

Old San Carlos Island-Comp Plan Amendment

Level-of-Service requirement for the specific private utility plant if it can be proved that such utility has sufficient plant and system capacity to properly service its franchised or certificated area. The proof will be in the form of properly documented daily flow reports, occupancy rates or related statistical information, and any other necessary information that may be pertinent to the justification of the requested action, to establish a new individual Level-Of-Community Facilities and Services IV-1 December 2004 Service standard. This data should be for a period covering at least the last two prior years. (Amended by Ordinance No. 92-35, 00-22)

POLICY 53.1.4: The Board of County Commissioners urges all utilities to construct and install sufficient treatment facilities and distribution systems that will meet or exceed the minimum acceptable service standards and with the capacity to deliver water at a pressure of 20 pounds per square inch (wp PSI static) at the meter anywhere on the individual system (excluding fire flow conditions). In addition, by September 30, 1994, all utilities are urged to deliver water pressure of 40 pounds per square inch (static pressure, excluding fire flow conditions). Each utility is encouraged to advise the planning and engineering staffs of the county regarding system expansions or modifications to ensure coordination with other utilities and with all other issues of public interest and to prevent duplication of facilities and services. (Amended by Ordinance No. 92-35)

POLICY 53.1.5: County development regulations will be amended to specify that no county development order under the Development Standards Ordinance for a residential development more intense than 2.5 dwelling units per gross acre, for a commercial development of more than 30,000 square feet of gross floor area, or for any industrial plant of more than 30,000 square feet of gross floor area, will be issued in any franchised or certificated water service area, or within Lee County Utilities' future service area, unless potable water service, at the minimum acceptable level of service, is available at the property line, or surety is given that it will be installed prior to occupancy. This policy will in no way exempt any development of any size from meeting the levels of service required for concurrency under Policies 53.1.2 and 95.1.3. (Amended by Ordinance No. 00-22)

POLICY 53.1.6: No permit will be issued allowing any utility to use a public right-of-way or to cut a pavement in a public right-of-way to extend service outside of its certificated or franchised area or to extend service into an area allocated to another utility, unless the other utility concurs in writing. This will be enforced along municipal and state rights-of-way by interlocal agreement and memoranda of agreement as required. (Amended by Ordinance No. 00-22)

POLICY 53.1.7: In allocating Industrial Development Revenue Bond capacity, the county will give priority to private water utility firms proposing to construct basic facilities and to provide or upgrade infrastructure serving developed areas and antiquated subdivisions undergoing redevelopment. (Amended by Ordinance No. 00-22)

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POLICY 53.1.8: The costs of new or augmented potable water infrastructure that is developed by Lee County will be borne by those who benefit from the improved supply. (Amended by Ordinance No. 94-30, 00-22)

POLICY 53.1.9: New development will pay through appropriate financial mechanisms its fair share of the costs of providing standard potable water for that development. (Amended by Ordinance No. 00-22)

POLICY 53.1.10: By 1999, county staff will formulate the study proposal to determine the appropriateness of requiring certain existing residential developments at a density equal to or in excess of 2.5 dwelling units per acre to connect to a potable water or sewer system, if available. The study will address the issue of health related problems and will include the collection and analysis of well samples to determine if there is an immediate health problem as well as a cost benefit analysis. This study proposal will include recommendations regarding which pre-platted Community Facilities and Services IV-2 December 2004 communities and subdivisions should be required to connect to a potable water or sewer system, if available. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 54: CONSERVATION. To ensure that future populations have access to potable water supplies and services at a reasonable price by using and encouraging conservation and resource management measures to reduce consumption of potable water.

OBJECTIVE 54.1: The county will continue its programs in education, technical advice, demonstration, rate revisions, and reuse to reduce potable water consumption and the consumption of large volumes of potentially potable water. Water consumption per Equivalent Residential Unit will be decreased by 2.5% annually through the year 2000. (Amended by Ordinance No. 94-30, 00-22)

POLICY 54.1.1: Using the personnel and resources of various county agencies, Lee County will continue to offer a program of public information and education. This program should include the use of print media, advertising, and public service announcements on radio and television highlighting and advocating various strategies of water conservation, including, but not limited to:

- creating incentives for "gray water" systems or other recycling activities;
- adopting incentives for household and commercial use of appliances with low water consumption rates;
- advising householders to reduce water use;
- creating a demand for low water use appliances by publishing ratings of water use efficiency for appliances analogous to the energy efficiency ratings for electrical appliances;
- advocating the cost-effective use of appliances and water: i.e. run only full loads or use low water settings when appropriate;

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- encouraging the building or grounds manager, including the individual householder, to maintain the water system, i.e. timely repair of dripping faucets, leaking water closets, broken or maladjusted sprinkler heads, etc.;
- installing alternatives to spray irrigation devices for lawns and grounds management such as drip or seep systems, or at least attending to the ambient humidity and evapo-transpiration rates in controlling sprinkler systems;
- encouraging the use of drought-tolerant ground covers and shrubbery according to the principles of "xeriscape" (see glossary and Objective 117.2) and demonstrating the uses of native vegetation in landscaping; and
- generally encouraging the thoughtful use of water in all necessary activities. (Amended by Ordinance No. 94-30, 00-22)

POLICY 54.1.2: In developing and implementing local landscape regulations including the preservation, reforestation, and wetlands restoration requirements, preference will be given to native species which are adapted to the region's climatic regime. Community Facilities and Services IV-3 December 2004

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POLICY 54.1.3: Xeric landscaping, stressing the use of native vegetation, is to be emphasized through modifications to the county's development regulations and through direct action while landscaping county-owned projects.

POLICY 54.1.4: The Board of County Commissioners will periodically re-examine the "step rate" structure for the Lee County Utilities water systems which encourages water conservation by requiring that the commodity charge (basic monthly charge less readiness to serve fee and capital debt contribution) above a specified amount of water use increase continuously or by specified increments for that increased use of water. (Amended by Ordinance No. 94-30, 00-22)

POLICY 54.1.5: The Board of County Commissioners will encourage privately operated potable water utilities to adopt a "conservation" rate structure for users in their respective service areas. (Amended by Ordinance No. 00-22)

POLICY 54.1.6: Development regulations will continue to require that any development will pay the appropriate fees and connect to a re-use water system if such system is near or adjacent to the development and has sufficient surplus to supply the development. Development regulations will be amended further as follows:

- Where a significant modification is proposed to a major development subject to Chapter 10 of the Land Development Code, wastewater reuse systems will be required in the same manner as for new developments.
- The county will require by ordinance the connection of specified existing development to a utility wastewater distribution system when one is available near or adjacent to the property. (Amended by Ordinance No. 91-19, 94-30, 00-22)

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POLICY 54.1.7: It is hereby declared that the conservation of potable water supply and facility capacity is of such importance to the orderly growth of the community that in order to further provide incentive for its use, reuse water may be provided at a price significantly lower than finished potable water (the residual costs of operation being charged to the sewer users as part of the cost of effluent disposal).

POLICY 54.1.8: Priority in the use of Industrial Development Revenue Bonds or other mechanisms of public finance will be given to regulated private utilities where not prohibited by the Florida constitution or statutes in order to achieve these public ends. (Amended by Ordinance No. 00-22)

POLICY 54.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 1.7.10 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22, 02-02)

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POLICY 54.1.10: The county will continue to implement and enforce regulations to reduce the amount of effluent being discharged into surface waters. (Amended by Ordinance No. 91-19, 9430, 00-22)
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POLICY 54.1.11: Continue to encourage new and existing developments to utilize the FortMyers Beach/Iona-McGregor sewer system's dual water system. (Amended by Ordinance No. 9430, Amended and Relocated by Ordinance No. 98-09)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 55: ORGANIZATION OF SERVICE AND FACILITY DELIVERY. To provide greater local coordination of the activities of public and private utilities within the county.

OBJECTIVE 55.1: Ensure an adequate, reliable, and economical supply of potable water to meet the forecasted needs for all residents of Lee County through the year 2020 through regional planning and intergovernmental participation. (Amended by Ordinance No. 94-30)

POLICY 55.1.1: Lee County Utilities and Lee County Division of Natural Resources will plan and coordinate with other government agencies in the development of comprehensive plans as they relate to well field protection, aquifer recharge, water supply, and related capital facilities. (Added by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 03-04).

POLICY 55.1.2: Lee County Division of Natural Resources in conjunction with Lee County Utilities will perform groundwater modeling and analysis for new development, as needed, to assess the potential impact on the water resources of Lee County. The analysis will focus on the following issues:

- Adequacy of water supply, including groundwater level draw-down
- Avoidance of adverse impacts on natural systems from water supply withdrawals. (Added by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 03-04)

POLICY 55.1.3: Lee County will participate in the implementation of the Regional Water Supply Master Plan. The Master Plan will consider the expansion of existing surface water sources and wellfields and the interconnection of the transmission systems of existing public and private utilities to obtain the most cost efficient and reliable water system. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 00-22, Relocated by Ordinance No. 03-04)

POLICY 55.1.4: Lee County will continue to collect data from private suppliers of potable water, including reporting of water flows, storage capacity, pressures, number of customers, and committed future connections, and proposed expansion plans. This data will be updated on a yearly basis. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 0022)

Response: This amendment will comply with the above stated policies, objectives and goals

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b. Sanitary Sewer

GOAL 56: SANITARY SEWER INFRASTRUCTURE. To protect the public health and environmental quality by encouraging and ensuring the provision of sanitary sewer service and wastewater treatment and disposal throughout the future urban areas of the unincorporated county and to Fort Myers Beach. (Amended by Ordinance No. 98-09)

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OBJECTIVE 56.1: The county will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies. (Amended by Ordinance No. 00-22)

POLICY 56.1.1: The Board of County Commissioners hereby establishes service areas for the Fort Myers Beach/Iona sewer system, the South Fort Myers sewer system, the East Lee County sewer system, and the Matlacha sewer system throughout which it will provide standard service as required by demand, and within which it will challenge applications by private sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 7. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)

POLICY 56.1.2: The minimum acceptable level-of-service standard (see Policy 95.1.3) for sanitary sewer connections to Lee County Utilities will be:

- available basic facility capacity (see glossary) to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month, except that facilities serving only mobile home residential structures shall have a capacity of 150 gallons per day and facilities serving only travel trailer residential structures must have a capacity of 120 gallons per day. (Amended by Ordinance No. 92-35, 00-22)

POLICY 56.1.3: The Board of County Commissioners encourages all private utilities to set a minimum acceptable level of service to be adopted herein for use in the concurrency management system within their respective franchised or certificated areas. After the effective date of this plan or September 1, 1989, whichever is later, if the county has not adopted such standards into this plan, the standards adopted for Lee County Utilities' sanitary sewer systems will apply in those certificated or franchised areas and will be used in enforcing concurrency regulations (see Policy 95.1.3). After the deadline set above any private utility that cannot meet the Level-of-Service standards set forth for Lee County Utilities will have the opportunity to petition for a Plan Amendment for a revised Level-of-Service requirement for the specific private utility plant if it can be proved that such utility has sufficient plant and system capacity to properly service its franchised or certificated area. The proof will be in the form of properly documented daily flow reports, occupancy rates or related statistical information, and any other necessary information that may be pertinent to the justification of the requested action, to

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establish a new individual Level-Of Service standard. This data should be for a period covering at least the last two prior years. (Amended by Ordinance No. 92-35, 00-22)

POLICY 56.1.4: The Board of County Commissioners urges all utilities to construct and install sufficient treatment facilities and collection systems that will meet or exceed the minimum acceptable service standards and with the capacity to service the demand so generated and will meet or exceed the minimum requirements of the Department of Environmental Protection, the Department of Health and Rehabilitative Services, U.S. Environmental Protection Agency, or any local ordinances which exceeds the foregoing. Each utility is encouraged to advise the planning and utility engineering staffs of the county regarding system expansions or modification to ensure coordination with other utilities and with all other issues of public interest and to prevent duplication of facilities and services. (Amended by Ordinance No. 92-35, 94-30) Community Facilities and Services IV-6 December 2004

POLICY 56.1.5: County development regulations will be amended to specify that no county development order under the Development Standards Ordinance for a residential development more intense than 2.5 dwelling units per gross acre, or for any commercial or industrial development that generates more than 5,000 gallons of sewage per day, will be issued in any franchised or certificated sanitary sewer service area, without a connection to such service if capacity is available at the minimum acceptable level of service anywhere within 1/4 mile of the development. This policy will in no way exempt any development of any size from meeting the levels of service required for concurrency under Policies 56.1.2 and 95.1.3. (Amended by Ordinance No. 93-25, 00-22)

POLICY 56.1.6: No permit will be issued allowing any utility to use a public right-of-way or to cut a pavement in a public right-of-way to extend service outside of its certificated or franchised area or to extend service into an area allocated to another utility, unless the other utility concurs in writing. This will be enforced along municipal and state rights-of-way by interlocal agreement and memorandum of agreement as required. (Amended by Ordinance No. 00-22)

POLICY 56.1.7: In allocating Industrial Development Revenue Bond capacity, the county will give highest priority to private sanitary sewer utilities proposing to construct basic facilities and/or to provide or upgrade infrastructure serving developed areas and antiquated subdivision undergoing redevelopment. (Amended by Ordinance No. 00-22)

POLICY 56.1.8: County development regulations will be amended to specify that any change in use or intensity in an approved development order will be subject to compliance with Policy 56.1.5. (Added by Ordinance No. 93-25, Amended by Ordinance No. 00-22)

POLICY 56.1.9: Lee County Utilities will continue to identify those properties within the Fort Myers Beach Fire Control District that are not fully connected to the wastewater collection system and require them to connect. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 98-09)

OBJECTIVE 56.2: The county will maintain and enforce such ordinances as are necessary to require the connection of commercial and larger residential establishments to such public or private central utility systems when those systems are available for service. (Amended by Ordinance No. 9430, 00-22)

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POLICY 56.2.1: It is hereby declared that in the interests of preserving public health and of preserving and enhancing environmental quality, it is in the public interest to abate and cease use of septic tanks and wastewater treatment package plants where and when central sewer is available.

POLICY 56.2.2: With the cooperation of the respective utility firms or agencies, the county will maintain a program for the abatement of septic tanks and package plants in areas in which sewer is presently available and in areas encompassed by assessment districts established for upgrading sewer availability. (Amended by Ordinance No. 94-30, 00-22)

POLICY 56.2.3: The county will encourage utilities to maintain or plan sufficient treatment capacity for near-term (2 years) availability to provide capacity for unserved development surrounded by existing areas with sewer service. (Amended by Ordinance No. 00-22) Community Facilities and Services IV-7 December 2004

OBJECTIVE 56.3: The county will ensure that the disposal of grease and septage are either recycled as a beneficial product or disposed of properly. (Amended by Ordinance No. 94-30, 00-22)

POLICY 56.3.1: The county will maintain regulations that prohibit the disposal of grease and septage by landspreading or other means without first being properly treated to ensure that these products are either recycled as a beneficial product or disposed of properly. (Amended by Ordinance No. 94-30, 00-22)

Response: The amendment will comply with the policy and objective as stated above

GOAL 57: RESOURCE MANAGEMENT. To further the public health and protect environmental quality by using and encouraging conservation and resource management measures to reduce consumption of potable water and subsequent generation of wastewater.

OBJECTIVE 57.1: The county will continue its programs in education, technical advice, demonstration, rate revisions, and reuse to reduce per-capita water consumption and subsequent wastewater generation. (Amended by Ordinance No. 94-30, 00-22)

POLICY 57.1.1: Using the personnel and resources of various county agencies, Lee County will continue to design programs of public information and education to reduce demands on sewer facilities and natural systems. This program should include the use of print media, advertising, and public service announcements on radio and television highlighting and advocating various strategies to reduce demand for wastewater services, including, but not limited to:

- creating incentives for "gray water" systems or other recycling activities;
- adopting incentives for household and commercial use of appliances with low water consumption rates;
- advising householders to reduce water use;

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- supporting various aspects of the concurrent water conservation program, particularly reliance on appliances and fixtures that use less water and maximizing the cost-effective use of those appliances;
- providing information on proper maintenance of septic tanks and package plants; and
- generally encouraging the thoughtful use of water in all necessary activities that generate wastewater. (Amended by Ordinance No. 94-30, 00-22)

POLICY 57.1.2: Programs to reduce the time and cost to treat wastewater will be considered, including discouraging excessive use of garbage grinders or toxic discharges which may stop or inhibit the treatment process. (Amended by Ordinance No. 94-30, 00-22)

POLICY 57.1.3: The Board of County Commissioners will encourage privately operated sanitary sewer utilities to adopt a "conservation" rate structure for users in their respective service areas. (Amended by Ordinance No. 00-22)

POLICY 57.1.4: In the design of each new wastewater treatment plant, the county will dispose of effluent through reuse water systems. (Amended by Ordinance No. 00-22) Community Facilities and Services IV-8 December 2004

POLICY 57.1.5: Development regulations will continue to require that any development will pay the appropriate fees and connect to a reuse water system if such system is near or adjacent to the development and has sufficient surplus to supply the development. (Amended by Ordinance No. 94-30, 00-22)

POLICY 57.1.6: On-site sewer plants serving new golf course communities must be designed to reuse effluent for irrigation purposes. (Amended by Ordinance No. 00-22)

POLICY 57.1.7: In order to ensure its effectiveness as an effluent disposal system, reuse water may be provided at cost.

POLICY 57.1.8: In order to ensure the equitable distribution of the costs of a reuse water system, the costs of operation not covered by the commodity charge should fall to the sewer users as a charge for effluent disposal.

POLICY 57.1.9: Priority in the use of Industrial Development Revenue Bonds or other mechanisms of public finance will be given to regulated private utilities where not prohibited by the Florida constitution or statutes in order to achieve these public ends. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 58: ORGANIZATION OF SERVICE AND FACILITY

DELIVERY. To provide greater local coordination of the activities of public and private utility facilities within the county.

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OBJECTIVE 58.1: Oversee sewer service delivery management through a joint effort between Lee County and the various private sector providers. Re-evaluate, by 1999, the effectiveness of this effort. (Amended by Ordinance No. 94-30)

POLICY 58.1.1: By 1995, Lee County will have collected data from private sanitary sewer providers, including reporting of sewage flows, holding and treatment capacity, number of customers, committed future connections, and proposed expansion plans. Thereafter, this data will be updated on a yearly basis. (Amended by Ordinance No. 94-30, 00-22) c. Surface Water Management

Response: The amendment will comply with the policy and objective as stated above

GOAL 59: PROTECTION OF LIFE AND PROPERTY. To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

Response: The amendment is consistent with the above goal by replacing inferior structures that are prone to flooding and hurricanes with the latest building technologies for flood and hurricane protection.

OBJECTIVE 59.1: Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water. (Amended by Ordinance No. 94-30, 00-22)

Response: The amendment will correct the surface water drainage system for some 30 plus acres that have limited to no surface water management system in place because of the age of the development.

POLICY 59.1.1: The County will continue to prepare and implement a comprehensive county-wide surface water management master plan, with full attention to issues of regional water quality Community Facilities and Services IV-9 December 2004 and environmental integrity. The County will complete basin plans for all of the remaining watersheds in Lee County by 2005. As each basin plan is completed, it will be scheduled for adoption by the Board of County Commissioners. (Amended by Ordinance No. 98-09)

POLICY 59.1.2: From technical data underlying the surface water management plan, criteria will be established and utilized to identify floodways and other areas of special flood risk not already identified by the Federal Flood Hazard Map and Flood Insurance Study. (Amended by Ordinance No. 00-22)

POLICY 59.1.3: By 1995, Lee County will update its flood plain regulations in accordance with the 1984 Flood Plain Management Study and other available sources. (Amended by Ordinance No. 94-30)

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POLICY 59.1.4: Continue to develop, update, and improve technical information, with the assistance of the U.S.D.A. Natural Resources Conservation Service, United States Geological Survey, Federal Emergency Management Agency, South Florida Water Management District, and other agencies, in order to better determine the current flooding risks associated with severe rainfall events. (Amended by Ordinance 91-19, 94-30, 99-15, 02-02)

POLICY 59.1.5: The county will, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways. (Amended by Ordinance No. 94-30, 00-22)

POLICY 59.1.6: The county will, through appropriate regulations, continue to provide standards for construction of artificial drainageways compatible with natural flow ways and otherwise provide for the reduction of the risk of flood damage to new development. (Amended by Ordinance No. 94-30, 00-22)

POLICY 59.1.7: Priorities in public investment in surface water management facilities will be limited to new or expanded facilities serving the future urban areas, existing development, public facilities, and the maintenance of existing infrastructure; and outside the future urban areas, only to the prevention or reversal of environmental degradation, or the alleviation of bona fide health and safety emergencies. (Amended by Ordinance No. 00-22)

POLICY 59.1.8: The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 02-02)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS. To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.

OBJECTIVE 60.1: COUNTY-WIDE PROGRAM. Lee County will continue its efforts in developing a surface water management program that is multi-objective in scope and is geographically based on basin boundaries. (Amended by Ordinance No. 94-30, 00-22)

POLICY 60.1.1: The detailed Surface Water Management Master Plan that was initiated in 1989 to identify the existing watershed basin boundaries within Lee County, to evaluate the storm Community Facilities and Services IV-10 December 2004 capacity and establish design criteria, and to determine costs for surface water management within each basin to meet applicable design storm standards will be completed by 2005. (Amended by Ordinance No. 98-09)

POLICY 60.1.2: Develop surface water management systems in such a manner as to protect or enhance the groundwater table as a possible source of potable water.

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POLICY 60.1.3: Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.

POLICY 60.1.4: The county will examine steps necessary to restore principal flow-way systems, if feasible, to assure the continued environmental function, value, and use of natural surface water flow-ways and associated wetland systems. (Amended by Ordinance No. 00-22)

POLICY 60.1.5: Additional public hearings on Lee Plan amendments will be held to incorporate each phase of the Surface Water Management Master Plan. These amendments will specifically address:

- (a) incorporating the additions to the database into the Lee Plan;
- (b) modifying the interim level-of-service standards; and
- (c) modifying the Future Land Use, Community Facilities and Services, and Capital

Improvements elements as necessary to incorporate the study's initial findings. (Amended by Ordinance No. 94-30)

POLICY 60.1.6: Lee County will maintain in its land development regulations requirements that proper stormwater management systems be installed when land is being redeveloped. Appropriate exemptions will be provided to this requirement for individual residential structures and for historic districts. The regulations may also provide modified stormwater management standards for publicly sponsored projects within community redevelopment areas (as defined by Chapter 163, Part III, Florida Statutes). However, this policy will not be interpreted so as to waive any concurrency level-of-service standards. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 60.2: BASIN PROGRAM. Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach used by Lee County and the South Florida Water Management District, through pilot or demonstration programs in two or more basins by 1996. (Amended by Ordinance No. 94-30)

POLICY 60.2.1: The Surface Water Management Master Plan will identify those basins (or sub-basins) which may be most suitable for basin-wide surface water management, based on:

- natural flow ways and drainage patterns;
- existing development patterns;
- land ownership patterns; and
- development potential based on the Future Land Use element of this plan. (Amended by Ordinance No. 00-22) Community Facilities and Services IV-11 December 2004

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POLICY 60.2.2: Taxing/benefit districts or other financing mechanisms established pursuant to Goal 3 of this plan will include an examination of the potential for basin-wide surface water management within the designated area. (Amended by Ordinance No. 00-22)

POLICY 60.2.3: The County will utilize the Water Conservation Utility to implement the provision and maintenance of collection and disposal systems for stormwater and the regulation of groundwater. By the end of 1996, the county will establish a dedicated funding source for the effective operation of the Stormwater Management Utility. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 60.3: LEVEL-OF-SERVICE STANDARDS. Revise by 1996 the surface water management level-of-service standards for basins and sub-basins identified in the Surface Water Management Master Plan. These future service standards can only be finalized upon the completion of the basin studies and will be based upon providing a defined level of flood protection, balanced with the protection of natural flow ways and associated wetland systems. (Amended by Ordinance No. 94-30)

POLICY 60.3.1: The following surface water management standards are adopted as minimum acceptable levels of service for unincorporated Lee County (see Policy 95.1.3).

A. Existing Infrastructure/Interim Standard The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map 15) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

B. Six Mile Cypress Watershed (see Map 18) The level-of-service standard for the Six Mile Cypress Watershed will be that public infrastructure remains adequate such that floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level for Six Mile Cypress Watershed will be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year level and watershed boundaries are as established in Volume IV of the Six Mile Cypress Watershed Plan. The following additional standards are hereby established as desired future level-of-service standards, to be achieved by September 30, 1994:

1. The Six Mile Cypress Slough and its major tributaries as identified in the Six Mile Cypress Watershed Plan (February 1990) must accommodate the associated discharge from the 25 year, 3-day storm event (rainfall). [Ref: Six Mile Cypress Watershed Plan (February 1990) -Volume II, Pages 10-5.]
2. Water quality will be improved in accordance with EPA's NPDES and Rule 17-40 F.A.C. criteria for stormwater discharges.

C. Other Watersheds (see Map 18): Gator Slough, Yellow Fever Creek, Yellow Fever Creek-East Branch, Powell Creek, Billy Creek, Whiskey Creek, Deep Lagoon, Cow Creek, Hendry Creek, Ten Mile Canal, and Imperial River Watersheds. Community Facilities and Services IV-12 December 2004 The level-of-service standard for the above watersheds will be that all arterial roads at their crossing of the trunk conveyances, as referenced in the Lee County Surface Water Management Master Plan, will be free of flooding from the 25-year, 3-day storm event (rainfall). This standard will not apply to Chiquita

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Boulevard because it is located within the City of Cape Coral. The following additional standards are hereby established as desired future level-of-service standards to be achieved by September 30, 1994:

1. Floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level will be safe from from a 100-year, 3-day storm event (rainfall).

2. Water quality will be improved in accordance with EPA's NPDES and Rule 17-40 F.A.C. criteria for stormwater discharges.

D. Regulation of Private and Public Development Surface water management systems in new private and public developments (excluding widening of existing roads) must be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments must be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest. (Amended by Ordinance No. 92-35, 94-29, 00-22)

POLICY 60.3.2: The county will continue to maintain and update annually the CIP to provide for the needs of the surface water management program. (Amended by Ordinance No. 94-30)

POLICY 60.3.3: The revised levels of service required to guide future investments in surface water management facilities will be based on the recommendations of the Surface Water Management Master Plan, as updated, and procedures will be established to keep current the levels of service, remaining capacity of existing facilities, and demand for new facilities.

POLICY 60.3.4: Water management projects will be evaluated and ranked according to the priorities adopted into this plan. Major emphasis will be given to improving existing drainage facilities in and around future urban areas as shown on the Future Land Use Map, and to enhancing or restoring environmental quality. (Amended by Ordinance No. 00-22)

POLICY 60.3.5: By 1996, complete the preliminary design of storm water management systems for each basin identified in the Surface Water Management Master Plan and develop a capital facility improvement schedule. (Amended by Ordinance No. 94-30)

OBJECTIVE 60.4: CRITICAL AREAS. The Six Mile Cypress Basin (as defined in Chapter 10 of the Land Development Code) and the Density Reduction/Groundwater Resource land use category are both identified as "critical areas for surface water management." The county will maintain Community Facilities and Services IV-13 December 2004 existing regulations to protect the unique environmental

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and water resource values of these areas. (Amended by Ordinance No. 94-30, 00-22) POLICY 60.4.1: The county will maintain provisions in Chapter 10 of the Land Development Code that reduce or eliminate the exemptions allowable in the Six Mile Cypress Basin. (Amended by Ordinance No. 94-30, 00-22)

POLICY 60.4.2: The county will maintain the elimination of the exemptions in its development regulations for agricultural uses and small subdivisions within the "critical areas for surface water management" and will continue to subject these uses to an appropriate review process. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 60.5: INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEM. The long-term benefits of incorporating green infrastructure as part of the surface water management system include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment. (Added by Ordinance No. 03-06).

POLICY 60.5.1: The County encourages new developments to design their surface water management systems to incorporate best management practices including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways. (Added by Ordinance No. 03-06)

Response:

POLICY 60.5.2: The County encourages new developments to design their surface water management system to incorporate existing wetland systems. (Added by Ordinance No. 03-06)

POLICY 60.5.3: The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways. (Added by Ordinance No. 03-06)

POLICY 60.5.4: The County will continue to identify and map flow-ways as part of the Lee County Surface Water Management Plan. The Plan provides a general depiction of watersheds and their trunk and major tributaries and has been expanded to some degree in the DRGR area. As new information is assembled, the Plan will be updated for public use. Due to its magnitude and need for site specific information, not all flow-ways will be shown. (Added by Ordinance No. 03-06)

POLICY 60.5.5: The County will continue to coordinate the review of flow-ways with the other regulatory agencies and assist in the development of incentives and /or credits for implementation of regional surface water management systems that address flood protection, water quality/ environmental enhancement and water conservation. (Added by Ordinance No. 03-06)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 61: PROTECTION OF WATER RESOURCES. To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are

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consistent with the need to protect receiving waters. Community Facilities and Services IV-14 December 2004

OBJECTIVE 61.1: WATER SUPPLY PLANNING. All county water supply planning will include the recognition of surface water runoff as a possible resource and will consider integrating the use of surface water runoff in any supply program or strategy that results. (Amended by Ordinance No. 0022)

POLICY 61.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely, and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality fresh water compatible with that use, consistent with financial and technical constraints. (Amended by Ordinance No. 00-22)

POLICY 61.1.2: The county will explore, and implement where financially and technically feasible, all existing options for storing and utilizing excess surface water runoff for human consumption and other uses. Such options may include surface impoundments; back-pumping to reservoirs, to upland wetlands, or to ground storage; and ground storage by exfiltration systems or by aquifer storage and recovery systems. Maximum contaminant levels consistent with Florida DEP and USEPA regulations governing receiving waters will be met through treatment as required. Excess surface water runoff will be defined as that water not required to maintain or restore estuarine waters or other valued wetland systems. (Amended by Ordinance No. 94-30, 0022)

POLICY 61.1.3: In the event that the timing and volume of freshwater discharges necessary to maintain the health and productivity of estuaries and other wetlands cannot be determined or supported by existing scientific data, the county will sponsor, in collaboration with other agencies, institutions, and organizations, adequate research programs to make such data available by 1995. (Amended by Ordinance No. 00-22)

POLICY 61.1.4: The county's Surface Water Management Master Plan will place particular emphasis on 1) routing surface water runoff from areas of excess to areas where additional subsurface storage is available; and 2) maintaining and increasing historic surface and groundwater levels in the Density Reduction/Groundwater Resource land use category. (Amended by Ordinance No. 00-22)

OBJECTIVE 61.2: MIMICKING THE FUNCTIONS OF NATURAL SYSTEM. Support a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.

POLICY 61.2.1: All development proposals outside the future urban areas must recognize areas where soils, vegetation, hydrogeology, topography, and other factors indicate that water flows or ponds; and require that these areas be utilized to the maximum extent possible, without significant structural alteration, for on-site stormwater management; and require that these areas be integrated into area-wide coordinated stormwater management schemes. (Amended by Ordinance No. 00-22)

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POLICY 61.2.2: Where no natural features of flow or ponding exist on a site outside the future urban areas, the county will require that water management structures be designed and constructed in such a manner as to mimic the functions of natural systems. Special engineering and design standards for such structures will be incorporated into revised development regulations. (Amended by Ordinance No. 00-22) Community Facilities and Services IV-15 December 2004

POLICY 61.2.3: Outside the future urban areas where traditional drainage structures exist (ditches, canals, dikes, etc.), the county may permit their continued existence and maintenance, but will discourage their expansion or extension. (Amended by Ordinance No. 00-22)

POLICY 61.2.4: Where feasible within future urban areas, surface water management plans are encouraged that mimic the functions of natural systems, notwithstanding the type or intensity of development permitted.

Response: This project will comply with the policy above

POLICY 61.2.5: The policies above (61.2.1 through 61.2.4) are not intended to prohibit any permissible surface water management solution that is consistent with good engineering practices and adopted environmental criteria.

POLICY 61.2.6: The county will maintain regulations that require reclamation standards for future excavation that mimic natural systems through the techniques that improve water quality, wildlife utilization, and enhance groundwater recharge. (Amended by Ordinance No. 94-30, 0022)

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems. (Amended by Ordinance No. 94-30, 00-22)

POLICY 61.3.1: Provide sufficient performance and design standards to require post-development runoff to approximate the total characteristics of the natural flow prior to development.

POLICY 61.3.2: Floodplains must be managed to minimize the potential loss of life and damage to property by flooding. (Amended by Ordinance No. 00-22)

Response: The amendment will minimize potential loss of life and damage to property by flooding by bringing structure up to current standards.

POLICY 61.3.3: Floodways should be kept as unobstructed as possible.

POLICY 61.3.4: Natural flow patterns will be publicly restored where such action is of significant public or environmental benefit, and feasible. (Amended by Ordinance No. 00-22)

POLICY 61.3.5: The county will maintain regulations which provide for the management and protection of floodplains, consistent with state and federal regulations. (Amended by Ordinance No. 00-22)

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POLICY 61.3.6: Developments must have and maintain an adequate surface water management system, provision for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations. (Amended by Ordinance No. 00-22)

POLICY 61.3.7: Channelization of natural streams and rivers is prohibited; channelization of other natural watercourses is discouraged. (Amended by Ordinance No. 00-22)

POLICY 61.3.8: The banks of wet retention and detention areas must be sloped to promote growth of vegetation and safeguard against accidents. (Amended by Ordinance No. 00-22) Community Facilities and Services IV-16 December 2004

POLICY 61.3.9: The county will adopt appropriate regulations to protect the natural functions of riparian systems from incompatible development practices along their banks. (Amended by Ordinance No. 0022)

POLICY 61.3.10: New artificial drainage systems must not channel runoff directly into natural waterbodies. (Amended by Ordinance No. 00-22)

Response: this amendment will correct the channeling of runoff water that drain directly into natural waterbodies that exist on the property today.

POLICY 61.3.11: Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants. (Amended by Ordinance No. 00-22)

POLICY 61.3.12: The design of shorelines of retention and detention areas and other excavations must be sinuous rather than straight. (Amended by Ordinance No. 00-22)

POLICY 61.3.13: Installation of erosion control devices for development activities adjacent to waterbodies, water courses, and wetlands will be required. Such control devices must be maintained to ensure operational effectiveness. (Amended by Ordinance No. 00-22)

POLICY 61.3.14: Artificial watercourses must be designed so as to reduce velocity of runoff and prevent erosion. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals. The property as it exists today is an example of what not to do. It is the intent of the amendment to create water management systems that mimic more natural systems.

d. Solid Waste

GOAL 62: SOLID WASTE. To ensure the health, safety, and general welfare of the citizens of Lee County by protecting the quality of the environment through the proper management and disposal of solid waste.

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OBJECTIVE 62.1: SOLID WASTE COLLECTION. Continue programs to segregate construction and demolition debris and to separate newspaper, aluminum cans, and glass bottles for recycling. (Amended by Ordinance No. 94-30)

POLICY 62.1.1: Continue to monitor and enforce the county's mandatory garbage and solid waste collection ordinance (Ordinance No. 86-14) and subsequent amending ordinance (Ordinance No. 86-38).

POLICY 62.1.2: Design and implement resource recovery and recycling programs for glass, paper, plastic, and nonferrous metal containers.

POLICY 62.1.3: Develop programs which will result in a decrease in the volume of materials in the solid waste stream requiring landfilling (i.e. source separation of material which can be reused or disposed of in another manner).

POLICY 62.1.4: Develop programs which will reduce the volume of roadside litter and the amount of illegal dumping in the unincorporated county.

OBJECTIVE 62.2: SOLID WASTE DISPOSAL. By 1995, begin operation of a waste to energy resource recovery facility and continue to explore means to reduce the volume of solid waste. (Amended by Ordinance No. 94-30) Community Facilities and Services IV-17 December 2004

POLICY 62.2.1: The county will continue to study and implement as appropriate available disposal technologies and volume reduction by recycling to meet Objectives 62.1 and 62.2.

Particular attention will be paid to volume reduction of bulky and potentially recyclable items such as horticultural waste, rubber tires, appliances, etc. (Amended by Ordinance No. 00-22)

POLICY 62.2.2: The county will continue to pursue a "clean community" campaign of education and information to reduce litter. The county will solicit operational funds from major sources of litter materials such as fast-food franchises and convenience market operators. (Amended by Ordinance No. 00-22)

POLICY 62.2.3: The county will pursue efforts to control the disposal of hazardous wastes. The county will continue to identify and monitor the disposal activities of hazardous wastes generators through cooperative programs with state agencies.

POLICY 62.2.4: The county will initiate a local program to collect (and properly dispose of) small quantities of hazardous materials such as pesticides, paint, used motor oil, etc. (Amended by Ordinance No. 00-22)

POLICY 62.2.5: The minimum acceptable level-of-service standard for availability of solid waste disposal facilities will be 7 pounds per capita per day (see also Policy 95.1.3).

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POLICY 62.2.6: The county will immediately construct a new landfill to serve the entire county including all municipalities. (Amended by Ordinance No. 94-30, 00-22)

Response: The amendment will comply with the policy and objective as stated above

e. Groundwater Recharge

GOAL 63: GROUNDWATER. To protect the county's groundwater supplies from those activities having the potential for depleting or degrading those supplies.

OBJECTIVE 63.1: WELLFIELD PROTECTION. The county will maintain a wellfield protection ordinance to provide regulations protecting the quality of water flowing into potable water wellfields. (Amended by Ordinance No. 94-30, 00-22)

POLICY 63.1.1: The wellfield protection ordinance will be amended whenever better technical data is developed and whenever additional potable wellfields are proposed. (Amended by Ordinance No. 0022)

POLICY 63.1.2: The staff hydrogeologist will review and comment on all development applications near public utility potable water wellfields, with particular attention to proposed land uses within a 10-year travel time from the wellheads. (Amended by Ordinance No. 00-22)

OBJECTIVE 63.2: POTABLE GROUNDWATER. Base all future development and use of groundwater resources on determinations of the safe yield of the aquifer system(s) in order not to impair the native groundwater quality or create other environmental damage. Criteria for safe-yield determinations will be determined by the SFWMD, the agency charged with permitting these activities. (Amended by Ordinance No. 94-30, 00-22)

POLICY 63.2.1: For maximum protection of groundwater resources, identify future wellfields and/or relocation site(s) for existing wellfields well in advance of need. Coordinate with Community Facilities and Services IV-18 December 2004 SFWMD, other water suppliers, and DEP to avoid duplication and to assist in data collection and interchange. (Amended by Ordinance No. 94-30)

POLICY 63.2.2: Institute a program to identify sources of groundwater pollutants in Lee County and to map these (point and non-point) on a county-wide basis.

POLICY 63.2.3: Identify water needs consistent with projections of human population and the needs of natural systems in order to determine the future demands for groundwater. (Amended by Ordinance No. 94-30)

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POLICY 63.2.4: Expand current programs to identify and map the contamination potential of groundwater resources for those areas of Lee County not currently under public ownership.

POLICY 63.2.5: Lee County, in cooperation with other agencies and the municipalities, will budget to maintain its current program of plugging non-valved, abandoned, or improperly-cased artesian wells so that at least seventy-five of these wells are plugged each year until such wells are eliminated. (Amended by Ordinance No. 94-30, 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

f. Libraries

GOAL 64: LIBRARIES. To increase the availability of information services throughout Lee County by increasing the size and quality of the Lee County library system and by ensuring that library services are provided in a manner that is responsive to the needs of the community and of specific targeted constituencies.

OBJECTIVE 64.1: STANDARDS. Raise the non-regulatory standards for building and collection size to meet the following Florida Library Association standards by the year 2010:

- Level C collection size of 2.8 items per capita (permanent residents); and
- Minimum building size level of .6 square feet per capita (permanent residents). (Amended by Ordinance No. 94-30)

POLICY 64.1.1: The following standards are the current acceptable non-regulatory levels of service for the Lee County library system (see Policy 95.1.3):

- Maintain existing per-capita inventory of 1.6 library items per capita (permanent residents); and
- Provide .274 square feet of library space per capita (permanent residents). (Amended by Ordinance No. 94-30)

POLICY 64.1.2: The following standards are the desired non-regulatory future levels of service for the Lee County library system by the year 2000 (see Policy 95.1.4):

- Increase the inventory to 2.0 items per capita (permanent residents); and
- Maintain .424 square feet of library space per capita (permanent residents). (Amended by Ordinance No. 94-30) Community Facilities and Services IV-19 December 2004

OBJECTIVE 64.2: MONITORING. By 1996, establish a system to accurately assess the information needs of the various constituencies in the community. (Amended by Ordinance No. 9430)

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POLICY 64.2.1: The county library system will periodically survey the service and information needs and preferences of the business community, government, media, general public, and special targeted constituencies, adjusting acquisitions and personnel assignments accordingly. This will be done by periodic surveys of users and non-users. (Amended by Ordinance No. 94-30, 00-22)

POLICY 64.2.2: The Fort Myers-Lee County Main Library will be the central county resource for reference facilities and services. Such services and facilities are extended to member libraries on demand. (Amended by Ordinance No. 94-30, 00-22)

POLICY 64.2.3: The county library system will strive to ensure that programs of cooperation and collaboration between the county library system and the libraries of Edison Community College, USF-Fort Myers, and Florida's tenth university are established and carried out. Interlibrary loan programs will be enhanced through program expansion and automation. (Amended by Ordinance No. 94-30)

Response: This amendment will comply with the above stated policies, objectives and goals

g. Fire Protection

GOAL 65: FIRE PROTECTION. To assist fire districts in providing appropriate levels of high-quality cost-effective fire prevention and suppression services throughout the unincorporated county. (Amended by Ordinance No. 94-30)

OBJECTIVE 65.1: EXISTING FIRE SERVICE. Improve ISO ratings of the independent fire services throughout the unincorporated county.

POLICY 65.1.1: Support mutual aid and joint venture agreements between the fire districts and provide certain types of services which the individual districts cannot duplicate individually at similar or lower costs.

POLICY 65.1.2: Reexamine the fire flow and pressure standards for water facilities that are contained in Chapter 10 of the Land Development Code on a periodic basis to ensure that they are in compliance with recognized engineering standards. (Amended by Ordinance No. 94-30)

POLICY 65.1.3: When cost-effective and technically feasible, existing potable water systems will be refitted to current fire flow standards.

POLICY 65.1.4: Refer requests for rezonings and development reviews to independent fire districts for comments and recommendations (when requested by the individual districts).

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POLICY 65.1.5: Maintain a fire and EMS impact fee program that allows for voluntary participation of the individual fire districts. (Amended by Ordinance No. 94-30)

POLICY 65.1.6: Provide technical assistance to fire districts (when requested) on site selection and continue to assist the districts in the rezoning process. (Amended by Ordinance No. 94-30)
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POLICY 65.1.7: Maintain and, where feasible, enhance the "911" emergency communications system to improve communications with the fire districts. (Amended by Ordinance No. 94-30)

OBJECTIVE 65.2: AREAS OUTSIDE THE EXISTING FIRE SERVICE. Insure that county development orders outside the established fire service areas are granted only if fire service expansions or other mitigation measures are approved concurrently.

POLICY 65.2.1: All new development (excluding single-family, mobile home, duplex, and agricultural structures) should be located in an established fire district in an area provided with public water. Provisions in the Land Development Code that require adequate fire protection systems in areas where no public water is available will be maintained. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 65.3: FIRE CODE ENFORCEMENT. Insure the consistent and uniform enforcement of the Lee County Fire Code.

POLICY 65.3.1: Maintain a uniform fire code for the unincorporated portion of Lee County and provide for its uniform and consistent interpretation and effective enforcement.

POLICY 65.3.2: Insure the enforcement of the fire code by the establishment of a mechanism to fund the service provided by a County Fire Marshall to any fire district that chooses not to accept the responsibility of enforcing the fire code.

POLICY 65.3.3: The county will notify all independent fire districts of all written interpretation of fire code matters. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

h. Education

GOAL 66: EDUCATION. To assist the Lee County School Board and other providers of education (where appropriate) with the planning, development and siting of new schools. (Amended by Ordinance No. 94-30)

OBJECTIVE 66.1: SCHOOL LOCATION PLANNING. Cooperate with the Lee County District

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Board of Education and representatives of private and parochial school associations to ensure that school locations are consistent with county growth policies and the needs of the future population. (Amended by Ordinance No. 94-30)

POLICY 66.1.1: The County will work in collaboration with the Lee County District Board of Education, representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with Chapter 235, F.S., and the policies of this plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 66.1.2: All educational institutions will comply with the policies of this plan and the Land Development Code where not pre-empted by state statutes or administrative rules. (Amended by Ordinance No. 94-30, 00-22)

POLICY 66.1.3: By 1995, Lee County staff will develop, in conjunction with economic consultants and the Board of Education, an impact fee program for capital costs for schools and Community Facilities and Services IV-21 December 2004 present it to the Board of County Commissioners for formal consideration. (Amended by Ordinance No. 94-30, 00-22)

POLICY 66.1.4: The county, in concert with the Lee County District School Board, will assist developers considering school site contributions by providing information relating to land availability, use and other pertinent parcel data. (Amended by Ordinance No. 94-30, 00-22)

POLICY 66.1.5: Lee County will coordinate with the State Board of Regents on the development of the Florida Gulf Coast University through the Campus Master Plan process, and the required Development Agreement, and through other means of intergovernmental coordination. (Amended by Ordinance No. 94-30, 00-22)

POLICY 66.1.6: To the maximum extent possible, Lee County will seek to collocate public facilities, such as parks, libraries, and community centers, with public schools. (Added by Ordinance No. 99-15)

OBJECTIVE 66.2: COOPERATION. The county will develop programs of collaboration between economic development agencies, the Lee County District Board of Education, the Edison Community College District, the administration of Florida Gulf Coast University, and USF at Fort Myers to ensure participation and achievement of shared economic goals. (Amended by Ordinance No. 94-30, 00-22)

POLICY 66.2.1: Lee County will continue programs to allocate responsibility and costs for supporting the use of schools as emergency shelters. (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-22)

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POLICY 66.2.2: The county will provide technical information to the District Board of Education to assist in identifying suitable sites for new schools. (Amended by Ordinance No. 0022)

POLICY 66.2.3: The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. (Added by Ordinance No. 0304)

OBJECTIVE 66.3: LAND USE COMPATIBILITY. The county will seek to have the siting of all new schools follow these policies aimed at land use and transportation compatibility: (Amended by Ordinance No. 00-22)

POLICY 66.3.1: Protect the integrity of schools so that educational functions are not disrupted by the intrusion of incompatible land uses.

POLICY 66.3.2: Cooperate with the School Board in the planning and selection of future school sites and the development of mutually acceptable guidelines for the selection of such sites.

POLICY 66.3.3: Encourage the acquisition of school sites large enough to accommodate projected increases in enrollment.

POLICY 66.3.4: Consider the shared use of park and school sites when a surplus of school land is available (see also Goal 87). (Amended by Ordinance No. 94-30) Community Facilities and Services IV-22 December 2004

POLICY 66.3.5: Land uses and development will not be permitted to the extent that it could necessitate the relocation of schools due to pressures from incompatible uses. (Amended by Ordinance No. 00-22)

POLICY 66.3.6: Encourage the location of neighborhood elementary schools within walking distance of the residential areas they serve.

POLICY 66.3.7: Require that new residential developments provide for adequate pedestrian and bicycle access for school children.

POLICY 66.3.8: School sites will be selected in advance of the developments they are intended to serve and will be based upon planned densities and development patterns. (Amended by Ordinance No. 00-22)

POLICY 66.3.9: Elementary schools whenever possible must have access to local or collector streets; secondary schools must have access to a collector or arterial street. (Amended by Ordinance No. 00-22)

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POLICY 66.3.10: Prohibit school sites that are or will be exposed to physical constraints, hazards, or nuisances which are detrimental to the health and safety of students and to the general operation of the school.

POLICY 66.3.11: Prohibit the location of schools in the areas designated on the Future Land Use Map as Airport Noise Zone 3 or within other high noise impact areas.

POLICY 66.3.12: The county will cooperate with the School Board to encourage consideration in the design and construction of new schools that they may be expected to serve as hurricane evacuation and emergency shelters. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

i. Health Care

GOAL 67: SERVICE PROVISION. To ensure the efficient provision of public services to health care facilities.

OBJECTIVE 67.1: EMERGENCY MEDICAL SERVICES. The county will maintain and improve the Emergency Medical Services Division to keep up with new population growth and technological advancements. As part of this effort, the county will cooperate with and assist the independent fire districts and other units of government who operate first-provider rescue services to maintain those services in the face of new population growth and technological advancements. (Amended by Ordinance No. 00-22)

POLICY 67.1.1: The 9-1-1 emergency telephone system and centralized dispatcher program will be evaluated as to possible improvements.

POLICY 67.1.2: The county will encourage and facilitate the inclusion of other jurisdictions in cooperative service extensions of centralized communication and dispatch systems. (Amended by Ordinance No. 00-22) Community Facilities and Services IV-23 December 2004

Response: This amendment will comply with the above stated policies, objectives and goals

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GOAL 68: POLLUTION CONTROL. To ensure a safe and healthful environment for all Lee County residents.

OBJECTIVE 68.1: Lee County will continue its local pollution control program by educating the public on proper storage, handling and disposal methods for hazardous waste and providing collection days for homeowners and small businesses. (Amended by Ordinance No. 94-30, 00-22)

POLICY 68.1.1: By 1995, Lee County will provide a mechanism to educate and train small businesses in waste minimization and the proper storage, handling and disposal of hazardous materials through increased occupational license fees. (Amended by Ordinance No. 94-30, 00-22)

POLICY 68.1.2: Efforts to protect public health through clean air and water requirements will be expanded and improved. (Amended by Ordinance No. 00-22)

POLICY 68.1.3: Natural and manmade environmental health hazards should be identified.

POLICY 68.1.4: Information about environmental health conditions will be made available to the public. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

j. Police and Justice

GOAL 69: POLICE AND JUSTICE. To ensure the effective and efficient provision of facilities and services in support of law enforcement and justice for the growing population of Lee County.

OBJECTIVE 69.1: PLANNING AND BUDGETING. By 1995, evaluate the effects of both private development and public service provision of services on law enforcement. (Amended by Ordinance No. 94-30)

POLICY 69.1.1: The county, in collaboration with the Lee County Sheriff and the Courts Administrator, will continue to cooperatively examine, evaluate, and project law enforcement budget needs. (Amended by Ordinance No. 00-22)

POLICY 69.1.2: The county in collaboration with the Lee County Sheriff will study the development of workable standards and criteria upon which to project long-range law enforcement needs. (Amended by Ordinance No. 00-22)

OBJECTIVE 69.2: FACILITIES PLANNING PROGRAM. Maintain a facilities planning program for justice and law enforcement needs. (Amended by Ordinance No. 94-30)

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POLICY 69.2.1: The county with the help of the Lee County Sheriff will evaluate justice and law enforcement facilities and review and revise (as necessary) plans for such facilities.

(Amended by Ordinance No. 94-30, 00-22)

POLICY 69.2.2: The county will cooperate with the Sheriff to evaluate the need for substation facilities in the Lehigh Acres and Alico Road/Corkscrew Road areas, the East Fort Myers/Fort Myers Shores and Pine Island Center areas. (Amended by Ordinance No. 94-30, 00-22) Community Facilities and Services IV-24 December 2004

POLICY 69.2.3: The county will expand as necessary the existing substation facilities located in Bonita Springs, Fort Myers Beach, and North Fort Myers. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

k. Energy Conservation

GOAL 70: ENERGY CONSERVATION. Lee County will promote the protection and preservation of the county's limited energy resources. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

OBJECTIVE 70.1: ENERGY CONSERVATION. By 1995 the county will support management and education programs on energy efficiency and conservation, resource conservation and recycling, appropriate community technology, and environmental protection. (Amended by Ordinance No. 0022)

POLICY 70.1.1: The county will, through regulation, provision of incentives to the private sector, and its own capital investments, promote the use of energy efficient transportation systems, solar energy applications for new and existing development, true solid waste resource recovery systems, and other similar technologies. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 71 – GOAL 75: [RESERVED]

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PARKS, RECREATION AND OPEN SPACE

Chapter V

V. Parks, Recreation and Open Space

GOAL 76: DISTRIBUTION OF FACILITIES. To provide, maintain and preserve a diverse park, recreational, and open space system which provides equitable access and distribution to all residents of unincorporated Lee County regardless of interest, age, sex, income, race, handicap, or location of residency within unincorporated Lee County. (Amended by Ordinance No. 94-30)

OBJECTIVE 76.1: During each five-year Evaluation and Appraisal Report, or subsequent to each decennial census, the county will examine the composition and location of population growth to determine if redistricting of community park impact fee districts is warranted. (Amended by Ordinance No. 94-30, 00-22)

POLICY 76.1.1: Based on community needs and interests, the county will equitably distribute community park facilities within impact fee districts in unincorporated Lee County. (Amended by Ordinance No. 94-30, 00-22)

POLICY 76.1.2: Due to the nature of regional parks and the limit on the availability of appropriate sites, regional park facilities will be distributed throughout the entire county. (Amended by Ordinance No. 94-30, 00-22)

POLICY 76.1.3: By using the experience and knowledge of community groups and professionals and by using data garnered from surveys and public hearings, the county will distribute facilities based on interest and need. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 76.2: The county will maintain inventories, surveys, and records essential to the park planning process, and will periodically update park planning documents and inventories. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 76.3: By 1995, the county will establish a systematic approach to surveying users of park facilities and other residents of Lee County as to their needs, desires, preferences, and evaluations of park and recreation facilities and programs. (Amended by Ordinance No. 94-30, 00-22)

POLICY 76.3.1: Park users and residents will be surveyed in order to establish a reliable data base for future planning and decision-making.

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POLICY 76.3.2: The results of user and resident surveys will become an integral part of the planning process for park and recreation facilities and programs by 1996. (Amended by Ordinance No. 94-30)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation. (Amended by Ordinance No. 94-30, 02-02) Parks, Recreation and Open Space V-1 December 2004

Response: This amendment provides open space where it does not exist today with provisions for preservation of existing vegetation. This amendment also provides development and design requirements standard above the ones required by the county to ensure aesthetic appeal.

OBJECTIVE 77.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents. (Amended by Ordinance No. 94-30, 00-22, 02-02)

Response: The amendment will comply with the objective as stated above

POLICY 77.1.1: The county will continue to review the open space requirements of the Land Development Code to determine if these requirements should be modified in any way to best meet the open space requirements of residents of new developments. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 77.2: Development regulations will continue to require that new commercial and industrial developments provide sufficient open space for the benefit of their patrons and the general public. (Added by Ordinance No. 02-02)

Response: The amendment will comply with the objective as stated above

POLICY 77.2.1: The county must continue to review the open space requirements of the Land Development Code to determine if these requirements should be modified in any way to best meet the objectives of open space requirements within new commercial and industrial developments. (Added by Ordinance No. 02-02)

OBJECTIVE 77.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process. (Added by Ordinance No. 02-02)

Response: The amendment will comply with the objective as stated above

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POLICY 77.3.1: Any new development with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. Any new development with existing native trees without associated native groundcover or understory is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged. (Added by Ordinance No. 02-02)

POLICY 77.3.2: Open space areas must be designed with adequate widths to preserve and allow the continued growth and viability of existing native trees. (Added by Ordinance No. 02-02)

POLICY 77.3.3: The county encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way. (Added by Ordinance No. 02-02)

POLICY 77.3.4: The county encourages new developments to incorporate large, contiguous open space areas in the development design. (Added by Ordinance No. 02-02)

POLICY 77.3.5: Proposed planned developments must submit an open space design plan with an assessment of the existing native plant communities and native trees. The open space design plan must delineate the indigenous preserves and/or native tree preservation areas. (Added by Ordinance No. 02-02)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 78: LANDSCAPE/WAYSIDE PARKS. To improve the aesthetics of the community by providing Landscape/Wayside Parks where feasible and appropriate. Parks, Recreation and Open Space V-2
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OBJECTIVE 78.1: The county will maintain its current inventory of Landscape/Wayside parks, evaluate the need for such facilities to serve the traveling public, and provide additional such facilities in the future to improve the beauty of the county.

POLICY 78.1.1: The county will continue to seek input from other County, State and Federal agencies and from community groups for the purpose of developing guidelines for landscape/wayside parks.
(Amended by Ordinance No. 94-30, 00-22)

POLICY 78.1.2: The county will investigate alternative funding sources for the provision of landscape/wayside parks such as public/private partnerships, community involvement programs, and community groups. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 79: BOAT RAMPS. To provide a share of the boat ramps needed to allow county residents and visitors inexpensive access to public waterways.

OBJECTIVE 79.1: Lee County will provide one boat ramp lane with adequate parking per 35,000 population of the entire county ("non-regulatory" minimum acceptable level of service, see Policy 95.1.3). (Amended by Ordinance No. 00-22)

POLICY 79.1.1: Lee County will maintain a classification system for boat ramps which addresses location guidelines, types of boat ramp facilities for different areas, and needs and standards for parking for the different types of facilities. (Amended by Ordinance No. 94-30, 0022)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 80: [RESERVED]

GOAL 81: [RESERVED]

GOAL 82: MAINTAINED WATER ACCESSES. To improve access to public beaches and other bodies of water.

OBJECTIVE 82.1: WATER ACCESS STANDARD-ACQUISITION. The county will maintain its current inventory of water accesses and will acquire additional water accesses whenever and wherever economically feasible ("non-regulatory" desired future level of service, see Policy 95.1.4).
(Amended by Ordinance No. 94-30, 00-22)

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POLICY 82.1.1: The county will continue to pursue grants and other initiatives such as the "Save Our Coast" program as funding sources for additional water accesses. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 82.2: WATER ACCESS STANDARD-DEVELOPMENT. Lee County will retain the current inventory of water accesses and develop and/or redevelop at least 3 water accesses per year ("non-regulatory" minimum acceptable level of service, see Policy 95.1.3). (Amended by Ordinance No. 94-30, 00-22)

POLICY 82.2.1: The development of each water access will be evaluated on an individual basis in order to provide the correct level of development for each site. Development of water accesses will vary from simple signage on some to parking areas, beach crossovers, and dune restoration on others. Parks, Recreation and Open Space V-3 December 2004

POLICY 82.2.2: Lee County will provide parking at all water accesses where such development is appropriate and feasible. (Amended by Ordinance No. 00-22)

OBJECTIVE 82.3: INVENTORY OF WATER ACCESSES. Lee County will continue to research and maintain available data to determine if there are any additional publicly owned water access which could be added to the current inventories. This research will include the Gulf of Mexico frontage as well as the back bays. (Amended by Ordinance No. 94-30, 00-22)

POLICY 82.3.1: Lee County will reclaim any water accesses which are legally county owned property. This reclamation process will include removing any encroachments that have been placed in the access. (Amended by Ordinance No. 94-30, 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals. This will be done by providing access to the water edge and integrating activities and paths throughout the project that promote and educate the environment.

GOAL 83: COMMUNITY PARKS. To provide for the active recreational needs of the residents of unincorporated Lee County by providing adequate community park facilities appropriately located.

OBJECTIVE 83.1: STANDARD COMMUNITY PARK STANDARD. Lee County will provide for the active recreational needs of unincorporated Lee County in standard community parks by providing 0.8 acres of developed Standard Community Parks open for public use per 1,000 population (minimum acceptable level of service, see Policy 95.1.3). By 1996 this standard will be increased to 1.75 acres per 1,000 population (desired future level of service, see Policy 95.1.4). By 1998 the county will provide 2 acres per 1,000 population (desired future level of service, see Policy 95.1.4), unincorporated county only. The population used for calculating these standards is the unincorporated Lee County permanent population. The acres used in calculating these standards are improved Standard Community Parks acres

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that are open for public use. The 1996 and 1998 standards are non-regulatory, desired level of service standards and are not required for concurrency purposes. (Amended by Ordinance No. 93-25, 94-30, 98-09, 00-22)

POLICY 83.1.1: Typical facilities at a community park may include ball fields, tennis courts, play areas, picnic areas, multipurpose courts, recreation buildings and sports fields. The specific design for community parks will be tailored to meet the needs of the community to be served while recognizing the particular attributes of the park site. A standard community park may or may not include a community recreation center and/or a community pool. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 83.1.2: Standard community parks should be designed and developed to allow for passive uses as well.

OBJECTIVE 83.2: COMMUNITY RECREATION CENTER STANDARD. Lee County will provide 250 square feet of community recreation center per 1,000 population of unincorporated Lee County ("non-regulatory" minimum acceptable level of service, see Policy 95.1.3). (Amended by Ordinance No. 00-22)

POLICY 83.2.1: Community recreation centers should be designed to accommodate active indoor recreation, physical improvement, meeting places for the community, and social, educational, and cultural activities.

OBJECTIVE 83.3: COMMUNITY POOL STANDARD. Lee County will maintain and operate community pools. (Amended by Ordinance No. 00-22)

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POLICY 83.3.1: The county will research national or regional standards for pool development and make recommendations for adoption of a local, non-regulatory standard by 1995. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

POLICY 83.3.2: The county will evaluate the need, feasibility, and economic benefit of developing a 50-meter pool and related aquatic center by 1995. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

OBJECTIVE 83.4: SCHOOL PARKS. Lee County will develop active recreational facilities on School Board property in cooperation with the School Board when necessary to meet community needs. (Amended by Ordinance No. 00-22)

POLICY 83.4.1: The county departments/divisions responsible for park development and park maintenance will work with the School Board in an attempt to develop a revised interlocal agreement

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between the School Board and the Board of County Commissioners. The agreement will clearly set out the existing use of each other's properties and facilities, will establish the pattern for future use of these properties and facilities, and will establish procedures for maintenance of the facilities and properties. (Amended by Ordinance No. 94-30, 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 84: REGIONAL PARKS. To preserve a portion of the county's natural environment to augment that which is set aside by the state of Florida and the federal government, in order to preserve natural habitats, protect the water supply, and preserve the natural heritage; and to make these natural resources available to the general public for resource-based recreational activities, enjoyment of nature, and educational enrichment.

OBJECTIVE 84.1: Lee County must provide 6 acres per 1,000 population (minimum acceptable level of service, see Policy 95.1.3). By 1998 this standard will be increased to 8 acres per 1,000 population (non-regulatory, desired future level of service, see Policy 95.1.4). The population used for calculating this standard is the total seasonal population for all of Lee County. The acres used in calculating this standard are improved Regional Park acres that are open for public use. Federal and state facilities in Lee County are to be counted in meeting this standard. (Amended by Ordinance No.)94-30, 98-09, 00-22)

POLICY 84.1.1: Regional parks will be resource-based facilities which preserve natural amenities. Lee County will avoid locating incompatible uses in regional parks. (Amended by Ordinance No. 94-30, 00-22)

GOAL 85: PARK PLANNING AND DESIGN. To plan, design, and construct parks and recreation sites to comply with the best professional standards of design, landscaping, planning, and environmental concern.

OBJECTIVE 85.1: FUTURE PARKS. The planning, design, and construction of all park and recreation facilities and programs will be supervised and monitored by the appropriate county agencies. (Amended by Ordinance No. 94-30, 00-22)

POLICY 85.1.1: Parks will be designed with buffers to minimize conflicts between different recreational uses and between recreational and adjacent uses. (Amended by Ordinance No. 00-22) Parks, Recreation and Open Space V-5 December 2004

POLICY 85.1.2: Parks will be linked to bike paths and other parks where feasible. (Amended by Ordinance No. 00-22)

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POLICY 85.1.3: The feasibility of converting canal, railroad, and power line easements and right-of-ways into linear parks will be explored by county staff. (Amended by Ordinance No. 0022)

POLICY 85.1.4: The feasibility of initiating a county greenway system linking parks, open spaces, linear parks, bike paths, and natural streams and sloughs will be explored by county staff. (Amended by Ordinance No. 00-22)

POLICY 85.1.5: The county will continue to participate in the formation, expansion, and management of the six regionally significant greenways identified in the Southwest Florida Regional Planning Council's Strategic Regional Policy Plan: the Charlotte Harbor/Pine Island Sound Coastal Greenway, the Corkscrew Regional Ecosystem Watershed Greenway, the Estero Bay/Wiggins Pass Coastal Greenway, the Hickey Creek Greenway, the Sanibel Island Greenway, and the Six Mile Cypress Slough Preserve Greenway. (Added by Ordinance No. 98-09)

OBJECTIVE 85.2: EXISTING PARKS. Any conversion of public parks, easements, and open spaces will be considered only after due public notice. (Amended by Ordinance No. 00-22)

POLICY 85.2.1: Public parks, easements, and open spaces which have a demonstrated public benefit are to be protected from conversion to incompatible public or private uses.

POLICY 85.2.2: All persons will submit proposed conversions from public parks, easements, and open spaces to other land uses to Lee County for review and approval. Approval will be granted only if the proposed conversion is consistent with the public interest and this plan. (Amended by Ordinance No. 00-22)

OBJECTIVE 85.3: PLANNING AND DESIGN. The county will rely on in-house capabilities in the planning and design of new or re-developed facilities. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

POLICY 85.3.1: Using in-house resources, county staff will design facilities using best professional practices for the development or re-development of parks. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 86: ENVIRONMENTAL AND HISTORIC PROGRAMS. To provide programs and information to promote knowledge and understanding of Lee County's unique environmental and cultural heritage.

Response: this amendment allows for a community learning center that will educate on the counties unique cultural heritage, environment and local history.

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OBJECTIVE 86.1: The county will provide information and education programs regarding its cultural history and its environment at appropriate facilities. (Amended by Ordinance No. 94-30, 0022)

POLICY 86.1.1: The county, in cooperation with the School Board's Department of Environmental Education and the Caloosa Nature Center of Lee County, will provide environmental education programs and information at appropriate facilities. These programs will be designed to provide a broad understanding of Southwest Florida's historic and archaeological past and its ecological systems. (Amended by Ordinance No. 94-30, 00-22) Parks, Recreation and Open Space V-6 December 2004

POLICY 86.1.2: The county will place informational plaques or markers at its facilities which have significance for cultural history. (Amended by Ordinance No. 94-30, 00-22)

POLICY 86.1.3: The county will work with the Lee County Historic Preservation Board to provide historically significant information at the appropriate facilities. (Amended by Ordinance No. 94-30, 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 87: CAPITAL PLANNING. To plan, budget, and fund a comprehensive park system that properly meets the needs for the future of Lee County.

OBJECTIVE 87.1: As part of the annual adoption of the five year Capital Improvements Program, County staff will demonstrate how the standards in this plan relating to parks and recreation facilities are implemented in the five-year plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 87.1.1: The adopted Capital Improvements Program reflects the distribution of park facilities throughout the unincorporated county. The use of community park impact fee districts provides a mechanism to distribute facilities based on population, travel patterns, and existing facilities. (Amended by Ordinance No. 94-30)

POLICY 87.1.2: The Capital Improvements Program will identify how park impact fees, other earmarked capital funds, and all general funds are to be used for capital projects.

POLICY 87.1.3: Land development will be required to bear a proportionate cost of the provision of new or expanded parks required by such development. Park impact fees are the most equitable means of capturing these costs. Lee County will therefore require impact fees for regional and community parks. (Amended by Ordinance No. 00-22)

POLICY 87.1.4: The county will periodically review the parks impact fee ordinance and park impact fee districts to determine if changes are warranted. Such review will include an analysis of land/development

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costs, administrative costs/changes, and population/development pattern changes. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 87.2: PUBLIC/PRIVATE COORDINATION. Lee County will coordinate with other public agencies and with private organizations, corporations, and individuals to use all available and potential resources to meet recreation demands. (Amended by Ordinance No. 00-22)

POLICY 87.2.1: Lee County will work with state and federal agencies and other groups to explore the possibility of grants, matching funds, contributions, joint-use agreements, sharing of facilities, leasing of land, and volunteer labor which will further the goal of providing a comprehensive park system that properly meets the needs of the county. These cooperative efforts should also include working with private organizations and corporations to form public/ private partnerships to achieve the goal. (Amended by Ordinance No. 94-30, 00-22)

POLICY 87.2.2: Where feasible, Lee County will enter into interlocal agreements or other such cooperative efforts with the School Board, the municipalities, regional agencies, and the state and federal governments to enhance the park and recreational facilities/services of Lee County. (Amended by Ordinance No. 94-30, 00-22) Parks, Recreation and Open Space V-7 December 2004

POLICY 87.2.3: Lee County will continue to cooperate with the Florida Department of Environmental Protection (or its successor in title) to develop a land management plan for the Estero Bay Aquatic Preserve and its buffer area. (Amended by Ordinance No. 94-30, 00-22)

POLICY 87.2.4: Lee County will assist the efforts by the School Board and Florida Power and Light to establish a manatee park on the Orange River. (Amended by Ordinance No. 00-22)

POLICY 87.2.5: Lee County will implement the Matanzas Harbor Plan by encouraging Private/public coordination. (Amended by Ordinance No. 94-30, 00-22)

POLICY 87.2.6: Lee County will adopt an administrative code which sets forth procedures to accept private and corporate donations of items to be placed in Lee County parks. (Amended by Ordinance No. 94-30, 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 88: PARKS AND PROGRAM ADMINISTRATION. To protect the county's investments by providing for the continued maintenance of parks infrastructure and the administration of programs utilizing the parks. (Added by Ordinance No. 94-30)

OBJECTIVE 88.1: Lee County will ensure that the costly investment that has been made in parks and recreation is protected through proper maintenance of facilities. (Amended by Ordinance No. 0022)

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POLICY 88.1.1: The county will adopt an administrative code and/or a procedures manual which requires the establishment of maintenance procedures based on facility type/need throughout the county parks system. (Amended by Ordinance No. 00-22)

OBJECTIVE 88.2: Lee County will ensure that a variety of interests are reflected in the programs and events which utilize park facilities. (Amended by Ordinance No. 00-22)

POLICY 88.2.1: The county will adopt an administrative code and/or a procedures manual which regulates the scheduling, programming and organization of events and activities at all county park facilities. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 89 – GOAL 94: [RESERVED]

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CAPITAL IMPROVEMENTS Chapter VI VI. Capital Improvements

GOAL 95: To provide public facilities and services in Lee County adequate to serve the needs of both existing and future development.

OBJECTIVE 95.1: CAPITAL IMPROVEMENTS. Ensure the provision of public facilities at the adopted "Minimum Acceptable Levels of Service" by continuing the established capital improvements programming and budgeting system and using those "Minimum Acceptable Levels of Service" as the basic gauge of need and compliance. (Amended by Ordinance No. 94-30)

POLICY 95.1.1: CAPITAL IMPROVEMENTS PROGRAM (CIP). The county will annually prepare and adopt a Capital Improvements Program showing all public facility development projects to be undertaken during the ensuing five-year period. The county will also annually evaluate and update this Capital Improvements element. The following policies will govern the development of the CIP:

a. Preparation of the CIP:

1. Each county department having responsibility for public facilities for which levels of service have been set under this plan will annually review existing facilities, level-of-service standards, and current and projected deficiencies using the level-of-service standards contained in this plan, the established minimum geographic units for each facility, and the latest population projections from the Planning Division. Based on identified current and projected deficiencies, each department will prepare a capital improvements program based on facilities needed to meet these deficiencies.

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2. Staff and members of the Board of County Commissioners will communicate with the general public in this process to ascertain the perceived need for each kind of public facility in each commission district and planning district.

3. A proposed CIP will be presented by the County Administrator in conjunction with the presentation of the proposed annual operating budget. The proposed CIP will be "balanced" (i.e., proposed expenditures will not be greater than the amount of revenues available to fund the expenditures, on a fund-by-fund basis). Attached to the proposed balanced CIP will be a report of the projects designated as needed, but which cannot be funded.

4. The proposed CIP will be reviewed by the Local Planning Agency (LPA), which will consider the consistency of the proposal with the Comprehensive Plan and the effect of the CIP on the growth management objectives of the county.

5. The proposed CIP, along with the report of the Local Planning Agency, will be reviewed by the Board of County Commissioners. The Board of County Commissioners will by resolution adopt a CIP at approximately the same time as the adoption of the annual operating budget. The annual operating budget must be consistent with the first year of the adopted CIP.

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6. The adopted CIP will be reviewed by the Board of County Commissioners during periodic meetings, to be held at least quarterly, called to discuss the status of CIP projects. Staff will be required to provide the Board with a status report on all ongoing CIP projects prior to these meetings. The Board may amend the CIP at these meetings by resolution after making findings of fact that the amendment is consistent with the priorities in this policy and with the Lee Plan in general. Where an amendment to the CIP affects the first year, the annual operating budget will also be amended so as to remain consistent with the CIP.

7. All estimates of facility or service demand used to develop specific facility plans or any annual update of the capital improvements program will be based on the specific volume and location of demand represented by developments for which local and DRI Development Orders were issued prior to the effective date of this plan, as well as more general estimates of population and land use intensity.

b. Priorities for the CIP:

Where needs based on current and/or projected deficiencies exceed revenues projected to be available, projects will be included according to certain priorities which are listed below. In addition, these priorities will be considered in reviewing proposals to amend the CIP.

1. Projects that remove a direct and immediate threat to the public health or safety;

2. Projects that are directed by a court order or otherwise by law;

3. Projects that are essential for the maintenance of the county's investment in existing infrastructure;

4. Projects that remove a service level deficiency that affects developed areas; and

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5. Projects that provide new or additional facility capacity for undeveloped Future Urban areas.

For the purpose of ranking projects in categories 4 - 5 that fall into the same category, the following will be considered:

(a) Priorities found elsewhere in this plan, including, but not limited to, Objective 2.3 and Policies 36.1.5, 37.3.3, 38.1.7, 38.2.1, 38.2.4, 38.2.6, 40.2.2, 40.2.6, 76.1.2, and 109.1.3; and

(b) Whether the facility is needed to satisfy a regulatory or a non-regulatory level of service requirement in this element. Other factors that may be considered in ranking projects that are otherwise equal in priority include (in no particular order of significance):

(a) Whether the project competes with other facilities that have been or could reasonably be provided by other governmental entities or the private sector;

(b) The revenue-generating potential of the project; Capital Improvements VI-2 December 2004

(c) Offers of donations of lands and/or services by the private sector and/or other governmental entities; and

(d) The size and number of similar projects in each of the county's planning and commission districts.

c. Effect of the CIP:

1. After adoption of the CIP, no public facility project will be constructed by the county, nor will land be acquired for such project, except in conformity with the adopted CIP.

2. It is the intent of this plan to actively pursue the development of any public facility project once it has been included in the CIP. Any CIP amendment which delays or cancels a project should only be made after consideration of:

(a) Changes in facility needs based on more up-to-date population projections;

(b) Changes in revenues compared with previous projections; and

(c) Changes in adjusted level of service standards.

3. The county will consider and may accept dedication of facilities contributed to the county. Where contributed facilities are not provided by county funds, they need not be included in the CIP prior to acceptance. The county may, however, establish procedures for including contributed facilities in the CIP where inclusion in the CIP is a requirement of the Concurrency Management System. (Amended by Ordinance No. 94-30, 00-22)

POLICY 95.1.2: CAPITAL FACILITY FINANCING POLICIES.

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- a. The use of ad valorem tax revenues for capital facilities should be limited to the General, MSTU, Library, Transportation Improvement, and Capital Improvement Funds, unless required in other funds by bond indenture agreements or by the terms of municipal service taxing/ benefit units. Where a project may be funded from ad valorem tax revenues and other sources (except impact fees), other sources should be used before ad valorem tax funds are used.
- b. The use of gas tax revenues should be limited to the Transportation Improvement Fund, unless required in other funds by bond indenture agreements.
- c. The use of sales tax revenues for capital facilities should be limited to the General and MSTU Funds, unless required in other funds by bond indenture agreements.
- d. The use of revenues which have been pledged to bondholders must conform in every respect to bond covenants which commit those revenues.
- e. The county should annually prepare revenue estimates to provide information about revenue sources available to support capital facility construction.
- f. Staff will prepare estimates of the operating and maintenance costs of each CIP project along with the capital costs of each facility.

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- g. The county should actively seek grant funds from federal, state, and other sources where available and when appropriate for capital facility construction. Consideration will be given to limitations (including operating restrictions) involved in such grants.
- h. The county should investigate the feasibility of charging user fees to offset the cost of each new CIP project for which user fees could reasonably and legally be collected.
- i. Capital Improvement Funds will be anticipated at millages which will generate sufficient revenue to make all required payments.
- j. The county should allocate county-wide revenues only to facilities which provide services to the entire county. Where benefits are limited to a specific area or function; revenues derived from that geographical area or function should be used to the maximum extent feasible.
- k. A reserve for contingency of not less than 3% nor more than 10% of the fund total should be budgeted in each capital fund. These funds should be available for reallocation by the Board as needed during the year to fund unexpected increases in capital costs and/or to fund additional projects which could not be anticipated in the annual CIP.
- l. A reserve for cash flow will be budgeted in any fund which requires monies to be carried forward into the following year to support needed expenditures until sufficient current revenues are received, but in no case will exceed the projected cash needs for 90 days or 20% of the fund budget, whichever is greater.
- m. The county should prepare an annual analysis of financial condition. This analysis will include consideration of capital facility financing needs and revenues available to finance such needs.
- n. Capital Project budgets will only be altered in one of two ways:
 - 1. Administrative approval of transfer of funds to reserves for projects funds not required for authorized expenditures; or
 - 2. Board approval of transfer of funds from reserves to increase a project budget and concurrently revise the 5-year Capital Improvements Program.

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o. At the end of each fiscal year, unexpended fund balance at the project level in each fund will be carried over to the subsequent fiscal year budget in an amount equal to the prior year's unexpended project budget. Any unexpended fund balance in excess of project budget will be redistributed to fund other capital obligations, if necessary. The excess fund balance will be treated as capital reserves to be allocated in subsequent fiscal years.

p. The county will not limit the use of revenue bond funded projects to a specified percentage of total debt. The county will address the use of debt financing in a comprehensive manner which precludes establishing limitations on the use of revenue bonds or other forms of debt financing.

q. The county will not limit the ratio of total debt service to total revenues to any specified amount.

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r. The county will not limit the ratio of total capital indebtedness to the property tax base.

Currently Lee County has no debt financing that relies on property taxes as its source of revenue.

(Amended by Ordinance No. 94-30, 00-22)

POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS. Level-of-service (LOS) standards will be the basis for planning the provision of required public facilities within Lee County. Some of these standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. The "Minimum Acceptable Level of Service" will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS). Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law as being essential to support development. These consist of facilities for the provision of potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation. (It is the intent of this element that these standards will be the same as those established in the various relevant plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein, the standards as set forth herein will govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use; compliance with these standards will not be a requirement for continued development permitting.

REGULATORY STANDARDS

1. Potable Water Facilities: Minimum Acceptable Level of Service:

Within certificated, franchised, or designated service areas only: supply and treatment capacity of 250 gallons per day per Equivalent Residential Connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 187.5 gallons per day, and facilities serving only travel trailer residential structures must have a capacity of 150 gallons per day. Where a private water utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

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2. Sanitary Sewer Facilities: Minimum Acceptable Level of Service:

Within certificated, franchised, or designated service areas only: average treatment and disposal capacity of 200 gallons per day per Equivalent Residential Connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 150 gallons per day, and facilities serving only travel trailer residential structures must have a capacity of 120 gallons per day. Where a private sewer utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

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3. Facilities for Disposal of Solid Waste:

Minimum Acceptable Level of Service:

Disposal facility capacity for 7 pounds of waste (or equivalent volume) per day per capita

4. Stormwater Management Facilities:

Minimum Acceptable Level of Service: INTERIM

(a) Existing Infrastructure/Interim Standard

The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map 15) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

(b) Six Mile Cypress Watershed

The level-of-service standard for the Six Mile Cypress Watershed will be that public infrastructure remains adequate such that floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level for Six Mile Cypress Watershed will be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year level and watershed boundaries are as established in Volume IV of the Six Mile Cypress Watershed Plan.

(c) Regulation of Private and Public Development

Surface water management systems in new private and public developments (excluding widening of existing roads) will be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and Rule 40E-4, F.A.C. New developments will be designed to avoid increased flooding of surrounding areas. These standards are designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to minimize change to the historic hydroperiod of receiving waters, to maintain the quality of receiving waters, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.

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5. Parks and Recreation Facilities:

Minimum Acceptable Level of Service:

(a) Regional Parks

6 acres of developed regional park land open for public use per 1000 total seasonal county population.
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(b) Community Parks

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0.8 acres of developed standard community parks open for public use per 1000 permanent population, unincorporated county only.

6. Roadway Facilities:

The minimum acceptable peak hour, peak season, peak direction roadway levels of service will be as follows:

Minimum Acceptable Level of Service Peak Hour/Peak Season/Peak Direction

State & County Roads: (Non-FIHS Roads)

Arterials E

Collector E

Freeways (non-FIHS system) D

FIHS Roads (1):

I-75- Collier Line to Charlotte Line (Transitioning Area) C (2) (Urbanized Area) D (2) SR 80

- I-75 to Buckingham Road (Transitioning Area) C (2) (Urbanized Area) D (2)

- Buckingham Road to Hickey Creek (4L) (Rural Area) B (2)

(Transitioning Area) C (2)

(Urbanized Area) D (2)

- Hickey Creek to Hendry County (2L) (Rural Area) C (2)(3)

(4L) (Rural Area) B (3)

(Transitioning Area) C (2)

(Urbanized Area) D (2)

(1) The County may seek variances to the level of service of standards for the FIHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.

(2) If any portion of I-75 or SR 80 is determined to be within an urbanized area over 500,000 people based on the year 2000 Census by FDOT pursuant to applicable rules, then the standard becomes "D" for any such area. If any portion of SR 80 east of Buckingham Road is determined to be within a transitioning urbanized area based on the year 2000 Census by FDOT pursuant to applicable rules, then the standard becomes "C" for any such area.

(3) If the portion of SR 80 east of Hickey Creek is multi-laned and remains in the rural area after the year 2000 Census then the standard becomes "B". Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will not be widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads within unincorporated Lee County as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. These constrained

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Capital Improvements VI-7 December 2004 roads are defined in Table 2(a). Growth on those constrained roads will be permitted only within the volume-to-capacity (v/c) ratios established in this plan and only if consistent with the Operational Improvement Program for those constrained roads.

The minimum acceptable level of service as specified above for Pine Island Road between Burnt Store Road and String Fellow Boulevard is subject to Policy 14.2.1 and Policy 14.2.2.

For minimum acceptable levels of service determination, the peak season, peak hour, peak direction condition will be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions will be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station.

NON-REGULATORY STANDARDS

7. Recreation Facilities:

- (a) Community Recreation Centers 250 square feet per 1000 persons in unincorporated county only.
- (b) Boat Ramps One boat ramp lane with adequate parking per 35,000 population (county-wide).
- (c) Water (Beach) Accesses Retain current inventory, and develop 3 existing water accesses per year.

8. Libraries:

Maintain existing per-capita inventory; provide 1.6 items and .274 square feet of library space per capita (permanent residents).

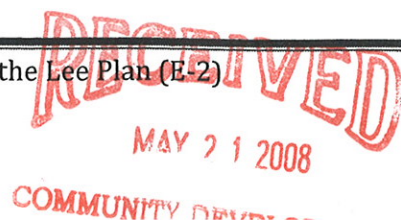
9. Emergency Medical Service:

3.18 advanced life support ambulance stations per 100,000 population with a five and one half (5 1/2) minute average response time. (Amended by Ordinance No. 91-19, 92-35, 94-30, 99-15, 00-08, 00-22, 02-02)

POLICY 95.1.4: DESIRED FUTURE LEVEL-OF-SERVICE STANDARDS. For certain facilities, a second LOS standard, a "Desired Future Level of Service," is set forth. These standards represent a community goal of higher levels of public service and facility provision than can be achieved with current resources. It is the intent of Lee County to achieve these levels of facility provision by the dates prescribed in this policy. However, failure to achieve these goals will not halt the issuance of development orders under the Concurrency Management System.

1. Stormwater Management Facilities:

To be established basin by basin subsequent to the county-wide surface water management master plan. Future service standards can only be finalized upon the completion of the basin studies and will be based upon providing a defined level of flood Capital Improvements VI-8 December 2004 protection,



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balanced with the protection of natural flow ways and associated wetland systems. The following additional standards are hereby established for the Six Mile Cypress Watershed:

- The Six Mile Cypress Slough and its major tributaries as identified in the Six Mile Cypress Watershed Plan (February 1990) must accommodate the associated discharge from the 25-year, 3-day storm event (rainfall). (Ref: Six Mile Cypress Watershed Plan (February 1990) - Volume II, page 105.)

- Water quality must be improved in accordance with EPA's NPDES and Rule 17-40 F.A.C. criteria for stormwater discharges.

2. Parks and Recreation Facilities:

a. Regional Parks:

By 1998, Lee County will provide 8 acres of improved regional park land open for public use per 1000 total seasonal population for all of Lee County.

b. Community Parks:

By 1996, Lee County will provide 1.75 acres of improved standard community parks open for public use per 1000 unincorporated Lee County permanent population; by September 30, 1998 the county will increase this to 2.0 acres of improved standard community parks open for public use per 1000 unincorporated Lee County permanent population.

3. Libraries:

2 items per capita (permanent residents) and .424 square feet of space per capita in 2000.

(Amended by Ordinance No. 91-19, 93-25, 94-30, 98-09, 00-22)

POLICY 95.1.5: In accordance with Section 9J-5.016(4)(a)1., Florida Administrative Code, Table 3 contains a schedule of capital improvements, extracted from the most recently adopted Lee County Capital Improvements Program. This schedule provides, by operating department and type of improvement, a list of projects identified by project number and descriptive name, with the proposed annual budget and five-year total expenditures. Table 3A provides the location of the project by Planning District, the plan criteria by CIE priority numbers (from Policy 95.1.1(b)), and specific references to the Lee Plan policies which require or encourage the proposed capital project. (Amended by Ordinance No. 94-30)

POLICY 95.1.6: In accordance with Section 9J-5.016(4)(a)2., Florida Administrative Code, Table 3 is hereby provided as the required list of projected costs and revenue sources by the type of public facility. Additional information may be obtained by consulting the annual update of the Lee County Capital Improvements Program or the Lee County annual fiscal year budget document. (Amended by Ordinance No. 94-30)

OBJECTIVE 95.2: CONCURRENCY MANAGEMENT SYSTEM. Maintain a "Concurrency Management System" (CMS) within the development regulations in accordance with F.S. 163.3202.



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The CMS will ensure that no development permits will be issued unless the established regulatory level-of-service requirements are met or will be met as needed to serve the development. (Amended by Ordinance No. 94-30, 00-22) Capital Improvements VI-9 December 2004

POLICY 95.2.1: a. The purpose of the CMS will be to ensure that no development permit is issued unless the facilities necessary to serve the development are in place and have adequate capacity as defined by the adopted level-of-service standard. Only those facilities for which "regulatory" standards are established will be incorporated in the CMS.

b. The CMS will consider:

1. The service actually provided by the type of facility and the factors which contribute to the adequacy of that service;
2. The proximity and/or accessibility of the service in relation to the site of the individual development permit under consideration; and
3. The type of land use proposed and the density or intensity of use.

c. The CMS will include a review and appeal process to ensure adequate due process for any situation where operation of the CMS results in the denial of permission to make reasonable beneficial use of the land in question. Under this process variances may be issued, but will be limited to allow only such development rights as are necessary to avoid the unconstitutional taking of private property without due process of law.

d. In administering the CMS, the estimated (remaining) capacity of any specified facility will be adjusted to take into account the dormant demand represented by land for which local or DRI Development Orders were issued prior to the effective date of this plan, and by any land the development of which is exempt from the requirements of the Land Development Code. (Amended by Ordinance No. 94-30, 00-08, 00-22)

OBJECTIVE 95.3: OTHER FINANCING POLICIES. Establish a broad-based system of revenue regulations that ensure that new development pays at least 90% of the capital costs of the public infrastructure directly attributable to that new development. (Amended by Ordinance No. 94-30)

POLICY 95.3.1: Impact fees for and/or fees-in-lieu of private provision of designated public facilities will be set to capture a substantial proportion of the full and real cost of the designated facility, and will be reviewed and updated regularly. (Amended by Ordinance No. 00-22)

POLICY 95.3.2: Lee County will assist any duly constituted public agency within its boundaries, at that agency's request, in developing an impact fee program to offset the impacts of new growth on that agency or jurisdiction's capital or facility requirements. (Amended by Ordinance No. 00-22)

OBJECTIVE 95.4: FLORIDA'S TENTH UNIVERSITY. Recognize the unique advantages and obligations which accompany the development and maturation of Florida's Tenth University. (Added by Ordinance No. 92-47)



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POLICY 95.4.1: Upon completion of the Conceptual Master Plan required by Policy 18.1.9 the Capital Improvements Element and Capital Improvement Program will be amended to reflect the unique obligations which will accompany the development and maturation of Florida's Tenth University. (Added by Ordinance No. 92-47, Amended by Ordinance No. 00-22) Capital Improvements VI-10 December 2004

POLICY 95.4.2: The infrastructure improvements necessitated by Florida's Tenth University which will require the expenditure of public funds will be consolidated, as a package, for public review and comment prior to amending the Capital Improvements Element. (Added by Ordinance No. 92-47, Amended by Ordinance No. 00-22)

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Response: N/A

GOAL 96 – GOAL 100: [RESERVED] Capital Improvements VI-11 December 2004

CONSERVATION AND COASTAL MANAGEMENT
Chapter VII

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COMMUNITY DEVELOPMENT

VII. Conservation and Coastal Management

GOAL 101: PLANNING, COORDINATION AND IMPLEMENTATION. To protect the public from the effects of natural and technological hazards through county emergency plans and programs.

OBJECTIVE 101.1: The county will maintain a system that provides a reasonable opportunity for protecting the population at risk to injury or death from the natural and technological hazards defined in the 1984 Lee County Hazard Vulnerability Analysis or subsequent updates. (Amended by Ordinance No. 00-22)

POLICY 101.1.1: The Lee County Comprehensive Emergency Management Plan will be used as the operational guide in preparing for, responding to, and recovering from natural and technological hazards requiring emergency actions by local government officials. (Amended by Ordinance No. 00-22)

POLICY 101.1.2: The county, in cooperation with local news media, educational institutions, public service groups, and other agencies will implement a program of education and information describing the risks of hazards such as hurricanes, tropical storms, severe thunderstorms, tornadoes, lightning, freezes, and attack from hostile governments; and actions necessary to mitigate the dangers which these hazards present. (Amended by Ordinance No. 00-22)

POLICY 101.1.3: The county will establish and maintain a program describing facilities and sites designated to serve as local, state, and federally sponsored emergency assistance locations; examples of

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such facilities include disaster application centers, citizen assistance centers, disaster field offices, temporary housing sites, and debris disposal locations. (Amended by Ordinance No. 00-22)

POLICY 101.1.4: The county will maintain a mechanism to coordinate the development and maintenance of emergency plans and programs among the relevant local, regional, and state governments, districts, the administration of the Florida Gulf Coast University, or agencies. (Amended by Ordinance No. 94-30, 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals. This amendment will also take out almost three hundred RV's that are vulnerable to natural hazards like hurricanes and floods.

GOAL 102: PEOPLE WITH SPECIAL NEEDS. To assist in the emergency preparedness requirements of the county's elderly, frail, infirmed, or handicapped (people with special needs).

OBJECTIVE 102.1: The county will continue to have mechanisms in place to assist people with special needs during an emergency. (Amended by Ordinance No. 94-30, 00-22)

POLICY 102.1.1: New hospital, nursing home, adult congregate living facility, or developmentally disabled projects must prepare an emergency preparedness plan acceptable to the Lee County Division of Public Safety prior to receiving a final development order. (Amended by Ordinance No. 00-22) Conservation and Coastal Management VII-1 December 2004

POLICY 102.1.2: The county, in cooperation with other public agencies and service groups, will continue its efforts to assist in the emergency transportation needs of residents having limited mobility who do not reside in licensed institutions serving people with special needs. (Amended by Ordinance No. 94-30, 00-22)

POLICY 102.1.3: The county, in cooperation with other public agencies and service groups, will continue its efforts to provide basic medical services in selected emergency public shelters for people with special needs. (Amended by Ordinance No. 94-30, 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 103: HAZARDOUS MATERIALS. To protect the public and the environment from accidental contact with hazardous materials.

OBJECTIVE 103.1: The county will support and assist in the creation, maintenance, and improvement of appropriate responses to hazardous material accidents, spills, or leaks. (Amended by Ordinance No. 00-22)

POLICY 103.1.1: The county will strive to maintain a representative on the Local Emergency

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Planning Committee (as required by the provisions of Title III: The Federal Emergency Planning and Community Right-To-Know Act of 1986). Through this representative, the county will continue to support and implement to the extent practicable the responsibilities set forth by the Local Emergency Planning Committee until such time as the Committee is terminated. (Amended by Ordinance No. 94-30, 00-22)

POLICY 103.1.2: The county will assist the various fire districts and other interested parties in the development and maintenance of a hazardous material response team; will provide notification, resource, and logistical support to the response team and other primary agencies responding to hazardous material incidents; and will assist in coordinating the various resources to ensure proper containment, cleanup and disposal of hazardous materials involved in an emergency incident. (Amended by Ordinance No. 00-22)

POLICY 103.1.3: The county will develop and maintain a hazardous material emergency response plan that complies with applicable federal and state regulations and guidelines. (Amended by Ordinance No. 00-22)

POLICY 103.1.4: The county will assist the various fire districts and appropriate parties in the development and maintenance of a training program for hazardous material response. (Amended by Ordinance No. 00-22)

POLICY 103.1.5: Any new development involved in the manufacturing, production, use, application, and storage of hazardous materials or toxic substances contained on the list of extremely hazardous substances published in the Federal Register on 11/17/86 (or subsequent updates) must establish an emergency notification system in the event of a release of a listed hazardous substance. Notification information will conform to requirements set forth in Section 304 of Title III: The Federal Emergency Community Right-to-Know Act of 1986. (Amended by Ordinance No. 00-22)

POLICY 103.1.6: Any new development involved in the manufacturing, production, use, application, and storage of hazardous materials or toxic substances listed in Chapter 38F-4I, Florida Administrative Code (or subsequent updates), must prepare or have available material safety data sheets (MSDS) under the Occupational Safety and Health Administration regulations Conservation and Coastal Management VII-2 December 2004 and submit either copies of MSDS or a list of MSDS chemicals to the applicable fire department or district and to the Lee County Division of Public Safety. (Amended by Ordinance No. 94-30, 00-22)

POLICY 103.1.7: The county will review disaster preparedness plans for all petroleum storage facilities including any petroleum port or storage facility. This review will also include an assessment of the engineering specifications of the containment dikes at the site in a 100-year storm surge. (Amended by Ordinance No. 99-15)

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Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 104: COASTAL RESOURCE PROTECTION. To protect the natural resources of the coastal planning area from damage caused by inappropriate development. (See also Goal 113.) (Amended by Ordinance No. 94-30)

Response: This amendment will protect and recreate some natural resources of the coastal area while providing for an appropriate development that will also educate on these natural resources.

OBJECTIVE 104.1: ENVIRONMENTALLY CRITICAL AREAS. Within the coastal planning area, the county will manage and regulate, on an ongoing basis, environmentally critical areas to conserve and enhance their natural functions. Environmentally critical areas include wetlands (as defined in Goal 114) and Rare and Unique upland habitats. Rare and Unique upland habitats include, but are not limited to: sand scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (FDOT, 1985). (See also Policy 113.1.4.) The digitization of the 1989 baseline coastal vegetation mapping (including wetlands and rare and unique uplands, as defined above) will be completed by 1996. (Amended by Ordinance No. 94-30, 00-22)

POLICY 104.1.1: Development will be limited in Rare and Unique upland habitats and strictly controlled in wetlands in the coastal planning area. (See Policy 107.1.1(2) and Goal 114.) (Amended by Ordinance No. 94-30, 00-22)

POLICY 104.1.2: The county will continue to support the preservation of environmentally sensitive areas in the coastal planning area by land acquisition. (Amended by Ordinance No. 9430, 00-22)

POLICY 104.1.3: The county will study the costs and benefits of extending the Estero Bay Aquatic Preserve to include major inland tributaries (Hendry, Mullock, and Spring Creeks, and the Estero and Imperial Rivers) by 2005. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 105: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. To protect human life and developed property from natural disasters. (See also Goal 110.) (Amended by Ordinance No. 94-30)

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Response: This amendment will take almost three Hundred RV units out of the Coastal High Hazard area by replacing them with code compliant structures to protect human life and property from natural disasters.

OBJECTIVE 105.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS. Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22) Conservation and Coastal Management VII-3 December 2005

Response: This project is not seaward of the CCC line, is not in an area that has not been developed.

POLICY 105.1.1: County policy regarding development seaward of the updated 1991 Coastal Construction Control Line will be re-evaluated approximately every five years beginning in 1995 to assess the adequacy of policies and practices developed by the Department of Environmental Protection. (Amended by Ordinance No. 92-35, 94-30, 00-22)

Response: N/A

POLICY 105.1.2: Re-zonings to allow higher densities will not be permitted on barrier and coastal islands if the capacity of critical evacuation routes would thereby be exceeded (see Objective 109.1). (Amended by Ordinance No. 92-35, 00-22)

Response: This amendment will comply with the above stated policy or will provide for the requirements of the policy

POLICY 105.1.3: Shoreline development in V Zones will be protected from coastal erosion, wave action, and storms by vegetation, setbacks, and/or beach re-nourishment, rather than by seawalls or other hardened structures which tend to hasten beach erosion (see also policies under Objective 113.2). Repairs of lawfully constructed, functional, hardened structures as defined in F.S. Chapter 1N/ a61 may be allowed subject to applicable state and local review and approval. (Amended by Ordinance No. 92-35, 00-22)

Response: N/A

POLICY 105.1.4: Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22, 05-19)

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Response: This amendment is for an area already developed. The amendment while not reducing density is eliminating exposure to coastal flooding by removing the existing flood prone housing.

POLICY 105.1.5: Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services. (Added by Ordinance No. 05-19)

Response: this project should not be considered for the minimum density requirements because of many individual characteristics such as available urban services, an existing urban form of high density design, and the potential for as it exist today for loss of life and property.

GOAL 106: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS. To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. (Amended by Ordinance No. 94-30)

Response: this project will decrease public expenditures by remove the potential for repeated destruction by ridding the area of potential repeated destruction to the area by building to the latest's codes. The new amendment will provide open space uses where none exist today as part of the overall development.

OBJECTIVE 106.1: COASTAL HIGH HAZARD AREA EXPENDITURES. Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. (Amended by Ordinance No. 94-30, 00-22)

POLICY 106.1.1: All further public expenditures made for new facilities on undeveloped barrier islands or within V zones will require a finding by the county commission that such expenditures are necessary to maintain required service levels, to protect existing residents, or to provide for recreation and open space needs. (Amended by Ordinance No. 00-22)

Response: we are not an undeveloped island.

POLICY 106.1.2: No new causeways (public or private) will be constructed to any islands. (Amended by Ordinance No. 00-22)

POLICY 106.1.3: No new bridges will be constructed to undeveloped barrier islands except where needed to achieve evacuation clearance time objectives on adjoining islands connected by existing bridges. In such a case, this plan will be amended to insure that the ultimate development of all areas

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served by the new bridge is limited to levels which can safely be served by the new and existing bridges.
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POLICY 106.1.4: When state funding is required for the relocation or replacement of infrastructure currently within the Coastal Building Zone, the capacity of the replacement structure will be limited to maintaining required service levels, protecting existing residents, and providing for recreation and open space needs. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 107: RESOURCE PROTECTION. To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

OBJECTIVE 107.1: RESOURCE MANAGEMENT PLAN. The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape. (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.1.1: County agencies implementing the natural resources management program will be responsible for the following:

1. Identifying upland and wetland habitats/systems most suitable for protection, enhancement, reclamation, and conservation.
2. Recommending standards to the Board of County Commissioners for Board approval for development and conservation that will protect and integrate wetlands (as defined in Objective 114.1) and significant areas of Rare and Unique upland habitats (as defined in Objective 104.1).
3. Preparing standards for wetland and rare and unique upland mitigation.
4. Conducting a sensitive lands acquisition program, which will consist of the following elements (see also Policy 107.2.8):
 - a. A comprehensive inventory of environmentally sensitive lands will be maintained and expanded as new data becomes available.
 - b. Environmentally sensitive lands will include wetlands (as defined in Objective 114.1); important plant communities (as identified by Objective 107.2); critical habitat for listed wildlife species (see also Objective 107.8 and Policies 107.4.1, 107.4.2, 107.10.4, and 107.11.2); environmentally sensitive coastal planning areas (as defined in Policy 113.1.5); natural waterways; important water resources (as defined in Policy 117.1.1); storm and flood hazard areas; and Rare and Unique uplands (as defined in Objective 104.1).

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- c. Beginning in 1997, the county will adopt and implement a program to acquire and manage lands critical to water supply, flood protection, wildlife habitat, and passive recreation. The program will be funded by an ad valorem tax of up to 0.50 (1/2) mil annually for a period not to exceed seven years. A fifteen member advisory group to be called the Conservation Lands Acquisition and Stewardship Advisory Committee Conservation and Coastal Management VII-5 December 2004 (CLASAC) will develop and implement the program. Ten percent of the funds will be used to manage the lands acquired.
 - d. The county will take full advantage of opportunities to cooperatively acquire and manage sensitive lands and to leverage other funding sources by working with state land acquisition and land management agencies such as the Florida Communities Trust and the Florida Game and Fresh Water Fish Commission and by participating in state land acquisition programs such as the Save Our Rivers program and the Conservation and Recreational Lands program.
 - e. The county (or other appropriate agency) will prepare a management plan for each acquired site for the long term maintenance and enhancement of its health and environmental integrity. The management plan will address any necessary people management (e.g., fences and signage to prevent incompatible uses such as off road vehicle use and hunting); surface water management and restoration; ecosystems restoration; litter control; fire management; invasive exotic plant and animal control; and, where appropriate, compatible recreational use facilities. The plan will also address how maintenance will be funded.
 - f. The county will encourage the establishment of and provide assistance to community-based land trusts, whose purpose is the preservation and protection of Lee County's natural resources.
5. Maintaining a central clearinghouse for all environmental studies and recommendations by both public and private organizations.
6. Compiling, maintaining and regularly updating county mapping of vegetation communities; listed species habitat and sitings; and water resources including watersheds, floodplains, wetlands, aquifers, and surface water features.
7. Preparing recommendations for maintaining or restoring the desired seasonal base flows and water quality after reviewing monitoring data.
8. Coordinating in the preparation of plans with the municipalities, South Florida Water Management District, and Southwest Florida Water Management District to better control flows of freshwater and reduce pollutant discharges into the Lee County coastal waters.
9. Providing an annual progress report to the county commission on the resource management program. The report should address the adequacy of the program and land use regulations to protect and enhance these natural systems.
10. Providing an annual report to the County Commission on the status of wetlands and rare and unique uplands by 1996. (Amended by Ordinance No. 94-30, 98-09, 00-22)

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Response: This amendment provides for reclamation and enhancement of a large wet land area while protecting and integrating it with the development.

OBJECTIVE 107.2: PLANT COMMUNITIES. Lee County will maintain and routinely update an inventory of natural plant communities and will protect at various suitable locations remnant tracts of all important and representative natural plant communities occurring within Lee County. (Amended by Ordinance No. 94-30)

POLICY 107.2.1: Coordinate with state and regional agencies to exchange updated natural resources information. (Amended by Ordinance No. 94-30) Conservation and Coastal Management VII-6 December 2004

POLICY 107.2.2: Continue to provide regulations and incentives to prevent incompatible development in and around environmentally sensitive lands (as defined in Policy 107.1.1.4.b.). (Amended by Ordinance No. 94-30)

POLICY 107.2.3: Prevent water management and development projects from altering or disrupting the natural function of significant natural systems.

POLICY 107.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

POLICY 107.2.5: Maintain regulations to control the clearing of natural vegetation, including tree removal and clearing of understory, prior to the development of property or its conversion to agricultural uses. (Amended by Ordinance No. 94-30)

POLICY 107.2.6: Avoid needless destruction of upland vegetation communities including coastal and interior hammocks through consideration during the site plan review process of alternative layouts of permitted uses.

POLICY 107.2.7: Require inventories and assessments of the impacts of development in environmentally sensitive lands. (Amended by Ordinance No. 94-30)

POLICY 107.2.8: Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, and public acquisition. (Amended by Ordinance No. 94-30)

POLICY 107.2.9: Maintain regulations, incentives, and programs for preserving and planting native plant species and for controlling invasive exotic plants, particularly within environmentally sensitive areas. (Amended by Ordinance No. 94-30)

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POLICY 107.2.10: Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations. (Amended by Ordinance No. 00-22)

POLICY 107.2.11: Prohibit the planting of invasive exotic plants in landscaping requirements for land development projects. Prohibited invasive exotic plant species will be specified in the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.2.12: To ensure that adequate protection of mangroves is maintained, the county will re-evaluate and amend, if necessary, its mangrove protection regulations whenever state mangrove protection regulations are revised. The county will oppose any efforts of other agencies to reduce or eliminate regulations relating to the protection of mangroves and other wetland areas. (Amended by Ordinance No. 93-25, 94-30, 00-22)

OBJECTIVE 107.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system. (Amended by Ordinance No. 94-30)

POLICY 107.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation. Conservation and Coastal Management VII-7 December 2004

POLICY 107.3.2: Participate with the Southwest Florida Regional Planning Council and the Florida Game and Fresh Water Fish Commission in the development of a regional plan that identifies and protects areas utilized by wildlife, including panthers and bears so as to promote the continued viability and diversity of regional species. (Amended by Ordinance No. 92-48)

OBJECTIVE 107.4: ENDANGERED AND THREATENED SPECIES IN GENERAL. Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

POLICY 107.4.1: Identify, inventory, and protect flora and fauna indicated as endangered, threatened, or species of special concern in the "Official Lists of Endangered and Potentially Endangered Fauna and Flora of Florida," Florida Game and Freshwater Fish Commission, as periodically updated. Lee County's Protected Species regulations will be enforced to protect habitat of those listed species found in Lee County that are vulnerable to development. There will be a funding commitment of one full-time environmental planner to enforce this ordinance through the zoning and development review process. (Amended by Ordinance No. 92-48, 94-30, 00-22)

POLICY 107.4.2: Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.

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POLICY 107.4.3: Require detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern.

POLICY 107.4.4: Restrict the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 107.5: LOGGERHEAD SEA TURTLES. Continue the sea turtle protection program to minimize the disorientation of sea turtles along the Gulf beaches. (Amended by Ordinance No. 9430)

POLICY 107.5.1: The sea turtle protection program includes at least the following activities:

1. Distribute a guide for homeowners and builders which explains the detrimental effects of night-time beachfront lighting on hatchling sea turtles.
2. Continue to examine public light sources (streetlights, security lights, beach access lights, etc.) and prepare a plan to minimize the amount of harmful light from such sources onto the beach during the nesting season.
3. Continue to conduct an educational program to persuade residents to reduce lighting levels on the beach and to publicize other hazards to turtles from activities of people, pets, and vehicles.
4. Continue to provide and enforce sea turtle regulations to prevent inappropriate lighting along beaches during the nesting season. (Amended by Ordinance No. 94-30) Conservation and Coastal Management VII-8 December 2004

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OBJECTIVE 107.6: SOUTHERN BALD EAGLES. The county will continue to monitor Southern bald eagle nesting activity and offer incentives to conserve buffer areas around Southern bald eagle nests. (Amended by Ordinance No. 98-09)

POLICY 107.6.1: Maintain a policy of negotiations with owners of land surrounding eagle nests to provide an optimal management plan for land subject to imminent development.

POLICY 107.6.2: The county Eagle Technical Advisory Committee will continue to conduct nest monitoring through the nesting season for all known eagle nests in Lee County. Information from these assessments will be used to modify, as needed, the adopted nest guidelines and to adopt guidelines for new eagle nests documented in Lee County. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 107.6.3: The Committee will continue to inform land owners and the general public of proper practices to minimize disturbances to eagle nests. (Amended by Ordinance No. 94-30, 98-09)

OBJECTIVE 107.7: WEST INDIAN MANATEES. Minimize injuries and mortality of manatees to maintain the existing population by encouraging the adoption by the state of Florida and local governments of regulations to protect the West Indian Manatee in the Caloosahatchee and elsewhere in Lee County. By 1998, manatee protection plans will be prepared for other waters of Lee County also frequented by manatees. (Amended by Ordinance No. 94-30, 98-09)

POLICY 107.7.1: Characterize and map important manatee habitats; identify and evaluate potential threats to important habitats; and consider management agreements to protect such habitats.

POLICY 107.7.2: Identify areas of greatest actual or potential boat/barge mortality and/or injury by 1998, and re-evaluate existing slow or idle speed zones. (Amended by Ordinance No. 94-30, 98-09)

POLICY 107.7.3: Inform and educate the public through sign posting, lectures, and regulations about manatee protection.

POLICY 107.7.4: Educational materials regarding manatees should be disseminated to boaters and warning signs placed in areas where both manatees and humans congregate.

POLICY 107.7.5: Construction and expansion of multi-slip docking facilities and boat ramps will be encouraged in locations where there is quick access to deep, open waters where the associated increase in boat traffic will be outside areas of high manatee concentration. (Amended by Ordinance No. 00-22)

POLICY 107.7.6: State, local, and private interests will work in cooperation to develop and implement area-specific manatee protection plans. (Amended by Ordinance No. 00-22)

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POLICY 107.7.7: The county will continue to provide a permanent funding source to assist in the enforcement of vessel regulations for manatee protection. (Amended by Ordinance No. 94-30, 00-22) Conservation and Coastal Management VII-9 December 2004

OBJECTIVE 107.8: GOPHER TORTOISES. The county will protect gopher tortoises through the enforcement of the protected species regulations and by operating and maintaining, in coordination with the Florida Game and Fresh Water Fish Commission, the Hickey Creek Mitigation Park. (Amended by Ordinance No. 94-30)

POLICY 107.8.1: The county's policy is to protect gopher tortoise burrows wherever they are found. However, if unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with Florida Game and Fresh Water Fish Commission requirements. (Amended by Ordinance No. 94-30)

OBJECTIVE 107.9: RED-COCKADED WOODPECKER. County staff will coordinate with the Florida Game and Fresh Water Fish Commission to determine on a case-by-case basis the appropriate mitigation for the protection of the red-cockaded woodpecker's habitat. Mitigation may include on-site preservation, on-site mitigation, off-site mitigation, and associated habitat management. (Amended by Ordinance No. 94-30)

POLICY 107.9.1: County staff will note and document other possible red-cockaded woodpecker sites during routine site inspections.

OBJECTIVE 107.10: WOODSTORK. Lee County will maintain regulatory measures to protect the wood stork's feeding and roosting areas and habitat. (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.10.1: County protected species regulations will continue to include wood storks as a Lee County Listed Species, requiring surveys for and protection of wood stork habitat. The county will continue to maintain an inventory of documented feeding, roosting, and rooking areas for the wood stork to ensure that surveys submitted through the Protected Species Ordinance include such areas. (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.10.2: The county will continue to require management plans for existing wood stork feeding, roosting, and rooking areas to utilize "Habitat Management Guidelines for the Wood Stork in the Southeast Region" (U.S Fish and Wildlife Service, 1990). (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.10.3: The county will encourage the creation of wood stork feeding areas in mandatory littoral shelf design, construction, and planting. (Amended by Ordinance No. 94-30, 00-22)

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POLICY 107.10.4: By 1995, the county will identify wood stork flight patterns from roosting and rooking areas to feeding areas within the county. By 2000, evaluate the impact of existing tall structures on wood storks within significant flight areas and consider adoption of regulations if it is deemed appropriate. Include significant wood stork roosting, rooking, and feeding areas in the inventory of environmentally sensitive lands for potential acquisition (see Policy 107.1.1.4). (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.10.5: The county will continue to permit communication towers in excess of 100 feet only by special exception. The impacts of such towers on woodstorks must be considered in the review of these applications. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22) Conservation and Coastal Management VII-10 December 2004

OBJECTIVE 107.11: FLORIDA PANTHER AND BLACK BEAR. County staff will develop measures to protect the Florida panther and black bear through greenbelt and acquisition strategies. (Amended by Ordinance No. 92-48, 00-22)

POLICY 107.11.1: Lee County will maintain and update data on sitings and habitat for the black bear and Florida panther. (Amended by Ordinance No. 94-30)

POLICY 107.11.2: Encourage state land acquisition programs to include known panther and black bear corridors. The corridor boundaries will include wetlands, upland buffers, and nearby vegetative communities which are particularly beneficial to the Florida panther and black bear (such as high palmetto and oak hammocks). (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.11.3: Lee County will inform Collier and Charlotte counties as to Lee County corridor acquisition projects to encourage a regional approach to corridor acquisition. (Amended by Ordinance No. 00-22)

POLICY 107.11.4: The county will continue to protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway, a regionally significant greenway with priority panther habitat, through continued participation in land acquisition programs and land management activities and through buffer and open space requirements of the Land Development Code. (Amended by Ordinance No. 98-09)

POLICY 107.11.5: The county will continue to include the Florida panther and black bear in the protected species management section of Chapter 10 of the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.11.6: In any vegetation restoration projects conducted by Lee County for land acquired due to its environmental sensitivity (such as the Six Mile Cypress Strand and the Flint Pen Strand), plant lists

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will include species that provide forage for the prey of the Florida panther and forage for the black bear.
(Amended by Ordinance No. 00-22)

OBJECTIVE 107.12: MARINE PRODUCTIVITY. Lee County will support maintenance and improvement of marine fisheries productivity, and promote the conservation of fishery resources through the protection and restoration of finfish and shellfish habitat. (Amended by Ordinance No. 00-22)

POLICY 107.12.1: Assist in creating and renourishing artificial reefs in coordination with the Florida Department of Environmental Protection and other appropriate organizations. (Amended by Ordinance No. 94-30)

POLICY 107.12.2: Support state and federal fisheries management programs that protect and enhance the long-term biological and economic productivity of coastal and estuarine waters and their sources for commercial and sport fisheries.

POLICY 107.12.3: Unmarked channels or passages that have been used to traverse shallow inshore waters may be marked to reduce injury to marine seagrass beds if appropriate (subject to obtaining necessary permit approvals). Conservation and Coastal Management VII-11 December 2004

Response: This amendment will comply with the above stated policies, objectives and goals

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GOAL 108: ESTUARINE WATER QUALITY. To manage estuarine ecosystems so as to maintain or improve water quality and wildlife diversity; to reduce or maintain current pollution loading and system imbalances in order to conserve estuarine productivity; and to provide the best use of estuarine areas. (Amended by Ordinance No. 94-30)

Response: This amendment will add to the management of estuarine ecosystems by bring up the standards for the areas around these systems

OBJECTIVE 108.1: Establish baseline conditions in all estuarine systems, including pollutant and freshwater loadings by 2000, and maintain an ongoing water quality monitoring program. Maintain communication with other local, state, and federal estuarine water quality studies to ensure that the latest data and recommendations are available. (Amended by Ordinance No. 94-30)

POLICY 108.1.1: The Lee County Division of Natural Resources Management (or its successor) will monitor estuarine water quality and be responsible for:

1. Setting up and operating a network of water quality sampling sites to fill in gaps in the state sampling program, especially in Estero Bay.
2. Maintaining liaison with other local, state, and federal agencies engaged in water quality monitoring, and reviewing their data, conclusions, and recommendations.
3. Developing a system for reporting on water quality conditions and trends on a regular basis.
4. Recommending actions that are intended to maintain or improve water quality in the estuaries to meet the Department of Environmental Protection's criteria for the appropriate class water body and preserve the "approved for shellfish harvesting" classification where applicable, while attempting to return viable "closed" (due to water quality) shellfishing areas to an "approved" status. (Amended by Ordinance No. 94-30, 00-22)

POLICY 108.1.2: Development affecting coastal and estuarine water resources must maintain or enhance the biological and economic productivity of these resources. (Amended by Ordinance No. 00-22)

POLICY 108.1.3: The county will cooperate with the South Florida Water Management District, local utilities, and other appropriate agencies for monitoring and review of freshwater discharge affecting estuarine areas, in order to maintain the biological and chemical balances necessary for optimum productivity. (Amended by Ordinance No. 00-22)

POLICY 108.1.4: The county will cooperate with the Florida Marine Patrol, U.S. Coast Guard, U.S. Army Corps of Engineers, and the Florida Department of Environmental Regulation in the enforcement of pollution control standards for marinas, marine dumping, and illegal discharges from water craft. (Amended by Ordinance No. 00-22)

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POLICY 108.1.5: Installation of shoreside pumpout stations at marinas that serve live-aboards will be required to provide adequate facilities for subsequent transfer and treatment of boat sewage. The county will consider expanding this requirement to all marinas where central sewer service is available. (Amended by Ordinance No. 00-22) Conservation and Coastal Management VII-12 December 2004

POLICY 108.1.6: Lee County encourages the on-going efforts by the SFWMD in establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River that recognizes public, environmental and agricultural uses of the river through participation in the Southwest Florida Feasibility Study, Lower East Coast and Lower West Coast Regional Water Supply Plans, Caloosahatchee Study, Minimum Flows and Levels, and the development of maximum flows and discretionary release protocols for Lake Okeechobee. (Added by Ordinance No. 02-02)

OBJECTIVE 108.2: WATERSHED MANAGEMENT PLANS. By 1996, establish procedures for reviewing all new upland development in terms of its impacts on estuarine systems. Prepare estuarine watershed management plans which maximize stormwater retention and treatment, with priority to the Estero Bay watershed. (Amended by Ordinance No. 94-30)

POLICY 108.2.1: The county's estuarine watershed management agency will be responsible for:

1. Preparing management plans for estuarine watersheds, with priority to the watershed of Estero Bay, a critical estuary undergoing development impacts.
2. Recommending modifications to the Sanibel causeway in order to improve estuarine water quality.
3. Reviewing the feasibility of changing canal patterns and retrofitting existing stormwater collection systems in order to reduce the impact of freshwater on estuaries.
4. Assessing the adequacy of disaster preparedness plans for coastal oil storage facilities.

(Amended by Ordinance No. 94-30, 00-22)

POLICY 108.2.2: The County will review the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed by the year 2002 in order to identify key action plans, objectives and policies that relate to Pine Island Sound, Matlacha Pass, the Estero Bay, the tidal Caloosahatchee and attendant watersheds. The review will assess County upland and coastal development management practices and public land acquisition programs as they related to the findings and recommendations of the Charlotte Harbor Plan. Particular emphasis will be placed on evaluating the effectiveness and improvement of County watershed programs as they relate to watershed conservation and public land acquisition programs, watershed management needs prioritization and water quality monitoring. (Added by Ordinance No. 02-02)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 109: EVACUATION AND SHELTER. To provide evacuation and shelter capabilities adequate to safeguard the public against the effects of hurricanes and tropical storms.

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OBJECTIVE 109.1: EVACUATION. By 1995, evacuation times will be restored to 1987 levels using the 1987 Southwest Florida Regional Hurricane Plan Update as guidance; and by 2010, the clearance time portion of evacuation time will not exceed 18 hours.

POLICY 109.1.1: The County will assess the impact of all new residential development upon the projected hurricane evacuation network and upon projected hurricane evacuation times, and will require mitigation either through structural (on-site, off-site shelter) provisions or through non-structural methods or techniques. (Amended by Ordinance No. 00-22) Conservation and Coastal Management VII-13 December 2004

POLICY 109.1.2: By 1995, periodic updates of the hurricane evacuation portion of the Comprehensive Emergency Management Plan will be coordinated with computer transportation modeling to identify critical roadway links. (Amended by Ordinance No. 94-30, 00-22)

POLICY 109.1.3: Critical roadway links causing congestion on evacuation routes for Category 1 through 3 hurricanes, including S.R. 78, will receive high priority for capital improvement expenditures. (Amended by Ordinance No. 94-30, 00-22)

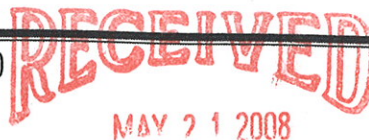
POLICY 109.1.4: New or replacement bridges on evacuation routes spanning major or marked navigable waterways will be designed, constructed, and operated to adequately accommodate the safe and timely evacuation needs of both motor vehicle and marine traffic. (Amended by Ordinance No. 99-15, 00-22)

OBJECTIVE 109.2: SHELTER. By 2010, adequate shelter space will be available for the population in the Hurricane Vulnerability Zone at risk under a Category 3 storm.

POLICY 109.2.1: The percentage rate of the evacuation population to be used as the basis for in-county and on-site shelter demand will be twenty-one (21) percent of the population at risk in the Hurricane Vulnerability Zone under a Category 3 storm hazard scenario except for those developments with Lee County approved Hurricane Management Plans. This rate will also be the target shelter capacity for a program to provide an emergency shelter supply within Lee County by the year 2010. (Amended by Ordinance No. 92-35, 00-22)

POLICY 109.2.2: By 1995, the county will implement a program designed to meet the level of service in Policy 109.2.1 by 2010. Components of this program may include:

1. Funding of the All-Hazards MSTU;
2. An impact fee or fee in lieu for new residential developments, with appropriate credits for the construction of on-site shelters outside of category 1 areas;
3. Mandatory on-site shelters for new residential developments (including mobile home and recreational vehicle parks) over a specified size threshold and outside Category 1 areas of the



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Hurricane Vulnerability Zone; and

4. Any available state funds. (Added by Ordinance No. 94-30)

POLICY 109.2.3: By 1995, on-site shelters will be required to meet standards established by the county, including provision of adequate shelter space, elevation above Category 3 hurricane storm surge flooding levels, adequate windproofing, glass protection, emergency power where needed, water supplies, and other basic needs. (Amended by Ordinance No. 94-30, 00-22)

POLICY 109.2.4: On-site shelters for the general public must not be built on barrier or coastal islands.
(Amended by Ordinance No. 00-22)

POLICY 109.2.5: By 1995, the county will determine the feasibility of evacuating residents from the Category 1 area to vertical shelters within residential, commercial, and industrial sites in the Category 2, 3, 4, and 5 areas of the Hurricane Vulnerability Zone. (Amended by Ordinance No. 94-30, 00-22) Conservation and Coastal Management VII-14 December 2004

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POLICY 109.2.6: Upon adoption of Rule 9J-2, F.A.C., the county will petition the Florida Department of Community Affairs to designate Lee County as a "special hurricane preparedness district" so that shelter alternatives not consistent with state-wide policies can be implemented. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 110: HAZARD MITIGATION. To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes. (See also Goal 105.) (Amended by Ordinance No. 94-30)

Response: This amendment is consistent with the goal by reducing the likelihood of property loss with this land use because of the replacement of sub standard housing.

OBJECTIVE 110.1: DEVELOPMENT REGULATIONS. By 1995, all development regulations will be reviewed and revised to require that the vulnerability of future development in the A-Zone (as defined by the Federal Emergency Management Agency) be reduced. (Amended by Ordinance No. 94-30, 00-22)

POLICY 110.1.1: Regulations and incentives will be examined for additional setbacks in critical erosion areas, conservation and enhancement of dunes and vegetation, flood-proofing of utilities, and appropriate requirements for structural wind resistance and floodplain management.

POLICY 110.1.2: The county will not permit new or expanded mobile home or recreational vehicle development on barrier islands or in V-Zones as defined by the Federal Emergency Management Agency. (Amended by Ordinance No. 94-30, 00-22)

Response: This amendment eliminate almost 300 RV homes in an area that is of great concern during floods and storms.

POLICY 110.1.3: By 1995, all new residential development of more than 50 units will be required to provide continuing information to residents concerning hurricane evacuation and shelters, through the establishment of a homeowners' or residents' association. (Amended by Ordinance No. 94-30, 00-22)

POLICY 110.1.4: By 1995, all new residential development of more than 100 units will be required to formulate an emergency hurricane preparedness plan; this plan is subject to the approval of the Lee County Division of Public Safety. (Amended by Ordinance No. 94-30, 00-22)

POLICY 110.1.5: By 1995, the county will prepare and adopt a flood plain management plan. The plan will analyze the flooding problem of the unincorporated areas of Lee County, inventory the flood hazard area, review possible activities to remedy identified flooding problems, select appropriate

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alternatives, and formulate a schedule for implementation. (Amended by Ordinance No. 92-35, 94-30, 00-22)

Response: This amendment will provide some remedy to an identified area of flooding.

POLICY 110.1.6: Maintain the provisions of the Flood Plain Management Ordinance that interpret the 50% improvement threshold as cumulative for any improvement, modification, addition or reconstruction project to an existing building or structure identified as part of a repetitive loss property by the Federal Emergency Management Agency (FEMA). A repetitive loss property is defined as one for which two or more National Flood Insurance Program (NFIP) losses of at least \$1000.00 each have been paid since 1978. (Amended by Ordinance No. 92-35, 94-30)

POLICY 110.1.7: Maintain the current county development regulations requiring that any building that is improved, modified, added on to, or reconstructed by more than twenty five (25) percent of its replacement value and which has recorded a repetitive loss as defined by the Federal Emergency Management Agency will be brought into compliance with current regulatory standards for new construction. (Amended by Ordinance No. 92-35, 94-30, 00-22, 03-04) Conservation and Coastal Management VII-15 December 2004

Response: This amendment will comply with the above stated policies, objectives and goals

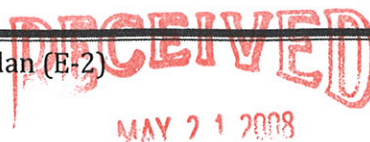
GOAL 111: POST-DISASTER REDEVELOPMENT. To provide for planning and decision-making to guide redevelopment during the response and recovery period following major emergencies, such as tropical storms and hurricanes.

OBJECTIVE 111.1: POST-DISASTER STRATEGIC PLAN. By 1995, the county will formally establish post-disaster institutions and procedures to guide county actions following a natural or technological disaster. (Amended by Ordinance No. 94-30, 00-22)

POLICY 111.1.1: The plan will maintain a Recovery Task Force to work with state and federal emergency officials, assess damage, review emergency actions, prepare a redevelopment plan, and recommend needed changes to the Strategic Plan and to this comprehensive plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 111.1.2: The plan will maintain guidelines for determining priorities for the acquisition of storm-damaged property in hazard-prone areas. (Amended by Ordinance No. 9430, 00-22)

POLICY 111.1.3: The plan will establish principles for repairing, replacing, modifying, or relocating public facilities in hazard-prone areas. (Amended by Ordinance No. 00-22)



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POLICY 111.1.4: The applicable portions of the Comprehensive Emergency Management Plan will be modified to comply with these policies, and will contain step-by-step details for post-disaster recovery operations. (Amended by Ordinance No. 00-22)

OBJECTIVE 111.2: POST-DISASTER ORDINANCE. Maintain an ordinance that implements (where necessary) the Post-Disaster Strategic Plan, and provides regulations that may be needed following a natural or technological disaster. By 1995, the Recovery Task Force will recommend amendments to the Post-Disaster Strategic Plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 111.2.1: The ordinance will continue to provide for enactment of a temporary moratorium on rebuilding not immediately needed for the public health, safety, and welfare (e.g., to allow repairs to water, power, fire, police, and medical facilities; debris removal; stabilization or removal of structures in danger of collapsing; and minimal repairs to make dwellings habitable). (Amended by Ordinance No. 94-30, 00-22)

POLICY 111.2.2: The ordinance may incorporate a redevelopment plan for hazard-prone areas where such a plan would minimize repeated exposures to life-threatening situations.

Response: A redevelopment plan will not be needed for this area because of proactive planning.

POLICY 111.2.3: The ordinance will implement the county buildback policy (see Procedures and Administration Section). (Amended by Ordinance No. 94-30, 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 112: INTERGOVERNMENTAL COORDINATION. To protect natural resource systems that cross governmental boundaries through intergovernmental coordination.

OBJECTIVE 112.1: Lee County will participate with adjacent county natural resource protection agencies and state and federal environmental agencies in regularly conducted natural resource protection staff intergovernmental coordination meetings. (Amended by Ordinance No. 94-30)

POLICY 112.1.1: The county will continue to participate in an intergovernmental task force consisting of representatives from Lee County and incorporated municipalities to develop a Conservation and Coastal Management VII-16 December 2004 permanent intergovernmental resource protection organization to deal with stormwater runoff, wastewater discharge, and development management policies aimed at protecting and enhancing estuarine water quality and unusual vegetative communities. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 112.2: The county will continue to participate with other governments to prepare and implement water management plans, including the Estero Bay Agency on Bay Management,

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Charlotte Harbor National Estuary Program, the Charlotte Harbor Management Plan, the Water Management District Surface Water Improvement and Management (SWIM) plans, DEP aquatic preserve management plans, water supply plans, and other water resource management plans. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 112.2.1: Lee County will re-evaluate county policies for protecting and enhancing natural resources upon a review of natural resource management plans that are newly adopted or revised by other agencies. (Amended by Ordinance No. 94-30, 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 113: COASTAL PLANNING AREAS. To conserve, maintain, and enhance the natural balance of ecological functions in the coastal planning area, with particular emphasis on the protection of beach and dune systems so as to retain their contribution to storm protection, natural resources, and economic development. (Amended by Ordinance No. 94-30)

OBJECTIVE 113.1: COASTAL PLANNING AREA IN GENERAL. Lee County will manage the coastal planning area to provide a balance among conservation of resources, public safety capabilities, and development. (Amended by Ordinance No. 94-30, 00-22)

POLICY 113.1.1: Coastal areas with significant public value for water retention and purification, wildlife habitat, and primary productivity will be protected through the development permitting process and enforcement of appropriate codes and regulations. (Amended by Ordinance No. 00-22)

POLICY 113.1.2: All development within the coastal planning area must be compatible with protection of natural systems. (Amended by Ordinance No. 94-30, 00-22)

POLICY 113.1.3: Construction of vehicular access to, and paved roads or commercial marinas on, undeveloped barrier islands is prohibited, as mandated by the Charlotte Harbor Management Plan. (See also Policy 106.1.2.) (Amended by Ordinance No. 94-30, 00-22)

POLICY 113.1.4: Undeveloped barrier islands will be maintained predominantly in their natural state. Public expenditures for infrastructure will be limited to public parks in such areas. (Amended by Ordinance No. 94-30, 00-22)

POLICY 113.1.5: Lee County will protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves and wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds. (Amended by Ordinance No. 0022)

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POLICY 113.1.6: The county will gather and utilize available technical criteria and supporting information necessary to guide the formulation of plans, ordinances, and regulations to insure that Conservation and Coastal Management VII-17 December 2004 development in the coastal planning area is compatible with the continued or improved functioning of natural coastal systems. (Amended by Ordinance No. 94-30, 00-22)

POLICY 113.1.7: Levels of service for facilities and services within the coastal planning area will be the same as those established for the remainder of the county (see Policy 95.1.3 for service level summaries). The county's Concurrency Management System will apply in full within the coastal planning area. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 113.2: SHORELINE STABILIZING SYSTEMS. Lee County will continue to encourage the construction of environmentally compatible shoreline stabilizing systems where stabilizing systems are needed. (Amended by Ordinance No. 00-22)

POLICY 113.2.1: Construction of environmentally compatible shoreline stabilizing systems will be allowed along the active gulf beach where necessary for the protection of shorelines from erosion. (Amended by Ordinance No. 00-22)

POLICY 113.2.2: Vertical seawalls must not be constructed along natural waterways except where such a wall is the most reasonable alternative (using criteria established by ordinance), and vertical seawalls along artificial canals will not be permitted unless an adequate littoral zone consistent with the surrounding environment is provided. Seawalls in artificial canals where 50% of the canal or greater is seawalled or for seawalls of less than 300 feet where both adjoining properties are seawalled, will be exempt from this requirement. (Amended by Ordinance No. 0022)

POLICY 113.2.3: The county will encourage planting of mangroves or placement of rip-rap in artificial and natural canal systems to replace existing seawalls in need of repair. (Amended by Ordinance No. 00-22)

POLICY 113.2.4: Build-back of vertical seawalls will not be permitted along natural waterbodies if one or more of the following conditions exist:

- Build-back would cause excessive shoreline erosion or endanger shorelines of surrounding properties.
- Build-back would threaten wetland resources.
- Build-back would be a threat to public safety or block access to state-owned submerged lands.
- Build-back would be waterward of the existing seawall alignment on adjacent shorelines.

OBJECTIVE 113.3: BEACH AND DUNE SYSTEMS. Lee County will continue to implement a beach preservation and management plan through the Lee County Coastal Advisory Council or successor agency. (Amended by Ordinance No. 98-09)

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POLICY 113.3.1: The Division of Natural Resources Management, or successor agency, will be responsible for the beach and dune management program. This program will include:

1. Preparing beach and dune management plans, with priority to the critical erosion areas:
 - a. south-central and southern portion of Gasparilla Island.
 - b. northern North Captiva Island.
 - c. all of Captiva Island. Conservation and Coastal Management VII-18 December 2004
 - d. north end of Bonita Beach.
2. Coordinating with the Captiva Erosion Prevention District in preparing beach and dune management plans for Captiva Island.
3. Collecting information on available sources of beach-quality sand for renourishment, concentrating on areas which will have minimal impacts on the county's fisheries.
4. Preparing renourishment plans for eroding areas where public facilities and access exist, including central-south Gasparilla Island, south end of Captiva Island, and northwest and central-south Estero Island.
5. Recommending regulations and policies to restrict hardened coastal engineering structures such as groin fields and seawalls, protect eroding coastal areas and sand dunes, and discourage development of undeveloped coastal barriers.
6. Maintaining a central clearinghouse for information on beach and dune studies and recommendations by both public and private organizations.
7. Educating citizens and developers about the costs and benefits of alternative beach and dune conservation approaches.
8. Preparing a sand preservation plan that emphasizes the importance of maintaining beach quality sand within the littoral system and discourages ocean dumping of usable sand from channel dredging.
9. Lee County will continue to participate in the Federal Shore Project as the local sponsor and will coordinate beach renourishment activities for the Estero Island segment with the Town of Fort Myers Beach. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 113.3.2: The costs of beach renourishment programs will be borne by the beneficiaries of those programs. Funding mechanisms for the renourishment may include but are not limited to the use of parks impact fees, public metered parking proceeds, tourist development taxes, Municipal Service Benefit Units (MSBUs), and beachfront property assessments, as long as the title to accreted lands remains public. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 113.3.3: The county will support the renourishment of beaches through the use of environmentally responsible methods. (Amended by Ordinance No. 98-09, 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

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GOAL 114: WETLANDS. To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems. (Amended by Ordinance No. 94-30)

OBJECTIVE 114.1: The natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211. (Amended by Ordinance No. 94-30, 00-22) Conservation and Coastal Management VII-19 December 2005

POLICY 114.1.1: Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes 9b and 9c of Table 1(a), Summary of Residential Densities. (Amended by Ordinance No. 94-30, 00-22)

POLICY 114.1.2: The county's wetlands protection regulations will be amended by 1995 to be consistent with the following:

1. In accordance with F.S. 163.3184(6)(c), the county will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.
2. No development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization.
3. Lee County will incorporate the terms and conditions of state permits into county permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.
4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.
5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies. (Amended by Ordinance No. 94-30, 00-22)

POLICY 114.1.3: The Future Land Use Map shows the approximate boundaries of wetlands in Lee County. The map will be updated by 2000 based on the definitions in this plan and new information. If the Future Land Use Map is incorrect due to a clear factual error, or if an exact boundary

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determination is desired, an administrative process is set out in Chapter XIII of this plan to establish the precise boundary of the wetland. (Amended by Ordinance No. 94-30)

POLICY 114.1.4: By the end of 2006, Lee County will amend the Lee County Land Development Code to establish a sufficient setback requirement for the placement of fill adjacent to existing mangroves or require development designs that address the interface of fill areas with existing mangroves to eliminate impacts from fill sloughing or washing into mangrove areas. Techniques to accomplish this include, but are not limited to: setbacks; stabilized slopes; retaining walls; and, rip rap revetments. (Added by Ordinance No. 05-19)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 115: WATER QUALITY AND WASTEWATER. To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.

OBJECTIVE 115.1: Maintain high water quality, meeting or exceeding state and federal water quality standards.

POLICY 115.1.1: Sources of water pollution will be identified, controlled, and eliminated wherever feasible.

POLICY 115.1.2: New development and additions to existing development must not degrade surface and ground water quality. (Amended by Ordinance No. 00-22) Conservation and Coastal Management VII-20 December 2005

Response: the existing development as exists today does not meet the policy above.

POLICY 115.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems. (Amended by Ordinance No. 00-22)

POLICY 115.1.4: Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data. (Amended by Ordinance No. 00-22)

POLICY 115.1.5: No garbage or untreated sewage will be discharged into coastal and interior surface waters. (Amended by Ordinance No. 00-22)

POLICY 115.1.6: The county will initiate a wellfield protection program to prevent the contamination of shallow wells by pollutant generating development including surface water runoff (see Goal 63). (Amended by Ordinance No. 00-22)

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POLICY 115.1.7: Valid permits and inspection will be required prior and subsequent to drilling operations for wells, elevator shafts, foundation holes, and test borings. (Amended by Ordinance No. 00-22)

POLICY 115.1.8: The county will continue its program of plugging improperly constructed wells which are detrimental to groundwater resources. (Amended by Ordinance No. 94-30, 0022)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 116: [RESERVED]

GOAL 117: WATER RESOURCES. To conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability. (Amended by Ordinance No. 94-30)

OBJECTIVE 117.1: WATER SUPPLIES. Insure water supplies of sufficient quantity and quality to meet the present and projected demands of all consumers and the environment, based on the capacity of the natural systems.

POLICY 117.1.1: Natural water system features which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed.

POLICY 117.1.2: The county will recognize and encourage water and wastewater management, provided that such management does not exceed the natural assimilative capacity of the environment or applicable health standards. Appropriate water and wastewater management includes, but is not limited to, aquifer recharge, dual water systems, use of low volume irrigation systems, use of water-conserving vegetation, and other conservation and recycling techniques.
(Amended by Ordinance No. 94-30, 00-22)

POLICY 117.1.3: Freshwater resources will be managed in order to maintain adequate freshwater supplies during dry periods and to conserve water. (Amended by Ordinance No. 0022) Conservation and Coastal Management VII-21 December 2004

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POLICY 117.1.4: Development designs must provide for maintaining surface water flows, groundwater levels, and lake levels at or above existing conditions. (Amended by Ordinance No. 00-22)

POLICY 117.1.5: The county will cooperate with the United States Geological Survey, South Florida Water Management District, and state agencies to develop an area-wide water resources plan emphasizing planning and management of water resources on the basis of drainage basins; and addressing the needs of the existing and potential built environment, natural hydrologic system requirements, and freshwater flow impacts on estuarine systems. (Amended by Ordinance No. 00-22)

POLICY 117.1.6: The county will continue to support a monitoring program of existing baseline conditions of water resources. (Amended by Ordinance No. 00-22)

POLICY 117.1.7: The county will cooperate fully with emergency water conservation measures of the South Florida Water Management District. (Amended by Ordinance No. 00-22)

POLICY 117.1.8: The county will support the acquisition and protection of the Flint Pen Strand as a major water retention and aquifer recharge area. (See also Policy 107.11.4.) (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 117.2: XERISCAPE LANDSCAPE. The county will continue to promote xeriscape landscaping techniques. (Amended by Ordinance No. 94-30, 00-22)

POLICY 117.2.1: The county will continue to encourage xeriscape landscaping techniques for new development in the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

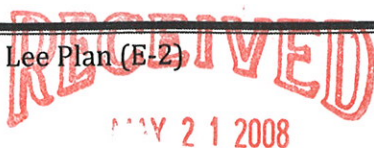
POLICY 117.2.2: The county will provide education on water conservation through creative landscaping, and promote the conservation and use of native plant species through xeriscape landscaping techniques. (Amended by Ordinance No. 94-30, 00-22)

POLICY 117.2.3: The county will establish local guidelines that will assist in efforts to reduce landscape irrigation water use to the lowest and most efficient, practical level. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 118: AIR QUALITY. To maintain the best possible air quality, meeting or exceeding state and federal air quality standards.

OBJECTIVE 118.1: The county will prepare a plan to promote measures for preserving and improving current air quality to maintain the present attainment status. (Amended by Ordinance No. 94-30, 00-22)



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POLICY 118.1.1: Development must prevent significant emissions of air pollution. (Amended by Ordinance No. 00-22)

POLICY 118.1.2: Identify major sources of air pollution in Lee County and develop a program for reducing these emissions. (Added by Ordinance No. 94-30)

POLICY 118.1.3: The county will encourage alternatives (such as composting or chipping facilities) to open burning of debris from land clearing. (Amended by Ordinance No. 00-22) Conservation and Coastal Management VII-22 December 2004

Response: This amendment will comply with the above stated policies, objectives and goals

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GOAL 119: [RESERVED]

GOAL 120: [RESERVED]

GOAL 121: FISHERIES MANAGEMENT. To preserve the ecosystem that nourishes and shelters the commercial and sport fisheries in Lee County.

OBJECTIVE 121.1: The county will continue monitoring for estuarine water quality to monitor the health and population of recreationally and commercially important fish and shellfish that depend on the estuaries. (Amended by Ordinance No. 00-22)

POLICY 121.1.1: The county will continue to compile and analyze data about the condition of commercial and sport fisheries, coordinated with DEP, USGS, SFWMD, and the Florida Marine Fisheries Commission. (Amended by Ordinance No. 00-22)

POLICY 121.1.2: The county will make recommendations to appropriate agencies (such as state-level environmental and fisheries agencies) regarding the restoration and protection of commercial sport fisheries. (Amended by Ordinance No. 00-22)

POLICY 121.1.3: The county will continue to design and implement protective and incentive mechanisms to prevent adverse impacts to commercial and sport fisheries. (Amended by Ordinance No. 00-22)

POLICY 121.1.4: The county will develop a fisheries management program to protect the long-term biological and economic productivity of commercial and sport fisheries. (Amended by Ordinance No. 00-22)

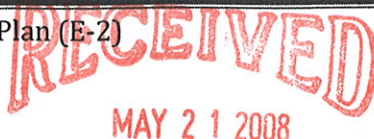
POLICY 121.1.5: By 1996, the county will establish an ongoing monitoring system for estuarine water quality and its impacts on the health of recreationally and commercially important fish and shellfish. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 122: COMMERCIAL FISHING. To maintain, support and expand commercial fishing in the county.

OBJECTIVE 122.1: The county will conduct or sponsor, alone or in cooperation with private and/or public entities, economic base studies, reports on research, and assistance programs for commercial fishing. (Amended by Ordinance No. 00-22)

POLICY 122.1.1: In order to monitor the economic health of the commercial fishing industry, the county will conduct or sponsor, alone or in cooperation with private and/or public entities, an economic base



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study of the commercial fishing industry, which will be conducted in five-year intervals. The next such study will be completed before the end of 1994. (Amended by Ordinance No. 00-22)

POLICY 122.1.2: The staff of the Division of Natural Resources Management will deposit pertinent materials about the commercial fishing industry at the Lee County Public Library. (Amended by Ordinance No. 00-22) Conservation and Coastal Management VII-23 December 2004

POLICY 122.1.3: The county, alone or in cooperation with public or private entities, will continue to assist the commercial fishing industry to obtain information, technical assistance, and funding for projects such as developing fisheries, increasing catches of under-utilized species, developing new markets and marketing techniques, and exploring the feasibility of establishing aquaculture ventures for the commercial fishing industry. (Amended by Ordinance No. 00-22)

Response: This amendment does not support the policies and objective above with regards to commercial fishing. It does however support sport fishing.

GOAL 123: [RESERVED]

GOAL 124: MARINE AND NAVIGATION MANAGEMENT. To develop and implement a comprehensive marine resources management program.

OBJECTIVE 124.1: DREDGE SPOIL DISPOSAL. The county will continue to participate with other responsible agencies in the location and placement of spoil material. (Amended by Ordinance No. 98-09)

POLICY 124.1.1: The county will coordinate with the U.S. Army Corps of Engineers on the location and placement of spoil material that result from maintenance dredging activities with use of this material for beach re-nourishment where needed and financially feasible. (Amended by Ordinance No. 98-09)

POLICY 124.1.2: The county will participate in and coordinate with the efforts of the West Coast Inland Navigation District to identify existing and future dredge spoil sites in Lee County. (Amended by Ordinance No. 98-09, 00-22)

POLICY 124.1.3: The county will, with recommendations from the Waterways Advisory Committee (or successor agency) and other affected agencies and persons, on an as needed basis, make application to the Army Corps of Engineers, and all other agencies as required, to maintain, where environmentally and economically feasible, existing channels and passes to the Gulf of Mexico at their authorized and/or historic depths. The county will support the efforts of private individuals or groups to maintain established depths in private canals and waterways through the establishment of Municipal Service

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Benefit Units (MSBUs) to fund such private efforts, unless the county has determined such efforts to be detrimental to the environment. (Amended by Ordinance No. 98-09, 00-22)

OBJECTIVE 124.2: NAVIGATIONAL MARKERS. The county will continue its marker designation program and upkeep its computerized marker inventory. (Amended by Ordinance No. 0022)

POLICY 124.2.1: The county, in coordination with the Florida Department of Environmental Protection and the U.S. Coast Guard, will:

- Assess the conditions of unmarked channels and identify those used to traverse shallow inshore waters (a practice that damages seagrass beds) and develop a program to mark these channels (if appropriate on the basis of the assessment) so as to reduce injury to seagrass beds (see also Policy 107.12.3).
- Study the feasibility of designating and enforcing a maximum draft for all boats in some waters and developing a rotating system whereby some areas containing valuable marine beds would be off-limits to boat traffic. Conservation and Coastal Management VII-24 December 2004
- Assess the feasibility of instituting a private channel maintenance assessment on properties benefiting from the channels. (Amended by Ordinance No. 00-22)

OBJECTIVE 124.3: MARINE SANITATION. The county will provide for effective control of waste disposal by maintaining local marine sanitation regulations in the Land Development Code which complement the Florida Clean Vessel Act and by cooperating with the Southwest Florida Regional Harbor Board to develop regional guidelines for marine sanitation systems by 2001. (Amended by Ordinance No. 94-30, 98-09)

POLICY 124.3.1: The county will continue to assist federal and state agencies to maintain an inventory and promote the public awareness of existing marine sanitation facilities. (Amended by Ordinance No. 94-30, 98-09)

POLICY 124.3.2: The county will continue and expand, as needed, its efforts to coordinate with appropriate law enforcement and environmental agencies in designing enforcement and education measures for current and future marine sanitation laws. (Amended by Ordinance No. 94-30, 9809)

POLICY 124.3.3: The county will provide regulations in the Land Development Code for marine sanitation and waste disposal in marinas, docks, wharfs, piers, seawalls, or other docking structures attached to real property. (Amended by Ordinance No. 98-09)

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POLICY 124.3.4: The county will coordinate with the Southwest Florida Regional Harbor Board in the development of management standards for marine sanitation in anchorages. (Added by Ordinance No. 98-09)

OBJECTIVE 124.4: LIVE-ABOARD VESSELS. The county will re-evaluate the feasibility of establishing regulations to control vessel mooring upon the completion of the Southwest Florida Regional Harbor Board Management Plan. (Amended by Ordinance No. 94-30, 98-09)

POLICY 124.4.1: The county will coordinate with the Southwest Florida Regional Harbor Board to establish management standards for vessel mooring in anchorages. (Amended by Ordinance No. 00-22)

OBJECTIVE 124.5: OFFSHORE COMMERCIAL ACTIVITIES. The county will monitor, evaluate and update, as needed, the existing programs regulating offshore commercial activities. (Amended by Ordinance No. 00-22)

POLICY 124.5.1: The county staff will develop an ongoing program to monitor, evaluate and update, as needed, existing regulations on offshore commercial activities. (Amended by Ordinance No. 00-22)

OBJECTIVE 124.6: MATANZAS HARBOR MANAGEMENT PLAN. The county will implement a Matanzas Harbor Management Plan. (Amended by Ordinance No. 00-22)

POLICY 124.6.1: The Matanzas Harbor Management Plan will address the county's plans for use of the property the county acquired on San Carlos Island that is commonly known as the Murphy Oil site.
(Amended by Ordinance No. 00-22)

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POLICY 124.6.2: The county will apply to the state of Florida for a submerged land management agreement or a submerged land lease for the county-acquired property on San Carlos Island that is commonly known as the "Murphy Oil site". (Amended by Ordinance No. 0022)

POLICY 124.6.3: By 1997, the county will, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan will include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine



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research/educational facility that would provide public access as determined by a final master plan.
(Amended by Ordinance No. 00-22)

POLICY 124.6.4: The Matanzas Harbor Management Plan will address public participation issues and must be consistent with the San Carlos Island Redevelopment Plan. (Amended by Ordinance No. 00-22)

POLICY 124.6.5: The county will implement the findings of the study completed concerning the designation of special anchorage areas that would allow the mooring of live-aboard vessels, especially in the Matanzas Harbor area. (Amended by Ordinance No. 00-22)

POLICY 124.6.6: The county will prepare a preliminary study of the designation of special anchorage areas that would allow the mooring of live-aboard vessels. (Amended by Ordinance No. 00-22)

Response: This amendment will support the above stated policies, objectives and goals

GOAL 125: WATER ACCESS. To develop and implement a public water access program.

OBJECTIVE 125.1: SCENIC WATERWAYS PROGRAM. The county will develop and Implement a county scenic waterways program in order to enhance the opportunities for physical, visual, and interpretive access to the water. (Amended by Ordinance No. 00-22)

POLICY 125.1.1: The establishment of vegetated buffer zones along Lee County waterways to prevent erosion of natural shorelines, establish additional wetlands habitat, and enhance the scenery will be preferred to the indiscriminate clearing of vegetation. These buffer zones will be evaluated in the review of planned developments and developments of regional impact, and also by specific county regulations (see Policy 61.3.9). (Amended by Ordinance No. 00-22)

OBJECTIVE 125.2: WATER ACCESS IN PRIVATE DEVELOPMENTS. The county will encourage private landowners to provide some form of water access to the public. (Amended by Ordinance No. 00-22)

POLICY 125.2.1: The county staff will design a program which would require and/or encourage new water-related developments to provide some form of water access (physical, visual or interpretive) to the public. The program will be submitted to the Board of County Commissioners for formal consideration. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

Conservation and Coastal Management VII-26 December 2004

GOAL 126: [RESERVED]

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

Old San Carlos Island-Comp Plan Amendment

GOAL 127: ARTIFICIAL REEFS. To encourage maintenance and development of artificial reefs in the waters in and near Lee County.

OBJECTIVE 127.1: ARTIFICIAL REEF PROGRAM. The county will continue its artificial reef program for increasing fisheries habitat in coordination with the Department of Environmental Protection and appropriate organizations. (Amended by Ordinance No. 00-22)

POLICY 127.1.1: By 1994, the Board of County Commissioners will create an artificial reef and habitat enhancement advisory committee composed of representatives from the commercial fishing industry, recreational fishing clubs, scuba diving organizations, environmental and conservation groups, and government agencies with an interest in fisheries or environmental matters. (Amended by Ordinance No. 00-22)

POLICY 127.1.2: The county will coordinate with the appropriate advisory committee(s) on the location and construction or regulation of artificial reefs. (Amended by Ordinance No. 00-22)

POLICY 127.1.3: The County will support appropriate private and public agencies in the study of the feasibility of using artificial reefs for the benefit of the commercial fishing industry. (Amended by Ordinance No. 99-15)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 128: SHORELINE MANAGEMENT. To encourage the maintenance and development of water dependent shoreline uses and to avoid their displacement by non-water-dependent uses.

Response: This amendment not only encourages the development of water dependent uses it will provide public access to the shoreline while providing state of the art management/best practices to maintain this valuable asset

OBJECTIVE 128.1: COMMERCIAL WATER-DEPENDENT USES. The county will continue to monitor and implement its program to enhance and protect commercial water-dependent uses. (Amended by Ordinance No. 00-22)

Response: this property will not need any county program other than the amendment requested for the enhancement and protection of water-dependent uses.

POLICY 128.1.1: 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. (Amended by Ordinance No. 00-22)

