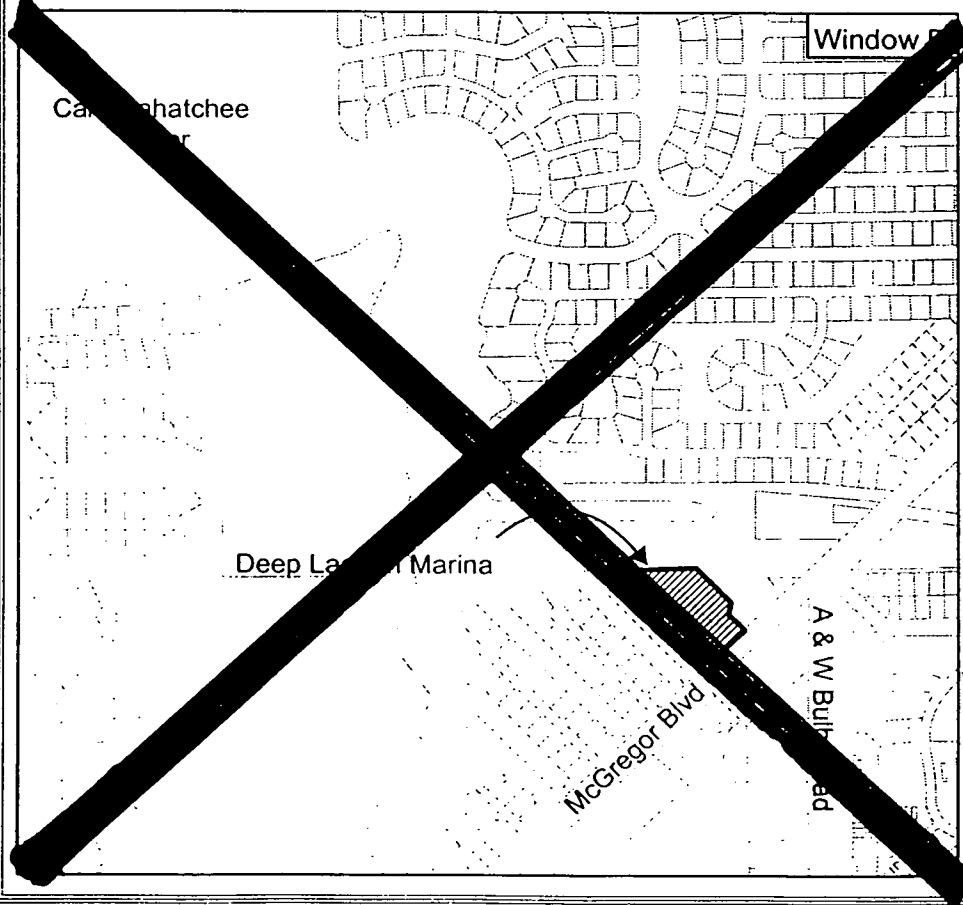


# MAP 12 WATER-DEPENDENT OVERLAY ZONES



List of STRAPS

- Deep Lagoon Marina  
29-45-24-00-00011.002A
- Hideaway Yacht & Raquet Club  
25-45-23-00-00001.0000  
25-45-23-11-00000.0230-0340  
25-45-23-11-00000.0360-0520  
25-45-23-31-00000.0280-0450  
25-45-23-33-00000.000A  
25-45-23-33-00000.00CE  
25-45-23-33-Building A through G

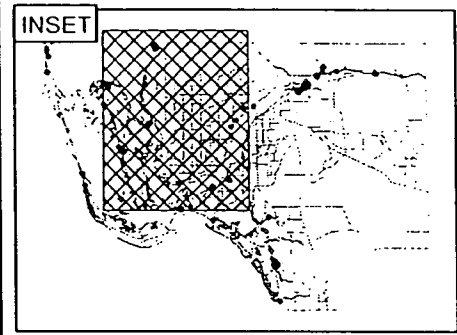
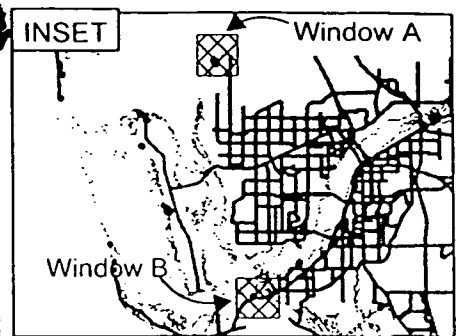
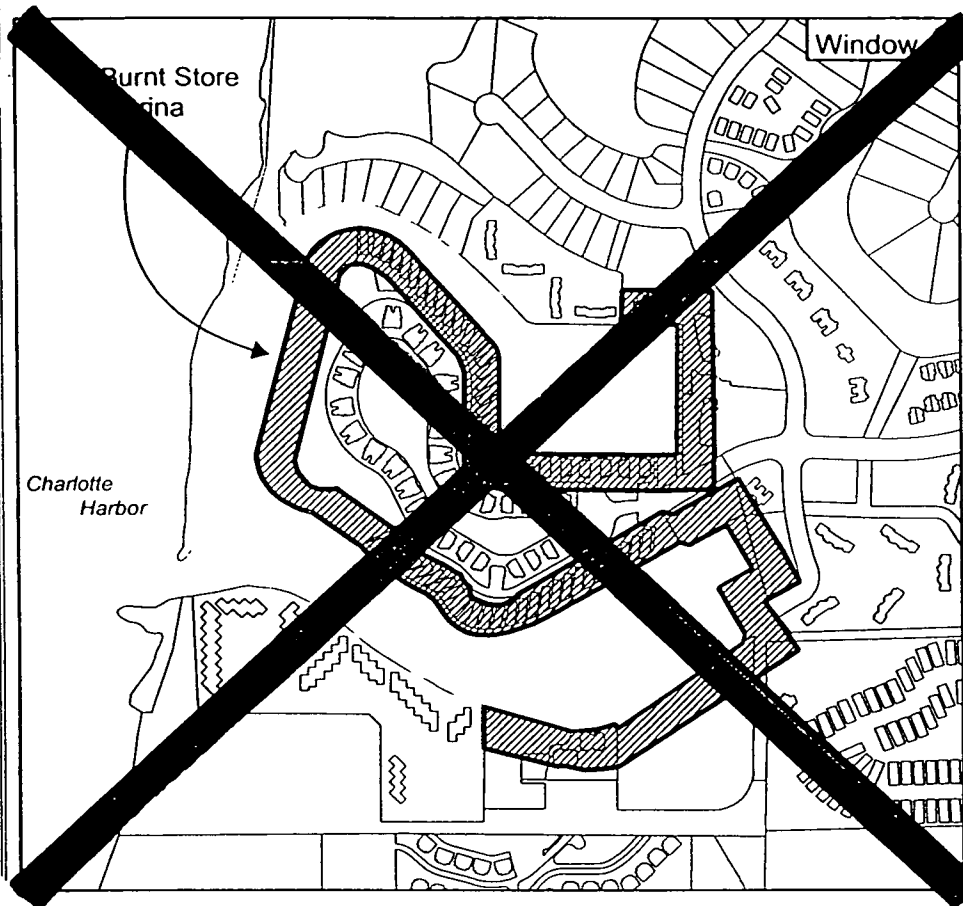


The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



Map Generated August 5, 2001

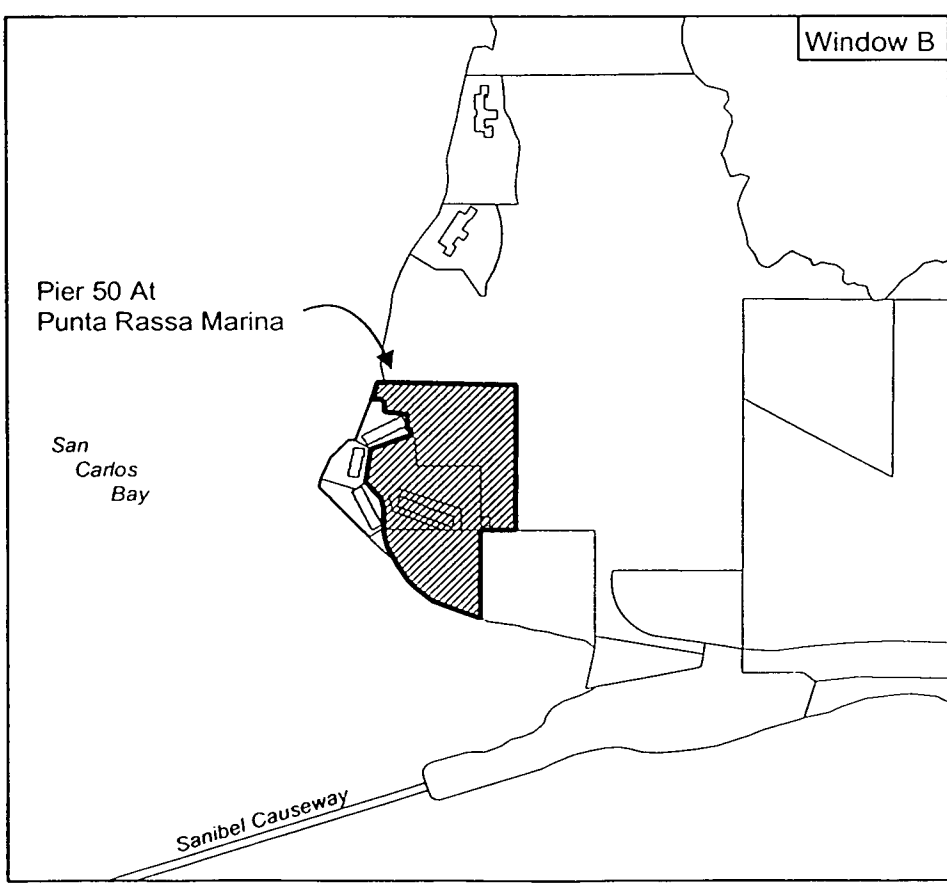
# MAP 12 WATER-DEPENDENT OVERLAY ZONES



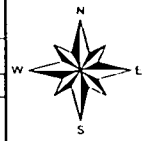
List of STRAPS

- Burnt Store Marina**  
 01-43-22-01-0000C.1000  
 01-43-22-02-00000.001A-C, 002A-C  
 01-43-22-02-00000.003A-C, 004A-C  
 01-43-22-02-00000.005A-C, 006A-C  
 01-43-22-02-00000.007A-C, 008A-C  
 01-43-22-04-00000.0010-0250  
 01-43-22-07-00000.1110-1180, 1210-1280, 1310-1380,  
 01-43-22-07-00000.000A, 00CE  
 01-43-22-07-00000.2110-2180, 2210-2280, 2310-2380  
 01-43-22-10-00000.1010-1060, 2010-2060, 3010-3060  
 01-43-22-10-00000.4010-4060, 5010-5060, 6010-6030  
 01-43-22-12-00000.000A, 00CE  
 01-43-22-12-00000.1101-1108, 1201-1208, 1301-1308  
 01-43-22-12-00000.1401-1408, 1501-1508, 1601-1608  
 01-43-22-12-00000.1701-1708, 1801-1804, 2101-2108  
 01-43-22-12-00000.2201-2208, 2301-2308, 2401-2408  
 01-43-22-12-00000.2501-2508, 2601-2608, 2701-2708  
 01-43-22-12-00000.2801-2804  
 01-43-22-15-00000.0010-0220

- Pier 50 at Punta Rassa Marina**  
 09-46-23-00-00009.0000  
 09-46-23-00-00009.0010  
 09-46-23-00-00009.0020  
 09-46-23-00-00000.00CE  
 09-46-23-01-00000.00CE  
 09-46-23-01-00000.000A



The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

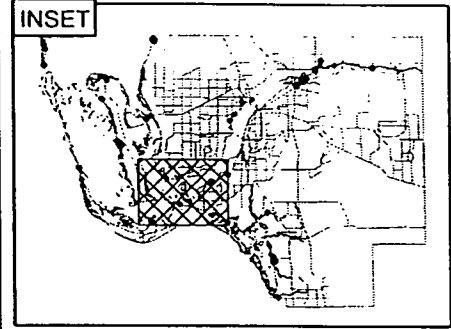
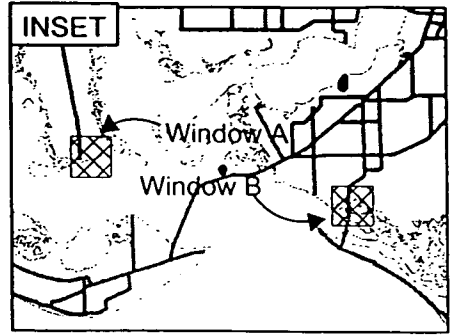
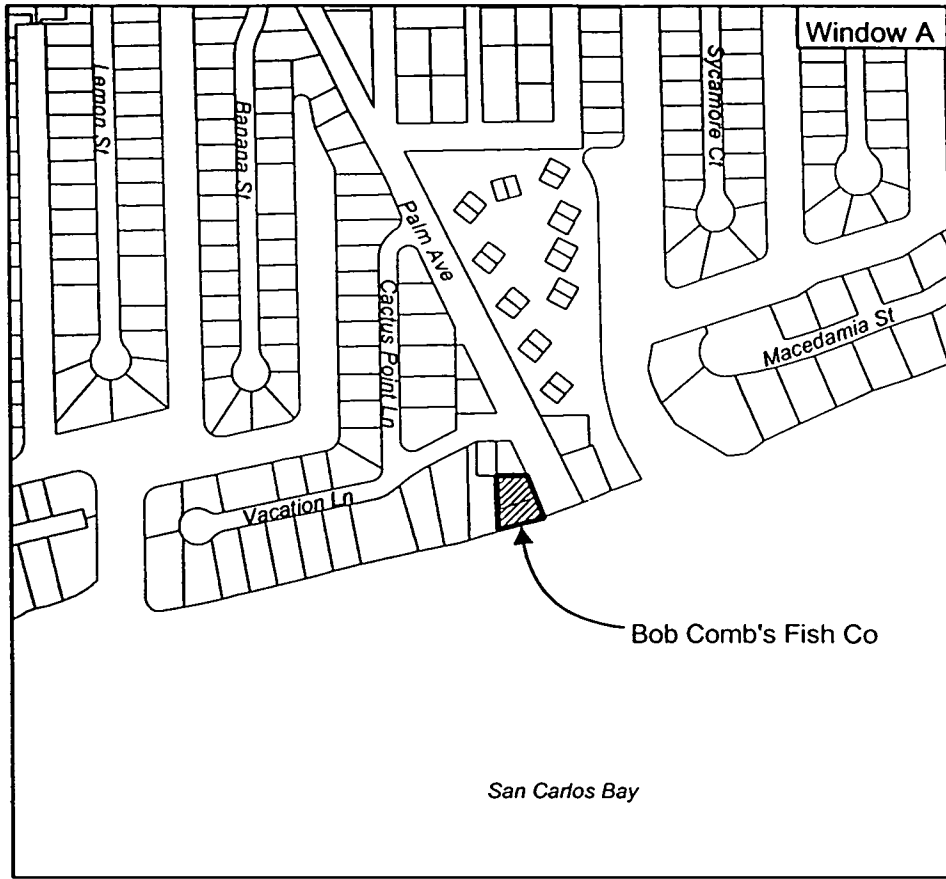


**LEE COUNTY**  
 SOUTHWEST FLORIDA  
 DIVISION OF PLANNING

Map Generated August 5, 2001



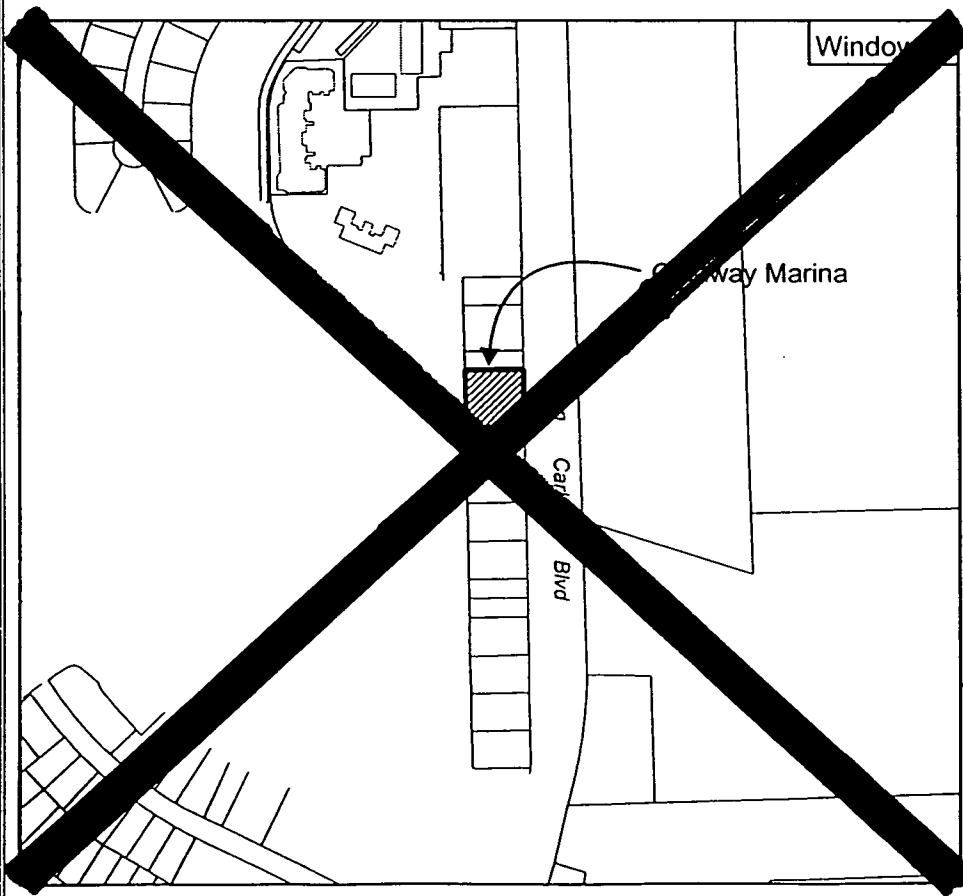
# MAP 12 WATER-DEPENDENT OVERLAY ZONES



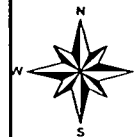
List of STRAPS

Bob Comb's Fish Co.  
02-46-22-05-00494.0110

Getaway Marina  
13-46-23-00-00027.0000



The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

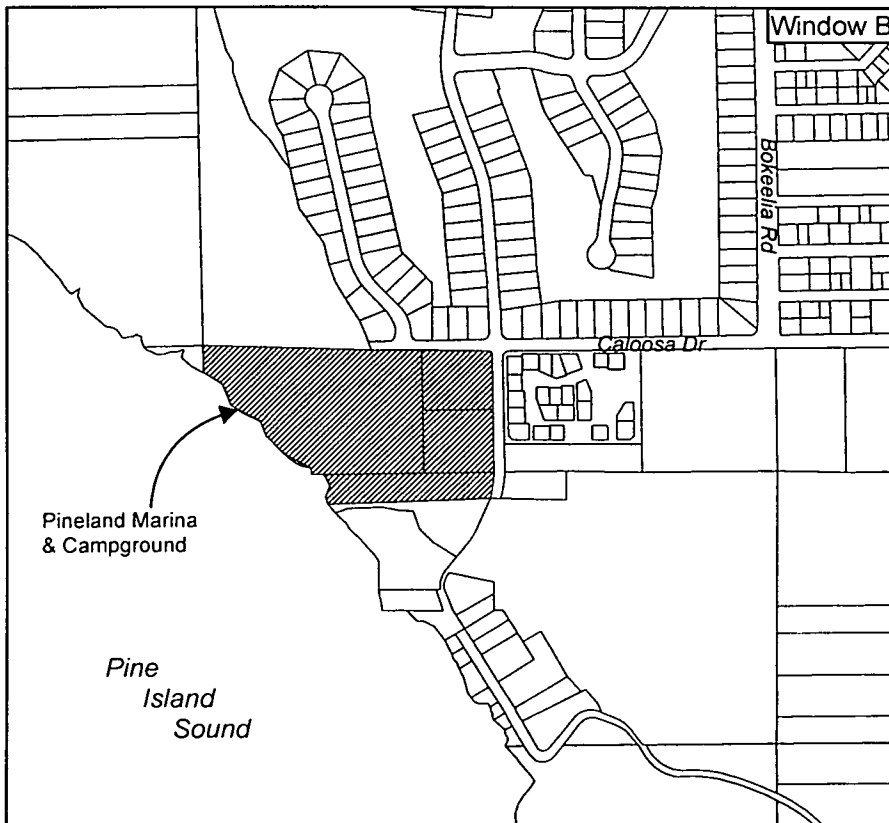
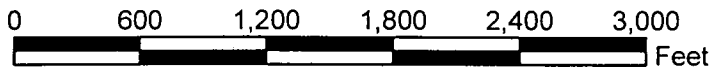
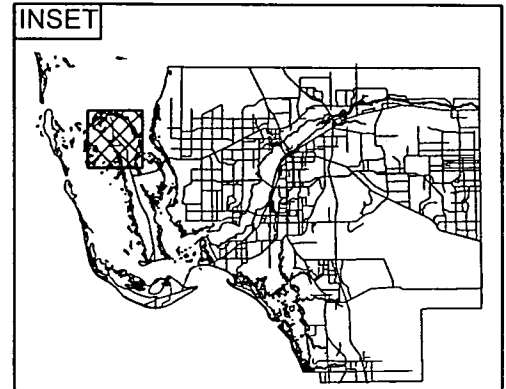
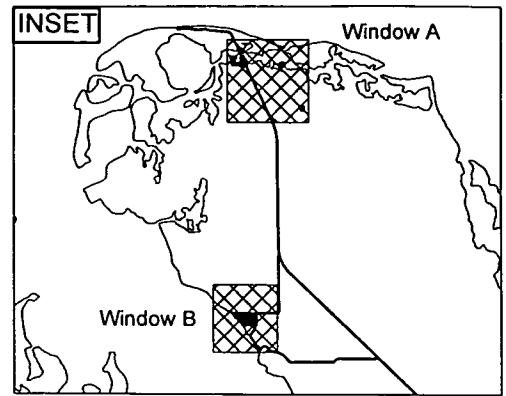
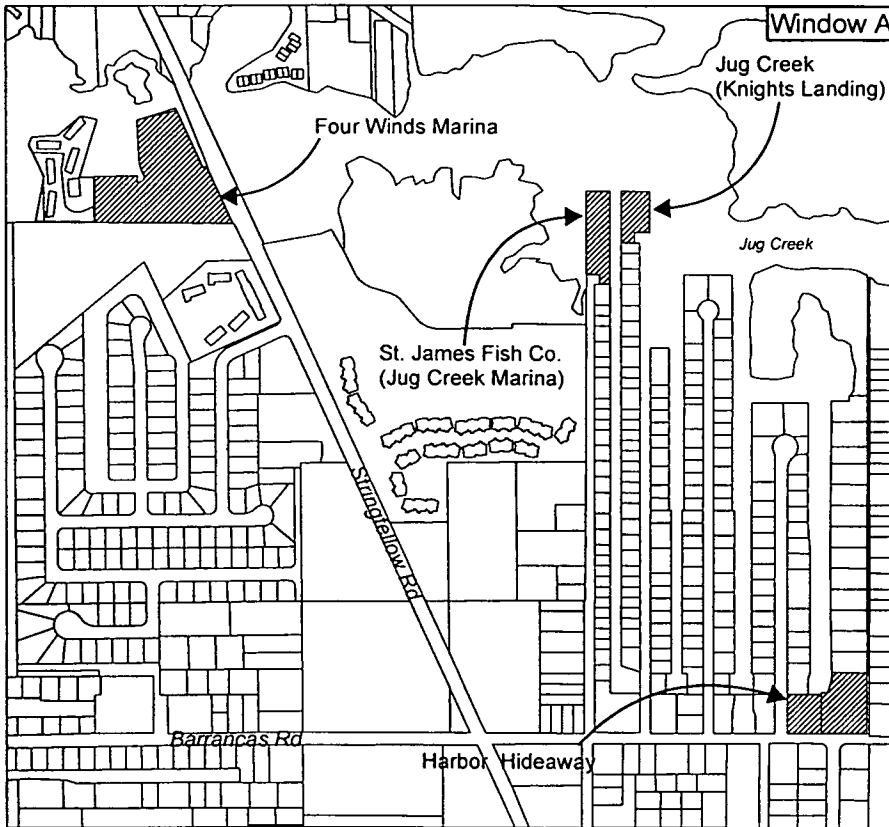


**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated August 5, 2001

Attachment 2  
Proposed Map 12

# Map 12 Water Dependent Overlay Zones



- Four Winds Marina  
 30-43-22-00-00027.0020  
 30-43-22-14-00000.1010 to .1060  
 30-43-22-14-00000.2010 to .2060  
 30-43-22-16-00000.00CE  
 30-43-22-16-00000.000A  
 30-43-22-16-00003.3010 to .3060  
 30-43-22-16-00004.4010 to .4060  
 30-43-22-16-00005.5010 to .5060

- St. James Fish Co.  
 (Jug Creek Marina)  
 30-43-22-02-0000A.0010

- Jug Creek  
 (Knights Landing)  
 30-43-22-02-0000B.0010

- Harbor Hideaway  
 30-43-22-18-00000.001A

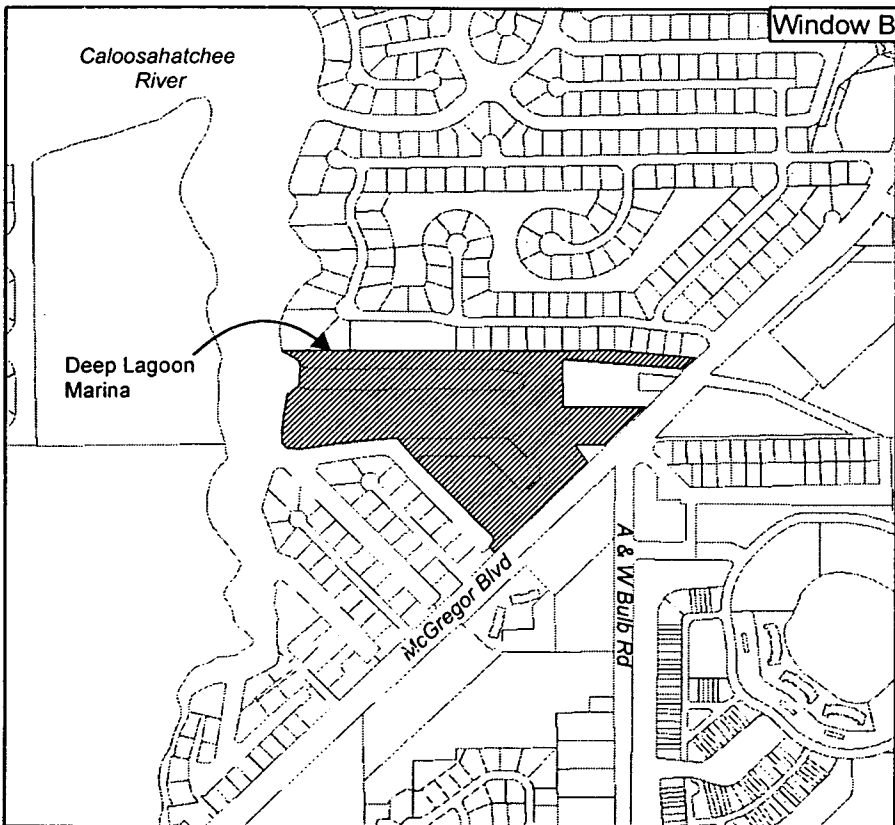
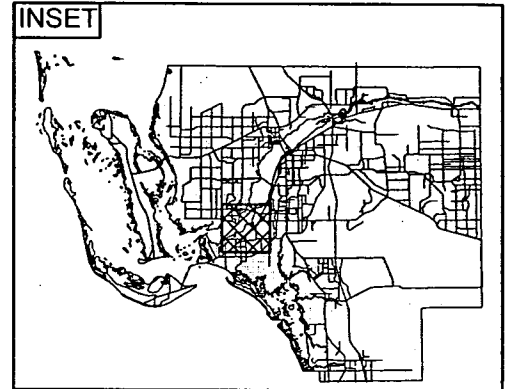
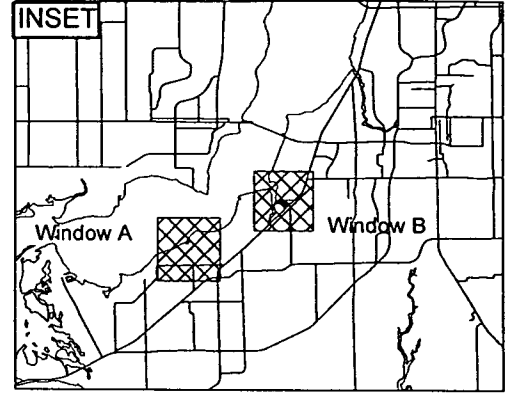
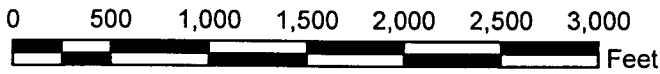
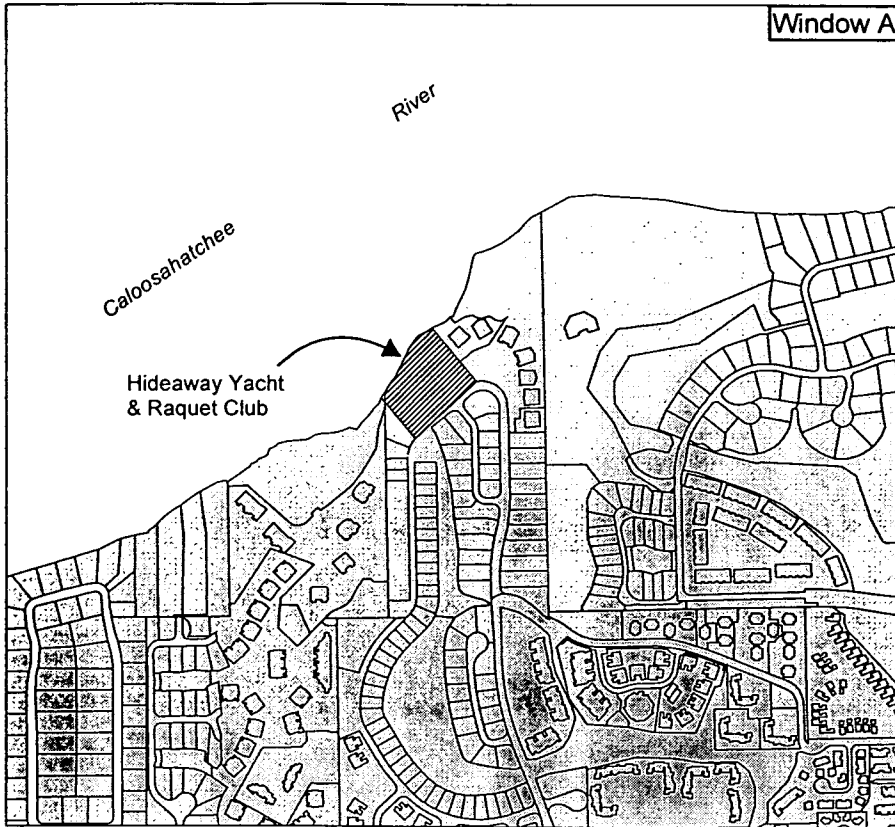
- Pineland Marina & Campground  
 07-44-22-00-00001.0000  
 07-44-22-00-00002.0000  
 07-44-22-00-00002.0020

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



Map generated June 11, 2002

# Map 12 Water Dependent Overlay Zones



### List of STRAPS

Deep Lagoon Marina  
29-45-24-00-00011002A

Hideaway Yacht & Raquet Club  
(Peppertree Point)  
25-45-23-00-00001.0000

NOTE: The map shows only those parts of the subject parcel that are zoned for marina use.

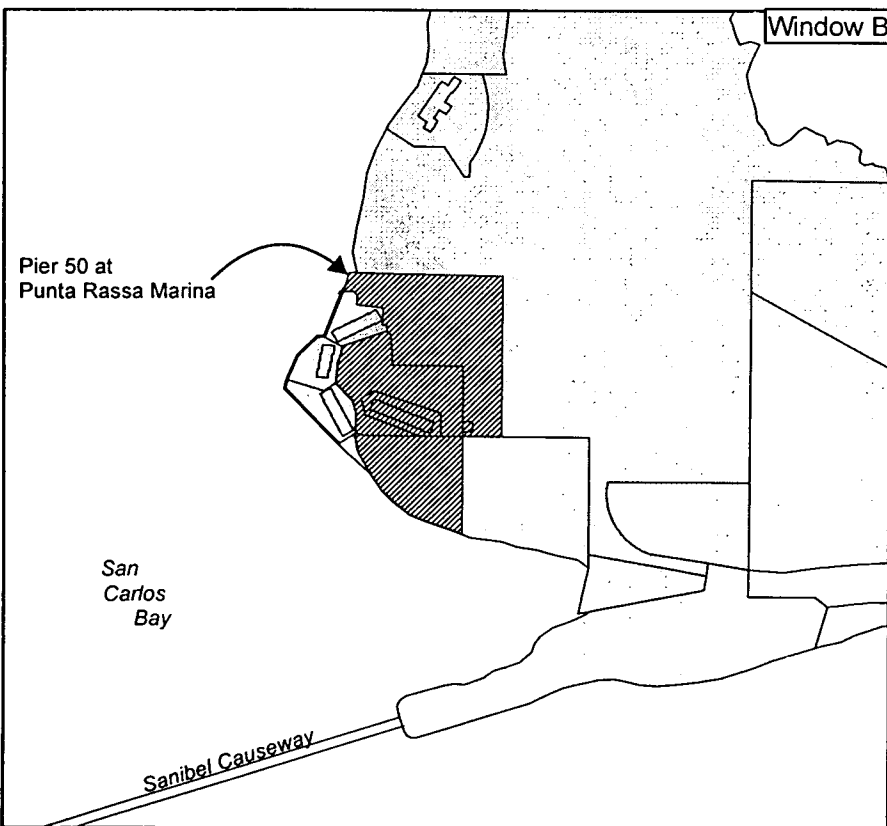
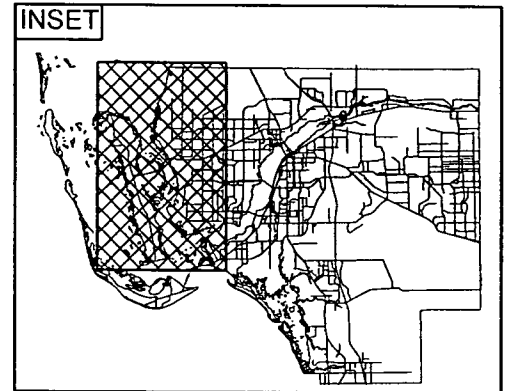
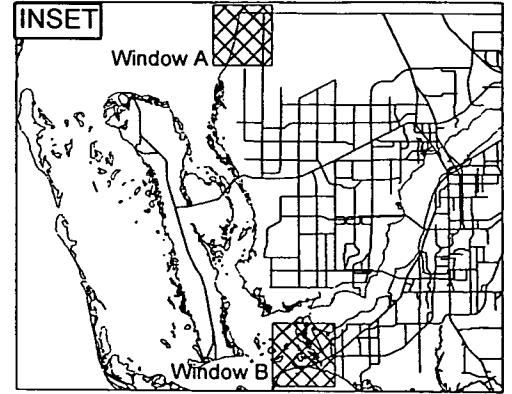
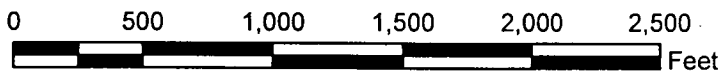
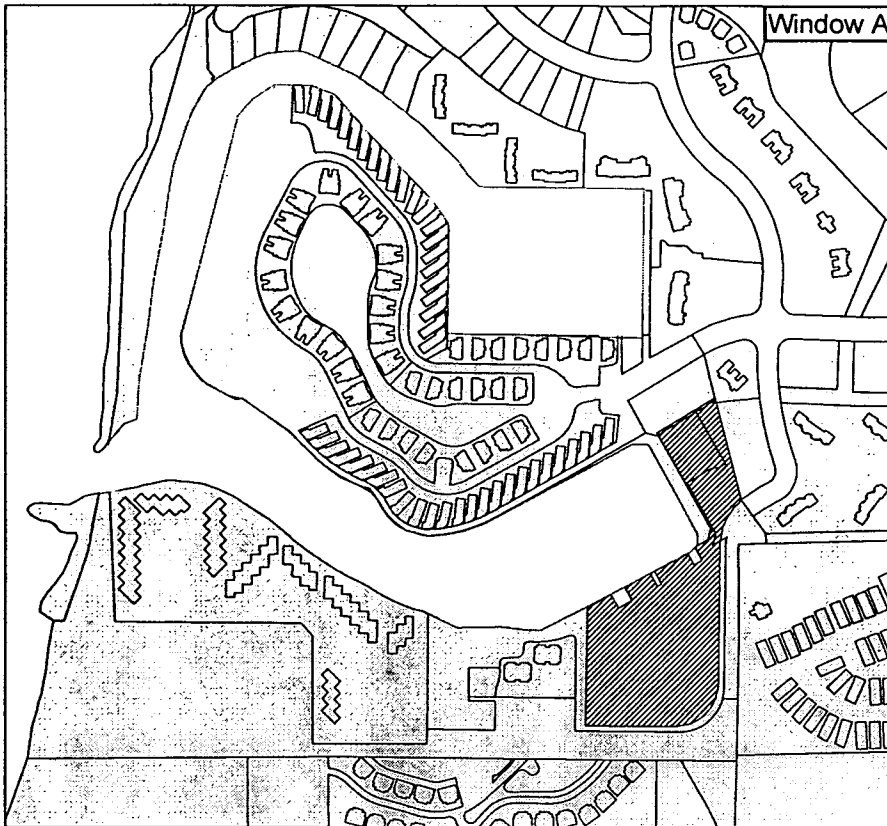
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



Map generated June 12, 2002

# Map 12

## Water Dependent Overlay Zones



### List of STRAPS

Burnt Store Marina  
 01-43-22-000000C0010  
 NOTE: The map depicts only those parts of the subject parcel that are zoned for marina uses.

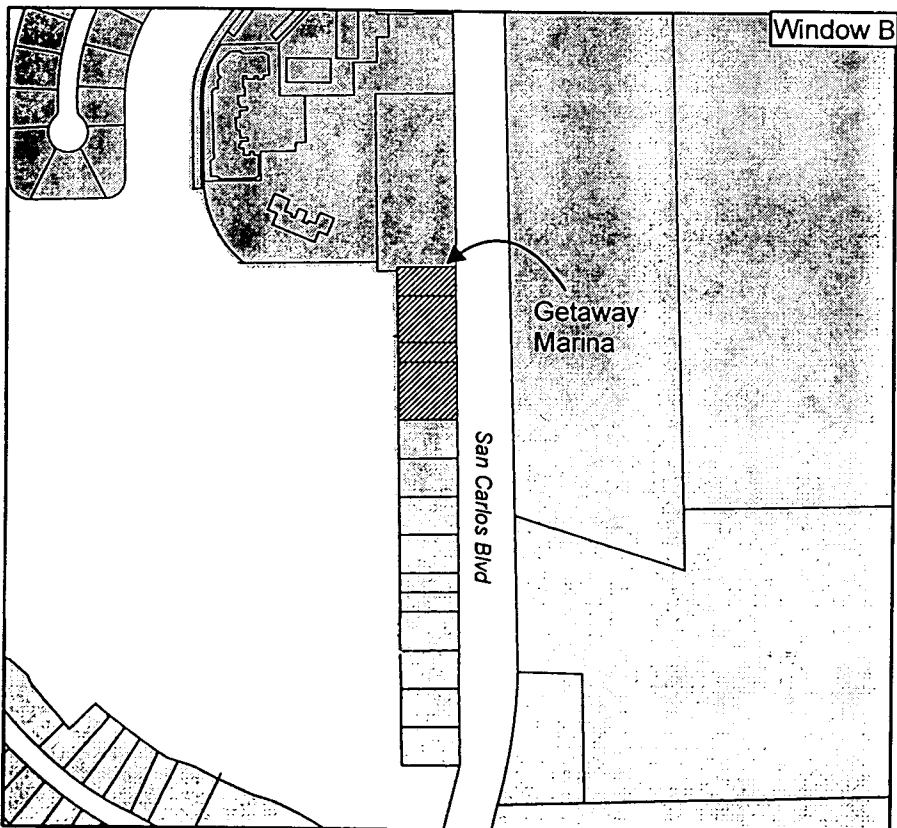
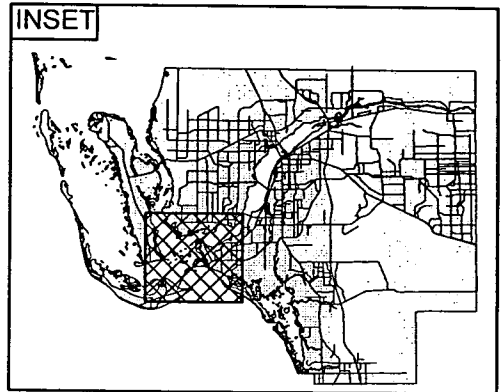
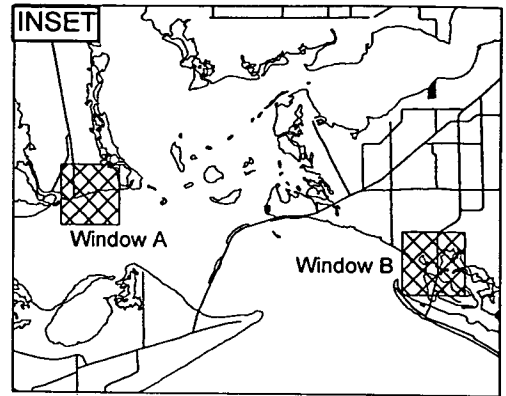
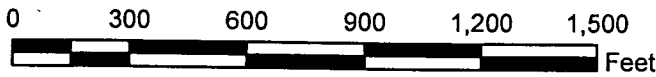
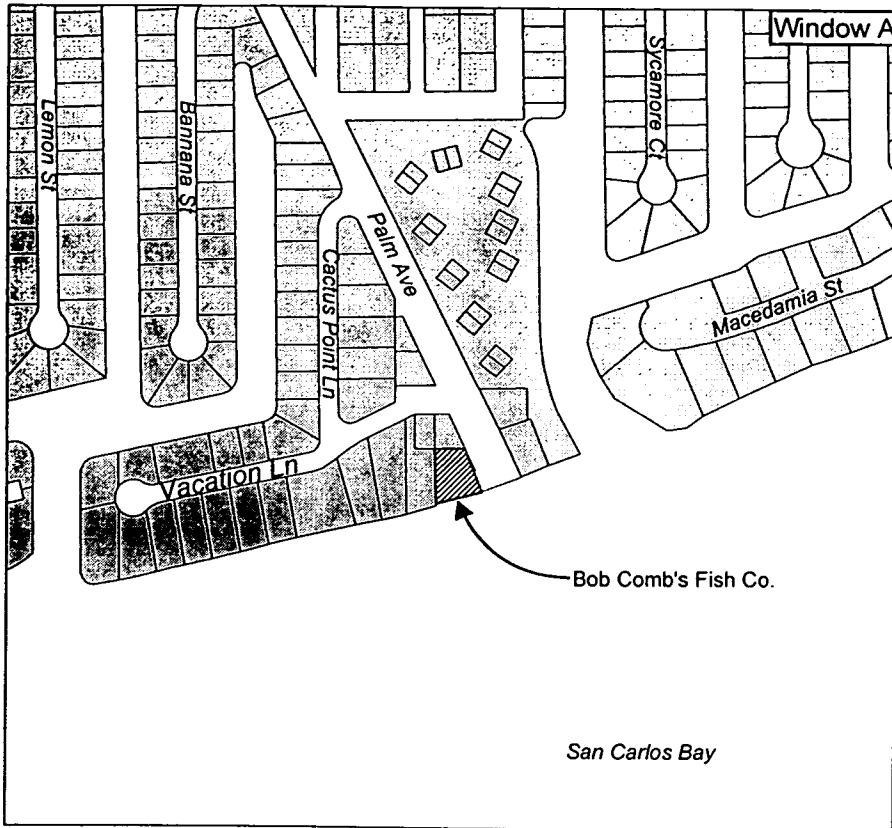
Pier 50 at Punta Rassa  
 09-46-23-00-00000.00CE  
 09-46-23-00-00009.0000  
 09-46-23-00-00009.0010  
 09-46-23-00-00009.0020  
 09-46-23-01-00000.00CE  
 09-46-23-01-00000.000A

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



Map generated June 12, 2002

# Map 12 Water Dependent Overlay Zones

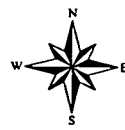


List of STRAPS

Bob Comb's Fish Co.  
02-46-22-05-00494.0110

Getaway Marina  
13-46-23-00-00007.0000  
13-46-23-00-00006.0000  
13-46-23-00-00006.0010  
13-46-23-00-00006.0020

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



**CPA 2001-22  
BoCC SPONSORED  
AMENDMENT  
TO THE**

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

---

LPA Public Hearing Document  
for the  
July 22, 2002 Public Hearing

---

*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585*

*July 2, 2002*

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2001-22**

Text Amendment

Map Amendment

	<b>This document contains the following reviews:</b>
<input checked="" type="checkbox"/>	<b>Staff Review</b>
	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board Of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: July 2, 2002

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Amend the Future Land Use Map Series, Map 12, the Water Dependent Overlay (WDO) Zones, by evaluating and updating the status of the overlay areas and the Goals Objectives, and Policies that pertain to the WDO.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- Lee County economic prosperity, in part, has historically been dependent on sufficient access to water and water dependent activities such as commercial fishing, freight, and recreational uses.



- The proposed amendment clarifies the exact location, extent, and current status of the WDO zones.
- The proposed amendment will help conserve limited waterfront areas for those uses that require such space.
- Lee Plan Map 12, the WDO zones map, does not reflect the current conditions in many WDO zones or past changes in their boundaries.
- Staff has acquired improved mapping software since the last maps of the WDO zones were created.
- Some of the WDO zones have undergone significant development since their creation.
- The proposed amendment will further Lee Plan Objective 8.1, 98.1, 98.2, and 98.4 by identifying possible water dependent uses within the WDO zones.
- The WDO zones on San Carlos Island are addressed by Map 2, not Map 12.
- Existing Lee Plan Goals, Objectives, and Policies sufficiently address WDO zones.

### **C. BACKGROUND INFORMATION**

Marinas, boat-docking facilities, and other water-access sites are a limited commodity in Lee County. Public access to water resources is essential to the County's economic prosperity. Marinas, docks, fish-houses, fishing piers and other types of uses actually require location on the water. Likewise, Lee County's fishing industry depends heavily on sufficient access to water. It is important to identify and preserve these sites in order to prevent the displacement of water-dependent uses by other land uses such as residential or non-water-dependent commercial and industrial uses.

The Water Dependent Overlays were adopted by ordinance 89-02 in 1989 as part of the 1989 Lee Plan. The overlays were intended to protect marine-oriented land uses from incompatible or preemptive land uses. In 1991, Lee Plan Amendment PAM89-04 added the Rialto Harbor WDO zone and PAM90-20 amended the FPL power plant WDO zone. In 1992 PAM91-16 added the Weeks Fish Camp to the WDO zones. In 1993, PAM92-19 amended the WDO zone in the Burnt Store Marina. In 2001, CPA2000-02 deleted the Boca Grande Pass Marina WDO zone from page 1 of map 12. Since their adoption, varying levels of development have occurred within the WDO zones. Much of this development is residential in nature or otherwise non-water dependent. In addition, the cartographic software employed by the County has significantly improved. The older maps currently used in the Lee Plan would be improved through remapping with the newer software.

The Lee Plan Glossary defines Water Dependent Uses as land uses for which water access is essential and which could not exist without water access. Several Lee Plan Objectives and policies address WDO zones. The WDO zones were added to the Future Land Use element of the Lee Plan in Policy 1.7.5 as a specific type of Special Treatment Area. Goal 8 gives some protection to water-dependent uses by mandating the rezoning of specific uses to marine zoning districts. In the Conservation and Coastal Management element, Goal 98 seeks to preserve the marine-oriented nature of the shoreline. The goal addresses protection of water-dependent commercial and industrial land uses. Objectives 98.1 and 98.2 contain policies outlining the location of WDO zones and reiterating the mandate to rezone these areas to marine zoning districts

These are the Goals, Objectives, and Policies that concern the WDO zones:

**GOAL 1: FUTURE LAND USE MAP** *To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage Urban Sprawl.*

**OBJECTIVE 1.7: SPECIAL TREATMENT AREAS.** *Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.*

**POLICY 1.7.5:** *The Water-Dependent Overlay Zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Greater Pine Island Area under Goal 14, and for other areas in Lee County in the Conservation and Coastal Management Element.*

**GOAL 8: MARINE-ORIENTED LAND USES.** *To designate prime locations for marine-oriented land uses and protect them from incompatible or pre-emptive land uses.*

**OBJECTIVE 8.1:** *Existing marinas, fish houses, and port facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

**GOAL 98: SHORELINE MANAGEMENT.** *To encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water-dependent uses.*

**OBJECTIVE 98.1: COMMERCIAL WATER-DEPENDENT USES.** *The County will continue to monitor and implement its program to enhance and protect commercial water-dependent uses.*

**POLICY 98.1.1:** *Commercial and government-operated multi-slip docking facilities indicated on the Future Land Use Map as having Water-Dependent overlay zones will be reclassified by the county to Marina zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

**POLICY 98.1.2:** *The Future Land Use Map will designate water-dependent overlay zones over existing commercial fishing, port and docking sites and commercial marinas to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

**OBJECTIVE 98.2: INDUSTRIAL WATER-DEPENDENT USES.** *The County will continue to monitor and implement its program to enhance and protect industrial water dependent uses.*

***POLICY 98.2.1:** Industrial water-dependent facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

***POLICY 98.2.2:** The County will maintain an inventory of all industrial water-dependent facilities, including name, location, and STRAP number of the facility. This inventory will be updated as needed.*

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The majority of the WDO zones are defined as being 150 feet landward of the shoreline within the parcel or parcels designated on Map 12 or to include the entire parcel, if it is less than 150 feet in depth. However, some of the WDO zones are uniquely defined and their definitions are listed alongside the map of the relevant parcels. Therefore, Map 12 designates entire parcels whenever possible even though the WDO may only be a part of the parcel. In some cases, development within a single parcel includes both water-dependent and non-water-dependent uses. In such cases, the WDO zone may follow other boundaries such as zoning district lines. Many of the designated parcels contain vacant or undeveloped land. In these cases, the vacant land is left in the WDO zone in order to encourage future development to be in the form of water-dependent uses.

The WDO zones on San Carlos Island are not addressed by the proposed amendment. This amendment is concerned with Lee Plan Map 12. The San Carlos Island WDO zones are addressed on Lee Plan Map 2 which is not a part of the proposed amendment.

The proposed amendment is not intended to address local marina issues on Pine Island. Staff believes that this amendment is of a technical mapping nature. Other, ongoing issues concerning the Pine Island marinas are beyond the scope of this amendment at this time.

In evaluating each WDO zone, staff used two main criteria. First, whether the site contains water-dependent uses. Second, what portions (if any) of the site have been altered to non-water-dependent uses and how significant the change is. These were determined using aerial photography, site visits and data from the Lee County Property Appraiser. Third, was whether the change in the WDO zone was compelling enough to warrant a change in Map 12. Based on these criteria staff recommends the following changes:

#### **Map 12, Page 2**

Amend the Four Winds Marina WDO to follow the CM zoning district boundary. The commercial portion of the site was rezoned to CM in 1991, leaving the rest of the site in the C-2 zoning district. The non-commercial portion of the site is developed with condominiums, an allowable use in C-2 zoning. It is inappropriate to maintain the WDO on residential development.

Amend the Harbor Hideaway WDO to include parcel 30-43-22-07-0000B.0010. This vacant parcel is zoned CM, abuts the WDO, and is used by Harbor Hideaway for boat and boat trailer storage.

Boat storage is an ancillary use for the site. These factors make inclusion in the WDO appropriate. Additionally, the WDO would help to preserve a vacant, waterfront parcel for water dependent uses.

**Map 12, Page 8**

Amend the Hideaway Yacht and Racquet Club WDO. The parcel that originally defined the Hideaway Yacht and Racquet Club WDO has been subdivided and developed with residential uses. Portions of the original parcel remain as common elements such as road rights of way and the marina. The WDO zone should be restricted to those areas that are zoned CM to reflect these uses. In addition, the name of the WDO should be amended to "Water's Edge At Peppertree Point." This is the name of the Residential Planned Development that was created in the WDO and is the publicly used name for the Marina.

Amend the Deep Lagoon Marina WDO to follow current parcel lines. The parcels in the Deep Lagoon Marina WDO have been combined since its creation. Now, the WDO is part of a single-parcel marina CPD. Further, the marina was approved by resolution Z-99-13 to put water dependent uses in the majority of the new, combined parcel.

**Map 12, Page 9**

Amend the Burnt Store Marina WDO to follow the CM zoning district within the WDO parcel(s) as originally proposed by Lee Plan Amendment PAM92-19. A large portion of the water front is now developed with residential uses. The remaining undeveloped portions of the WDO parcel will also be developed with residential uses. This change in the WDO zone was originally created by Lee Plan amendment PAM92-19 but subsequent mapping did not reflect the change.

**Map 12, Page 10**

Amend the Getaway Marina WDO to include the three parcels to the north of the existing WDO parcel. The three parcels to the north of the WDO parcel are part of the marina, providing parking on the land portions and docking slips along the waterline. The parcels are listed as vacant commercial by the Property Appraiser. As they are now, these parcels could be converted to non-water dependent uses without a public hearing. By including them in the WDO zone, there is a much greater chance of preserving them for water-dependent uses. The parcels to the south of Getaway Marina are a mix of water-dependent and non-water-dependent uses. As such it would be inappropriate to include the parcels to the south of the marina in the WDO zone.

**Coastal Issues**

The proposed amendment would help preserve the limited water access points within Lee County. It will also preserve the amount of land available to water-dependent land uses such as fishing piers, marinas, boat docks, fish houses, and others.

**Transportation**

The Lee County 2020 transportation plan, to a certain extent, already estimates the impact of future development in WDO zones on traffic in the county. However, the effect of future coastal development upon transportation issues will have to be addressed on a case by case basis. Future

developments will be required to address their impacts on the area road network during the development order process, usually through a traffic impact study.

### **Emergency Services**

Future development in the WDO zones could increase the demand on emergency services. This increased demand would be addressed by the County prior to the issuance of a development order. Increased demand would require mitigation measures by the developer.

### **Hurricane Evacuation**

Sections 2-481 through 2-486 of the Lee County Land Development Code address hurricane preparedness. Hurricane preparedness impacts and mitigation are determined by the number of residential and hotel/motel units in a development. WDO policies discourage residential use on waterfront property by rezoning those areas to CM and IM zoning districts. These districts restrict residences to caretaker houses and hotel/motels to special exception only. Therefore, WDO zones help reduce the hurricane evacuation impact on the County's road network.

### **Utilities**

Increased development in the WDO zones could increase the demand upon water and sewer utilities. Lee plan Standard 11.1 requires that any commercial or industrial use that exceeds 30,000 square feet would be required to connect to a public water system. Likewise, Lee Plan Standard 11.2 requires that any development that generates over 5,000 gallons of sewage per day must connect to a sanitary sewer system. Any future development in the WDO zones that meet these criteria will be required to install the necessary infrastructure during the development order process.

### **Environmental Concerns**

Future development within WDO zones will be required to address environmental concerns on a case by case basis. The developer will follow standard mitigation measures for any environmental impacts caused by future development as required by the Lee Plan and the Lee County Land Development Code.

### **Development Intensity**

Suitable water access points are an increasingly rare commodity in Lee County and the WDO zones help to preserve them for those uses that cannot be placed inland. The proposed amendment does not effect the amount of waterfront development. Instead, it influences the type of waterfront development, encouraging water-dependent uses. Therefore, the proposed amendment does not affect development intensity.

### **Residential Density**

The WDO zones are intended to limit residential uses in waterfront parcels. Lee Plan Objective 8.1 mandates reclassifying water-dependent uses to marina zoning districts. These districts do not permit residential uses beyond caretaker residences. In order to create residential development in a WDO zone, an applicant would be required to have a public meeting before the Board of County Commissioners to remove the WDO designation. Then, the property in question would have to

be rezoned to a zoning district that permitted residential uses. Therefore, the proposed amendment would help limit residential uses in waterfront parcels.

#### **Historic Preservation**

There are some historic structures known to be within WDO zones although Lee County does not have an exclusive inventory of historic properties in WDO zones. Any identified historic structures within a WDO zone will be addressed on a case by case basis. Standard historic preservation procedures per Chapter 22 of the Land Development Code and Chapter IX of the Lee Plan will be used within the WDO zones.

#### **B. CONCLUSIONS**

This amendment addresses 40 WDO zones. Of this 40, 6 are proposed for amendment. The remaining zones do not present compelling reasons for amendment. This amendment addresses Map 12 only. The WDO zones on San Carlos Island are addressed by Map 2 and therefore are beyond the scope of this amendment. Likewise, ongoing marina issues on Pine Island are beyond the scope of this amendment. The proposed amendment will clarify and update the WDO zones in Lee County. This will correct scrivener's errors as well as remove inconsistencies and outdated information from Map 12. The amendment will also help preserve increasingly rare water access and water dependent land uses within the county. As currently codified, the Lee Plan Goals, Objectives, and Policies sufficiently address WDO zones.

#### **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC LPA HEARING: July 22, 2002

**A. LOCAL PLANNING AGENCY REVIEW**

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT  
SUMMARY**

**9. RECOMMENDATION:**

**10. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**NOEL ANDRESS**

**MATT BIXLER**

**SUSAN BROOKMAN**

**RONALD INGE**

**GORDON REIGELMAN**

**ROBERT SHELDON**

**GREG STUART**

---

---

---

---

---

---

---

---

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

<b>JOHN ALBION</b>	_____
<b>ANDREW COY</b>	_____
<b>RAY JUDAH</b>	_____
<b>BOB JANES</b>	_____
<b>DOUG ST. CERNY</b>	_____



**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: \_\_\_\_\_

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

**B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

\_\_\_\_\_

**ANDREW COY**

\_\_\_\_\_

**RAY JUDAH**

\_\_\_\_\_

**BOB JANES**

\_\_\_\_\_

**DOUG ST. CERNY**

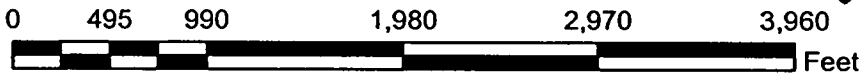
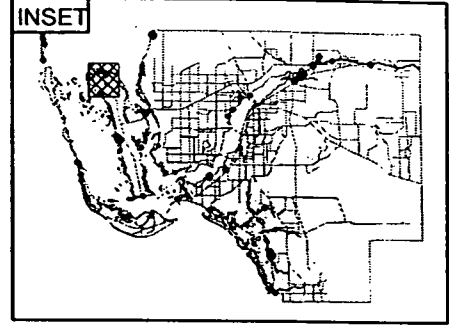
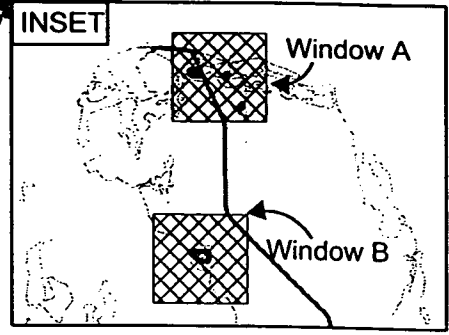
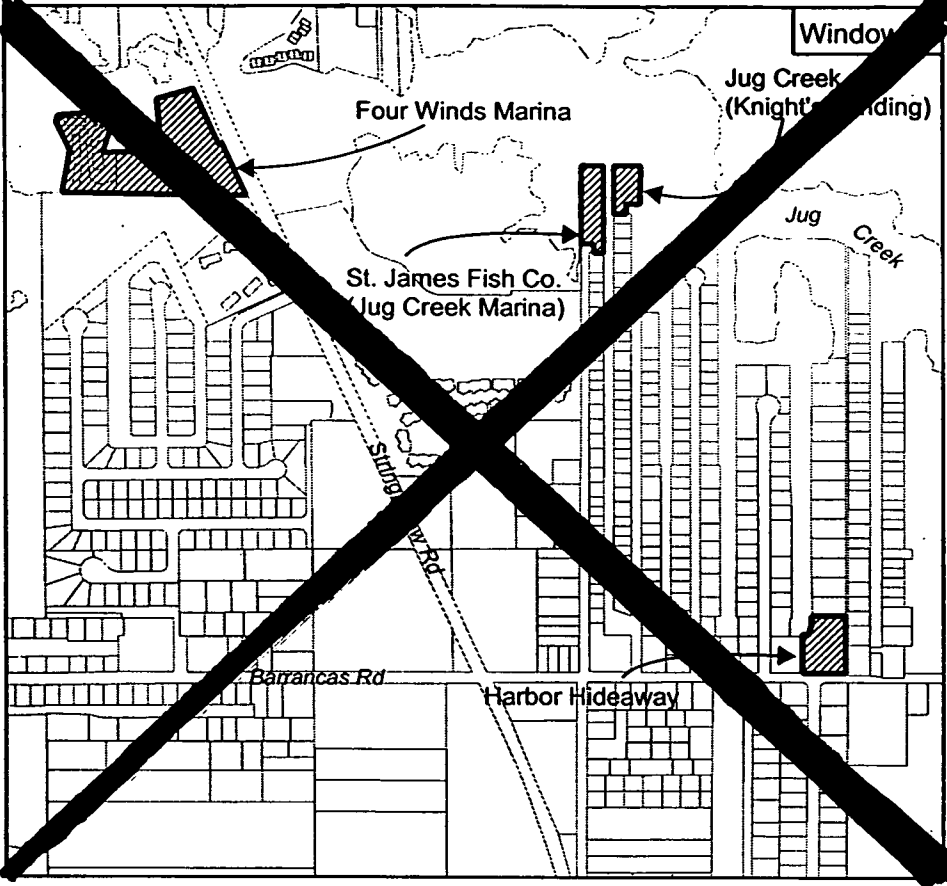
\_\_\_\_\_

# Attachment 1

## Existing Map 12

(Note: maps proposed for amendment crossed out)

# MAP 12 WATER-DEPENDENT OVERLAY ZONES



**List of STRAPS**

- Four Winds Marina
- 30-43-22-00-00027.0020    30-43-22-16-00003.3030
- 30-43-22-14-00000.1010    30-43-22-16-00003.3040
- 30-43-22-14-00000.1020    30-43-22-16-00003.3050
- 30-43-22-14-00000.1030    30-43-22-16-00003.3060
- 30-43-22-14-00000.1040    30-43-22-16-00004.4010
- 30-43-22-14-00000.1050    30-43-22-16-00004.4020
- 30-43-22-14-00000.1060    30-43-22-16-00004.4030
- 30-43-22-14-00000.2010    30-43-22-16-00004.4040
- 30-43-22-14-00000.2020    30-43-22-16-00004.4050
- 30-43-22-14-00000.2030    30-43-22-16-00004.4060
- 30-43-22-14-00000.2040    30-43-22-16-00005.5010
- 30-43-22-14-00000.2050    30-43-22-16-00005.5020
- 30-43-22-14-00000.2060    30-43-22-16-00005.5030
- 30-43-22-16-00000.00CE    30-43-22-16-00005.5040
- 30-43-22-16-00000.000A    30-43-22-16-00005.5050
- 30-43-22-16-00003.3010    30-43-22-16-00005.5060
- 30-43-22-16-00003.3020

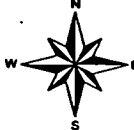
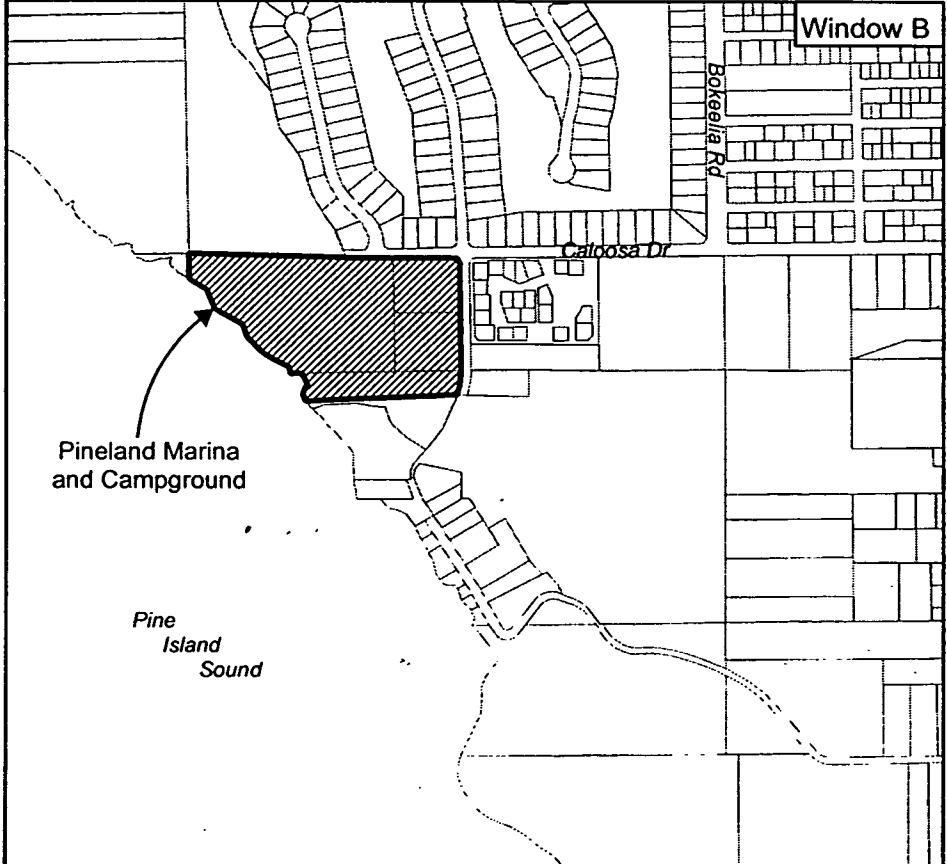
St. James Fish Co.  
(Jug Creek Marina)  
30-43-22-02-0000A.0010

Jug Creek  
(Knight's Landing)  
30-43-22-02-0000B.0010

Harbor Hideaway  
30-43-22-18-00000.001A

Pineland Marina and Campground  
07-44-22-00-00001.0000  
07-44-22-00-00002.0000  
07-44-22-00-00002.0020

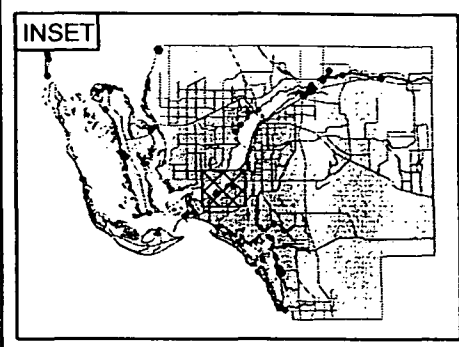
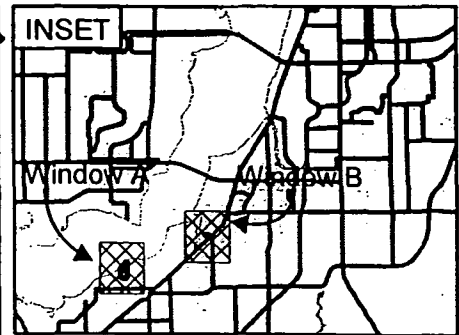
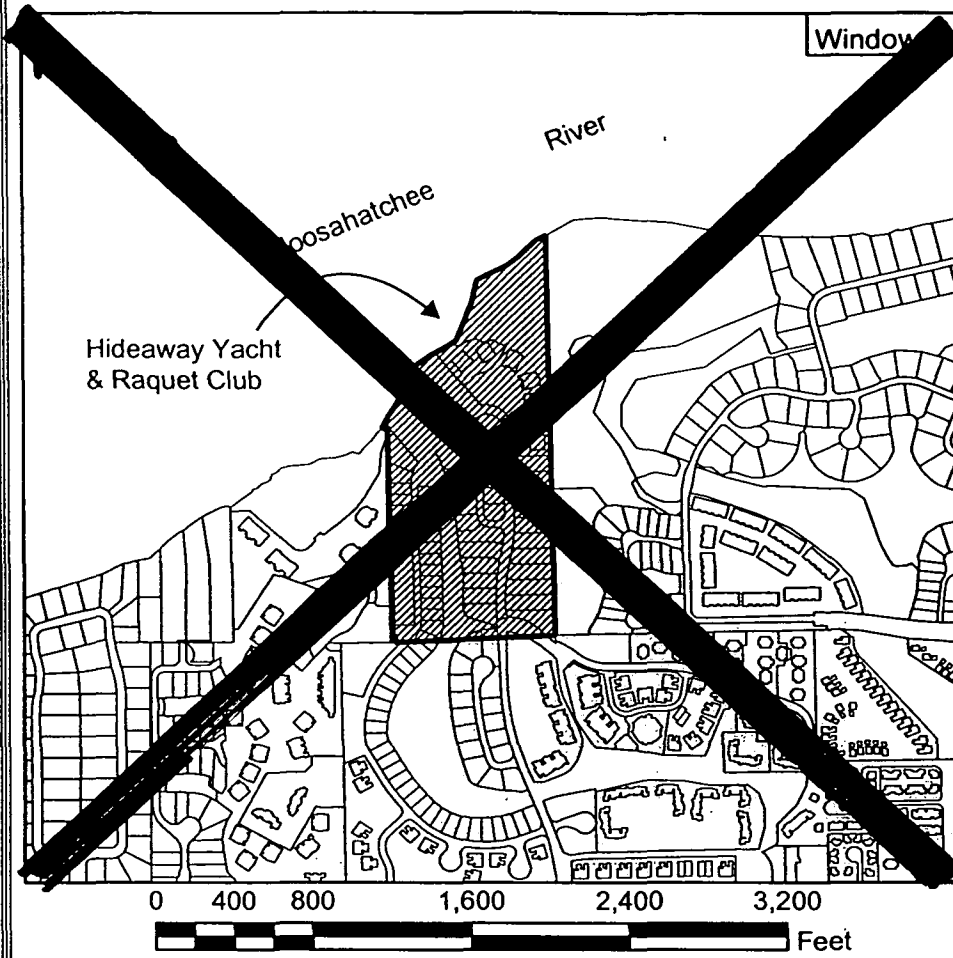
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



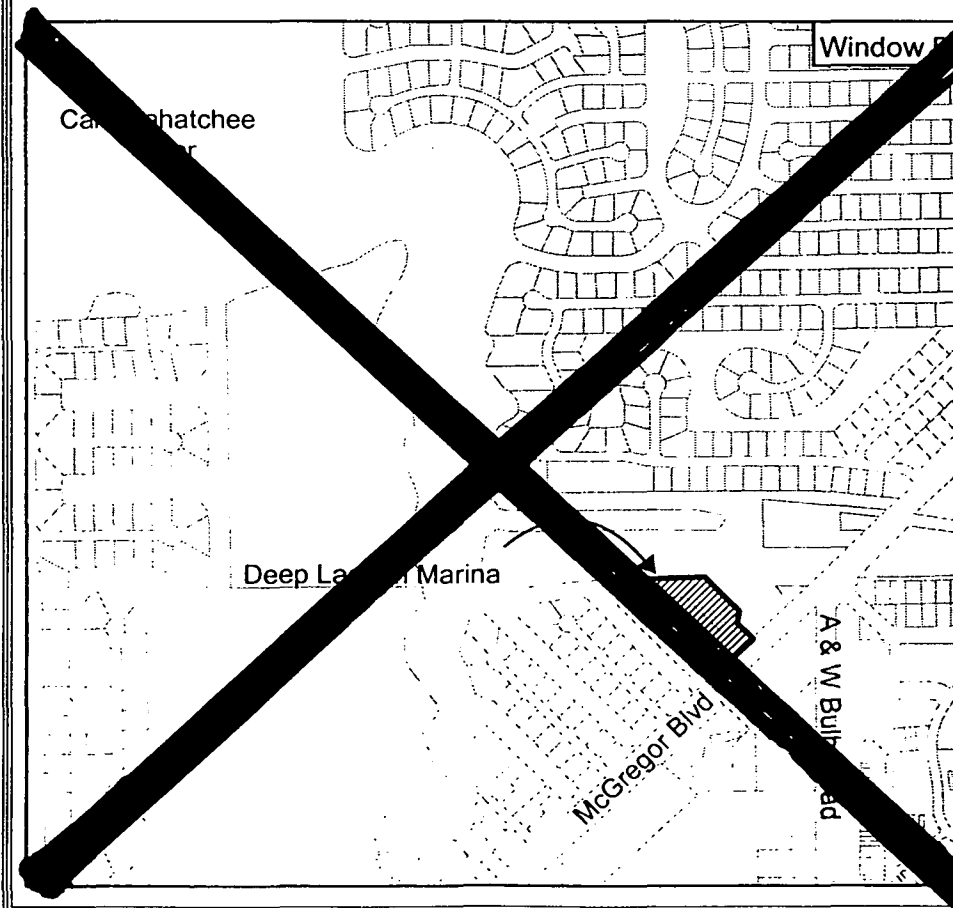
**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated August 5, 2001

# MAP 12 WATER-DEPENDENT OVERLAY ZONES



- List of STRAPS
- Deep Lagoon Marina  
29-45-24-00-00011.002A
  - Hideaway Yacht & Raquet Club  
25-45-23-00-00001.0000  
25-45-23-11-00000.0230-0340  
25-45-23-11-00000.0360-0520  
25-45-23-31-00000.0280-0450  
25-45-23-33-00000.000A  
25-45-23-33-00000.00CE  
25-45-23-33-Building A through G

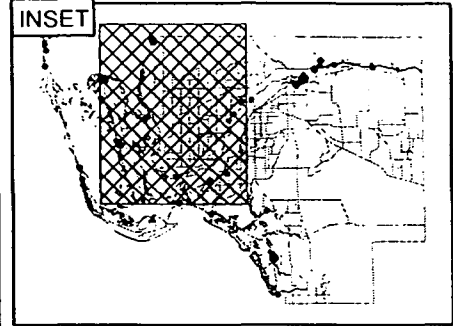
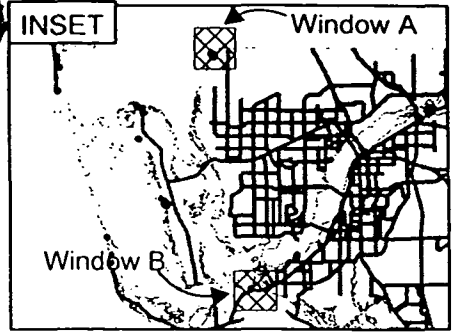
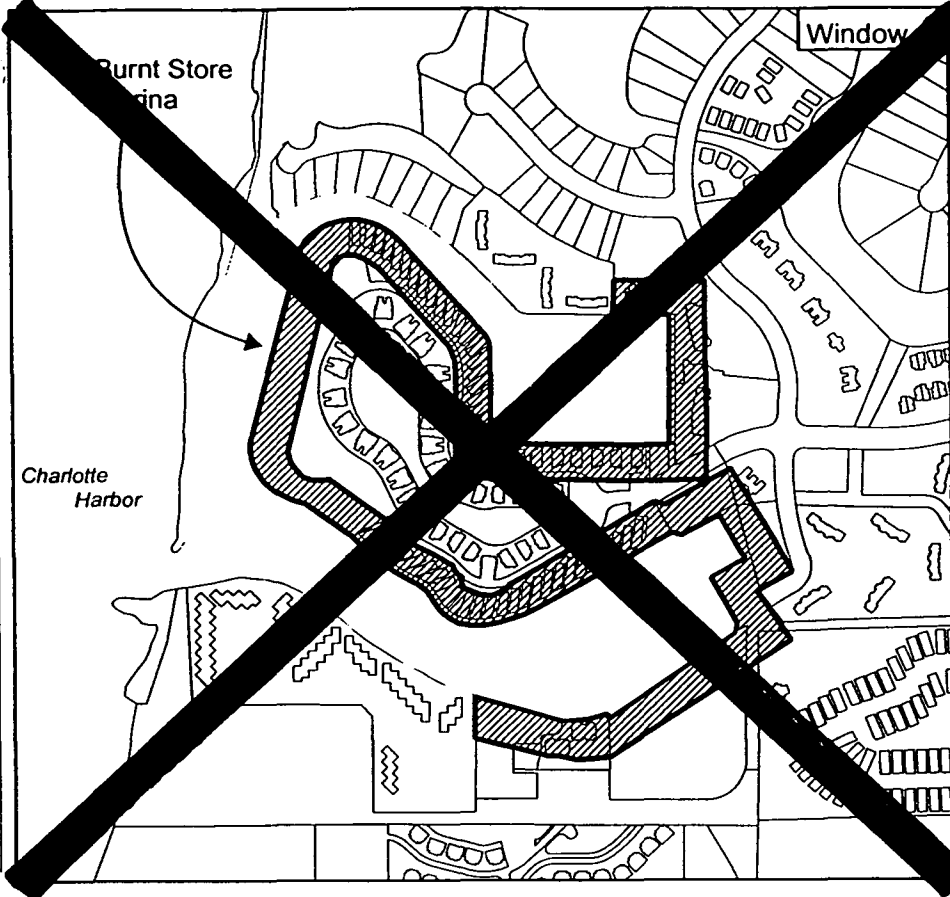


The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



Map Generated August 5, 2001

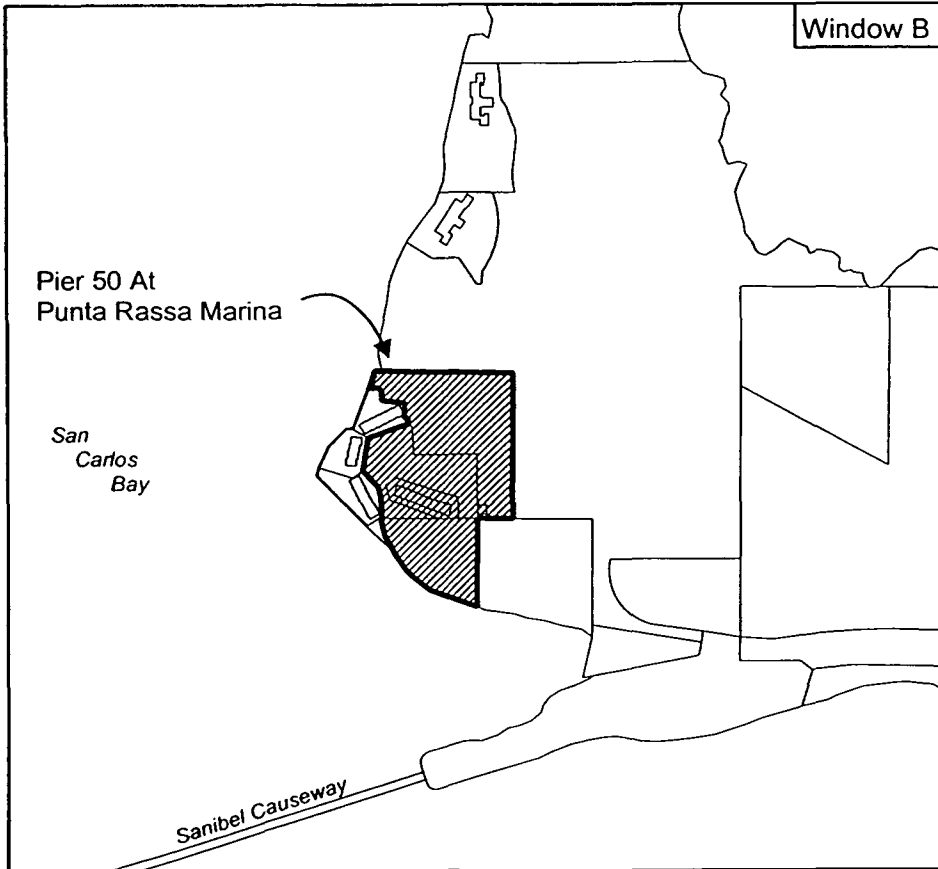
# MAP 12 WATER-DEPENDENT OVERLAY ZONES



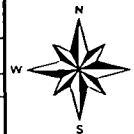
**List of STRAPS**

- Burnt Store Marina**  
 01-43-22-01-0000C.1000  
 01-43-22-02-00000.001A-C, 002A-C  
 01-43-22-02-00000.003A-C, 004A-C  
 01-43-22-02-00000.005A-C, 006A-C  
 01-43-22-02-00000.007A-C, 008A-C  
 01-43-22-04-00000.0010-0250  
 01-43-22-07-00000.1110-1180, 1210-1280, 1310-1380,  
 01-43-22-07-00000.000A, 00CE  
 01-43-22-07-00000.2110-2180, 2210-2280, 2310-2380  
 01-43-22-10-00000.1010-1060, 2010-2060, 3010-3060  
 01-43-22-10-00000.4010-4060, 5010-5060, 6010-6030  
 01-43-22-12-00000.000A, 00CE  
 01-43-22-12-00000.1101-1108, 1201-1208, 1301-1308  
 01-43-22-12-00000.1401-1408, 1501-1508, 1601-1608  
 01-43-22-12-00000.1701-1708, 1801-1804, 2101-2108  
 01-43-22-12-00000.2201-2208, 2301-2308, 2401-2408  
 01-43-22-12-00000.2501-2508, 2601-2608, 2701-2708  
 01-43-22-12-00000.2801-2804  
 01-43-22-15-00000.0010-0220

- Pier 50 at Punta Rassa Marina**  
 09-46-23-00-00009.0000  
 09-46-23-00-00009.0010  
 09-46-23-00-00009.0020  
 09-46-23-00-00000.00CE  
 09-46-23-01-00000.00CE  
 09-46-23-01-00000.000A



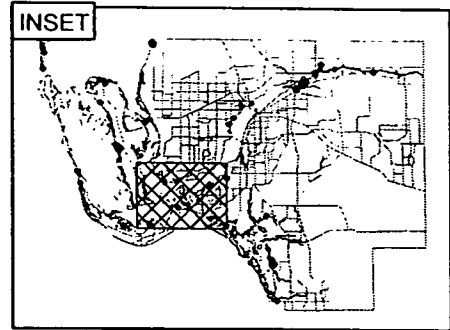
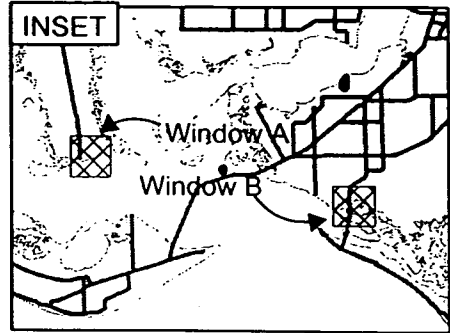
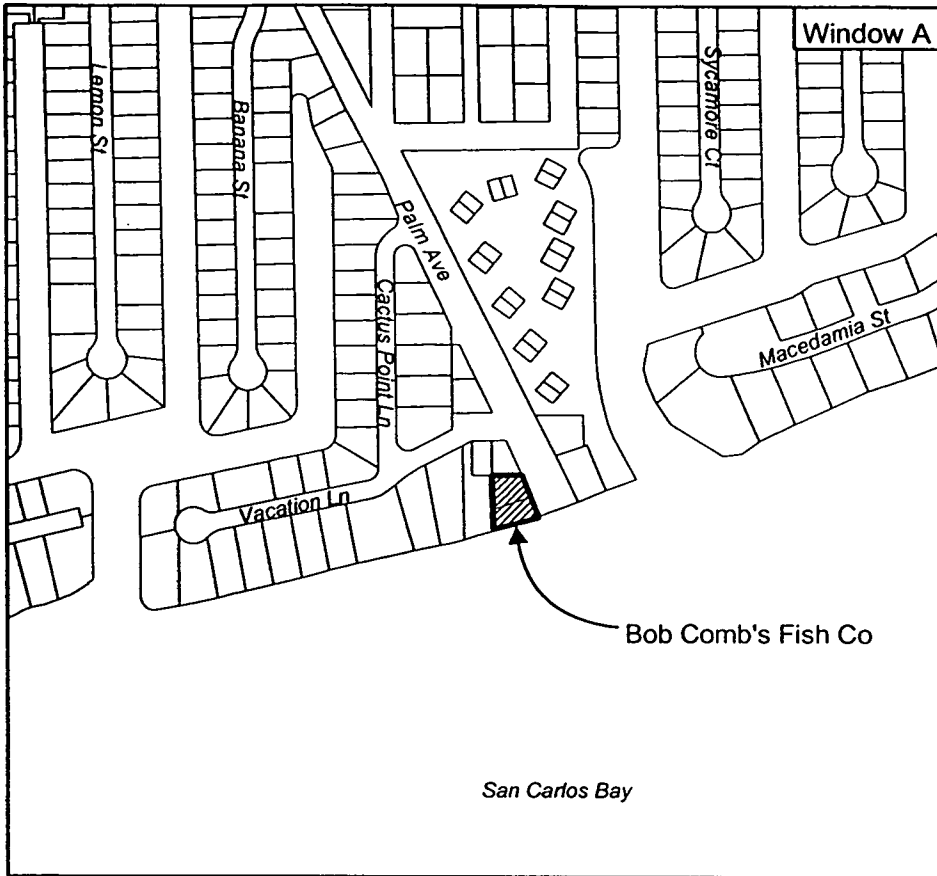
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



**LEE COUNTY**  
 SOUTHWEST FLORIDA  
 DIVISION OF PLANNING

Map Generated August 5, 2001

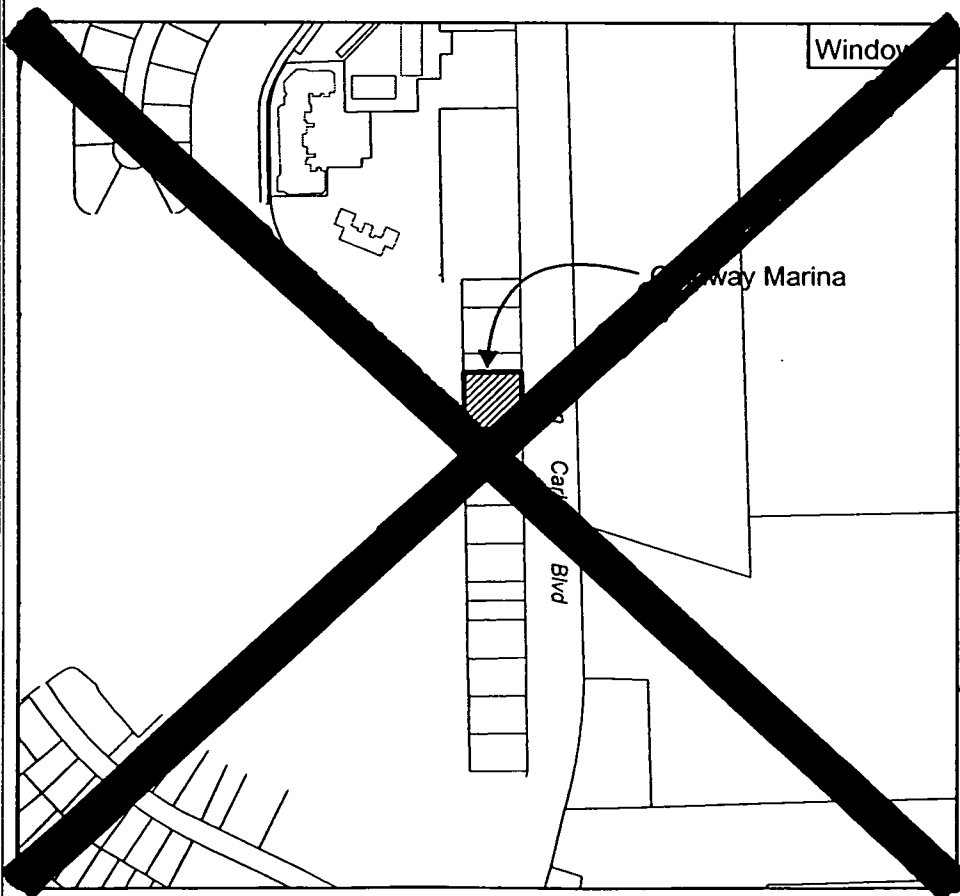
# MAP 12 WATER-DEPENDENT OVERLAY ZONES



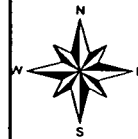
List of STRAPS

Bob Comb's Fish Co.  
02-46-22-05-00494.0110

Getaway Marina  
13-46-23-00-00027.0000



The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated August 5, 2001

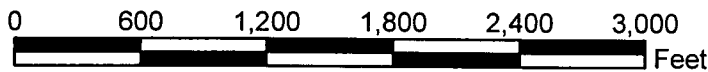
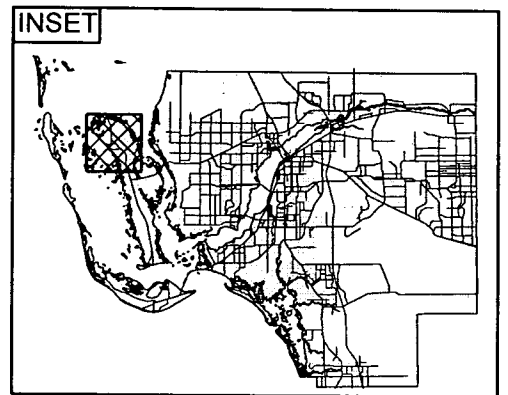
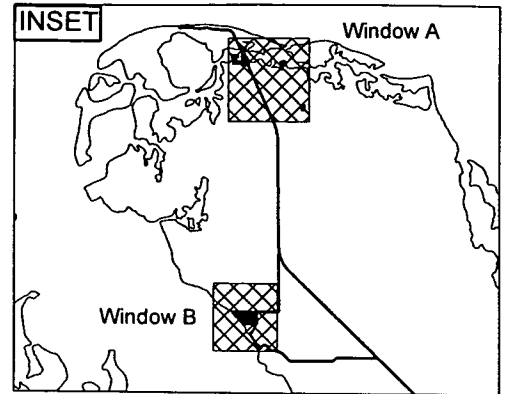
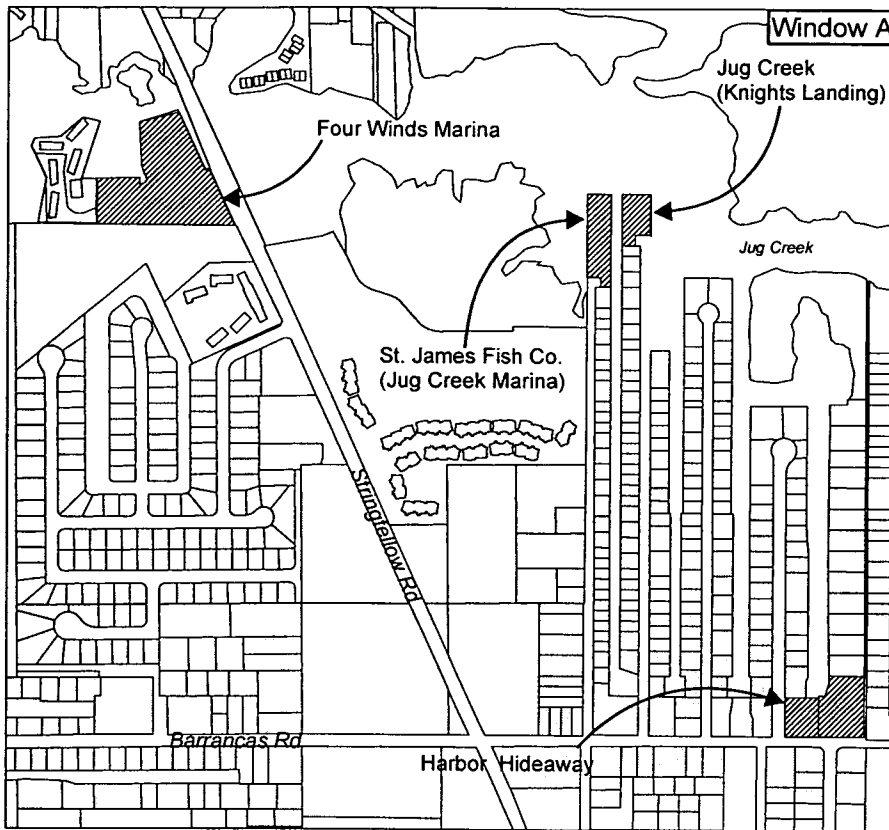
Page 10 of 12

Attachment 2  
Proposed Map 12



# Map 12

## Water Dependent Overlay Zones



- Four Winds Marina**  
 30-43-22-00-00027.0020  
 30-43-22-14-00000.1010 to .1060  
 30-43-22-14-00000.2010 to .2060  
 30-43-22-16-00000.00CE  
 30-43-22-16-00000.000A  
 30-43-22-16-00003.3010 to .3060  
 30-43-22-16-00004.4010 to .4060  
 30-43-22-16-00005.5010 to .5060

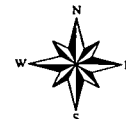
- St. James Fish Co.  
 (Jug Creek Marina)**  
 30-43-22-02-0000A.0010

- Jug Creek  
 (Knights Landing)**  
 30-43-22-02-0000B.0010

- Harbor Hideaway**  
 30-43-22-18-00000.001A

- Pineland Marina & Campground**  
 07-44-22-00-00001.0000  
 07-44-22-00-00002.0000  
 07-44-22-00-00002.0020

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

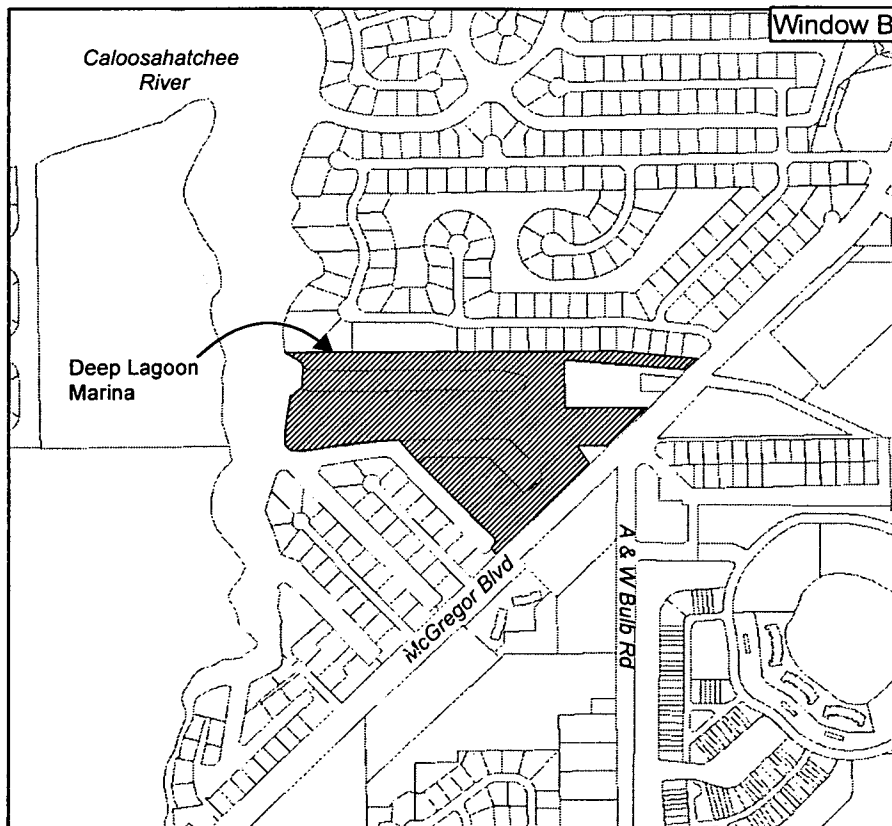
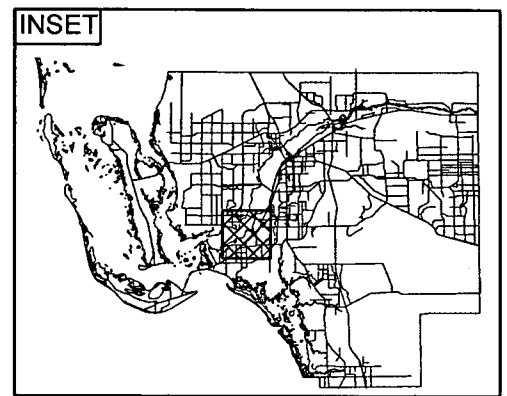
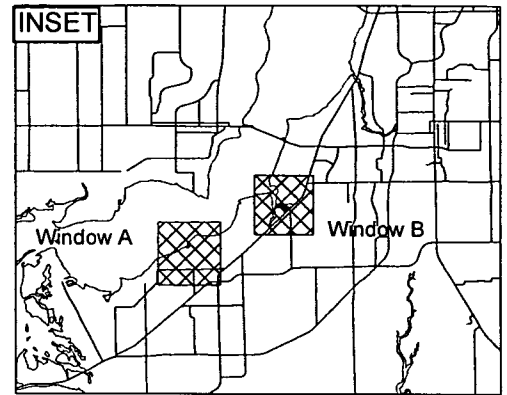
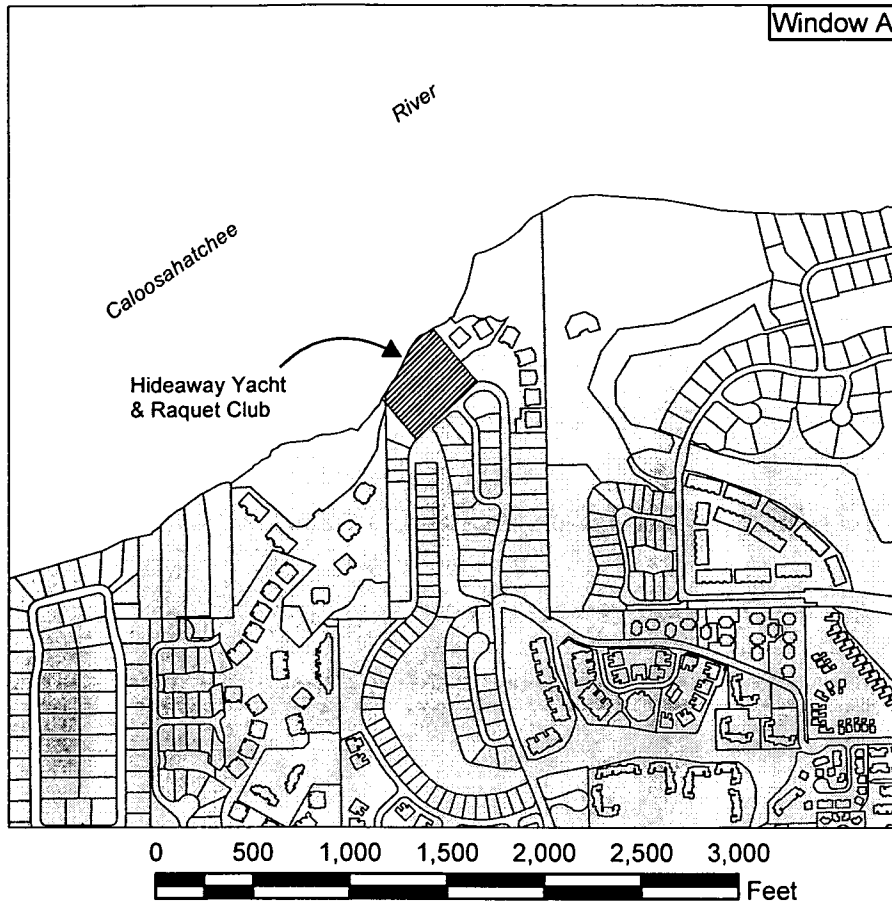


**LEE COUNTY**  
 SOUTHWEST FLORIDA  
 DIVISION OF PLANNING

Map generated June 11, 2002

# Map 12

## Water Dependent Overlay Zones



### List of STRAPS

Deep Lagoon Marina  
29-45-24-00-00011002A

Hideaway Yacht & Raquet Club  
(Peppertree Point)  
25-45-23-00-00001.0000

NOTE: The map shows only those parts of the subject parcel that are zoned for marina use.

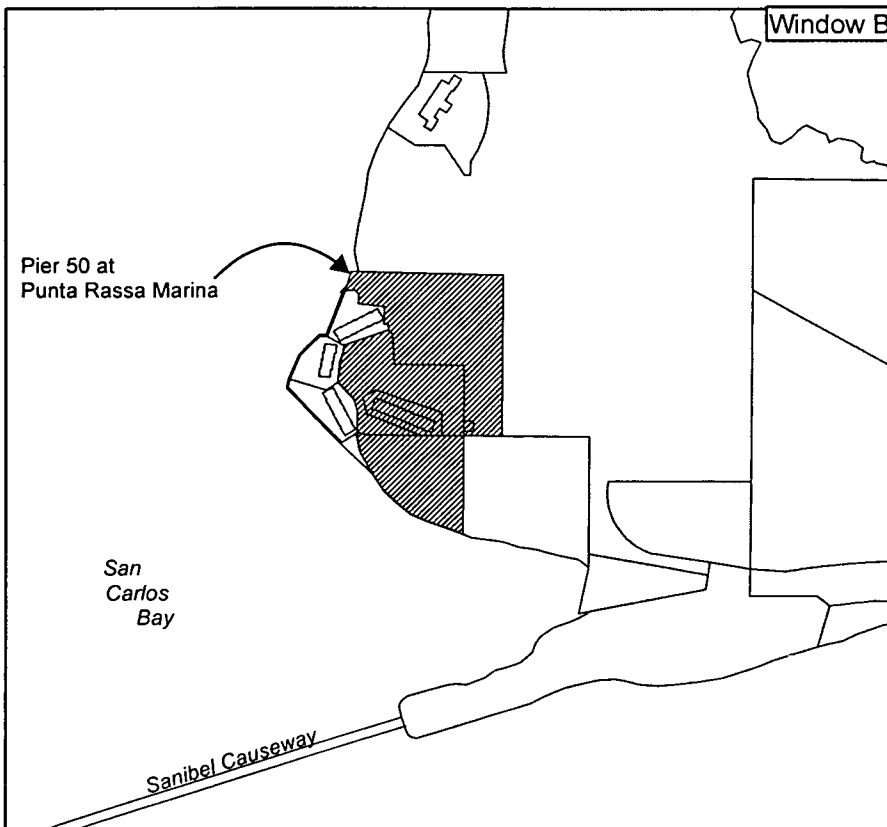
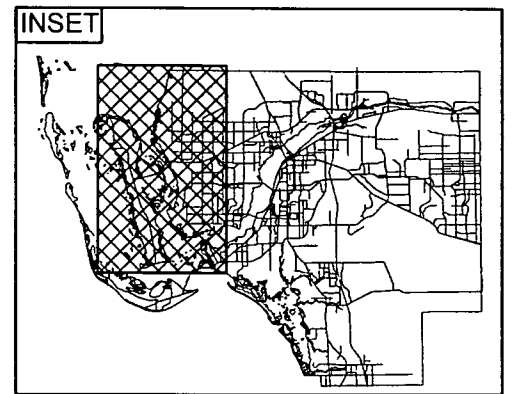
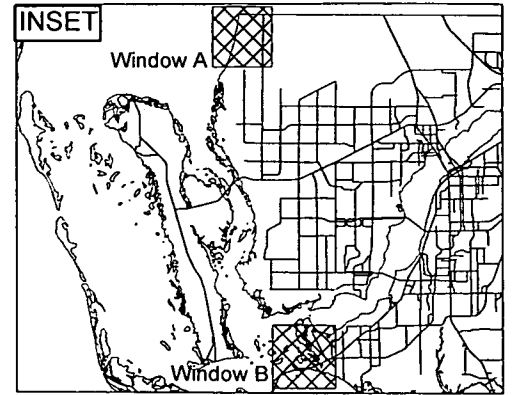
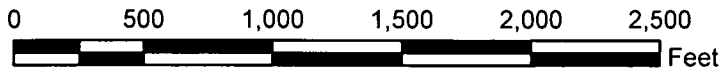
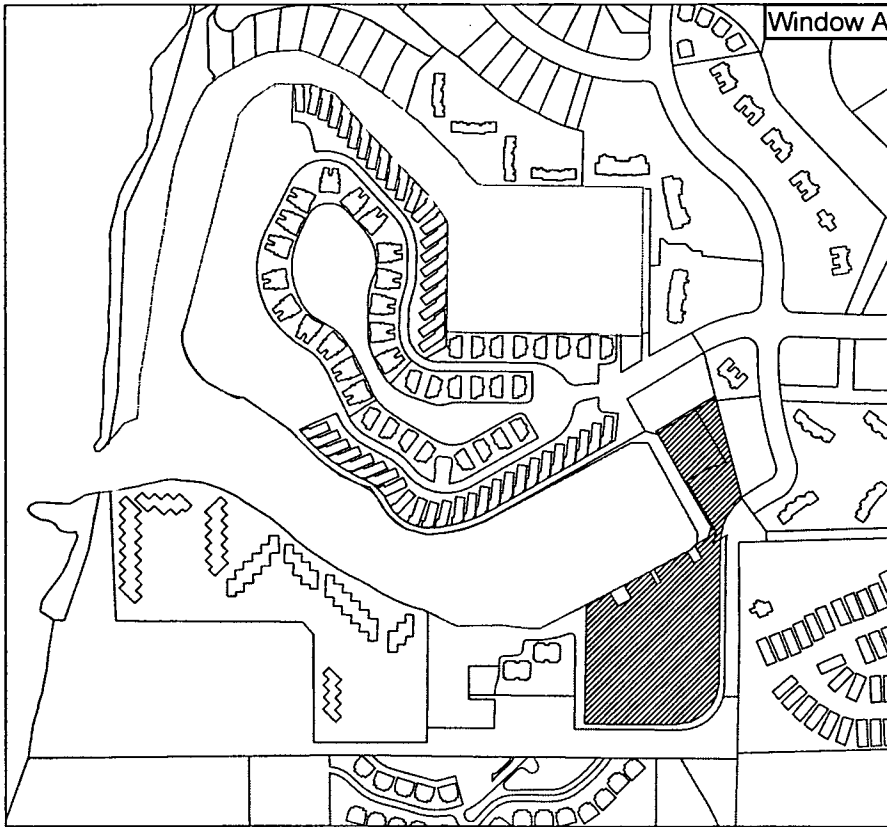
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



Map generated June 12, 2002

# Map 12

## Water Dependent Overlay Zones

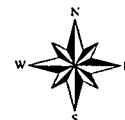


### List of STRAPS

Burnt Store Marina  
 01-43-22-000000C0010  
 NOTE: The map depicts only those parts of the subject parcel that are zoned for marina uses.

Pier 50 at Punta Rassa  
 09-46-23-00-00000.00CE  
 09-46-23-00-00009.0000  
 09-46-23-00-00009.0010  
 09-46-23-00-00009.0020  
 09-46-23-01-00000.00CE  
 09-46-23-01-00000.000A

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

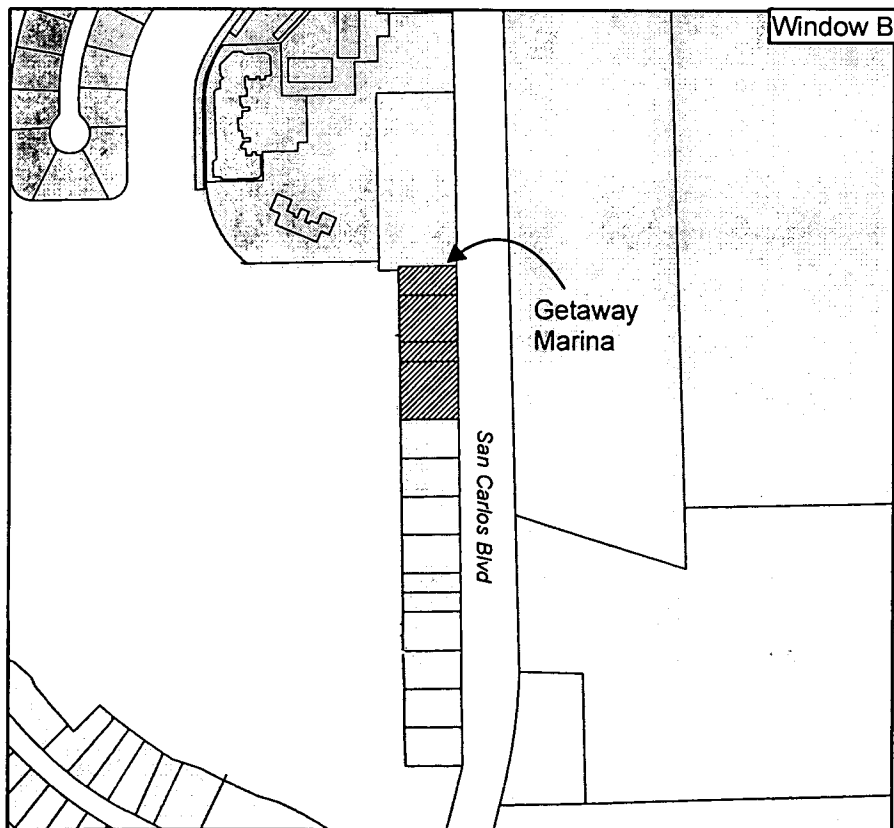
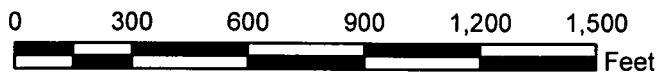
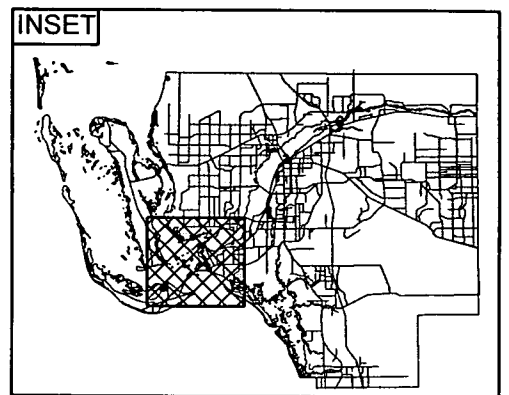
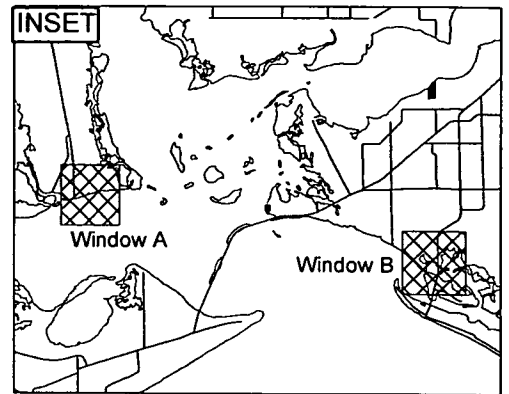
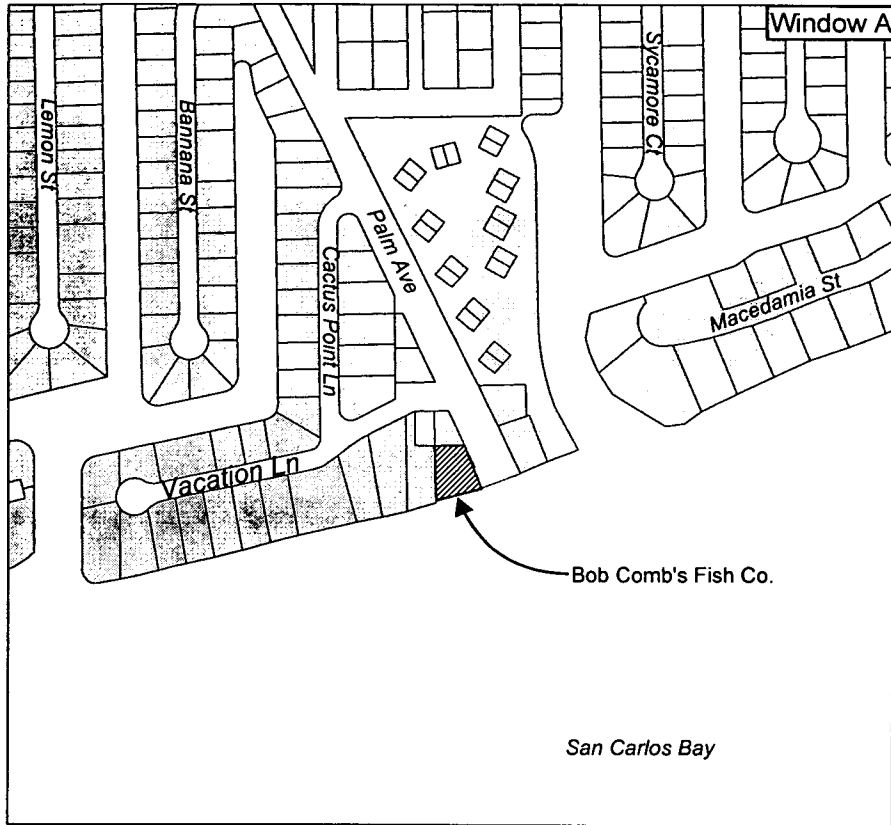


**LEE COUNTY**  
 SOUTHWEST FLORIDA  
 DIVISION OF PLANNING

Map generated June 12, 2002

# Map 12

## Water Dependent Overlay Zones

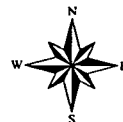


### List of STRAPS

Bob Comb's Fish Co.  
02-46-22-05-00494.0110

Getaway Marina  
13-46-23-00-00007.0000  
13-46-23-00-00006.0000  
13-46-23-00-00006.0010  
13-46-23-00-00006.0020

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map generated June 13, 2002