

# Old San Carlos Island-Comp Plan Amendment

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**Response: N/A**

POLICY 128.1.2: The Future Land Use Map will designate water-dependent overlay zones over existing commercial fishing, port and docking sites and commercial marinas to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.  
(Amended by Ordinance No. 00-22)

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

POLICY 128.1.3: The county will encourage the maximum use of dry storage by multi-slip docking facilities when reviewing rezoning and/or development-of-regional-impact applications.  
(Amended by Ordinance No. 00-22)

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

POLICY 128.1.4: The county will maintain an inventory of all multi-slip docking facilities, including the name, location, and STRAP number of the facility, and, as feasible, the number of wet and dry storage spaces, boat ramp lanes, and other services provided. This inventory will be updated as needed.  
(Amended by Ordinance No. 00-22)

**Response: N/A**

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OBJECTIVE 128.2: INDUSTRIAL WATER-DEPENDENT USES. The county will continue to monitor and implement its program to enhance and protect industrial water-dependent uses. (Amended by Ordinance No. 00-22)

**Response: The designation of industrial water dependent uses at this location is not consistat with the exiting land use and may be of high hazard to the mostly residential nature of the island. The amendment proposed is a better blend for the island and the county.**

POLICY 128.2.1: Industrial water-dependent facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the county to industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. (Amended by Ordinance No. 00-22)

**Response: again the designation of Industrial is not appropriate for the area because of the specific nature of the residential population that has existed on the island for the better part of 70 yrs. This**

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**amendment as proposed will protect the water-dependant nature of the land while opening it up to the community and visitors alike.**

POLICY 128.2.2: The county will maintain an inventory of all industrial water-dependent facilities, including the name, location, and STRAP number of the facility. This inventory will be updated as needed. (Amended by Ordinance No. 00-22)

**Response: No Response**

OBJECTIVE 128.3: SHORELINE MANAGEMENT. By 1990 the county will have developed a shoreline management plan. The program will be submitted to the Board of County Commissioners for formal consideration. (Amended by Ordinance No. 00-22)

**Response: No Response**

POLICY 128.3.1: County staff will compile and continuously update inventory of various shoreline uses by distinctive geographic shoreline areas. (Amended by Ordinance No. 00-22)

**Response: No Response**

POLICY 128.3.2: County staff will compile a document analyzing and synthesizing the information in the inventory of shoreline uses by geographic areas. (Amended by Ordinance No. 00-22)

**Response: No Response**

POLICY 128.3.3: The county will consider specific shoreline management programs based on identified needs. (Amended by Ordinance No. 00-22)

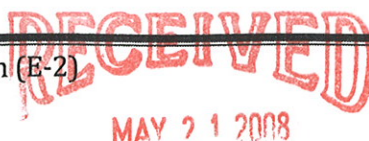
**Response: No Response**

OBJECTIVE 128.4: CRITERIA FOR PRIORITIZING SHORELINE USES. Priority will be given to new and substantially expanded shoreline land uses as indicated in the following policies.  
(Amended by Ordinance No. 00-22)

**Response: This amendment should have priority over other land use designations, because it will create many different opportunities for public access to the shoreline. It will provide scenic, educational, tourist, adventure, along with transportation shore line uses.**

POLICY 128.4.1: In water-dependent overlay zones, the special provisions contained under Goal 8 of the Future Land Use element will also apply (see also Policies 128.1.1, 128.1.2, and 128.2.1). (Amended by Ordinance No. 00-22)

**Response: agreed**





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POLICY 128.4.2: In all other non-wetland shoreline areas, water-dependent land uses will have priority over water-related uses and water-related land uses that provide some form of water access to the public will be encouraged, particularly when the site has previously provided water access to the public. (This policy will not be interpreted as a prohibition of new land uses which are only water-related, but instead as a reminder of the diminishing opportunities for water access in Lee County and the desirability of maintaining and increasing such access.)

- Water-dependent uses: Land uses are those for which water access is essential and which could not exist without water access.
- Water-related uses: Land uses that might be enhanced by proximity to the water, but for which water access is not essential. (Amended by Ordinance No. 00-22)

**Response: This amendment should have priority over the industrial water dependent designation because it will create many different opportunities for public access to the shoreline.**

POLICY 128.4.3: Lee County will develop, adopt, and implement performance standards for all shoreline developments. (Amended by Ordinance No. 00-22)

**Response: No Response**

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OBJECTIVE 128.5: MARINA SITING CRITERIA. The county will consider the following marina siting criteria in evaluating requests for new and substantially expanded marinas, other wet slip facilities, and boat ramps in order to make efficient use of limited shoreline locations and to minimize environmental impacts. (Amended by Ordinance No. 00-22)

POLICY 128.5.1: Proposed marinas (and expansion of wet slips at existing marinas and new boat ramps) in the following areas face a variety of technical, legal, or environmental obstacles which must be addressed during the review process:

- Aquatic Preserve (DEP)
- Outstanding Florida Waters (DEP)
- Class I Waters (DEP)
- Marine or Estuarine Sanctuaries (NOAA)
- Manatee Sanctuaries or Critical Manatee Habitats (DEP, USFWS, USACE)
- Approved or conditionally approved shellfish harvesting areas (DEP)
- Federal navigation channel setbacks (USCG, USACE)
- Bridge/road right-of-way easement (County DOT, State DOT)
- Other Endangered/Threatened Species Habitat (USFWS, DEP, USACE)

Extra caution and consideration will be given prior to authorizing use of areas with high environmental values. (Amended by Ordinance No. 00-22)

POLICY 128.5.2: Cumulative effects of several marinas and/or boat ramps in a small area will be considered in the review of proposed marina projects. (Amended by Ordinance No. 00-22)

POLICY 128.5.3: Marina and/or boat ramp siting must be consistent with the appropriate aquatic preserve management plan where applicable. (Amended by Ordinance No. 00-22)

POLICY 128.5.4: Marinas and boat ramp siting must be consistent with the following recommendations of the DNR Blue Ribbon Marina Committee (Final Report, January 1983):

- Priority should be given to the expansion of existing facilities, if environmentally sound, over new facilities.
- Marinas are encouraged in previously disturbed areas and in areas that have historically been used for marina-related activities.
- Marinas should be located as close as possible to boating demand.
- Marinas should be encouraged where adequate uplands are available to develop related support activities and to allow for possible future expansion.
- Location of marinas in highly productive marine habitats should be discouraged.
- Location of marinas in or near well-flushed, deep-water areas should be encouraged.

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- Impacts upon state-designed manatee sanctuaries should be considered. Particular marina locations or design features which threaten manatees in these sanctuaries should be discouraged. (Amended by Ordinance No. 00-22)

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

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POLICY 128.5.5: New marinas must be designed to avoid erosion on adjacent shorelines.  
(Amended by Ordinance No. 00-22)

POLICY 128.5.6: Marina and boat ramp siting preference will be given to those properties which are located in proximity to large navigable water bodies outside areas of critical manatee concern.  
(Amended by Ordinance No. 00-22)

POLICY 128.5.7: Marinas, multi-slip docking facilities, and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public.

POLICY 128.5.8: New marinas should be located in areas of maximum physical advantage (e.g. adequate water depth). Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as only minimal dredging may be considered.

POLICY 128.5.9: Marina and boat ramp locations which minimize natural shoreline disruption are preferred.

POLICY 128.5.10: Marina and boat ramp construction in dead-end canals are discouraged due to difficulty in meeting state water quality standards.

POLICY 128.5.11: Proposed marinas and boat ramps must demonstrate that the marina site has adequate uplands to provide support facilities for all activities proposed on site without damaging or removing wetlands or rare and unique upland systems. (Amended by Ordinance No. 00-22)

POLICY 128.5.12: Rezoning and DRI applications for marinas and boat ramps will be evaluated in the context of cumulative impacts on manatees and marine resources. (Amended by Ordinance No. 00-22)

OBJECTIVE 128.6: MARINA DESIGN CRITERIA. The county will utilize the following criteria in evaluating the design of new marinas (or expansion of wet slip facilities at existing marinas) in order to minimize

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negative impacts; detailed regulations on these subjects may be contained in the county's development regulations. (Amended by Ordinance No. 00-22)

POLICY 128.6.1: Boat maintenance activities in new or expanded marina sites must be located as far as possible from open water bodies in order to reduce contamination of water bodies by toxic substances common to boat maintenance. Runoff from boat maintenance activities must be collected and treated prior to discharge. (Amended by Ordinance No. 00-22)

POLICY 128.6.2: Open wet slips will be preferred to covered wet slips in marina design to reduce shading of water bodies which results in lowered biological productivity. (Amended by Ordinance No. 00-22)

POLICY 128.6.3: Fuel and/or oil containment facilities or contingency plans is required at all new marina sites and in marina expansion proposals. (Amended by Ordinance No. 00-22)

POLICY 128.6.4: All marinas serving the general public or live-aboards must provide pump-out facilities if sanitary sewer service is available.

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

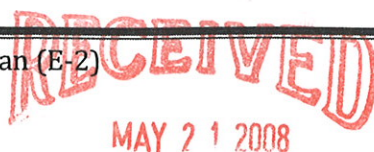
POLICY 128.6.5: All parking, dry storage, and non-water-dependent facilities must be built on existing uplands.

POLICY 128.6.6: Marinas and multi-slip docking facilities must prepare hurricane plans with the assistance of the county which describe measures to be taken to minimize damage to marina sites, neighboring properties, and the environment; this hurricane plan is subject to county approval. (Amended by Ordinance No. 00-22)

POLICY 128.6.7: Fueling facilities associated with marinas must be designed to preclude spills and must be prepared to contain any spills which reach the water. (Amended by Ordinance No. 00-22)

POLICY 128.6.8: Marina design must incorporate natural wetland vegetative buffers near the docking area and in ingress/egress areas for erosion and sediment control, runoff purification, and habitat purposes. (Amended by Ordinance No. 00-22)

POLICY 128.6.9: New fuel facilities must be located on the uplands of a marina site. Proper use and maintenance of fuel pump hoses and other fueling equipment is required. (Amended by Ordinance No. 00-22)



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POLICY 128.6.10: Piling construction and other non-dredge-and-fill techniques shall be utilized where possible to minimize habitat destruction.

POLICY 128.6.11: Mitigation or restoration to offset proposed adverse environmental effects will be required as a condition of approval for any new or expanded marina facilities. Mitigation/restoration is not preferred over preservation of existing resources.

POLICY 128.6.12: To reduce dredging, docks should extend to naturally deep waters when possible. County regulations will specify the criteria for such extensions. (Amended by Ordinance No. 00-22)

POLICY 128.6.13: Dry storage of small boats should be encouraged, with dry storage structures located inland as far as feasible.

POLICY 128.6.14: Marina designs must not reduce water quality in adjacent natural water bodies in order to accommodate an increase in water quality in the marina basin itself. (Amended by Ordinance No. 00-22)

POLICY 128.6.15: Existing navigational channels will be used to access new marina sites where possible. (Amended by Ordinance No. 00-22)

POLICY 128.6.16: Expansion of dry storage capabilities will be strongly encouraged to reduce dredging. (Amended by Ordinance No. 00-22)

OBJECTIVE 128.7: The Regional Planning Council will be the lead agency addressing the need for adequate sites for water-dependent uses on a regional basis.

POLICY 128.7.1: The county will cooperate with the Regional Planning Council in addressing the need for water-dependent sites on a regional basis.

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

GOAL 129 – GOAL 134: [RESERVED]

### HOUSING

#### Chapter VIII

#### VIII. Housing

GOAL 135: MEETING HOUSING NEEDS. To provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the county. (Amended by Ordinance No. 91-19)

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COMMUNITY DEVELOPMENT

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OBJECTIVE 135.1: HOUSING AVAILABILITY. Work with private and public housing providers to ensure that the approximately 48,562 additional dwellings needed by 2010 are provided in types, costs, and locations to meet the needs of the Lee County population. Lee County will update this forecast of additional dwelling units using state-mandated methodologies during the next update of this Housing Element, which will occur no later than the next scheduled Evaluation and Appraisal Report. (Amended by Ordinance No. 94-30, 98-09)

POLICY 135.1.1: Provide information, technical assistance, and incentives to the private sector to maintain a housing production capacity sufficient to meet the required production. This will be accomplished through the programs identified in the Local Housing Assistance Plan and the Lee County Consolidated Plan. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.1.2: The county will continue efforts to form public-private partnerships to produce affordable housing for low- and moderate-income households with local private nonprofit housing agencies, local for profit developers, local lenders, the Lee County Housing Authority, the Lee County Housing Finance Authority. (Amended by Ordinance No. 00-22)

POLICY 135.1.3: In order to eliminate excessive or duplicative regulatory requirements, continue to review, update, and amend (as necessary), the following in accordance with changing household preferences, community needs, and housing industry technology and economics, while continuing to insure the health, safety, and welfare of the residents:

- policies
- ordinances
- codes
- regulations
- permitting process (Amended by Ordinance No. 94-30)

POLICY 135.1.4: Amend the Housing Density Bonus Ordinance by April, 1999 to increase its effectiveness in providing affordable housing. Revisions will be consistent with affordability and income guidelines for very low and low income households as defined by the Local Housing Assistance Plan. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.1.5: Continue to provide financial and technical support, including expedited permit processing; the payment, waiver, or reduction of impact fees; the purchase of tax certificates for building lots; site preparation; and the construction of infrastructure by participating on a partnership basis with providers of housing that is affordable to very low, low and moderate income families or individuals, including those with special needs such as the elderly, handicapped, large families, farm workers, and the homeless. (Amended by Ordinance No. 94-30)

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POLICY 135.1.6: Continue the operation of the publicly-owned land bank with the purpose of providing land for affordable housing for low- and moderate-income households in conjunction with local private non-profit and for-profit housing providers. (Amended by Ordinance No. 9430)

POLICY 135.1.7: Site selection criteria will be used in the location of housing for the elderly, transitional housing for the homeless, and institutional housing which will consider accessibility, convenience, and infrastructure availability. Favorable sites include one or more of the following characteristics:

1. Located within the Intensive Development, Central Urban, Urban Community, or New Community categories on the Lee Plan's Future Land Use Map;
  2. Located in a designated Community Redevelopment Area;
  3. Located where central water/sewer service is available and within comfortable walking distance of mass transit;
  4. Located on land previously converted for urban purposes; and
  5. For farm worker housing, a rural site located near active cropland or groves is also acceptable.
- (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.1.8: The county will provide through the rezoning process for the location of adequate sites for low- and moderate-income residential development including mobile homes, migrant worker housing, and transitional housing for the homeless. (Amended by Ordinance No. 00-22)

POLICY 135.1.9: The county will ensure a mix of residential types and designs on a county-wide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map. (Amended by Ordinance No. 00-22)

**Response: Response: As stated in the policy above this amendment is requesting the FLU to be flexible and to allow for varying densities and types of housing.**

POLICY 135.1.10: Lee County's housing programs will be administered so as to affirmatively further fair housing. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.1.11: Lee County will cooperate with the Office of Equal Opportunity to assure compliance with the Lee County Fair Housing Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.1.12: The county will coordinate its activities and cooperate with other affected public and private interests, including consumers and producers of housing and the Affordable Housing Committee and the Housing and Community Development Committee, to ensure effective public participation in the housing planning process. (Amended by Ordinance No. 9430,

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98-09, 00-22)

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POLICY 135.1.13: The county will provide adequate staff support for the Department of Human Service's Homeless Coalition and for a new service, an affordable housing hotline. (Amended by Ordinance No. 98-09, 00-22)

OBJECTIVE 135.2: SEASONAL AND MIGRATORY HOUSING NEEDS. By the year 2005, Lee County will have an additional 619 units of affordable housing that is suitable and affordable for farm labor housing by increasing the stock of standard affordable housing and the removal of substandard conditions. (Amended by Ordinance No. 94-30, 98-09)

POLICY 135.2.1: Assist private agricultural businesses to develop and manage housing for migrant farm workers through information, technical assistance, and financial incentives programs.

POLICY 135.2.2: Assist non-profit agencies and other support groups to plan and coordinate arrangements for low-cost rental housing and other non-housing support services for farm workers and their families through the Lee County Housing Authority.

POLICY 135.2.3: Housing for farm workers, as defined by ss 420.503 Florida Statutes, may be permitted in the Rural, Coastal Rural, Open Lands, and Density Reduction/Groundwater Resource land use categories without respect to the density limitations that apply to conventional residential districts. The density of such housing is limited to 50 occupants per acre of actual housing area and will be reviewed on a case-by-case basis during the planned development or Special Exception zoning process. The applicant must demonstrate that impacts of the farm worker housing will be mitigated. (Amended by Ordinance No. 94-30, 00-22, 03-19, 05-21)

POLICY 135.2.4: Lee County will set aside 10% of its SHIP housing subsidy for funding the development of special needs housing, which will include farmworker housing. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 135.2.5: Lee County will promote the location of farmworker housing close to needed services such as transportation to and from employment, medical facilities, social services, schools and shopping. Lee County will evaluate proximity to these services when county funds are requested for farmworker housing and during any rezoning process. (Added by Ordinance No. 98-09)

POLICY 135.2.6: By January, 1999, Lee County will form partnerships with local vocational training schools and other appropriate agencies to foster job training and economic development opportunities which would enable migrant farmworkers to find employment off-season and therefore become year-round employees. (Added by Ordinance No. 98-09)



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

OBJECTIVE 135.3: REHABILITATION, CONSERVATION, AND IMPROVEMENT.

Continue efforts to reduce substandard housing by five percent annually. (Amended by Ordinance No. 94-30)

**Response: Response: This amendment will reduce a substantial amount of substandard housing. Without this amendment it may not happen**

POLICY 135.3.1: The county will increase code enforcement activities in neighborhoods where code violations are more prevalent and concentrate code enforcement activities where warranted. (Amended by Ordinance No. 00-22)

POLICY 135.3.2: The Lee County Community Improvement Office will continue to identify homes eligible for various housing rehabilitation programs. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.3.3: The county will conserve existing residential areas by enforcing codes, providing appropriate capital improvements providing funding for the Neighborhood Districts Program and disseminating information on the availability of housing programs. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.3.4: The county will vigorously enforce its housing code to assure that housing will remain habitable. (Amended by Ordinance No. 00-22)

POLICY 135.3.5: The county will continue to enforce minimum standards of housing and sanitation and require prompt action in the identification of abandoned or dilapidated property which may need demolition, including mobile homes and farm worker housing. (Amended by Ordinance No. 00-22)

POLICY 135.3.6: Seek federal and state funding, or otherwise provide local public funds, for the demolition or rehabilitation of substandard housing.

POLICY 135.3.7: Permit, on a demonstration basis, mixed-use and other innovative reuses of the existing housing stock which will result in the removal of substandard housing units.

Respoce: This is exactly what this amendment will do. It will provide the removal of substandard housing (RV) and replace it with a mixed use type development.

POLICY 135.3.8: Continue to operate the Urban Homesteading program.

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POLICY 135.3.9: Weatherization programs provided by state and federal agencies will be incorporated into the county's comprehensive housing effort as a means of encouraging housing maintenance and preservation by both the public and private sectors. (Amended by Ordinance No. 00-22)

OBJECTIVE 135.4: AFFORDABLE HOUSING. Additional locations for housing for low- and moderate-income persons will be available to meet their housing needs. Very low and low income housing needs will be a priority. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.4.1: Support the efforts of the Lee County Housing Finance Authority, Florida Housing Finance Corporation, Lee County Housing Authority, the Lee County Department of Human Services, the Lee County Community Redevelopment Agency, the Lee County Department of Community Development, and local private for profit and private non-profit agencies, and assist in their efforts to determine and develop sites and programs for housing for low- and moderate-income persons, including the homeless, through referrals and staff support. (Amended by Ordinance No. 94-30, 98-09)

POLICY 135.4.2: Publicly assisted housing will be provided in a dispersed rather than a concentrated manner so that, to the maximum extent feasible, all geographic areas will provide low-and moderate-income housing opportunities. (Amended by Ordinance No. 94-30)

POLICY 135.4.3: Pursue federal sources of funding earmarked for housing that will be affordable for very-low- and low- income housing for programs designed to provide sound, safe, and healthful housing and related community services and facilities. (Amended by Ordinance No. 94-30)

POLICY 135.4.4: Support the Lee County Department of Human Services, the Lee County Coalition of Emergency Assistance Providers, and the Homeless Coalition in assisting very low, low- and moderate-income persons, including the homeless, to find adequate housing and support services such as day care, emergency shelter, food and clothing, and coordination with employment services. (Amended by Ordinance No. 98-09)

POLICY 135.4.5: The County Department of Human Services will provide counseling services to low- and moderate-income participants in any of the Department's housing programs, including the homeless. The counseling may include financial guidance, housing maintenance information, and consumer advice to assist households seeking affordable, standard housing. Lee County will continue to offer home buyer training to program beneficiaries. (Amended by Ordinance No. 9809, 00-22)

POLICY 135.4.6: The county will continue to assist community based organizations and community housing development organizations with technical support and funding. (Amended by Ordinance No. 94-30, 98-09, 00-22)

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POLICY 135.4.7: The county will maintain an ongoing research and information effort on housing and related issues, including state and federal legislation affecting housing, county-wide housing needs, and the provision of advice regarding assistance programs. (Amended by Ordinance No. 00-22)

POLICY 135.4.8: The county will participate in state and federal housing assistance programs to aid the elderly, developmentally disabled, physically disabled, mentally ill, substance abusers, large families, farmworker, and other low and moderate-income households to secure suitable, affordable housing, housing rehabilitation, home buyer training, down payment and closing cost assistance, rental assistance, and new construction home ownership programs. (Amended by Ordinance No. 98-09, 00-22)

POLICY 135.4.9: Give priority to the homeless, elderly, disabled and large families with inadequate housing in recognition of the even greater problems faced by the private sector in providing this needed type of housing. (Amended by Ordinance No. 98-09)

POLICY 135.4.10: Seek to stimulate the production of housing affordable for low-and moderate-income households through the creation of an affordable housing trust fund, an independent private non-profit local housing development corporation, land banking and land acquisition.

POLICY 135.4.11: In order to facilitate the provision of affordable housing, to strengthen the family unit, and to provide increased opportunities for housing for the elderly, accessory apartments will be provided for in the Land Development Code by the end of 1993. (Added by Ordinance No. 93-25, Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 135.5: MANUFACTURED HOUSING. The county will provide adequate locations and standards for manufactured housing and mobile homes through implementation of Chapter 34 of the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

**Response: Response: Manufactured housing is not an adequate location here because of the wind zones**

POLICY 135.5.1: The Land Development Code will continue to designate zoning categories for mobile home and manufactured housing parks and subdivisions sufficient to meet the future land requirements for manufactured housing. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 135.6: SPECIAL NEEDS. Locations for group homes or homeless shelters or transitional housing for the homeless will be available at suitable sites to ensure that the needs of persons requiring such housing are met.

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POLICY 135.6.1: The county will continue to enforce non-discriminatory standards and criteria addressing the location of group homes and foster care facilities. (Amended by Ordinance No. 0022)

POLICY 135.6.2: In order to serve persons with special needs, disabilities, or handicaps, the county will provide for the location of adequate sites for group homes and foster care facilities through the approval of appropriate zoning districts dispersed among the residential neighborhoods of Lee County. (Amended by Ordinance No. 00-22)

POLICY 135.6.3: Other community-based residential care facilities needed to serve group homes and the clients of other programs will be encouraged to locate, through the zoning process, at convenient, adequate, and non-isolated sites within the residential areas of the county. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.6.4: Supporting infrastructure and public facilities necessary for the support and encouragement of independent living for the clients of relevant programs will be provided. (Amended by Ordinance No. 00-22)

POLICY 135.6.5: The county will monitor the development and distribution of publicly-assisted group homes and residential care facilities to insure that adequate sites and infrastructure are provided and that over-concentration in any residential area is avoided. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.6.6: The county will institute local programs providing assistance to private and non-profit sponsors to insure that adequate group homes, transitional homeless housing, and foster care facilities are developed. (Amended by Ordinance No. 00-22)

POLICY 135.6.7: The county will cooperate with appropriate agencies in order to provide adequate sites for congregate living facilities, including group and foster care homes and homeless shelters and transitional housing, to meet the requirements of persons with special needs, disabilities, and handicaps for a community residential environment and de-institutionalization. (Amended by Ordinance No. 00-22)

OBJECTIVE 135.7: DISPLACEMENT. Uniform and equitable treatment for persons and businesses displaced by state and local government programs will be provided through the Department of Human Relations. (Amended by Ordinance No. 98-09)

POLICY 135.7.1: Ensure that reasonably located standard housing at affordable costs is available to persons displaced through public action prior to their displacement through the county's Voluntary Relocation Program.



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POLICY 135.7.2: The county will support the efforts of local private non-profit agencies to provide standard, affordable housing for Lee County's homeless through staff support, referrals, and financial assistance where applicable. (Amended by Ordinance No. 00-22)

OBJECTIVE 135.8: HISTORIC HOUSING. Historically significant housing will be preserved and protected for residential uses, consistent with the Historic Preservation element.

POLICY 135.8.1: Assist the rehabilitation and adaptive use of historically significant housing through technical and economic assistance programs such as Community Development Block-Grant and HOME funding, State Housing Initiatives Partnership eligibility, and emergency weatherization. Consider the incentives of property tax relief or abatement, transfer of development rights, and below-market interest rate loans, consistent with the Historic Preservation element. (Amended by Ordinance No. 94-30, 98-09)

POLICY 135.8.2: The county will assist property owners of historically significant housing in applying for and utilizing state and federal assistance programs. (Amended by Ordinance No. 0022)

OBJECTIVE 135.9: NEIGHBORHOOD AND HOUSING CONSERVATION. Lee County will continue to conserve existing housing and improve the quality of neighborhoods through the Neighborhood District Program, affordable housing programs, public/private partnerships, community redevelopment programs, and appropriate development regulations. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.9.1: Review and amend where necessary the county's housing and health codes and standards relating to the care and maintenance of residential and neighborhood environments and facilities.

POLICY 135.9.2: Designate appropriate areas of the county as CDBG Target areas and Neighborhood Strategy Areas, and carry out program activities in a timely and efficient manner.

POLICY 135.9.3: Plan and implement safe neighborhood programs in designated Neighborhood Improvement Districts. (Added by Ordinance No. 94-30, 98-09)

POLICY 135.9.4: Schedule and concentrate public infrastructure and supporting facilities and services to upgrade the quality of existing neighborhoods.

POLICY 135.9.5: New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character. (Amended by Ordinance No. 00-22)

**Response: This amendment will improve the area's existing character and be protective of the adjacent uses through increased setbacks and landscaping.**

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POLICY 135.9.6: Lee County will administer the planning, zoning, and development review process in such a manner that proposed land uses acceptably minimize adverse drainage, environmental, spatial, traffic, noise, and glare impacts, as specified in county development regulations, upon adjacent residential properties, while maximizing aesthetic qualities. (Amended by Ordinance No. 00-22)

POLICY 135.9.7: The county will coordinate residential development within urban areas to coincide with existing or planned and programmed services and facilities so as to avoid premature or non-contiguous urbanization and the use of septic tanks and private wells for potable water within developed urban areas. (Amended by Ordinance No. 00-22)

POLICY 135.9.8: County land development regulations will implement standards to protect aesthetic qualities and the physical natural environment, while providing incentives for residential development designs which emphasize energy-efficient construction, appropriate solar exposure, air circulation, and the use of natural shading. (Amended by Ordinance No. 00-22)

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

GOAL 136 – GOAL 140: [RESERVED]

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PRESERVATION

Chapter IX

IX. Historic Preservation

GOAL 141: IDENTIFICATION AND EVALUATION. To provide for the identification and evaluation of the historic resources of Lee County.

OBJECTIVE 141.1: IDENTIFICATION. Maintain existing programs to identify the historic and archaeological resources of Lee County, develop new identification programs (such as, but not limited to, a program to identify Lee County resources listed on the National Register of Historic Places), and make information available to the public and other public agencies. (Amended by Ordinance No. 94-30)

POLICY 141.1.1: Lee County will systematically maintain the Florida Site File by annual updates, corrections, and monitoring of status of listed properties. New information will be transmitted to the Florida Department of State. (Amended by Ordinance No. 94-30, 00-22)

POLICY 141.1.2: Require all applications for development review to identify the location and status of historic resources (including archaeological sites). The Lee County Historic and Architectural Survey and the Lee County Archaeological Management Plan will serve as data bases. The Historic Preservation

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Board will advise the Board of County Commissioners as to any action it deems appropriate or perform other duties as specified in the Historic Preservation Ordinance. (Amended by Ordinance No. 00-22)

POLICY 141.1.3: Maintain an automated system merging data regarding properties designated under Lee County Historic Preservation Ordinance into the county's parcel information system and study the feasibility of developing an automated system merging Florida Site File data into the county's parcel information system. (Amended by Ordinance No. 94-30)

POLICY 141.1.4: Lee County will continue to maintain a streamlined storage and retrieval system of the Florida Site File to allow for fast and easy access and distribution. (Amended by Ordinance No. 94-30, 00-22)

POLICY 141.1.5: Lee County will establish a scenic resource identification and evaluation program. (Amended by Ordinance No. 00-22)

OBJECTIVE 141.2: EVALUATION. Continue to evaluate the historic and archaeological resources of Lee County according to adopted criteria for significance. (Amended by Ordinance No. 94-30)

POLICY 141.2.1: Maintain adopted criteria in the Historic Preservation Ordinance for the evaluation of historic and archaeological resources that are consistent with the requirements of the Certified Local Government Program created pursuant to the National Historic Preservation Act of 1966.

POLICY 141.2.2: Evaluate the historic resources of Lee County for eligibility for nomination to the National Register of Historic Places and a local register of historic places.

GOAL 142: RECOGNITION AND REGISTRATION. To formally recognize significant historic resources and provide for their appropriate registration or local, state, or national listings.

OBJECTIVE 142.1: RECOGNITION. Lee County will continue to implement a program to formally recognize those historic and archaeological resources that are considered historically and archaeologically significant according to the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 142.1.1: Lee County will maintain a local register of historic and archaeological places designated under the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 142.1.2: Lee County will provide plaques and certificates for display on buildings or archaeological sites certifying their historic significance. (Amended by Ordinance No. 00-22)

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POLICY 142.1.3: Lee County will establish a historic marker program with the goal of marking the locations of significant historic resources, the boundaries of historic districts, or archaeological sites. (Amended by Ordinance No. 00-22)

POLICY 142.1.4: Lee County will establish an awards program to officially recognize excellence in historic preservation activities. (Amended by Ordinance No. 00-22)

POLICY 142.1.5: Lee County will distribute certificates of historical and/or archaeological significance to owners of properties designated under the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 142.2: REGISTRATION. The county will continue its program to nominate eligible structures, sites, or districts to the National Register of Historic Places. (Amended by Ordinance No. 94-30, 00-22)

POLICY 142.2.1: Lee County will initiate the nomination of eligible historic resources to the National Register of Historic Places through the Lee County Historic Preservation Board according to the Certified Local Government program. (Amended by Ordinance No. 00-22)

POLICY 142.2.2: Lee County will encourage historic property owners to nominate eligible structures, sites, or districts to the National Register of Historic Places through the provision of information and technical assistance. (Amended by Ordinance No. 00-22)

GOAL 143: LOCAL PRESERVATION TECHNIQUES. To provide for the protection, preservation, reconstruction, restoration, rehabilitation, and use of the historic resources of Lee County.

OBJECTIVE 143.1: DEVELOPMENT REGULATIONS. Lee County will continue to enact, amend, or revise, as appropriate, regulatory measures that will further historic preservation goals and policies as stated in this element and any subsequent revisions thereof. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.1.1: Lee County will maintain in effect a Historic Preservation Ordinance in conformance with the requirements of the Certified Local Government program. (Amended by Ordinance No. 00-22)

POLICY 143.1.2: Lee County will amend the Zoning Regulations and the Development Standards Regulations, as necessary, to incorporate the findings contained within this Historic Preservation element and any subsequent revisions thereof. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.1.3: The Lee County Building Code will be amended so as to depart from the provisions of the Southern Standard Building Code and applicable fire codes, to the extent permitted by state law and proper safety practices, so as to be consistent with the Historic Preservation Ordinance and any amendment thereof. (Amended by Ordinance No. 94-30, 00-22)

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POLICY 143.1.4: County development regulations will be amended in response to the recommendations contained in the Archaeological Zone Management Plan for Lee County (Piper Archaeological Research, Inc., 1987) and in any future update or revision thereof. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.1.5: Lee County will continue to study the feasibility of various incentives (such as transfer of development rights and property tax relief) as a means of accomplishing the goals and recommendations of the Historic Preservation element. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 143.2: INNOVATIVE TECHNIQUES. Lee County will continue to make available information, as appropriate, on a variety of legal techniques that will further historic preservation goals and aid in the implementation of the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.2.1: Lee County will make information available generally to the public on easements, covenants, options to purchase, right of first refusal, and eminent domain, for historic preservation purposes. (Amended by Ordinance No. 00-22)

OBJECTIVE 143.3: INCENTIVES. Lee County will continue to maintain a program for the provision of financial incentives for historic preservation purposes. (Amended by Ordinance No. 9430, 00-22)

POLICY 143.3.1: Lee County will investigate the establishment of a Historic Preservation Trust Fund to be administered by the Board of County Commissioners or a non-profit organization after recommendations by the Historic Preservation Board. The Trust Fund will consist of all monies received from federal and state sources and all monies, if any, appropriated by Lee County, and monies contributed to the fund from any other source. A framework for the administration of the fund will be established. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.3.2: Lee County will continue to seek and make applications for historic and archaeological preservation grants from private, state, and federal sources. Funds will be administered by the Historic Preservation Trust Fund, once established. (Amended by Ordinance No. 00-22)

POLICY 143.3.3: Lee County will consider implementation of the historic preservation property tax exemption program to put into effect Sections 196.1997 and 196.1998, Florida Statutes. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 143.3.4: Lee County will make available Community Development Block Grant funds, when available, for historic preservation purposes. (Amended by Ordinance No. 00-22)

POLICY 143.3.5: Lee County will explore the issuance of low- interest loans for the rehabilitation of historic resources with funds from the Historic Preservation Trust Fund. (Amended by Ordinance No. 00-22)

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POLICY 143.3.6: Lee County will explore ways in which the historic preservation program and the Community Redevelopment Agency can work together using tax increment financing to restore historic districts in slum or blighted areas. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.3.7: Lee County will provide information and technical support in the use of community reinvestment or rehabilitation investment tax credits. (Amended by Ordinance No. 00-22)

OBJECTIVE 143.4: PUBLICLY OWNED SITES. Lee County will continue to preserve and protect the historic and archaeological resources owned, acquired, or disposed of by Lee County by designating them under the Lee County Historic Preservation Ordinance if feasible. By 1999, Lee County will develop a program to preserve and protect those historic and archaeological resources owned, acquired or disposed of by Lee County which do not qualify for designation under the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.4.1: Lee County will inventory and prepare a preservation plan for all county-owned historic resources. (Amended by Ordinance No. 00-22)

POLICY 143.4.2: Lee County will consider the acquisition of historic and archaeological resources, where necessary, and in so doing will follow the Standards for Acquisition established by the U.S. Department of the Interior. (Amended by Ordinance No. 00-22)

POLICY 143.4.3: In disposing of county-owned historic and archaeological resources, Lee County will attach a preservation easement or protective covenants to said property. (Amended by Ordinance No. 94-30, 00-22)

GOAL 144: EDUCATION AND PUBLIC PARTICIPATION. To provide for the public awareness and involvement in all aspects of historic preservation in Lee County.

OBJECTIVE 144.1: EDUCATION. Lee County will maintain a public information program with the purpose of educating the public about local history, the Lee County historic preservation program, and the historic preservation incentives. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.1: Lee County will maintain and make available to the public an historic preservation manual to help property owners preserve and maintain their properties consistent with historic preservation standards. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.2: Lee County will continue to develop, in cooperation with local historical groups, programs and displays, maps, tours, and brochures that illustrate Lee County's history and its historic preservation programs. (Amended by Ordinance No. 94-30, 00-22)

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POLICY 144.1.3: Lee County will continue to compile, store, and make available to the public published manuals relating to historic preservation. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.4: Lee County will continue to support local historical museums through information and technical assistance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.5: Lee County, in cooperation with the Lee County School Board, will continue to study the development of historic preservation programs for school-aged children as well as to maintain, as necessary, those programs previously developed. (Amended by Ordinance No. 9430, 00-22)

POLICY 144.1.6: Lee County, in cooperation with local historic or archaeological groups and the public library, will study the feasibility of establishing a depository for the archival of materials pertaining to the history of Lee County. (Amended by Ordinance No. 00-22)

OBJECTIVE 144.2: PUBLIC PARTICIPATION. Lee County will continue to implement mechanisms for the notification and involvement of historic property owners and the interested public in county historic preservation activities. (Amended by Ordinance No. 94-30, 00-22)

GOAL 145: COORDINATION. To cooperate and coordinate with various private preservation groups and governments to achieve an efficient and responsible system for the exchange of information relating to historic preservation.

OBJECTIVE 145.1: IMPACT REVIEW. Lee County will continue its integration of the review of impacts to historic and archaeological resources into the existing regulatory framework of local and state government agencies. (Amended by Ordinance No. 94-30, 00-22)

POLICY 145.1.1: Provide survey and inventory information to all local and state agencies.

POLICY 145.1.2: All county departments must notify the Lee County Historic Preservation Board of any proposals that would affect a historic resource. The Historic Preservation Board will advise the Board of County Commissioners as to any action they deem appropriate or perform other duties as specified in a historic preservation ordinance. (Amended by Ordinance No. 00-22)

OBJECTIVE 145.2: RECOGNITION AND REGISTRATION. Assist local and state government agencies in the recognition and registration of the historic resources in Lee County.

POLICY 145.2.1: Participate in the Certified Local Government Program (36 CFR 61.5).

POLICY 145.2.2: Lee County will exert every effort to enter into an interlocal agreement with the municipalities within Lee County to perform shared functions with the Historic Preservation Board. (Amended by Ordinance No. 00-22)

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POLICY 145.2.3: Lee County will assist the Lee County School Board in the nomination of eligible school board properties to the National Register of Historic Places. (Amended by Ordinance No. 00-22)

POLICY 145.2.4: The county will consider establishing or supporting a staff position for a county or regional archaeologist to undertake the educational and cultural research requirements of the Lee County archaeological resource base. (Amended by Ordinance No. 00-22)

OBJECTIVE 145.3: EDUCATION. To improve coordination with other governmental agencies in promoting and increasing public awareness of historic resources.

POLICY 145.3.1: Maintain a liaison with the School Board in the establishment of a historic preservation education program.

POLICY 145.3.2: Provide information to those private and public agencies that function to promote the general interest of Lee County for tourism, industry, and commerce.

**Response:: This amendment will comply with the above stated policies, objectives and goals and while there are no historic buildings on the site, it is the intent of the amendment to include as of the development not only historical references to the site but educate about the history of the island through innovative ideas such as the community learning center and history boards throughout the site depicting historical life on the island.**

GOAL 146 – GOAL 150: [RESERVED]

### INTERGOVERNMENTAL

#### COORDINATION

##### Chapter X

##### X. Intergovernmental Coordination

GOAL 151: SERVICE COORDINATION. To provide for efficient and effective coordination of provision of public services by Lee County and its special districts, bodies, boards, and other entities.

OBJECTIVE 151.1: SPECIAL DISTRICTS. Lee County will utilize the Department of Community Affairs' special district information program so as to provide for the regular exchange of information, proposals, and plans between the county and its special districts, bodies, boards, and other entities; and Lee County will monitor the effectiveness of this program as it pertains to intergovernmental coordination. (Amended by Ordinance No. 94-30, 00-22)

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POLICY 151.1.1: The office of the County Administrator will be responsible for monitoring and utilizing the special district information program for the purpose of coordinating the programs, activities and procedures for the provision of services and information. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 151.2: LEVEL-OF-SERVICE STANDARDS. Lee County will continue to monitor for conflicts or potential conflicts in level-of-service standards for public facilities in other affected jurisdictions and will pursue resolution of those conflicts. (Amended by Ordinance No. 94-30, 00-22)

POLICY 151.2.1: Lee County will maintain and annually update an inventory and analysis of the various level-of-service standards for public facilities and will recommend means of coordinating those standards which are not in agreement. (Amended by Ordinance No. 94-30, 0022)

POLICY 151.2.2: Where conflicts with other entities regarding service standards cannot be resolved through discussion among those concerned, Lee County will pursue resolution through interlocal agreements and/or the informal mediation process of the Southwest Florida Regional Planning Council. (Amended by Ordinance No. 94-30, 00-22)

POLICY 151.2.3: Development proposals within Lee County will be reviewed for their impacts on levels of service for public facilities as stated in the comprehensive plans of adjacent governments. (Amended by Ordinance No. 00-22)

OBJECTIVE 151.3: COORDINATION OF ROADWAY AND UTILITY IMPROVEMENTS.

Coordinate, where possible, between the Lee County Department of Transportation (DOT) and utility companies, including Lee County Utilities and the various privately operated water and wastewater companies, to insure that capital and maintenance projects are not adversely affected by subsequent utility construction. (Added by Ordinance No. 94-30)

POLICY 151.3.1: By 1995, enter into interlocal agreements between Lee County DOT and the various water and wastewater utility companies to establish a process to coordinate expected utility construction projects with programmed roadway maintenance and capital projects. (Added by Ordinance No. 94-30)

OBJECTIVE 151.4: COORDINATION OF AIRPORT DEVELOPMENT AND IMPROVEMENTS AT THE SOUTHWEST FLORIDA INTERNATIONAL AIRPORT WITH ALL PERMITTING AGENCIES.

The Port Authority will coordinate with Lee County, the Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, Federal Aviation Administration, and the Florida Department of Transportation to ensure that the development of the Southwest Florida International Airport is consistent with the Lee Plan. (Added by Ordinance No. 0416)

POLICY 151.4.1: Port Authority staff will ensure that Lee County staff is directly involved in the review and approval process related to the ongoing update of the Airport Master Plan. This mandatory inter-

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agency coordination will provide an official means for scheduled review and comment regarding Airport Master Plan Updates, related Lee Plan amendments, annual updates of the Airport Layout Plan and Capital Improvement Program, permitting for scheduled capital improvement projects, amendments to the Airport zoning approvals and compliance with the Lee County Land Development Code. (Added by Ordinance No. 04-16)

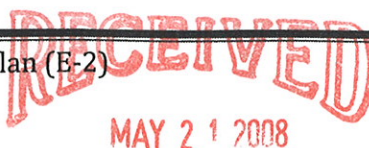
POLICY 151.4.2: The Port Authority will submit and County staff will review and provide comments regarding the following:

- (1) Scope and content of ongoing updates to the Airport Master Plan pursued in accordance with Federal Aviation Administration Advisory Circular 150/5070-6A and the Florida Department of Transportation Guidebook for Airport Master Planning.
- (2) Consistency of proposed amendments to the Airport Master Plan and resulting Airport Layout Plan (Map 3F) with the Lee Plan, Land Development Code (LDC) and local zoning approvals.
- (3) Compatibility and compliance of individual CIP projects with the Lee Plan, LDC regulations, zoning approvals and other applicable regulations.
- (4) Proposed Lee Plan Amendments necessary to support revisions to the Airport Layout Plan (Map 3F), the Southwest Florida International Airport Proposed Development Schedule (Table 5), the Airport Master Plan, or CIP project list. (Added by Ordinance No. 04-16)

POLICY 151.4.3: Prior to submittal of any application to amend the Lee Plan, the Port Authority staff must obtain an endorsement of the proposed plan amendment application package, including the Airport Layout Plan, from the Board of Port Commissioners. Written evidence of this endorsement must be included in the plan amendment application package. The Port Authority staff will coordinate the date and time the endorsement request will be presented to the Port Commissioners with the County in order to provide County staff with ample opportunity to attend the meeting and address the Port Commissioners as necessary. (Added by Ordinance No. 04-16)

POLICY 151.4.4: Prior to formal submittal of any Lee Plan amendment package, rezoning request, or development order application, the Port Authority staff will informally present the proposed application to Lee County staff for initial comments and input regarding consistency with the Lee Plan and County regulations. (Added by Ordinance No. 04-16)

POLICY 151.4.5: The Port Authority is the lead agency in coordinating efforts to obtain approval for Southwest Florida International Airport access improvements with agencies participating in the Lee County Metropolitan Planning Organization. This includes the incorporation of improvements into the Financially Feasible Transportation Plan (Map 3A) and the Lee County Metropolitan Planning Organization Financially Feasible Highway Plan and Needs Assessment. The Port Authority will work with local, state, and federal transportation agencies to identify and obtain funding for access improvements to the airport. (Added by Ordinance No. 04-16)





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

GOAL 152: GROWTH MANAGEMENT. To coordinate the plans and policies of Lee County, its municipalities, and adjacent local governments so as to guide, manage, and regulate urban growth in a compatible fashion.

OBJECTIVE 152.1: EFFECTS OF NEW DEVELOPMENT. Lee County will continue to review impacts of planned developments on the municipalities within Lee County and on adjacent counties, regional agencies, and other governmental units in a coordinated and efficient manner. (Amended by Ordinance No. 94-30, 00-22)

POLICY 152.1.1: Lee County will adopt formal coordination procedures for mandated planning activities with other local governments, regional agencies, the state, and other governmental units. (Amended by Ordinance No. 00-22)

POLICY 152.1.2: Where conflicts regarding growth management and development issues cannot be resolved through discussion among those concerned, the informal mediation process of the Southwest Florida Regional Planning Council will be used where judicial action can be avoided. (Amended by Ordinance No. 00-22)

POLICY 152.1.3: Lee County will enter into interlocal agreements with appropriate entities for the notification and exchange of information regarding changes in land use or zoning of areas within one mile of its boundaries. (Amended by Ordinance No. 00-22)

POLICY 152.1.4: The county will strive to negotiate interlocal agreements with all incorporated municipalities to resolve planning issues relating to areas outside the cities' limits which they would like to target for annexation. "Urban Reserve" boundaries adopted in such agreements will be designated on the future land use map (see Policy I.7.3). (Amended by Ordinance No. 00-22)

POLICY 152.1.5: The county will protect natural resource systems that cross governmental boundaries through the means described under Goal 112 of this plan. (Amended by Ordinance No. 00-22)

POLICY 152.1.6: The county will coordinate transportation planning and road improvements with other jurisdictions through the means described under Goal 42 of this plan. (Amended by Ordinance No. 00-22)

POLICY 152.1.7: The county will continue to pursue efforts to implement a plan for surface water management with the surrounding affected counties and affected municipalities within Lee County. (Amended by Ordinance No. 94-30, 00-22)

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POLICY 152.1.8: The principles and guidelines to be used in the planning, siting and location of new schools have been established under Goal 66: Education. (Added by Ordinance No. 03-04)

OBJECTIVE 152.2: POLITICAL INTERVENTION. In 1995, and on a continuing basis thereafter, Lee County will initiate vehicles for dialogue and communication with other local governments to address issues, which have an effect beyond the boundaries of unincorporated Lee County. (Amended by Ordinance No. 94-30, 00-22)

POLICY 152.2.1: In order to address issues which cross-jurisdictional boundaries, such as the re-establishment of the Urban Reserve Area with the City of Fort Myers, the chairman of the Board of County Commissioners will initiate and coordinate interactions with political counterparts in municipalities and counties in the region. (Amended by Ordinance No. 94-30, 0022)

POLICY 152.2.2: Lee County will continue to:

- utilize the Metropolitan Planning Organization (MPO) for matters of coordination in transportation planning and implementation; and utilize the Technical Advisory Committee to the MPO in matters requiring communication, cooperation, and coordination between Lee County and other jurisdictions. (Amended by Ordinance No. 00-22)

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

GOAL 153 – GOAL 157: [RESERVED]

### ECONOMIC ELEMENT

#### Chapter XI

#### XI. Economic Element

GOAL 158: Lee County will achieve and maintain a diversified and stable economy by providing a positive business climate that assures maximum employment opportunities while maintaining a high quality of life. (Amended by Ordinance No. 00-22)

**Response: This amendment provides a positive business climate that assures maximum employment opportunities while creating a high standard of life and the protection of the environment**

OBJECTIVE 158.1: Lee County will encourage the conservation and enhancement of those natural and cultural resources that represent the foundation of the county's existing retirement, recreation, and tourist oriented economy in order to place Lee County in a competitive position to enable the retention and expansion of these and other business opportunities. (Amended by Ordinance No. 0022)

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**Response: this amendment represents the future while maintaining the retention and expansion of the existing retirement, tourist, and recreation economies that has made lee county what it is today.**

POLICY 158.1.1: Lee County will encourage the development of diverse cultural facilities, through public, private, or public/private partnerships, that meet the needs of the residents and visitors of Lee County. (Amended by Ordinance No. 00-22)

**Response: Response: This amendment will be providing a community learning facility that encourages educates the community and visitors in regards to the history and environments of South West Florida.**

POLICY 158.1.2: Lee County will promote the opportunity for development and support of hospitals, nursing homes, and additional medical related facilities in order to promote a continuum of care to enhance the quality of life throughout the county. (Amended by Ordinance No. 00-22)

POLICY 158.1.3: Lee County will cooperate with state entities and other social service providers to encourage the establishment of programs and facilities that assist the elderly population of Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.1.4: Lee County will work with the sheriff, fire districts, municipalities, and other appropriate entities to provide a strong public safety program capable of protecting the citizens of Lee County and their property. (Amended by Ordinance No. 00-22)

POLICY 158.1.5: Lee County will maintain a publicly sponsored recycling program as well as "Keep Lee County Clean," "Adopt a Road," and "Adopt a Beach" programs to maintain a positive public image. (Amended by Ordinance No. 00-22)

POLICY 158.1.6: Lee County will protect the environment that sustains the commercial fishing and tourist industries by opposing the leasing of off-shore tracts for the purpose of oil exploration and drilling. The county will oppose off-shore oil drilling in the region south of latitude 27 degrees north to the state waters north of the Florida Keys and west to longitude 86 degrees west. (Amended by Ordinance No. 00-22)

POLICY 158.1.7: Lee County will encourage the preservation of sensitive natural resources, including beaches, wetlands, estuaries, clean air and water, historic resources, scenic vistas and other unique natural resources through public acquisition and/or regulatory protection. (Amended by Ordinance No. 00-22)

POLICY 158.1.8: Lee County will ensure a continued commitment of a portion of the Tourist Development Tax to be used for beach and shore-related improvements such as restoration and erosion

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control, re-nourishment, future beach acquisition, fishing piers, and beach access points, beach parking facilities, and maintenance. (Amended by Ordinance No. 00-22)

POLICY 158.1.9: Lee County, in response to current and projected needs of Lee County residents, will encourage a diverse mix of housing types, sizes, prices, and rents by maintaining mixed use land use categories in the Future Land Use Element. (Amended by Ordinance No. 0022)

Response : this amendment provides for a mixture of housing while creating a mixed use category that also protect water dependent uses.

OBJECTIVE 158.2: Lee County will maintain and develop programs which are designed to expand and enhance the tourism industry so that the county's leading tourism indicator of visitors per point of occupancy will grow by a total annually compounded rate of 2.5% by the year 1995 and by 10.0% by the year 2000. (Amended by Ordinance No. 00-22)

**Response: Response: This amendment will help the county reach its goal as stated above.**

POLICY 158.2.1: Lee County, in coordination with the Tourist Development Council and other appropriate entities, will continue to support the area's domestic and international tourism development program to ensure continuation and expansion of the tourism industry. (Amended by Ordinance No. 00-22)

**Response: This amendment will comply with the above stated policies by creating a world class mixed use resort.**

POLICY 158.2.2: Lee County, in coordination with the Tourist Development Council and other appropriate entities, will continue to lead the local tourism industry and work with the community to position Lee County as a friendly and hospitable visitor destination. (Amended by Ordinance No. 00-22)

POLICY 158.2.3: Lee County, in coordination with the Tourist Development Council and other appropriate entities, and in conjunction with the Port Authority, will work toward positioning Lee County as a major aviation international port of entry. (Amended by Ordinance No. 00-22)

POLICY 158.2.4: Lee County, in coordination with the Tourist Development Council and other appropriate entities, should continue the strong research efforts that accurately measure the economic impact of tourism and provide information for planning, marketing and management of tourism for both the private and public sectors.

POLICY 158.2.5: Lee County, in coordination with the Tourist Development Council and other appropriate entities, will promote the development of ecotourism in Lee County. (Amended by Ordinance No. 00-22)



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**Response: One of the main goals of this amendment is to promote ecotourism**

OBJECTIVE 158.3: Lee County, in coordination with the Horizon Council and other appropriate entities, will establish, continue and maintain programs which are designed to promote and encourage the recruitment of new industries that will facilitate and diversify Lee County's economic base.

(Amended by Ordinance No. 00-22)

POLICY 158.3.1: Lee County will, in coordination with the Horizon Council and other appropriate entities, formulate an economic development plan to assist local organizations in fostering the expansion and diversification of Lee County's economic base, and will set forth the intent, funding, and the means available for its implementation. (Amended by Ordinance No. 0022)

POLICY 158.3.2: Lee County, in coordination with the Horizon Council and other appropriate entities, will sustain a coordinated local, regional, national, and international marketing program that will identify and attract industrial, commercial, and office space users. (Amended by Ordinance No. 00-22)

POLICY 158.3.3: Lee County, in coordination with the Horizon Council and other appropriate entities, will annually report on the progress of non-traditional industry starts. (Amended by Ordinance No. 00-22)

POLICY 158.3.4: Lee County will, in coordination with the Horizon Council and other appropriate entities, develop a presentation packet to actively pursue and encourage businesses to relocate to Lee County. (Amended by Ordinance No. 00-22)

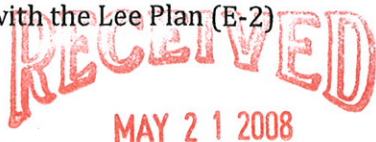
POLICY 158.3.5: Lee County will ensure that adequate land is allocated in the comprehensive plan to meet future commercial, industrial, agricultural, residential, and recreational needs. (Amended by Ordinance No. 00-22)

POLICY 158.3.6: Lee County will study economic incentives utilized by various Florida cities and counties that may also be utilized by Lee County to place the county in a competitive position to attract new businesses. (Amended by Ordinance No. 00-22)

POLICY 158.3.7: Lee County will offer property tax abatement and occupational license fee abatement to new or expanded businesses in the Franklin Park Enterprise Zone for up to 5 years. (Amended by Ordinance No. 00-22)

POLICY 158.3.8: Lee County will pursue any legally available opportunities to establish additional Enterprise Zones. (Amended by Ordinance No. 00-22)

POLICY 158.3.9: Lee County, in coordination with the Horizon Council and other appropriate entities, will encourage the expansion of international banking and finance to better accommodate the needs of



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international visitors to the area and that of local firms engaged in global markets. (Amended by Ordinance No. 00-22)

POLICY 158.3.10: Lee County, in coordination with the Horizon Council and other appropriate entities, will investigate the possibility of establishing Foreign Trade Zones in Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.3.11: Lee County will, in coordination with local, state, and federal representatives, develop a strategy to increase foreign investment in Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.3.12: Lee County, in coordination with the Horizon Council and other appropriate entities, will continue programs which encourage and assist in the location of new companies that build on the traditional economic base. (Amended by Ordinance No. 00-22)

**Response: this amendment supports traditional economic base that has been established**

OBJECTIVE 158.4: Lee County, in coordination with the Horizon Council and other appropriate entities, will maintain programs which are designed to encourage the retention and expansion of the county's existing economic base. These programs will assist the expansion of the commercial and industrial tax base to 25% of the total tax base by the year 2000 and to 30% by the year 2010. (Amended by Ordinance No. 00-22)

POLICY 158.4.1: Lee County, in coordination with the Horizon Council and other appropriate entities, will continue programs, such as the "Business Assistance Guide," the "Financial Assistance Guide," economic research, a business and industry Exposition, an economic development magazine, and the "Community Profile on a Disk," which assist existing companies in expansion efforts. (Amended by Ordinance No. 00-22)

POLICY 158.4.2: Lee County, in coordination with the Horizon Council and other appropriate entities, will annually report on the progress of existing industry expansions and traditional industry starts. (Amended by Ordinance No. 00-22)

POLICY 158.4.3: Lee County will protect and promote its existing water port developments. (Amended by Ordinance No. 00-22)

**Response: This amendment will comply with the above stated policies.**

POLICY 158.4.4: Lee County, in coordination with the Horizon Council and other appropriate entities, will promote economic opportunity through the utilization of the Southwest Regional Airport and strengthen the role of the airport in Lee County's economic development. (Amended by Ordinance No. 00-22)

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POLICY 158.4.5: Lee County will actively pursue state and federal funding for transportation improvements to the local, region, state, and national highway system in Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.4.6: All Lee County Departments and Divisions will communicate and coordinate with the Division of Economic Development (or its successor) to assure interdepartmental coordination of industry and business attraction, expansion and retention in Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.4.7: Lee County will encourage the retention of the agricultural and commercial fishing industries as described in Goals 8, 9, 121, 122, 128, and their associated objectives and policies of the Lee Plan. (Amended by Ordinance No. 00-22)

POLICY 158.4.8: Lee County, in coordination with the Horizon Council and other appropriate entities, may establish an "Ambassador Team", consisting of volunteer representatives from such sources as government, banking/finance, utilities, marketing, chambers of commerce, education, and labor market sectors, in order to assist in the retention of targeted industries and businesses.

The function of the team will be to increase communication between county and municipal governments, the Horizon Council, and the business community in Lee County.

POLICY 158.4.9: Lee County, in coordination with other appropriate entities, will work to establish and retain small businesses throughout Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.4.10: The Lee County Community Redevelopment Agency will continue local revitalization efforts in the county's redevelopment areas to leverage private reinvestment activities through public investment in community development and infrastructure improvements.  
(Amended by Ordinance No. 00-22)

POLICY 158.4.11: Lee County will encourage agriculture industry programs to maintain or improve its economic viability, provide necessary support and promote Lee County produce.  
(Amended by Ordinance No. 00-22)

OBJECTIVE 158.5: Lee County will encourage the expansion and development of educational facilities that complement economic development and diversification. (Amended by Ordinance No. 00-22)

POLICY 158.5.1: Lee County will continue to coordinate with and assist the Lee County School Board in the orderly and rational expansion of educational facilities that enhance economic growth and a desired quality of life. (Amended by Ordinance No. 00-22)

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POLICY 158.5.2: Lee County will promote the development of programs and facilities at Lee Vo-Tech, Edison Community College, the University of South Florida, Florida Gulf University, and any future institutions of higher learning, including business and commerce, health services, technologies, and education careers. (Amended by Ordinance No. 00-22)

POLICY 158.5.3: Lee County will encourage Lee Vo-Tech, Edison Community College, the University of South Florida, Florida Gulf University, and any future institutions of higher learning, to develop cooperative and integrated curriculums that enhance and increase the productivity of the local work force and attract industries and skilled workers. (Amended by Ordinance No. 00-22)

OBJECTIVE 158.6: Lee County will maintain a system of development regulations that will promote the accomplishment of the goals, objectives, and policies of this element. (Amended by Ordinance No. 00-22)

POLICY 158.6.1: Before adopting any new regulation which potentially imposes new costs to taxpayers and private business, Lee County first will generally assess the impact of that regulation upon the local economy and will adopt such regulations only in cases of compelling public need. (Amended by Ordinance No. 00-22)

POLICY 158.6.2: Lee County will continue to utilize Lee County staff and private citizen committees to recommend revisions that will streamline development regulations. (Amended by Ordinance No. 00-22)

OBJECTIVE 158.7: ECONOMIC MONITORING. The county will develop and maintain an accurate mechanism to track the types of goods imported and exported via various means of transportation by 1996. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 158.7.1: The county will conduct or sponsor (in full or in part) the preparation of an economic base study including, but not limited to, agricultural, commercial fishing, and industrial products. The study will identify the importing and exporting sectors of the economy and will be updated, as appropriate. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 158.7.2: The county will gather commerce movement data from the government agencies overseeing various means of transportation and/or private operators. (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 159 – GOAL 163: [RESERVED]

Economic Element XI-5 December 2004

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Internal Consistency with the Lee Plan (E-2)

COMMUNITY DEVELOPMENT

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## GLOSSARY

### Chapter XII

#### XII. Glossary

**ACCESSORY APARTMENT** -In general terms, a living unit constructed subordinate to a single family residence, or in a separate structure and rules governing such to be further defined in the Lee County Zoning Ordinance. (Added by Ordinance No. 93-25)

**ACTIVE RECREATION** -Active recreation requires a certain degree of physical exertion. Recreational activities that are of this orientation are generally of an organized or team nature and usually require an established playfield or type of court to accommodate them (e.g. baseball, football, tennis, basketball).

**ACTIVITY CENTER** -Those areas of such economic, recreational, cultural, or unique locational significance that the community has unusual difficulty in providing transportation facilities consistent with adopted service levels (see Objective 37.3).

**AIRPORT (PUBLIC USE)** - Is defined as any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purpose. Airport Facilities (Commercial or General Aviation) typically include areas for shelter, servicing, or repair of aircraft, or for receiving and discharging passengers or cargo, and areas used for access to airport facilities or buildings. (Added by Ordinance No. 04-16)

**AIRPORT LAYOUT PLAN** - A map of existing and proposed airport property, facilities and development that is created as a result of the Airport Master Planning process. The Airport Layout Plan for Southwest Florida International Airport is adopted as Map 3F. (Added by Ordinance No. 04-16)

**AIRPORT MASTER PLAN** - A plan of development applicable to an airport that is prepared and approved in accordance with FAA Advisory Circular 150/5070-6A and FDOT Guidebook for Airport Master Planning. By design, the Airport Master Plan process is ongoing and allows an airport to address operational and development needs as they arise. The overall development scheme or concept is depicted in the Airport Layout Plan. (Added by Ordinance No. 04-16)

**AIRPORT SUPPORT LAND USES** - Airport Support land uses include land uses that provide support facilities to other airport operations, including the air traffic control tower, aircraft rescue and firefighting, airport maintenance, airport utilities, rental car service and storage, fuel farms, aircraft maintenance areas, airline in-flight catering kitchens, airport police department gun range, airport auto repair facility, and

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Port Authority training facility. (Added by Ordinance No. 04-16)

ASSOCIATED SUPPORT DEVELOPMENT -within the University Community land use category is that development which is related to and justified by the University, including but not limited to support facilities, university housing, and development, such as research and development parks, which would not

have come to the University Community except for the synergy created by the University. (Added by Ordinance No. 92-47)

AVIATION-RELATED INDUSTRY -Aviation-Related Industry land uses include manufacturing, fabrication, or assembly activities relating to aviation. Examples of Aviation-Related Industry uses include fuel storage and transfer facilities, aircraft parts/instrument manufacture, facilities for processing

large air cargo shipments, and warehousing. (Added by Ordinance No. 04-16)

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**AVIATION RELATED LAND USES** - Aviation related land uses are necessary for the safe operation of the airport. These uses include: all uses necessary to support airfield operations such as runway and taxiway safety areas, runway approaches, taxiways and taxiway exits, areas where NAVAIDS will be located, and areas within the building restriction lines and the runway protection zones; all facilities associated with Airline Passenger Terminal areas and Air Cargo areas, including the Federal Inspection Station/customs, aircraft aprons, and terminal auto parking areas, cargo buildings and truck ramps for transshipping cargo between air and ground transportation; all uses associated with General Aviation operations, including aircraft aprons, fixed base operator offices and hangars, and auto parking areas. This term also includes all Airport Support and Aviation-Related Industry. (Added by Ordinance No. 0416)

**A-ZONE** -Those areas subject to a 100-year flood, as indicated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

**BARRIER ISLAND** -The term "barrier island" is intended to refer to the following islands: Gasparilla, LaCosta (Cayo Costa), North Captiva, Captiva, Sanibel, Estero, Black, Lovers Key, Big Hickory, and Little Hickory (often referred to as Bonita Beach) Islands.

**BASE FLOOD** -The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**BASIC FACILITY** -As used in the Potable Water and Sanitary Sewer sub- elements of the Community Facilities and Services element, this term is intended to identify the principal productive capital of a water or sewer system, i.e., a wellfield and water treatment plant, as distinguished from the distribution system (see also "infrastructure").

**"BEST MANAGEMENT PRACTICE"** -That practice which provides reasonable assurance that a given standard of performance can be achieved (South Florida Water Management District).

**BIOLOGICAL OXYGEN DEMAND (BOD)** -The oxygen used in meeting the metabolic needs of aerobic microorganisms in water rich in organic matter.

**CAPACITY, ROAD** - The maximum number of vehicles having a reasonable expectation of passing over a given section of roadway during a given time period under prevailing roadway and traffic conditions.

**CAPITAL IMPROVEMENTS** -The acquisition of land, real property, a physical facility, or the

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construction of a physical facility.

**CHEMICAL OXYGEN DEMAND (COD)** -The amount of matter available in water with the potential to take up dissolved oxygen from the water by various chemical processes.

**CLUSTERING** -A development design technique that concentrates a group of buildings or uses in specific areas to allow the remaining area to be used for open space, buffering, joint-parking, recreation, water management, or protection of environmentally sensitive areas.

**COASTAL BUILDING ZONE** -The barrier islands, except Sanibel; Buck Key; Long Key; the unnamed mangrove island between Broadway and Hogue Channels, in their entirety; and the land area 3,000 feet landward of mean high water from the western tip of Punta Rassa to the peninsula north of Pelican Bay, with the eastern boundary being the eastern shoreline at mean high water of the presently undeveloped peninsula in Siesta Isles as delineated in the aerial map filed with Clerk of the Court as Exhibit A. The bay islands in Gasparilla Sound, Pine Island Sound (including Cabbage Key and Useppa Island), Matlacha Pass and Estero Bay and Pine Island, **San Carlos Island** and the mainland area not expressly referred to in this definition are not included. (Added by Ordinance No. 94-30)

**COASTAL CONSTRUCTION CONTROL LINE** -The Department of Natural Resources' Coastal Construction Control Line is the line established pursuant to the provisions of Sections 161.052 - 161.053, Florida Statutes.

**COASTAL HIGH HAZARD AREA** -The category 1 evacuation zone as delineated by the Southwest Florida Regional Planning Council. (Added by Ordinance No. 94-30, Amended by Ordinance No. 99-17)

**COASTAL PLANNING AREA** -The coastal study area of the 1988 Lee County Coastal Study which is defined as all sections of unincorporated Lee County containing any portion of the 1988 A Zone (the 100 year floodplain as mapped in 1988 by FEMA), lying westward of the municipal boundaries of Fort Myers and Cape Coral. (Added by Ordinance No. 94-30)

**COST-EFFECTIVE** -An action or technique is "cost-effective" when it offers more benefit per unit cost or lower cost per unit benefit than an alternative.

**COMMUNITY PARK** -A tract of land designated and used by the public primarily for active recreation but also for educational and social purposes and passive recreation. A community park generally serves a specific community comprised of at least several neighborhoods. The Lee Plan's community park standards are based upon several sub-classifications of community parks: standard community parks; community recreation centers; community pools; and school parks.

**DENSITY** -The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential



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density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made water-bodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included. Within the Caloosahatchee Shores community in the areas identified by Policy 21.4.2, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Costal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21)

DEVELOPMENT -Has the meaning given in Chapter 380, Florida Statutes.

DEVELOPMENT OF COUNTY IMPACT (DCI) -A development which, because of its character, magnitude, location, size, timing, density, or intensity would have a substantial effect upon the health, safety, and welfare of the citizens of the county. Thresholds for Developments of County Impact will be specifically defined in zoning or development regulations and ordinances. (Amended by Ordinance No. 00-22)

DEVELOPMENT ORDER -An order granting, denying, or granting with conditions an application for a development permit. Whenever this plan refers to a "preliminary" or "final" development order, the term will have the same meaning given those terms in the Lee County Development Standards Ordinance as it existed in October of 1989. (Amended by Ordinance No. 94-30, 00-22)

DEVELOPMENT PERMIT -Includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of Lee County having the effect of permitting the development of land.

EDGE EFFECT -The influence of adjacent plant communities on the number of animal species present in the immediate vicinity.

EQUIVALENT RESIDENTIAL CONNECTION (ERC) -The total number of meter equivalents using the methodology of the Florida Public Service Commission. This term is synonymous with "Equivalent Residential Units" as used by the Florida Public Service Commission. It is used to convert commercial and industrial water or sanitary sewer use into standard units, based on typical use in dwelling units.



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**FLOODING** -A general or temporary condition of partial or complete inundation of normally dry land areas from: (1) overflow of inlands or tidal water; or (2) unusual and rapid accumulation or runoff of surface water from any source.

**FLOOD PRONE AREA OR FLOODPLAIN** -Any land area susceptible to being inundated by water from any source.

**FLOW-WAY** - A defined area that conveys surface water during typical seasonal weather patterns. The flow-way may contain uplands, wetlands, defined natural or artificial channels, or a combination thereof. A flow-way may be natural or man-made. A natural flow-way is an area of lower topographic relief where surface water moves within variable dimensions or a well defined channel. The area of flow in this case has enough general confinement to exhibit surface water flow characteristics and is determined through reasonable scientific judgment utilizing all available information including without limitation a review of all the following: vegetation, hydrology, soils maps, aerial photography, topographic maps, USGS maps, drift lines, rack lines, sediment deposits, soils and root scour, absence of litter or groundcover, and field verifications. A natural flow-way can be a series of lower elevation upland areas that allow otherwise isolated wetlands to interconnect when surface water levels rise high enough during typical high water seasonal level to form a continuous flow path. Natural flow-ways typically include but are not limited to rivers, creeks, streams, sloughs, interconnected wetlands, and associated flood plain. A man-made naturalized flow-way is a constructed surface water management system consisting of soft features used for nutrient uptake, surface water treatment, and/or surface water conveyance. Man-made naturalized flow-ways typically include but are not limited to filter marshes, created wetlands, swales planted with native vegetation, created streams/creeks, created pond or lake systems interconnected through native vegetation areas, or combinations thereof.

A man-made structural flow-way is a physical connection between surface water management basins. Man-made structural flow-ways typically include but are not limited to culverts, ditches, canals, pipelines, mowed grass swales, rip-rap swales, or combinations thereof. This will not include roadways, fire breaks, or similar man-made structures. (Added by Ordinance No. 03-06)

**FRANCHISE** -An exclusive right to sell a good or produce a service within a limited geographic area.

**FREEWAY** -The term freeway as used herein and as defined by the 1985 Highway Capacity Manual, Special Report 209, is a divided highway facility having two or more lanes for the exclusive use of traffic in each direction and full control of access and egress. Access to and egress from the facility occur only at ramps, which are generally designed to permit high-speed merging and diverging maneuvers to take place, thus minimizing disruptions to mainline traffic. (Added by Ordinance No. 98-09)

**FUNCTIONAL STREET CLASSIFICATION** -Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide.

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**FUTURE URBAN AREAS** -Those categories on the Future Land Use Map which are designated for urban activities: Intensive Development, Central Urban, Urban Community, Suburban, Outlying Suburban, Industrial Development, Public Facilities, Airport, Tradeport, Industrial Interchange, General Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, Mixed Use Interchange, University Community, and New Community. (Amended by Ordinance No. 94-30, 99-18, 04-16)

**GREEN INFRASTRUCTURE** -Surface water management systems that are "soft" features such as preserved/restored flow-ways, created flow-ways, lakes with littoral plantings, swales planted with native grasses, filtration marshes, preserved/restored wetlands, created wetlands, or other similar design features. (Added by Ordinance No. 03-06)

**HISTORIC DISTRICT** -A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history.

**HISTORIC RESOURCE** -Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state (s.267.021 (3), F.S. 1986).

**HURRICANE VULNERABILITY ZONE** -The area requiring evacuation in the event of a specified event (hurricane) as determined by the SLOSH computer model (see the October 1991, Hurricane Storm Tide Atlas for Lee County, prepared by the Southwest Florida Regional Planning Council). This zone is subdivided into maximum areas subject to flooding by each of the five storm categories. (Amended by Ordinance 99-15)

**HYDROPERIOD** -The cyclic variation in the volume of water flowing in a system through time.

**INFILTRATION** -The flow of a liquid through a porous material (see also "percolation").

**INFRASTRUCTURE** -As used in the Potable Water and Sanitary Sewer sub- elements of the Community Facilities and Services element, this term is intended to identify the capital facilities that distribute a service, i.e., the sewer mains, manholes, lift and pump stations, and trunk and interceptor sewers, as distinguished from the wastewater treatment plant and effluent disposal system (see also "basic facility").

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**INTENSITY** -A measurement of the degree of non-residential uses of land based on use, size, impact, bulk, shape, height, coverage, sewage generation, water demand, traffic generation, or floor area ratios.

**LAND USE** -The development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under the adopted Comprehensive Plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

**LEACHATE** -The solution/suspension of material in water which has percolated through a landfill.

**LEVEL OF SERVICE** -An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of a facility. Levels of service are generally expressed as the capacity per unit of demand for each public facility. (See Policy 95.1.3 for a description of the various levels of service contained in this plan.) **LOW INCOME** -A person or household whose annual (gross) income does not exceed the 80% percent of the area median income, as determined by HUD. (Added by Ordinance No. 99-15)

**MARINA** -A commercial or industrial Water-Dependent Use located on property adjacent to water with direct access to a navigable channel. The primary function must be to provide commercial dockage, mooring, storage and service facilities for watercraft and land-based facilities and activities necessary to support the water dependent use. The term "marina" does not apply to docks, davits, boathouses and similar docking facilities that are accessory or ancillary and subordinate to: 1) residential buildings that are located on the same premises and under the same ownership or control as the docks, davits, boathouses, boat ramps, and similar docking facilities; and 2) commercial or industrial establishments that are not Water-Dependent uses. For purposes of this definition only, "residential building" means a mobile home, single-family, two-family, duplex, townhouse or multiple-family dwelling. Sub-classifications of Marinas will be further defined in the Land Development Code for the purpose of establishing permissible ancillary or accessory water and land-based activities and property development regulations. (Amended by Ordinance No. 00-22)

**MARINE INDUSTRIAL USES** -Uses which generally relate to port activities and commercial fishing. These uses include, but are not limited to, ports, oil and gas transportation facilities, boat manufacturing plants, commercial fishing operations, marine supply stores, boat repairs, and the icing, preparation, shipping, and sale of seafood.

**MEDIAN INCOME** -A determination made by HUD (the U.S. Department of Housing and Urban Development) through statistical methods establishing a middle point for determining income limits for households within the metropolitan statistical area, the county or the non metropolitan median for the state, whichever is greatest. Median is the amount that divides the distribution into two equal groups: one group having income above the median and the other group having income below the median. (Added by Ordinance No. 99-15)

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**MIXED USE** -The development, in a compact urban form, of land or building or structure with two or more different but compatible uses, such as but not limited to: residential, office, industrial and technological, retail, commercial, public, entertainment, or recreation. True mixed use developments primarily consist of mixed use buildings as defined by this Glossary. (Amended by Ordinance No. 05-21)

**MIXED USE BUILDING** - Mixed Use Building means a building that contains at least two different land uses (i.e. commercial and residential, R & D and residential, office and residential, commercial and civic use open to the public) that are related. (Added by Ordinance No. 05-21)

**MODERATE INCOME** -A person or household whose annual (gross) income does not exceed the 120% percent of the area median income, as determined by HUD. (Added by Ordinance No. 99-15)

**NATURAL RESOURCE EXTRACTION** - The act of removing, through various techniques, renewable and non-renewable resources, excluding water, in their natural state on or below the surface of the earth. Such resources include but are not limited to sand, gravel, limestone, fill dirt, oil, and natural gas. (Added by Ordinance No. 02-02)

**NAVAID - AIR NAVIGATION FACILITY.** A facility designed for use as an aid to air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio direction-finding, or for radio or other electronic communication, and any other structure or mechanism having a similar purpose for guiding and controlling flight in the air or the landing or takeoff of aircraft. (Added by Ordinance No. 04-16)

**NON-AVIATION RELATED USES.** This phrase refers to the commercial and industrial land uses identified on the Airport Layout Plan (Map 3F) and Table 5. Non-aviation related uses are typically developed in non-aviation settings. Non-aviation uses may be enhanced by proximity to an airport, but these uses are not dependent on access to an airport. These uses could be developed in other locations within the County. Non-aviation related uses will be established on Airport lands through lease agreements with the Port Authority. The areas identified to accommodate these non-aviation uses are not necessary to support the primary aviation facilities comprising the Southwest Florida International Airport. Use of Airport lands for non-aviation use is intended to provide a revenue stream that may be used to enhance airport operations. Though located on airport property, the establishment of non-aviation uses is not necessary for the continued function of the primary aviation facilities associated with the airport. (Added by Ordinance No. 04-16)

**OPEN SPACE** -Land, public or private, which may be either unoccupied or predominately unoccupied by buildings or structures, having use for parks, recreation, water management, vegetation, agriculture, conservation, protection or preservation of water resources, historic or scenic resources, green space, green belts, natural rivers and streams, forests, wetlands, beaches and dunes, wildlife habitat, preserves, sanctuaries, reserves and refuges, and air and water.

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**PASSIVE RECREATION** -Passive recreation activities are ones which require a minimal amount of physical effort but help in promoting physical and psychological refreshment. Such activities include: picnicking, camping, strolling in the park, and water-oriented recreation in the forms of fishing and boating.

**PERCOLATION** -The flow of a liquid through a porous material under the influence of gravity or pressure (see also "infiltration").

**PLANNED DEVELOPMENT** -A development that is designed and developed as a cohesive, integrated unit under single ownership or unified control which permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities, and utilities, and protection or enhancement of environmental and natural resources. A "planned development" may be for residential, commercial, industrial, or other specific purposes, or a combination thereof. The Lee County zoning regulations define the various types of "planned developments." (Amended by Ordinance No. 94-30)

**POPULATION AT RISK** -All people located within an area defined by the vulnerability zone of a Category 3 storm hazard in the month of November. The latest Southwest Florida Region Hurricane Evacuation Study will be used to designate the vulnerability zone of a Category 3 storm hazard. (Amended by Ordinance No. 92-35, 00-22)

**PRIVATE RECREATION FACILITIES** -Includes nature trails, tent camping areas, boardwalks, play areas (as defined in "Park Planning Guidelines, 3rd Edition"), horse stables and riding areas, service areas, administrative areas, ancillary uses, and golf courses. The location of public wellheads and Aquifer Storage and Recovery facilities may be located in Private Recreational Facilities. (Added by Ordinance No. 99-16)

**RARE AND UNIQUE UPLAND HABITATS (RU)** -High-quality native upland habitats as identified by the Lee County Coastal Study (Godschalk and Associates, 1988). These habitat types include those classified as 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 (Florida Department of Transportation, 1985).

**RECREATIONAL USE** -The occupation, utilization, consumption, or enjoyment of a recreation resource, or of a particular part of a recreation resource.

**REGIONAL PARK** -A tract of land designated and used by the public for active and passive recreation. A regional park draws users from a larger area than a community park, frequently from the entire county and beyond, by providing access to especially attractive natural resources, amenities, and



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specialized activities. The Lee Plan's regional park standards are based upon several sub-classifications of regional parks: district parks; nature preserves; and special area regional parks.

**REHABILITATION** -The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

**RESOURCE-BASED RECREATION AREAS** -These are areas that possess a high degree of natural beauty through the land, air, and water resources that compose them. These areas generally have a higher level of intrinsic value, i.e., visual and other aesthetic qualities of their natural environment. Examples of resource-based recreation areas are beaches, wetland preserves, and riverfront parks.

**RESOURCE RECOVERY** -Various techniques of recovering reusable or recyclable materials or energy from garbage and trash.

**RESTORATION** -The act of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or the replacement of missing earlier work.

**RETAINING WALL** -A generally vertical wall built of concrete, steel, wood, fiberglass, or other materials. It is similar to a seawall but is located well landward of mean high water and of any existing wetland vegetation and/or littoral zone characterized by the presence of intertidal fauna.

**REUSE WATER** -Treated wastewater which, as a commodity, is sold to various users for agricultural irrigation, grounds management (institutional lawns, golf courses), or industrial use

**SANITARY SEWER SYSTEM** -The infrastructure required to collect, transport, treat, and dispose of water-borne wastes, and the contaminated water that carries such wastes, from many individual and varied land uses. This definition of "sanitary sewer system" includes those systems operated by developers and homeowner or condominium associations, as well as by county or municipal governments or other public agencies, and by franchised or certificated utility companies.

**SEAWALL** -A generally vertical wall built of concrete, steel, wood, fiberglass, or other material which holds the material behind it in place and is designed to resist waves and erosion.

**SITE-RELATED IMPROVEMENTS** -Capital improvements and right-of-way dedications for direct access improvements to the development. Direct access improvements include but are not limited to the following:

1. site driveways and roads;
2. median cuts made necessary by those driveways or roads;

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3. right turn, left turn, and deceleration or acceleration lanes leading to or from those driveways or roads;
4. traffic control measures for those driveways or roads; and
5. roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development. (Amended by Ordinance No. 94-30)

SLUDGE -The solids remaining after settling and treating wastewater (also septage).

### SOUTHWEST FLORIDA INTERNATIONAL AIRPORT PROPOSED DEVELOPMENT

SCHEDULE (TABLE 5) -This Table depicts the proposed development schedule for the Southwest Florida International Airport through the year 2020. (Added by Ordinance No.04-16)

SUBSTANTIVE CHANGE - As used in Policies 47.2.5 and 47.3.4, the term "substantive change" means development not specifically stated or identified in Table 5 or depicted on Map 3F. (Added by Ordinance No.04-16)

UNDEVELOPED BARRIER ISLAND -Undeveloped barrier islands are: 1) areas designated by the United States Congress as undeveloped in the Coastal Barrier Resource Act (PL 97-348) as amended; and 2) other barrier islands (see definitions), spits, peninsulas, or portions thereof that have sparse settlement, no infrastructure for support services, and access by watercraft or aircraft only.

URBAN RESERVE -Those specific geographic areas which, by formal interlocal agreement between Lee County and a municipality, have been determined to be suitable for annexation into that municipality (see also Policies 1.7.3 and 152.1.4).

URBAN SERVICES -The requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity. Urban services as used in this plan include, but are not limited to:

- public sewer and water
- paved streets and roads
- public transit
- parks and recreation facilities
- urban levels of police, fire, and emergency services
- urban surface water management
- schools
- employment, industrial, and commercial centers
- institutional, public, or administrative facilities
- community facilities such as senior citizens' centers, libraries, and community centers.

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**URBAN SPRAWL** -The uncontrolled, premature, or untimely expansion and spreading out of urban levels of density or intensity into outlying non-urban areas.

**USER-ORIENTED RECREATION AREAS** -These are areas where numerous recreational activities can take place which are more or less independent of special natural features. Areas such as these commonly contain ballfields, tennis courts, playgrounds, swimming pools, and the like that are planned and located to help satisfy specific user demands. User-oriented recreation areas generally have a greater amount of extrinsic value where recreational values are created through man-made adaptation, alteration, or addition to the natural landscape.

**VERY LOW INCOME** -A person or household whose annual (gross) income does not exceed the 50% percent of the area median income, as determined by HUD. (Added by Ordinance No. 99-15)

**V-ZONE** -Those areas subject to wave action in addition to a 100-year flood, as indicated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

**WATER-BASED RECREATION AREA** -An area that has within its boundaries a body of salt or freshwater, shoreline frontage, or access to a shoreline where water-related facilities such as boat ramps, docks, fishing piers, and beach areas for swimming can be located.

**WATER-DEPENDENT USES** -Land uses for which water access is essential and which could not exist without water access.

**WATER-RELATED USES** -Land uses that might be enhanced by proximity to the water but for which water access is not essential.

**WETLANDS** -Areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil. Wetland boundaries will be determined by using the methodology in FAC Chapter 17-340 as ratified and amended in F.S. 373.4211. (Amended by Ordinance No. 94-30, 00-22)

**XERISCAPE** -A style of landscaping using drought-tolerant (emphasizing native) plant materials and water conserving design and maintenance techniques in order to reduce the demand for irrigation water in man-made environments.

## PROCEDURES AND ADMINISTRATION Chapter XIII

### XIII. Procedures and Administration a. Effect and Legal Status of the Plan

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Upon adoption of this amended plan, all development and all actions taken in regard to development orders must be consistent with the plan as adopted. All land development regulations enacted or amended after the effective date of the Lee Plan must be consistent with the Lee Plan. Land development regulations in existence as of the effective date of the Lee Plan which are inconsistent with the Lee Plan will be amended to conform to the goals, objectives, and policies of the Lee Plan, as provided for in the implementation section of the plan. The terms "consistent with" and "in conformity with" will mean that all development actions or orders will tend to further the goals, objectives, and policies of the plan and will not specifically inhibit or obstruct the attainment of articulated policies. Where goals, objectives, or policies of particular elements appear to be in conflict, such conflicts will be resolved upon an analysis of the entire Lee Plan as it may apply to the particular area at issue.

The impact of the Lee Plan upon ongoing development may involve a balancing of public needs reflected in the Lee Plan and the expectations of those persons in the process of developing property in a manner inconsistent with the goals, objectives, and policies of the Lee Plan. Moreover, Section 163.3202(2)(g), Florida Statutes, imposes restrictions on the ability of Lee County to grant development permits notwithstanding an otherwise satisfactory balancing of such needs and expectations. Therefore, there will necessarily be a transition period in which such development rights will have to be balanced with the public needs and purposes expressed in the Lee Plan and this transition may be further complicated by the impact of Section 163.3202(2)(g). During this transition period, in instances where development has been reviewed and determined to be consistent with the 1979 Comprehensive Plan, as amended, and/or the 1984 Lee Plan, as amended, and/or the 1989 Lee Plan, as amended, and a development order or final development order has been issued, such development, to the extent it cannot reasonably comply with the standards established in the Lee Plan, will be deemed consistent with the Lee Plan as outlined below. (Amended by Ordinance No. 94-30, 00-22)

- A. A preliminary development order, not otherwise vested, issued prior to the effective date of this plan, and subsequently issued, will be deemed consistent with this plan for a period of three years, only as to:
1. terms specifically approved in writing; or
  2. accompanying plans expressly approved as to matters requested to be in said plans and requested to be approved as part of the preliminary development order process.

To be deemed consistent, such preliminary development orders must also meet all applicable public health, safety, and welfare standards.

(Amended by Ordinance No. 00-22)

- B. A final development order, not otherwise vested, will be deemed consistent with the amended plan for a period of five years from the date of issuance of the development order, only as to:

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1. terms specifically approved in writing; or
2. accompanying plans expressly approved as to matters requested to be in said plans and requested to be approved as part of the development order process.

To be deemed consistent, such final development orders must also meet all applicable public health, safety, and welfare standards.

C. A development order, not otherwise vested, will be deemed consistent with the amended plan for a period of three years (six years for development orders approved after October 16, 1994) from the date of issuance of the development order, only as to:

1. terms specifically approved in writing; or
2. accompanying plans expressly approved as to matters requested to be in said plans and requested to be approved as part of the development order process.

To be deemed consistent, such development orders must also meet all applicable public health, safety, and welfare standards.

D. In addition to above-mentioned development orders, preliminary and final development orders, the following categories of approvals, projects, and developments will be deemed to be consistent with the Lee Plan, subject to the applicable conditions as set forth below:

1. a development or project that has a building permit issued by Lee County, valid on the effective date of the 1993/94 amendments to the Lee Plan;
2. a development or project that has been granted an approval under the site plan approval process of the Lee County Administrative Code F-0015, or its predecessors, and the approval was obtained prior to the effective date of the Lee Plan (December 21, 1984), PROVIDED THAT construction of the development or project was begun within two (2) years of the approval date and construction has been diligently pursued;
3. a site plan approved by court order or stipulated settlement which is the result of litigation in which Lee County was a party;
4. an approved, platted subdivision pursuant to Part I of Chapter 177, Florida Statutes;
5. final P.U.D. approvals, PROVIDED THAT construction began (or begins) within two (2) years of the final P.U.D. approval and construction has been (is) diligently pursued;
6. all developments approved under a site-specific P.U.D. ordinance;
7. "planned development" zoning approvals which have not been vacated due to inactivity by the developer;
8. for ongoing commercial operations, an addition or interior remodeling, limited to 25% of the existing floor area or 1,500 square feet, whichever is less (this is a one-time addition); no addition or remodeling will be permitted within wetlands (as defined in Goal 114);

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9. development that has been granted an exemption from the requirements of Ordinance No. 82-42, as amended, or Ordinance 92-44, as amended, prior to the effective date of the 1988/89 or the 1993/94 plan, whichever is applicable; and

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10. a project which received a final favorable vested rights determination pursuant to Chapter XIV of the 1984 Lee Plan before its amendment in 1986, if the construction of the project has been or is actually commenced within five years of the date of such determination and construction continues at a reasonable rate under the circumstances to completion of the project; provided, however, that any substantial deviation from a prior approval which has received vested rights or partial vested rights status will cause the development involved to be subjected to the policies and implementing decisions and regulations set forth in the 1988/89 and subsequent amendments to the Lee Plan. These vested rights, as conditioned herein, run with the land and therefore may be transferred from owner to owner. However, even subsequent owners are subject to the possibility that any vested rights determination may be revoked upon a showing by the county of a peril to the public health, safety, or general welfare of the residents of Lee County unknown at the time of approval. The following general conditions will apply to the above ten categories:

1. the activity must comply with all applicable public health, safety, and welfare standards and regulations;
2. these categories will be deemed consistent only insofar as those items specifically approved; and
3. the activity will not be deemed consistent if there has been a substantial deviation from the approval granted.

Notwithstanding anything in this section to the contrary, an approval, project, development order, preliminary development order, or a final development order, which would otherwise be deemed consistent, will not be deemed consistent upon a showing by the county of a peril to the public health, safety, or general welfare of the residents of Lee County, which peril was unknown at the time of approval. Moreover, notwithstanding the fact that an approval, project, development order, preliminary development order, or a final development order is deemed consistent, no development order or permit, as defined in Section 163.3164, Florida Statutes, will be issued which results in a reduction in the levels of service below the minimum acceptable levels established in this plan, as required by Section 163.3202(2)(g), Florida Statutes. Nothing in the Lee Plan will limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380, Florida Statutes.

(E. In other circumstances where development expectations may conflict with the Lee Plan but judicially defined principles of equitable estoppel may override the otherwise valid limitations imposed by the Lee Plan, such expectations may be recognized by Lee County, acting by resolution of its Board of County Commissioners, on a case-by-case basis. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 00-22)

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### F. Build-back Policy

Structures which have been damaged by fire or other natural forces to the extent that the cost of their reconstruction or repair exceeds 50% of the replacement value of the structure may be reconstructed



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at (but not to exceed) the legally documented actual use, density, and intensity existing at the time of destruction, thereby allowing such structures to be rebuilt or replaced to the size, style, and type of their original construction, including their original square footage; provided, however, that the affected structure, as rebuilt or replaced, complies with all applicable federal and state regulations, local building and life safety regulations, and other local regulations which do not preclude reconstruction otherwise intended by this policy. In order to reconstruct at the legally documented previous use, density, and intensity, a building permit must be applied for within five years after the date of destruction. The date of destruction must be legally documented. Such documentation may include a local, state, or federal declaration of disaster; a fire or police department report on the event; or any insurance claims filed as a result of the destruction. If a building permit is not applied for within five years of the destruction, the property will then become subject to current regulations on use, density, and intensity.

In accordance with this policy, the post-disaster ordinance (Objective 111.2) will provide that:

1. Structures damaged less than 50% of their replacement value at the time of damage can be rebuilt to their original condition, subject only to current building and life safety codes.
2. Structures damaged more than 50% of their replacement value at the time of damage can be rebuilt to their original square footage and density, provided that they comply with:
  - a. federal requirements for elevation above the 100-year flood level;
  - b. building code requirements for floodproofing;
  - c. current building and life safety codes;
  - d. state Coastal Construction Control Lines; and
  - e. any required zoning or other development regulations (other than density or intensity), unless compliance with such regulations would preclude reconstruction otherwise intended by the buildback policy.
3. The ordinance may establish blanket reductions in non-vital development regulations (e.g. buffering, open space, side setbacks, etc.) to minimize the need for individual variances or compliance determinations prior to reconstruction.
4. The ordinance may establish procedures to document actual uses, densities, and intensities, and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans, affidavits, permits, appraisals, tax records, etc.
5. No provision is made to redevelop property containing damaged structures for a more intense use or at a density higher than the original lawful density except where such higher density is permitted under current regulations. (Added by Ordinance No. 94-30, Relocated and Amended by Ordinance No. 00-22, Amended by Ordinance No. 03-04)

b. Administrative Interpretations of the Plan

Persons or entities whose interests are directly affected by the Lee Plan have the right to an administrative interpretation of the plan as it affects their specific interest. Such an interpretation, under the procedures and standards set forth below, will remain in effect and thereafter be binding upon the county only as to the legally described property and any plan of development upon which the interpretation was based. If the plan of development is proposed to be, or is changed, through any

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action of any owner or developer of the property, then the administrative interpretation is no longer binding on the county. Actions that will render a previous interpretation no longer binding include any of the following: significant changes in parcel or platted lot(s) configuration; changes to land uses; decreases in the amount of open space or preserved land; increases in density or intensity of use; increases in the size or acreage of the property; or any other change that makes the plan of development less consistent with the current Lee Plan. (Note: combing lands consistent with XIII.b.B.4.b.(4) is allowed.) A determination of whether or not a plan of development has been, or would be changed sufficiently to render the previous interpretation no longer binding on the county will be made on a case by case basis by the Administrative Designee using the above-described criteria. Administrative interpretations are intended to expedite and reduce disputes over interpretations of the Lee Plan, resolve certain map or boundary disputes, avoid unnecessary litigation, ensure consistency in plan interpretation, and provide predictability in interpreting the plan. All such administrative interpretations, once rendered, are subject to challenge under the provisions of Section 163.3215, Florida Statutes. Anyone seeking an administrative interpretation must submit an application with requested information and will have the burden of demonstrating compliance with the standards set forth below. (Amended by Ordinance No. 00-22)

### A. Subject Matter of Administrative Interpretations

Administrative interpretations will be provided only as to the matters set forth below. In no event will administrative interpretations hereunder involve questions of the consistency of development or land use regulations with the Lee Plan. Administrative interpretations will be limited to:

#### 1. County Attorney's Office:

a. Whether the single-family residence provision as hereinafter defined applies and the applicant desires a written opinion for future use, or a concurrent building permit application has not been approved under 2.a. below.

#### 2. County Administrator (or his designee):

a. Whether the single-family residence provision as hereinafter defined applies and the applicant is also applying for a building permit. If said permit application is not approved, a separate application for the single-family residence provision may be submitted to the County

Attorney's Office for final review and, if applicable, written denial.

b. Whether an area has been (or should have been) designated Wetlands on the basis of a clear factual error. A field check will be made prior to the issuance of such an interpretation.

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c. Clarification of land use map boundaries as to a specific parcel of property.

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

## B. Standards for Administrative Interpretations

Administrative interpretations of the Lee Plan will be determined under the following standards:

1. Interpretations which would be confiscatory, arbitrary, capricious, unreasonable, or which would deny all economically viable use of property will be avoided;
2. Interpretations should be consistent with background data, other policies, and objectives of the plan as a whole;
3. Interpretations should, to the extent practical, be consistent with comparable prior interpretations;
4. Single-Family Residence Provision:

### a. Applicability

Notwithstanding any other provision of this plan, any entity owning property or entering or participating in a contract for purchase agreement of property, which property is not in compliance with the density requirements of the Lee Plan, will be allowed to construct one single-family residence on said property PROVIDED THAT:

#### (1) Date Created:

- (a) the lot or parcel must have been created and recorded in the official Plat Books of Lee County prior to the effective date of the Lee Plan (December 21, 1984), and the configuration of said lot has not been altered; OR
- (b) a legal description of the lot or parcel was lawfully recorded in the Official Record books of the Clerk of Circuit Court prior to December 21, 1984; OR
- (c) the lot was lawfully created after December 21, 1984, and the lot area was created in compliance with the Lee Plan as it existed at that time.

#### (2) Minimum Lot Requirements: In addition to meeting the requirements set forth above, the lot or parcel must:

- (a) have a minimum of 4,000 square feet in area if it was created prior to June 27, 1962; OR
- (b) have a width of not less than 50 feet and an area of not less than 5,000 square feet if part of a subdivision recorded in the official Plat Books of Lee County after June 27, 1962, and prior to December 21, 1984; OR
- (c) have a minimum of 7,500 square feet in area if it was created on or after June 27, 1962, and prior to December 21, 1984, if not part of a subdivision recorded in the official Plat Books of Lee County; OR Procedures and Administration XIII-6 December 2004
- (d) have been in conformance with the zoning regulations in effect at the time the lot or parcel was recorded if it was created after December 21, 1984; OR
- (e) have been approved as part of a Planned Unit Development or Planned Development.

#### (3) Access and Drainage: In addition to meeting the requirements set forth above:

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(a) the road that the lot or parcel fronts on must have been constructed and the lot must be served by drainage swales or equivalent drainage measures. The road must have, at a minimum, a graded surface of shell, marl, gravel base rock, or other compacted fill material, suitable for year-round use; OR

(b) the lot or parcel must be located within a subdivision which was approved under Chapter 177, Florida Statutes, as long as the subdivision improvements have been made or security for their completion has been posted by the sub-divider. If the lot or parcel cannot meet the requirement of access and drainage, this requirement will not apply to the extent that it may result in an unconstitutional taking of land without due process.

(4) Interchange, Tradeport, and Industrial Development land use categories: In addition to the requirements set forth above, a residential use must be the only reasonable use of the lot or parcel. The existence of a reasonable commercial or industrial use will be determined by reference to all of the applicable facts and circumstances, including, but not limited to, the nature of the surrounding uses, the adequacy of the lot size (pursuant to Chapter 34 of the Land Development Code) for commercial or industrial uses, and whether adequate infrastructure exists or can reasonably be provided to serve a commercial or industrial use at the location in question.

### b. Construction Regulations

Subsequent to a property owner establishing the right to build a single-family residence on a lot through the procedures set forth in this plan, the following policies will prevail:

(1) The residential structure must be in compliance with all applicable health, safety, and welfare regulations, as those regulations exist at the time the application for construction of the residence is submitted.

(2) Lots or parcels which qualify for the right to construct a residence and which contain wetlands will be subject to special provisions of the Wetlands Protection Ordinance.

(3) If two or more contiguous lots or parcels have each qualified for the right to build a single-family residence, the property owner is permitted and encouraged to reapportion properties if the result of the reappointment is a lot or lots which come closer to meeting the property development regulation standards for the zoning district in which it is located and as long as no property becomes non-conforming or increases in its nonconformity as a result of the reappointment and as long as the density will not increase.

(4) If a lot or parcel has qualified for the right to construct a single-family residence, nothing herein will be interpreted as prohibiting the combining of said lot or parcel with other contiguous property provided the density will not increase.

(5) If two or more contiguous properties have each qualified for the right to construct a single-family residence and if the lots or parcels are located in a zoning district which permits duplex or two-family dwellings, the property owner(s) may combine the lots to build a single duplex or two-family building in lieu of constructing two single-family residences.

### c. Transferability

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This right will run with the land and be available to any subsequent owner if the property which qualifies for the single-family provision is transferred in its entirety. (Amended by Ordinance No. 00-22)

C. Procedure for Administrative Interpretations The following procedures will apply in obtaining administrative interpretations:

1. Except as provided in 3. below, anyone seeking an administrative interpretation of the plan will submit an application, on an appropriate form provided by the county, with all requested information to the Zoning and Development Review Division (single-family residence provision) or the Planning Division (all other applications), or to their successor agencies.
  2. The person authorized by Section A.1. or 2. above will review such information and issue an administrative interpretation in writing within sixty (60) days after submittal of the application and all requested information to the appropriate division. The interpretation will contain findings and reasons for the interpretation rendered.
  3. If the request for a single-family residence provision or Wetlands determination is in conjunction with an application for a building permit, development order, or planned development rezoning, a separate application will not be required. The interpretation will be noted on the building permit, development order, or planned development rezoning approval, or will be contained in the reasons for denial where applicable.
  4. An administrative interpretation may be appealed to the Board of County Commissioners by filing a written request within fifteen (15) days after the administrative interpretation has been made. In reviewing such an appeal, the Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied to the facts presented and the standards set forth in the plan for such administrative interpretation. No additional evidence will be considered by the Board. The Board of County Commissioners will conduct such appellate review at a public meeting.
  5. The Board of County Commissioners will consider the appeal at a hearing to be held within thirty (30) days after the date of the written request for appeal. A decision overruling the written interpretation will be in writing and will be rendered by the Board within thirty (30) days after the date of the hearing. Alternatively, the Board may adopt the administrative interpretation being appealed.
  6. Where appropriate and necessary all administrative interpretations rendered by the designated persons (or upon appeal, approved by the Board of County Commissioners) will be incorporated into the Plan during the next amendment cycle. (Amended by Ordinance No. 94-30, 00-22)
- c. Legislative Interpretations of the Plan In order to apply the plan consistently and fairly, it will be necessary from time to time to interpret provisions in the plan in a manner which insures that the legislative intent of the Board of County Commissioners which adopted the plan be understood and applied by subsequent boards, county employees, private property owners, and all other persons whose rights or work are affected by the plan.

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When the plan is interpreted, it should be done in accordance with generally accepted rules of statutory construction, based upon sound legal advice, and compiled in writing in a document which should be a companion to the plan itself. These goals will be accomplished by the procedures which are set forth below:

## A. COMPREHENSIVE PLAN ANNOTATIONS COMMITTEE.

The Director of Community Development, the Planning Director, and the County Attorney will together be empowered to sit as the Comprehensive Plan Annotations Committee. In each instance, these persons may designate one or more subordinates to serve in their place, but only one vote may be cast by or on behalf of each of the aforementioned officials. The purpose of the committee is to make written recommendations to the Local Planning Agency in response to requests for interpretations of specific provisions in the plan. If the committee cannot recommend an interpretation unanimously, then both a majority and minority recommendation will be made to the Local Planning Agency.

Similarly, if the committee cannot reach a majority position with respect to an interpretation, then each official will submit a separate recommendation to the Local Planning Agency. In accomplishing its work, the committee will operate as follows:

### 1. Organization

The committee will meet regularly at such times and places as it may choose. Its meetings will be either private or open to the public, or a combination thereof, as the committee chooses. The committee will have total discretion in this matter. No public notices of its meetings will be required. It may invite to its meetings such persons as it believes will best assist it in its work. It is intended that the committee will function in an informal workshop atmosphere, with emphasis to be placed on the timely production of concise, written recommendations to the Local Planning Agency in response to requests for interpretations of specific provisions in the plan. The County Attorney will be responsible for reducing the recommendations of the committee in writing, unless he is in the minority, in which case the Planning Director will be responsible for reducing the majority recommendation to writing. In every case, the Planning Director will be responsible for delivering the recommendations to the Local planning Agency on a timely basis as part of the published agenda of the Local Planning Agency.

### 2. Requests for Interpretations

Requests for interpretations will be placed before the Comprehensive Plan Annotations Committee by any one of its three members in response to a question raised by the Board of County Commissioners, collectively or by any one commissioner, by any member of the county administration who is responsible for administering the plan, by the Local Planning Agency, by the Lee County Hearing Examiner, or by any applicant for a type of development regulated by the plan. In each case, the Planning Director will be responsible for reducing the questions to writing and, to the extent possible, linking them to specific plan provisions which might affect the answer. (Amended by Ordinance No. 00-22)

## B. Local Planning Agency

Upon receiving the recommendations from the Comprehensive Plan Annotations Committee, the

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Local Planning Agency will review the same and forward them to the Board of County Commissioners with such comments and recommendations of its own that the Local Planning Agency believes to be appropriate. (Amended by Ordinance No. 00-22)

### C. Board of County Commissioners

Upon receiving the recommendations of the Comprehensive Plan Annotations Committee, with such other comments and recommendations as the Local Planning Agency submits with the committee's recommendations, the Board of County Commissioners will render a final decision as to the correct interpretation to be applied. This interpretation will be that which is adopted by absolute majority of the Board of County Commissioners and, upon being reduced to a board resolution drafted by the County Attorney in response to the board majority, it will be signed by the Chairman and recorded in the county's Official Records. The Planning Director will be responsible for maintaining copies of all such resolutions in a single document which will be appropriately indexed and provided to all persons upon request. The document will be updated regularly and the latest version thereof furnished to all persons requesting copies of the plan itself. (Amended by Ordinance No. 00-22)

### D. Legal Effect of Annotations

Any provision of the plan specifically construed in accordance with the foregoing procedures may not be re-interpreted or modified except by a formal amendment of the plan itself. Once formally adopted in accordance with these procedures, the annotation will have the force of local law and all persons will be placed on constructive notice of it. Any development orders issued in reliance on legislative interpretations of this plan are subject to challenge under the provisions of Section 163.3215, Florida Statutes. (Amended by Ordinance No. 00-22)

### d. Plan Amendment Procedures

This plan, including the Future Land Use Map, may be amended with such frequency as may be permitted by applicable state statutes and in accordance with such administrative procedures as the Board of County Commissioners may adopt. Sections of this plan may be renumbered or relettered, and typographical errors which do not affect the intent, may be authorized by the County Administrator, or his designee, without need of Public Hearing, by filing a corrected copy of same with the Clerk of the Circuit Court. (Amended by Ordinance No. 94-30)

### e. Monitoring and Evaluation

Lee County approved the Evaluation and Appraisal Report (EAR) in accordance with F.S. 163.3191 on July 7, 1994. The 1994 Lee Plan is designed to implement the recommendations in the EAR. An addendum addressing statutory and rule changes that were not discussed in the 1994 EAR will be transmitted to DCA on or before the date prescribed by rule. The Capital Improvements element will be evaluated and amended annually in accordance with FAC Rule 9J-5.016. EAR's meeting the requirements in F.S. 163.3191 and DCA's rules will be adopted and transmitted after 1996 consistent with the timeframe provided by law.

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## A. Annual Review: Capital Improvements Element

One procedure for evaluating and monitoring the plan will involve an annual review and update of the Capital Improvements Program and the Capital Improvements element coinciding with the county's budget adoption process. This annual review will meet the evaluation and monitoring requirement for the Capital Improvements element as provided by Rule 9J-5.016(5) FAC. Those policies in other elements of the comprehensive plan affecting capital improvements will also be reviewed. Other more recent events which may have affected the outcome of those policies will be taken into consideration. An annual report will be prepared based upon this examination. This report will address any plan amendments to date, as well as amendments to any local ordinances affecting the implementation of the plan. This annual report will be prepared by the Department of Community Development and will be submitted to the Local Planning Agency and the Board of County Commissioners for review. This report will also identify which agencies within the county government organization have been assigned specific tasks or studies mentioned in the plan.  
(Amended by Ordinance No. 94-30, 00-22)

## B. Five-Year Evaluation and Appraisal

The next EAR required by law will address the following in addition to any other requirements set out in F.S. 163.3191 and FAC Rule 9J-5.0053:

1. Citizen participation in the planning process. The county will update procedures to provide for and encourage public participation in the planning process, including amendments to the comprehensive plan and preparation of evaluation and appraisal reports. The procedures which are mandated by the Southwest Florida Regional Comprehensive Policy Plan (25-C) will involve a series of advertised public workshops and hearings, the opportunity to provide written comments, and the publication of an executive summary. Specifically, the public participation procedures must include the following:
    - a. Procedures to assure that real property owners are put on notice, through advertisement in a newspaper of general circulation in the area or other method adopted by the county to notify the public of official actions that will affect the use of their property.
    - b. Provisions for notice to keep the general public informed.
    - c. Provisions to assure that there are opportunities for the public to provide written comments.
    - d. Provisions to assure that the required public hearings are held.
    - e. Provisions to assure the consideration of and response to public comments.
- Procedures and Administration XIII-11 December 2004

2. Updating appropriate baseline data and measurable objectives to be accomplished in the first five-year period of the plan and for the long-term period. This will be accomplished through the ongoing collection of pertinent data and the systematic recording of progress on the accomplishment of measurable objectives.
3. Accomplishments in the first five-year period, describing the degree to which the goals, objectives, and policies have been successfully reached. This process will involve summarizing the annual reports



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which coincide with the county's budget adoption process. Progress on non-capital projects will be summarized as well.

4. Obstacles or problems which resulted in underachievement of goals, objectives, or policies: In the analysis of the annual reports on the comprehensive plan, the underachievement of goals, objectives, or policies will be assessed and evaluated. Proposals for modifying or eventually achieving the goals, objectives, and policies will be made.

5. New or modified goals, objectives, or policies needed to correct discovered problems. Along with failure to meet stated objectives, the evaluation will recommend new goals, objectives, or policies that will either correct past problems in achievement, or modify the general direction or aim.

6. A means of ensuring continuous monitoring and evaluation of the plan during the five-year period. The annual report process will accomplish a timely and consistent review of the county's progress in implementing the comprehensive plan. This will summarize plan amendments, budget allocation, deferrals or deletions, and the initiation or completion of programs and projects. (Amended by Ordinance No. 94-30, 00-22)

Procedures and Administration XIII-12 December 2004

### TABLE 1(a)

#### SUMMARY OF RESIDENTIAL DENSITIES<sup>1</sup>

##### FUTURE LAND USE CATEGORY

##### STANDARD OR BASE DENSITY

##### RANGE

##### BONUS DENSITY

##### MINIMUM <sup>2</sup>

(Dwelling Units per Gross Acre)

##### MAXIMUM

(Dwelling Units per Gross Acre)

##### MAXIMUM TOTAL DENSITY <sup>3</sup>

(Dwelling Units per Gross Acre)

Intensive Development 8 14 22

Central Urban 4 10 15

Urban Community 4,5 1 6 10

Suburban 1 6 No Bonus

Outlying Suburban 6 1 3 No Bonus

Rural 11 No Minimum 1 No Bonus

Outer Islands No Minimum 1 No Bonus

Rural Community Preserve 7 No Minimum 1 No Bonus

Open Lands 8 No Minimum 1 du/5 acres No Bonus

Density Reduction/Groundwater No Minimum 1 du/10 acres No Bonus

Wetlands 9 No Minimum 1 du/20 acres No Bonus

New Community 1 6 No Bonus

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University Community 10 1 2.5 No Bonus

## CLARIFICATIONS AND EXCEPTIONS

- 1 See the glossary in Chapter XII for the full definition of "density."
- 2 Adherence to minimum densities is not mandatory but is recommended to promote compact development.
- 3 These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Housing

Density Bonus Ordinance (No. 89-45, as amended or replaced) and the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced).

4 Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must "acquire" the density above 3 dwelling units per gross acre utilizing TDRs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories. (Amended by Ordinance No. 05-21)

5 In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.

6 In the Outlying Suburban category: north of the Caloosahatchee River and east of Interstate-75; north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; in the Buckingham area (see Goal 17); and, all lands 187.5 feet south of the north section line of Section 33, Township 43 S, Range 26 E in the Caloosahatch Shores Community Plan area, the maximum density is 2 du/acre. (Amended by Ordinance No. 03-20, 03-21)

7 Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.

8 The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25. (Amended by Ordinance No. 99-15)

9 Higher densities may be allowed under the following circumstances:

- (a) If the dwelling units are relocated off-site through the provisions of the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced); or

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(b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, Central Urban, or Urban Community at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed the maximum standard density plus one-half of the difference between the maximum total density and the maximum standard density; or

(c) Dwelling units may be relocated from freshwater wetlands to developable contiguous uplands designated Suburban or Outlying Suburban at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed eight (8) dwelling units per acre for lands designated Suburban and four (4) dwelling units per acre for lands designated Outlying Suburban, unless the Outlying Suburban lands are located in those areas described in Note 6 above, in which case the maximum upland density will be three (3) units per acre. (Amended by Ordinance No. 00-22) 10 Overall average density for the University Village sub-district must not exceed 2.5 du/acre. Clustered densities within the area may reach 15 du/acre to accommodate university housing. 11 In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1du/2.25 acres. (Added by Ordinance No. 02-02)

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# San Carlos Island-Comp Plan Amendment

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Lee County Application for a Comprehensive Plan Amendment

## Attachment E-3

### External Consistency with the town of Fort Myers Beach Comprehensive Plan

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

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## Internal consistency review

**Summary:** This amendment is consistent with the concerns expressed in the Fort Myers Comprehensive plan. Below are the highlighted areas of concern with responses to their plan.

### Town of Fort Myers Beach Comprehensive Plan

#### Introduction

The major concern expressed in the introduction for the town is the congestion due to tourism on the island for three months out of the year. This amendment is design with this concern in mind. This amendment will provide alternative modes of transportation to the beach and other destinations. Lake created beaches will be provided on site to provide alternatives to the traditional beach experience. It is also the intent of this amendment to create a place that is all encompassing for the guests and residents so as not to be a stop off to the beach.

#### Envision Tomorrow

The towns own vision is to have offsite parking, water taxis, ect in an attempt to provide alternative modes of transportation to the beach. This amendment is designed to provide offsite parking, water taxis and an alternative to the Beach experience.

#### Community Character

While the look of the island is this is not an issue expressed in their comprehensive plan, it should be noted that this amendment provide a pleasing vista for the town.

#### Coastal Management

It is clear that the town of Fort Myers Beach is not in favor of the Marine industrial zoning for San Carlos Island. This component of their plan brings up the concerns of commercial and non commercial boating conflicts. They are also worried about associated marine industrial activities on land encroaching onto residential neighborhoods; another concern is with the providing Harbor planning between the islands. This amendment addresses the towns concern with the industrial zoning and coordinated planning for the harbor area.

#### Conservation Element

This amendment supports the Fort Myers Beach

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#### Transportation Element

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Fort Myers beach is concerned with uncontrolled traffic to the town and suggests the intercepting of vehicles before they reach the beach. They state they have to many cars not visitors that come to the island. This amendment provides for the interception of cars before going to the beach by providing additional parking, water taxi, trolley stops, walking paths and bike rentals. It is also interesting to note that the town has identified this property as a potential landing site for a water taxi stop.

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## **Intergovernmental Coordination Element**

The town is concerned with off site development in terms of traffic, and storm-water run-off to the pass. It is not against development, but development that does not take these issues into account. This amendment will not only create a better storm water management system, but will also help to reduce traffic, not visitors to the island.

The other concern as noted above is with the lack of planning for the pass. This amendment will help move this issue forward as it is in the interest of the island also.

## **Conclusion**

This amendment has been designed and written to accommodate the needs and concerns of the Fort Meyers comprehensive plan by taking a proactive approach to issues such as traffic, water quality for the bay, and inter-local coordination to create a partnership with our neighbor in this endeavor.

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Lee County Application for a Comprehensive Plan Amendment

## Attachment E-4

**Internal Consistency with the State Policy Plan and Regional Policy Plan goals and policies**

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"It should be noted that the leading indicator of growth for Southwest Florida is tourism, in that tourists frequently become residents. Adding to the decision of a tourist to become a resident has been the broad areas prepared for residential development. This has further resulted in a relatively low cost of housing (for growth areas), making the area competitive for both seasonal and retirement lifestyles"

This amendment to the lee plan is consistent with the statement above.

## Housing

**Goal 1: Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing**

**Response: This amendment will create a variety of housing types**

Fourth, mixed-use and compact land-use plans should be encouraged, especially in the rapidly developing areas of the coastal counties. Doing so can reduce commute times and the cost of infrastructure.

**Response: This amendment is a mixed use project utilizing a compact land design in an existing coastal county. This should reduce commute time and cost of infrastructure.**

Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Response: this project provides for a live/work environment**

## LIVABLE COMMUNITIES

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

Strategy: Develop livable, integrated communities that offer residents a high quality of life.

**Response: this amendment creates an integrated community that is of the highest quality for livability standards.**

## Actions:

1. Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Response: This is an infill development located in an area where we will maximize the use of existing infrastructure.**

2. Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Response: This development will combine commercial and residential uses near employment centers**

3. Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

**Response: This is a pedestrian friendly multi-modal project**

4. Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

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**Response:** This amendment provide for the removal of flood prone housing to housing that are built above flood level to reduce the need for costly flood insurance.

5. Promote the mix of affordable and non-affordable housing to create integrated communities.

**Response:** This project will have a work force housing component as part of its design.

Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.

**Response:** This area is a well established neighborhood that is experiencing deterioration due to economic issues that are non reversible. This amendment will revitalize the area.

Actions:

1. Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

**Response:** infrastructure gaps as well as new infrastructure will be developed and integrated as a whole.

2. Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.

**Response:** This is a deteriorating neighborhood

3. Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandoned or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.

**Response:** While the community exists of old RV units it is well kept and clean. The area is in danger from natural disasters and abandonment of property. This amendment will provide the mechanism to rehabilitate the area while creating safe housing.

4. Assist communities in establishing effective housing codes that include ongoing monitoring and enforcement programs.

**Response:** N/A

5. Review comprehensive plans and land development regulations to encourage the inclusion of incentives to develop and redevelop land downtown.

**Response:** N/A

6. Work with local agencies to apply for state or federal programs that assist in community revitalization.

**Response:** Not needed for this property if the amendment is approved

7. Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.

**Response:** This amendment provides a comprehensive approach to the area and is not a shotgun approach

8. Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

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**Response: N/A as this land is not under individual ownership**

Goal 3: The housing needs of persons with special needs will be met.

**Response: This will be provided.**

## **ECONOMIC DEVELOPMENT**

“Southwest Florida will attract, retain, and create quality businesses to diversify its economic base, while protecting the natural and cultural environments, to promote economic stability, greater job and educational opportunities, and higher income for its residents.”

**Response: this amendment is meant to meet all of the objectives as stated above.**

Strategy: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.

**Response: This amendment proposed land for mixed use services that are located at a most suitable location.**

### Actions:

1. Map or assist in mapping the appropriate distribution of urban uses for growth.

**Response: N/A**

2. identify existing urban lands and transportation corridors for development or redevelopment, and ensure adequate access and services are provided.

**Response: This corridor is part of a multi-modal transportation network with the deep water access and as such should be considered for redevelopment**

3. Include in planning efforts the recognition of lands with natural capacity, accessibility, previous preparation for urban purposes, and adequate public facilities.

**Response: This site has accessibility, previous preparation for urban used with adequate public facilities. What is does not have is control of its natural resources because of past development. This amendment will correct the natural state of the property.**

4. Participate, coordinate, or promote intergovernmental coordination for siting unpopular land uses.

**Response: This is not a unpopular site. It will and does call for of intergovernmental coordination**

5. Review proposed development for increased densities and infill in suitable urban areas.

**Response: This amendment is requesting increase densities in a suitable urban area. The only issue is with evacuation. We believe that the pros out way the cons and this can be overcome.**

Strategy: Promote the use of alternative energy resources.

**Response: This amendment promotes alternative energy resources.**

### Actions:

1. Review proposed development to promote energy conservation.

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**Response: Energy and green building technologies will be implemented appropriate aspect for this amendment.**

### THE WORK FORCE

An essential part of regional economic development is the workforce. There must be enough properly trained workers to allow business development and expansion.

**Response: The major workforce is already here and trained in many of the jobs that will be created.**

Strategy: Ensure a wide range of employment for all Southwest Floridians.

**Response: The mixed nature of this development will provide a range of employment opportunities to the area.**

#### Actions:

1. Identify employment sectors that create jobs appropriate to this Region.

Response: This amendment does create jobs appropriate to this area.

2. Participate in business, industrial, and governmental organizations to attract diversified and permanent employment.

**Response: This amendment will promote a diversified employment.**

Strategy: Reduce seasonal variations in employment.

#### Actions:

1. Assist in business formation or location in areas with high seasonal or year-round unemployment.
2. Assist in development of off-season tourism for tourist and agricultural centers, focusing on eco-tourism.

**Response: this amendment will allow for the development of a conference center that will draw people all year long to help with the seasonal type of employment issues. A major component fo this site is the eco and eco tourism that can be tapped into**

### LIVABLE COMMUNITIES

Goal 3: A stable regional economy based on a continuing excellent quality of life:

**Response: This amendment promotes a stable economy by building on an existing viable one while replacing older ones.**

Strategy: Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.

**Response: one of the major themes for the amendment is to embrace the history of the island while moving it forward. Residents and visitors will enjoy this.**

#### Actions:

3. Review proposed development to require that natural and other resources of regional significance are maintained, enhanced, restored, or re-created, as appropriate.

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Response: This development will restore, recreate, enhance and maintain areas of natural resources that are significant to the region

## DIVERSITY

Goal 4: A diverse regional economy.

**Response: This amendment builds the tourist industry to create a divers economy for the area.**

Strategy: Diversify the regional economy by attracting new business and industry.

**Response: this amendment is design to attract new business to the area with a conference center.**

Strategy: Work with communities to develop eco-tourism.

Response: a major component for this location is the eco- tourism. This amendment calls for activities that are designed around this idea.

### Actions:

1. Assist in development, expansion, and funding of eco-tourism, especially for rural areas.

**Response: this amendment will be eco-tourism friendly.**

Goal 5: Increased tourism and business relocation.

**Response: This amendment will increase business with the conference center and will increase tourism**

Strategy: Promote both internal and inter-regional tourism.

**Response: This amendment will promote not only regional but local tourism with a mixed use design concept.**

Strategy: Re-evaluate the success of Southwest Florida as a retirement and tourist destination

**Response: This amendment will by design draw tourist to the area where many will later want to retire, or relocate to the area because of its wonderful climate.**

Strategy: Promote Southwest Florida as a business location.

**Response: This amendment will be a catalyst in the promotion of SWF as a business location.**

## EMERGENCY PREPAREDNESS

### NATURAL HAZARDS

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### LIVABLE COMMUNITIES

Goal 6: New private and public developments are built further from flood prone areas than in the past and structures and roadways are protected from rain induced flooding.

**Response: This amendment will provide relief from property loss and damage due to flooding.**

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Strategy: New developments and redevelopment of existing areas should provide for increased land elevations for public infrastructure and community infrastructure, including potential sheltering or refuge sites.

**Response: This amendment will comply with the statement above**

Actions:

1. Promote local development requirements within each mobile home park outside of the category 1 surge zone that there be adequate shelter space within elevated structures to accommodate those who do not want to evacuate outside their community.
2. Promote local development requirements that there will be designated refuge space in condominium and apartment complexes outside of the category 2 zone (but within the category 5 zone.)

**Response: This amendment will comply with the statements above**

## TRANSPORTATION

**Goal 13: Evacuation routes identified and clearly designated, and at the capacity and quality needed to carry the expected number of evacuating vehicle**

**Response: This plan will work with and develop strategies to assist with the stated goal above.**

## NATURAL RESOURCES

### LIVABLE COMMUNITIES

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

**Response: This development is design to improve the island quality of life while restoring key natural resources.**

Economic prosperity is key to our Region's future. Growing according to our values is critical to our quality of life. Livable communities embrace both values. In livable communities, young and old can walk, bike, work and play together.

**Response: This is a development that embraces living, working and playing together in a defined community that promotes economic prosperity.**

Livable communities are places where we not only protect historic old neighborhoods, but where farms, green spaces, and forests add vigor, context and beauty to the newest of suburbs; places where we work competitively, but spend less time in traffic and more time with our families, friends, and neighbors.

**Response: This amendment allows to protect the history of the island, open up green spaces and restore habitat that have long been gone all in an attempt to provide places where we can work, plan, retire, visit each other without a total dependency on the car.**

Each community faces different challenges and will find its own solutions. Strategies to create more livable communities may include efforts to: Preserve green space. Secure safe streets. Strengthen local economies. Reduce traffic and air pollution. Provide transportation choices. Create community-centered schools. Foster citizen and private sector cooperation. Promote collaboration among neighboring communities.

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**Response:** This amendment has been crafted to the specific needs and challenges for this location in an attempt to preserve history while creating a future.

Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.

**Response:** the design for the project is to improve the quality of life and the environment for an area that is in need of standards and a direction

Actions:

1. Working in cooperation with agencies and local governments provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation of air, ground, and water resources.

**Response:**

2. Working in cooperation with agencies and local governments insure that beaches and inlets that have been damaged by human activity are replaced/renourished and/or managed in order to have the total system function naturally.

**Response:** We will comply with the greatest extent possible

3. Working in cooperation with agencies and local governments provide for Air quality improvement and maintenance as our population and urban areas increase.

**Response:** We will comply with the greatest extent possible

5. Working in cooperation with agencies and local governments operations are compatible with our identified natural resource protection areas.

**Response:** We will comply with the greatest extent possible

6. Working in cooperation with agencies and local governments insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

**Response:** We will comply with the greatest extent possible

9. Insure that opportunities for governmental partnerships and public/private partnerships in preserving wildlife habitats are maximized.

**Response:** We will comply with the greatest extent possible

## REGIONAL COOPERATION

Goal 5: Effective resource management is maintained across the borders of sovereign public agencies.

**Response:** We will comply with the greatest extent possible

When viewing the Regionally Significant Natural Resources Map and other information, it is clear that only a partnership between public agencies and private organizations and land owners can implement this level of management, especially on lands that are not currently owned by the public, or that are not listed on current land acquisition programs or included in designated aquatic preserves.

**Strategy:** All plans concerning the same resource shall have as objectives the same effective results.

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## Actions:

1. Assist in the creation of proactive boating siting and management programs that will protect the West Indian Manatee, seagrass areas, sanctuaries, fisheries habitat and other necessary natural features and at the same time identify and maximize the use of available land most suitable for public access to the natural resource.
2. The Region shall continue to support the Southwest Florida Regional Harbor Board non-regulatory resource protection program for boating facilities and provide technical assistance in the development of a regional waterway management plan.

**Response: We will work to achieve the actions noted above**

## REGIONAL TRANSPORTATION

### BALANCED INTERMODAL/MULTIMODAL SYSTEM

Goal 1: Construct an interconnected multimodal transportation system that supports community goals, increases mobility and enhances Southwest Florida's economic competitiveness.

**Response: This location is a major unutilized component of the areas multimodal system. With this amendment the full potential can be realized with such amenities as the Key West express and other forms of water transportation.**

Southwest Florida needs to preserve, expand, and manage an integrated, multi-modal transportation system comprised of highway corridors, major streets, public transit, bikeways, pedestrian paths, facilities and services to optimize the efficient mobility of goods and passengers while protecting the environment.

**Response: The statement above does not acknowledge the deep water basin and the inter-modal transportation benefits that water transportation can add to the regional transportation system. This amendment will advance such a system with the integration of a water component.**

Strategy: Promote Smart growth where residential communities are linked with job centers through transit, carpooling, or other high occupancy vehicle transportation.

**Response: this amendment will proved a residential community that is linked with a major job center while providing for other means of transportation for its residents and visitors.**

### LIVABLE COMMUNITIES

Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.

**Response: This amendment has as part of its core value the environment design to improve the quality of life, and promote behavior that is good for the environment as well as the community.**

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New urbanism design concepts, urban revitalization efforts and land use planning need to be better coordinated with transportation planning to facilitate development of an effective regional multi-modal transportation system that provides for transfers between modes for passengers and freight.

Strategy: Promote through the Council's review function a good environment for driving, walking, bicycling, and public transit using a highly connected network of public streets, green space, and community centers.

**Response: This amendment meets and beats the criteria above.**

### ECONOMIC COMPETITIVENESS

Goal 3: Achieve a competitive and diversified regional economy through improved work force development, enhanced access to technology and education, and investment in multi-modal transportation facilities.

**Response: This amendment is designed to promote the area as a place to invest ones future here which will create a competitive and diversified regional economy with all the benefits that come with it.**

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Lee County Application for a Comprehensive Plan Amendment

## Attachment F

### Additional Requirements for Specific Future Land Uses Amendments

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1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)

- a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,

Response: the site is accessible to arterial roadways, deep water access, and within 30 miles to the airport.

- b. Provide data and analysis required by Policy 2.4.4,

Response: this amendment does not add industrial but reduces it. Industrial Zoning at this location is inappropriate because of the environmentally sensitive area adjacent to the property and the existing land use patterns.

- c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

Response: The removal of this industrial land from this area will allow better suited location to be designated as industrial to meet the Lee Plans objectives

2. Requests moving lands from a Non-Urban Area to a Future Urban Area

- A. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill

Response: N/A, but this proposal is not urban sprawl because it is not low-density, not single use, is located in an area already developed with infrastructure, is not strip development, but destination mixed-use type development with amenities to keep people on property. This amendment a infill project and is designed to restore green space and conserve natural resources while creating lasting jobs and a enjoyable experiences for visitors and residents.

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

Response: N/A

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4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

Response: N/A

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Lee County Application for a Comprehensive Plan Amendment

## Attachment G

### Justification of Proposed Amendment

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## History

San Carlos Island is a unique Island located in unincorporated Lee County just before the Island of Fort Myers Beach.

In the 1920's the way to Fort Myers Beach was from McGregor Boulevard, down John Morris Road, and then a road by Bunch Beach along the shoreline of San Carlos Bay, all the way to where the Coast Guard Station is located today.

The Island was formed by a hurricane (hurricanes were not given names in the North Atlantic until the 1940's).

September of 1926 one of Southwest Florida's worst hurricanes came through and washed land away to form San Carlos Island and Hurricane Pass when the fierce storm separated it from the mainland. A Fort Myers News Press article stated that there were 40ft waves at Punta Rassa and two ladies were killed trying to flee the area.

In a 1999 Observer News Paper interview, David Green (Deceased), San Carlos Islands oldest living resident at that time, remembered the storm that created the Island.  
"Hurricane Pass was created by that storm," said Green.

San Carlos Island has had little major redevelopment since the 1920's. Along about the 1950's Shrimp and good Commercial Fishing was discovered here and around the Dry Tortugas Islands that are 120 miles to our Southwest and 70 miles West of Key West, Florida and that became the major industry on San Carlos Island.

The Mid 1960's for San Carlos Island was a time of great economical achievement for the island. Shrimping and Commercial Fishing was in its heyday with a large fleet of about 300 Shrimp Boats calling San Carlos Island home port (today, the fleet is down to about 55 Shrimp Boats and falling).

The island remained pretty much the same for over half a century but, in the past 10 years the declining Shrimp and Commercial Fishing industry has almost disappeared due to numerous hardships.

One of the first was the declining Shrimp and Fish populations and catch rates. Then came all the Government Regulatory restrictions and permits, the Net Ban (which was good) the closing of Shrimping and Fishing grounds in areas around the Dry Tortugas, the Humps out in the Gulf of Mexico and areas around the Key's. This alone has been taking its toll on the industry for years.

With the very high cost of Fuel, Insurance on most boats are almost nonexistent due to the high cost and most of the remaining Shrimp boats are currently for sale and have no buyers because of the dying business

The remaining 55 Shrimp boats continues to spiral downward with the US Government allowing imported, way below market Shrimp and Fish that the local industry cannot compete against, even with a tariffs and the local restaurants are buying them because, they are cheaper even though they are of very low quality and have no USDA safety inspections and most are raised in ponds using antibiotic pellets to keep the bacteria to a minimum.

Now add to that, the increases in property tax situation that is now affecting the entire Commercial and residential property land owners on the island. Many of the old local businesses, mom and pop places and the Commercial Fishing Industry cannot survive.

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Even the two big seasonal, not year round Senior Adult only RV Parks (Oyster Bay RV Park with 123 rental sites and Ebb Tide RV with 148 rental sites) who rent out sites during the Winter months and have been in operation since the 1960's are failing due to the pass thru charges (Property Taxes only) from the last 3 years of Property Tax increases and can no longer afford the seasonal rent that must be charged to cover the land owners operating expenses and property tax bill.

Therefore, due to the above mentioned item's the Eastern half of San Carlos Island (both waterfronts) are in desperate need of revitalization and redevelopment in order to save a future history for the island .

The Shrimp boats have been long gone from this area (east end) for over 10 years and the remaining 55 in the mid area are on their way out soon. Hopefully there will always be just a few to supply the local market...but, most will be gone forever. The largest fleet owner Villers Seafood with about 28 Shrimp boats sold his property last March due to the business losses and got rid of most of the boats to foreign countries and the main commercial fuel supplier Ballard oil who has been here for over 40 years is trying to sell due to the fact they do not have enough fuel sales to commercial vessels anymore along with the property tax increases, they feel they may not be able to continue the operation much longer. They only have one man, the owner working the business and had closed down the Ice House about 5 years ago due to the decline of boats needing ice. Valspar Paint Company had to sell and moved because the property taxes got to high to test their paint chips on that property that was originally the Sears Weather-beater paint testing base.

The main problems the land owners are facing are current Zoning. Many of the properties were rezoned back in 1991 to industrial marine by the county to try and save/protect the Shrimp industry but, it did not work as, other forces (economic, imports, fuel, taxes, insurance, ect.) Outside the Counties, Boat owners , Land owners control have all but shut down the Commercial fishing industry on the eastern ½ of San Carlos Island. And those same Zoning Reg.'s that were suppose to help have failed and have been failing for the past 7 years and are now outdated and inefficient to the changing economic environment of this part of the island. Therefore, changes to the Comp Plan/Zoning for this part of San Carlos Island are much needed and past due.



# San Carlos Island-Comp Plan Amendment

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The future can be a bright one for San Carlos Island ... There is currently a resurgence starting on the Eastern end of San Carlos Island, it began with the new upscale Salty Sam' Marina, which used old Florida style architecture and more recently the Key West Ferry boat operation. The Casino cruise ship operation for the past 10 years and currently operating/under lease from one the (east end) properties as back up dockage/parking so, you can clearly see... it is time for a change and change is going to happen as nothing ever stays the same.

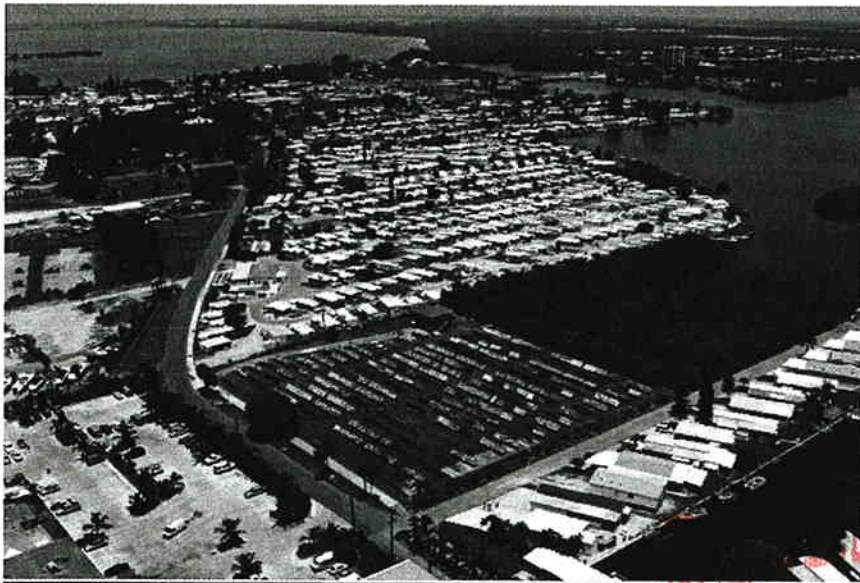
Now is the time for the County to come together with the land owners and help be a part of a fantastic rebirth of an old quaint island....The new beginnings of what will one day become a World Wide destination and recognized name "San Carlos Island".

August 24<sup>th</sup>, 2007. Coordinated by, Robert W. Beasley, a lifelong Native of Fort Myers Beach, Florida and ex-shrimper, ex-commercial/charter boat fisherman himself and a Licensed U.S.C.G. 100 Ton Master Captain since 1979.

Credits for some of the information gathered in this brief (however, not a complete history of the island) go to many of the old local people and fishing families of San Carlos Island and Fort Myers Beach. The Beach Observer, The Fort Myers News Press, San Carlos Island Festival Booklet and Joanne Semmer, Paradise Found article by Margaret Dawson and the late Capt. Dave Green A.K.A. One of the best commercial fisherman there ever was and the first boy to be born of Fort Myers Beach.

## **Existing Zoning**

The existing zoning for the property is a hap hazard mixture of Marine industrial, Mobile Home-2, light industrial, marine commercial with no rhyme or reason for the location of each designation. For example light industrial zoning is located between two residential areas and clearly in an area that has a development pattern of residential for this side of the road and not industrial.



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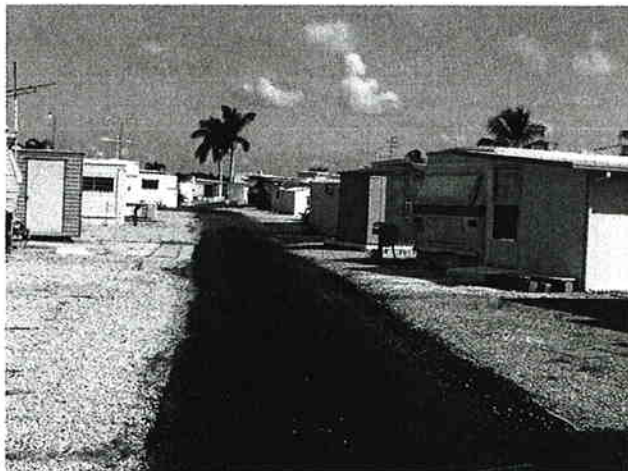
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## Existing Land Use

The existing Land Use (see Map “existing land use”) is a hap hazard mixture of residential, industrial, office, commercial, piers, Boat docks and boat storage.

## Current Conditions

The Residential portion of the property exists today with close to 300 mobile homes. There ages range for 30yrs old to the newest being some 10 yrs new. This stock of housing is of major concern because of its age in respect hurricane construction standards and it close proximity to the water and the potential for flooding and or destruction and displacement. The land as developed has few if any tree and or water management on the property. The surface water management for the property is non-existent and currently runs into the water and wetlands untreated. Major areas of the site are paved or covered with imperious material. Landscaping and buffers as noted above for much of the site is non-existent. Set backs are minimal. Many of the former tenants for the space have been unable to afford the increase in rent because of the increase in the land values over the past decade. The rents have increase but only due to the increases passed on to the consumer to pay the taxes without increased profits. Rental for the spaces has seen a 40 percent decline in use over the last couple of years.



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The commercial / industrial lands for the property as exist today are dependent on the tourist trade more so than commercial fishing. The commercial shrimp industry is a mere fraction of what it was in the past due to imports from such countries as Thailand, China, and Vietnam to name a few. The minimal development that has occurred on the property has been more tourist/seasonal water dependant uses such as the restaurant and the boat storage facility. Both of these indicate a demand for Water dependent mixed use type of designation for the property in question. The overlay district at present is somewhat of a Band-Aid for development of any significance that would result in a planned and unified project. It is a direct result of these that the two owners would like to develop a master plan for the property that utilizes the property in unified design with state of the art planning.



## **Future land Use**

The future land use map does not take into account the marine dependant nature of the island and is one of the reasons for the creation of an overlay district (see overlay Zoning below). The FLU for this area shows a mixture of uses that are not coordinate as a unifying mix of uses that would allow a comprehensive redevelopment of the island.

## **Overlay Zoning**

The overlay zoning district for the island was enacted to protect marine-orientated land uses on San Carlos Island from incompatible or pre-emptive land uses. This district has not been a success for several reasons, but mostly because it does not allow for development that will transform the island from what it is today to what it can and should be in the future. The overlay district does not allow for water dependant tourist uses such as a resort hotel focused on the water and built on the ideas and history of the island. The overlay zoning district also does not recognize the existing land use of seasonal residents that are and should be maintained as major element of the island. This amendment will protect marine-orientated land uses on San Carlos Island from incompatible or pre-emptive land uses while creating diverse water-dependent functions while creating a sense of place, identity and additional opportunities for the Island.

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## Justification

The island has a rich history that has always been tied to the water with a transient seasonal population that enjoys its location with respect to the water and the urban infrastructure that has helped it grow in the past. While the current conditions have been deteriorating because of inadequate and outdated zoning, and existing uses that are hindering its rebirth. The county has tried to spur redevelopment in this area with an overlay zone that hasn't worked because it has not recognized the true potential for the island.

Policy 135.3.7 of the Lee Plan allows the ability to use a mixed-use project or other innovative reuses of the existing housing stock which will result in the removal of substandard housing units.

This amendment provides the vehicle that has been missing to spur redevelopment that will provide that will allow and provide the mechanism for the redevelopment of a valuable and underutilized resource for the county and the island for its future economic benefits.

### This Amendment Provides:

- A development that benefits the entire community with jobs and expands the tourist industry to the area, along with all the other economic benefits that comes with it.
- This project is located in an area with existing services.
- Respects the unique qualities of the site and maximize the waterfront with appropriate uses for all.
- Respects the environment by correcting and preserving an environment that was devastated many years ago. The plan utilizes height in order to open up usable green space.
- Respects the history of the island by incorporating it into the future
- Provides for a multi modal transportation hub where people can transfer from one mode to the other with ease. This location is one of the only areas in the county that can provide water transportation with deep access.
- This plan provides interconnectivity to all aspects of the development
- Respects neighboring communities by not over impacting them. This project acknowledges that Fort Myers Beach is a destination and as such has a traffic issue in season. This plan provides alternative to its guest and residents in order to stay on property. It also is proposing alternative means to access the beach by incorporating alternative modes to access the beach like the water taxi.
- This plan provides a mechanism to mitigate 271 properties that are a potential liability for natural disasters and replace them with hurricane/flood resistant structures.

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- The plan provides a mechanism to mitigate submerged land.
- This plan provides quality development with the creation of its own design guidelines that are more stringent than the counties.
- This plan provides a mechanism to introduce education on the local environment as part of the development for residents and visitors.

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## Attachment I

### Summary of Proposed Development

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**The project is a Destination resort mixed use water dependent facility.**

The north portion of the project will be more residential to reflect the current development pattern being mostly residential. This area will be opened up from its existing condition by utilizing the requested height. In this new opened area will be set around a large lake that will be used not only as a retention area but for activities like canoeing, and the fresh water beach that will be provided at both ends. The new green spaces will be design to allow interconnectivity between elements while reestablishing areas of native vegetation. At the very north end of the property will be a mixed use facility with an intimate restaurant and ships store for the residents who have boat on this side of the island. This rest of the open space will have less intense commercial and facilities that are passive in nature, like kayak rentals, the learning center, informative trails, to name a few.

The north and the south will have a pedestrian/ bicycle link between the two that may be an architectural ore landscape type feature. This link will allow the residents the opportunity to bike or walk over to the waterfront promenade along pass.

The Southern property will be a mixture of hotel and condominiums, a boat storage facility and retail amenities to create a self sustaining destination. The facility will be focused around water type uses and activities. Parking for most of the project will be housed in a parking structure that is landscaped away on the north side with some architectural elements and on the south side it will be hidden with liner building, and landscaping. The intent here is to hide the parking with the services of the hotel and retailers along the water to create a village style look. This is very important as this will be seen from Fort Myer Beach and will be the area where most of the activities are focus during the day and evening.

A typical person may fly in from the mid west or Europe to the SWF region airport, hop onto a shuttle taxi or bus and arrive at the hotel to attend a conference. They have brought along their spouse and kids as a bonus to enjoy the spectacular weather this area has to offer. The spend the week by chartering a boat to go fishing, spend time at the pool and lake beach, they even took a water taxi over to fort Myers beach and spent the afternoon there. The kids were not bored because they had plenty to do with kayaking in the morning with a local ecologist who explained the area unique plants and animals, walking or biking along the many trails for hours while reading information plaques about the history and evolution of the island. The family enjoyed the boardwalk and the restaurants on site as they were getting the freshest seafood because it came from the islands remaining fisherman who supplied the restaurants with their daily catches.

Another typical person may have visited the area years ago and then decided to move to this area because of the lifestyle. They decided to buy on San Carlos Island because the area afforded them all the amenities without any of the hassles they might find at another development. They choose this place because of the location, the views and the amenities. They were excited to buy a place that they would not have to always use their car especially in season. They found that it was nice to do a daily walk around the nature trails and in the afternoon they would bike over to the promenade to people watch and grab a bite to eat. When the grand kids come to town, which is often because there are so many things to do they know that they will have as good of a time as the kids do. The older kids are old enough to take the water taxi over to the island to go to the beach,

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and the younger ones enjoy either the pool or the sand at the lake beach. The favorite activity for everyone is to ride the bikes over to the promenade and get some homemade ice cream along the boardwalk and watch the boat come in and out and the people returning from Key West and all the other activities this place has to offer both the young and the old.

The facilities that will make up the project include but not limited to:

- Hotel capacity for 300 units
- Conference rooms and offices to support the hotel
- A community learning Center
- Pool facilities
- Lake Beaches
- Canoe and Kayak boat house and launch
- Docks
- Bicycle and walking trails that interconnects with the water and the amenities for the site
- A mixture of retailers along the waterfront such as restaurants, retailers, boat sales, ice cream parlors ect.
- Residential units not to exceed 600 units
- Gate house(s)
- Kiosk(s)
- Improve buffers along street and property line
- On site water management
- Live aboard
- Time share
- Charter boats
- Water taxis
- Bike and boat rentals
- Employee housing
- Mass transit friendly design

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- **Mass transit terminals/trolley stops**
- **Cruise ship terminals**
- **Shuttle service to Key West and or other destinations**
- **Surface parking and garages to support the complex**
- **Tennis facilities**
- **Marina and Boat storage with amenities like a Ships store, parts, and a maintenance shop**

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Land Analysis

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## Property Information

Total Acreage of Property: **76.25 acres**

Total Acreage included in Request: **Same as above**

Area of each Existing Future Land Use Category:

Total Uplands: **32.18 acres**

Total Wetlands: **0**

Total Submerged: **44.07 acres** (8.75 @ Matanzas Pass, 35.32@ Hurricane Bay)

Current Zoning: **Suburban, Wetlands, IL, CM, IM, and Urban Community**

Current Future Land Use Designation: **Urban community, Suburban, and Industrial**

Existing Land Use: **Seasonal RV Park, Light Industrial, Commercial, Marina**

## 1. Existing today

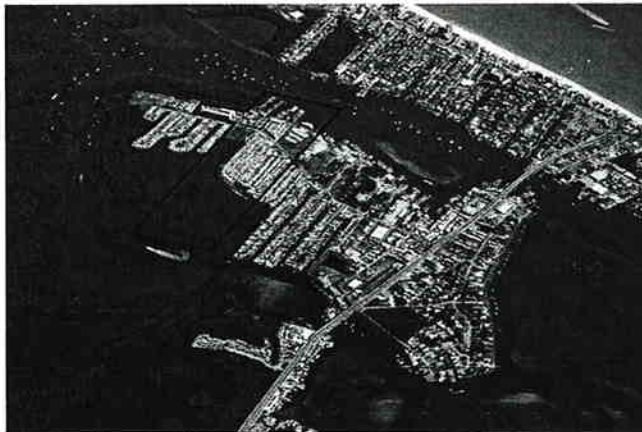
RV Units: **271 units on 14.83 acres of uplands for a density of 18.3 units per acre, or 36.05 acres of upland and submerged lands for a total density of 7.52 units per acre**

Live aboard: **127-250 units**

Commercial acres: **11.98 acres with potential for 101,830 square feet of commercial based on 8500 feet per acre**

Industrial acres: **5.34 acres with development potential for 53,400, of industrial space based on 10,000 per acre**

Submerged Land: **44.07 with a potential to add additional live aboard and boat slips at the north property of approximately 350units**



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### Decline of shrimping document

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# Florida Shrimp: Wild and Wonderful!

September 8, 2006

## Marketing Campaign Helps Florida Shrimp Industry Beset By Flood Of Foreign Imports

A three-year marketing campaign helped keep Florida's shrimp industry viable in the face of unrelenting competition from foreign countries, Florida Agriculture Commissioner Charles H. Bronson said today.

The "Wild and Wonderful Florida Shrimp" promotion, conducted by the Florida Department of Agriculture and Consumer Services from 2004 to 2006, was instrumental in the sale of 2.7 million pounds of Florida wild-caught shrimp by participating retail stores. Some stores reported sales increases as high as 2,000 percent over the same periods in prior years.

"Florida's shrimp industry has faced an onslaught of competition from foreign countries that have exported more than a billion pounds of shrimp into the U.S. market in the past few years," Bronson said. "Many of our state's shrimpers have been forced out of business altogether, and the remaining ones have experienced very difficult times. This marketing campaign was crucial in helping keep Florida's shrimp industry alive."

According to the National Marine Fisheries Service, foreign countries have captured 88 percent of the total U.S. market. Vietnam, China, India and Brazil have dramatically increased exports to the United States in recent years. An estimated 200,000 U.S. jobs have been lost.

The state and federally funded campaign focused on raising consumer awareness about the benefits of buying Florida wild-caught shrimp and highlighted the Florida shrimp industry's economic value to the state. Florida's shrimp industry supports 4,400 jobs and contributes more than \$185 million to the state's economy.

"Florida shrimp is a premium quality product with superior taste," Bronson said. "We believe that consumers deserve to have a choice, and we encourage them to ask for shrimp from Florida. When they do, they receive a wholesome, natural product -- and they help our fishermen and our state's economy."

The advertising incentive program required retailers and restaurants to use the "Ask for Shrimp from Florida" logo in their advertising and encouraged in-store shrimp promotions. A total of 3,011 stores in 14 supermarket chains located in 26 states and Washington, D.C., participated. Participating Florida supermarket chains were Publix, Winn-Dixie and Kash 'N' Karry SweetBay. National stores included Kroger, Harris Teeter, HEB Grocers, Giant Foods, Schnucks, Jewell Food Stores, Ukrops, Roundys, Bi-Lo, Cub Foods, Heinen's, King Soopers, Fred Meyer, and Farm Fresh.

In addition to the advertising incentive program, the "Wild and Wonderful Florida Shrimp" campaign included the following components: radio and television public service advertisements; media relations initiatives to educate consumers on the quality of Florida shrimp; point-of-purchase materials including brochures, posters and static clings for use by retailers; partnerships with chefs including in-store demonstrations, television appearances and celebrity chef programs; trade show and festival participation; sponsorship of the "Ask for Shrimp from Florida" race car in the NASCAR ARCA circuit; the [www.WildFloridaShrimp.com](http://www.WildFloridaShrimp.com) web site which features shrimp recipes and industry facts and statistics.

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# Florida Shrimp: Wild and Wonderful!

June 1, 2004

## Campaign Seeks To Help Ailing Florida Shrimp Industry Turn The Tide Against Flood Of Foreign Imports

Showing consumers the economic importance of Florida's shrimp industry and encouraging them to ask for shrimp harvested in Florida waters are goals of a campaign launched by the Florida Department of Agriculture and Consumer Services.

The "**WildFloridaShrimp.com!**" campaign comes in response to the growing onslaught of imported shrimp that has nearly decimated Florida's shrimp industry that for decades has contributed to the state's economic well-being. Florida's shrimp industry supports 4,400 jobs and has an annual impact estimated at \$225,928,724 according to the Department.

"A disparity in labor costs and overhead enables foreign producers to flood the U.S. market with imported shrimp at prices so low that Florida's shrimpers cannot compete," Florida Agriculture Commissioner Charles H. Bronson said. "We want consumers to know that they have a choice, and when they purchase Florida shrimp, they are helping our fishermen, our coastal communities, and our overall economy."

Today, Florida's shrimp industry is besieged by more than a billion pounds of low-priced foreign imports flooding the United States each year. Foreign countries now dominate the U.S. shrimp market, having captured 88 percent of the national market share, while domestic shrimp represents only 12 percent, according to the National Marine Fisheries Service.

Since 2000, shrimp imports have dramatically increased from Vietnam (up 169 percent), India (up 74 percent), China (up 73 percent) and Brazil (up 210 percent). An estimated 200,000 U.S. jobs have been lost, and thousands more have left the industry entirely. Concerned about the economic implications of this trend, the United States Congress approved fishery disaster assistance funding in 2003, with nearly \$7 million in federal assistance going to Florida's shrimp industry.

"**WildFloridaShrimp.com!**" is designed to increase public awareness of the economic value of Florida's shrimp industry and the critical challenges posed by foreign competition, as well as showing the benefits of buying shrimp from Florida.

"Florida shrimp is a premium-quality product with superior taste," Bronson said. "When given a choice, we feel that many consumers will choose shrimp from Florida."

A recent consumer survey conducted by the Department showed that 82 percent of respondents preferred domestic shrimp and indicated they would be willing to pay \$1 to \$3 more per pound for the quality of domestic shrimp.

"**WildFloridaShrimp.com!**" promotes the clean, wild-caught, superior quality and premium taste of this natural resource, and encourages consumers to look for the "Ask for Shrimp from Florida" seal.

### For more information:

Joanne McNeely  
(850) 488-0163  
[mneelj@doacs.state.fl.us](mailto:mneelj@doacs.state.fl.us)

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# Florida Shrimp: Wild and Wonderful!

## Florida Shrimp: "Wild and Wonderful!"

### Fact Sheet

- Florida's shrimp industry supports 4,400 jobs and contributes \$185,000,000 to the state's economy.
- Imported shrimp dominates the U.S. market. According to the National Marine Fisheries Service, foreign countries have captured 88 percent of the total U.S. market, with domestic shrimp representing 12 percent.
- Shrimp imports to the U.S. from 2000-2005 have increased dramatically:
  - Vietnam -- up 172 percent China -- up 150 percent
  - India -- up 25 percent
  - Average percentage increase from Vietnam, China, India and Brazil during this time frame is 86%.
  - Shrimp imports to the U.S. from around the world are up 54% during this time frame.
- An estimated 200,000 U.S. jobs have been lost; thousands more have left the industry entirely.
- The federal government levied tariffs against some countries to fight against shrimp being brought into the U.S. at prices below fair market value.
- The United States Congress approved fishery disaster assistance funding in 2003, with nearly \$7 million in federal assistance going to Florida's shrimp industry.
- In a consumer survey conducted by the Florida Department of Agriculture and Consumer Services, 82 percent of respondents who preferred domestic shrimp indicated they would be willing to pay \$1 to \$3 more per pound for the quality of domestic shrimp.
- The "WildFloridaShrimp.com!" program was developed to increase public awareness of the economic value of Florida's shrimp industry and the critical challenges posed by foreign competition, and to show consumers the benefits of purchasing shrimp from Florida.
- The "WildFloridaShrimp.com!" program encourages consumers to look for the "Ask for Shrimp from Florida" seal.
- Shrimp caught in Florida waters are of premium quality and 100 percent natural.
- For more information about Florida shrimp, visit [www.WildFloridaShrimp.com](http://www.WildFloridaShrimp.com).

### Contact:

Joanne McNeely, Bureau Chief  
Florida Department of Agriculture and Consumer Services  
Bureau of Seafood and Aquaculture Marketing  
(850) 488-0163 or [mcneelj@doacs.state.fl.us](mailto:mcneelj@doacs.state.fl.us)

### Additional Information

- [Wild Florida Shrimp campaign summary](#)
- [Wild Florida Shrimp backgrounder](#)
- [Wild Florida shrimp program overview](#)
- [Florida shrimp news archives](#)

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## Attachment K

### RV Park Documentation

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coastal area of the panhandle, and a huge number of the homes and lots were for sale there. Long time residents have moved inland and out of state, and the property doesn't seem to be selling.

**Posted By:** Oday on 03/14/06 07:36am

There are still plenty of campgrounds and RV parks in the southwest Florida area ( Naples/Ft.Myers) Granted some are closing, but new ones are being build. It is simply a natural business transition. Rv Parks move out in the lesser populated ares and condos take their place. There are two RV parks currently under construction in Naples area. Lets not discuss rental rates though in these new parks.....they are pricy. Visit the rest of Florida.....plenty of RV spots available. Good Luck

Ken

'04 Mountain-Aire pusher with tag  
'99 Jeep GC Ltd. Toad  
One small wife  
One small dog

**Posted By:** big ben on 03/14/06 09:29am

Dobbler said "Perhaps you should check into just who the "owners" of some of the big condo corporations are. It's not the "American" way you're crowing about."

Where did you get the idea that I was crowing about any thing. And it the American way to sell to who ever has the cash. We are so far in debt that they are sell off BLM land. Guess who will be bidding on that. We even sell off our security to the highest bidder.

**Posted By:** fhammer1 on 03/14/06 09:45am

Oday is correct in one sense: There are quite a few RV sites available, but at \$56 to \$65 per day (Weekly rates are simply NOT available.), you are being gouged when – for January and February – ONLY the daily rates are available.

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98 Cruise Master

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Pat

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2000 Saturn



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**Posted By:** dobbler98 on 03/14/06 04:58am

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Come on down to the Rio Grand Valley, over 500 RV Parks, Low prices & lots of room for you. You won't be a Snowbird though you will be a Winter Texan, Yes we do have sand beaches on the gulf too.

pawatt

**Posted By:** Florida Cracker on 03/13/06 08:03pm

"but Its a crying shame that the Snow Birds who made this state for years , and now there pushing us out for big business ."

You aren't getting pushed out for big business but for individual folks coming down south to retire or whatever. I'd love to see us back the way we were in the 30s and 40s but I also can't fault anyone for selling property for the best price they can get.

Bill

(And one spoiled rotten little dog)

**Posted By:** jojolou on 03/13/06 08:19pm

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jojolou

Lou  
2005 Winnebago Minnie 31-C



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# San Carlos Island-Comp Plan Amendment

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Lee County Application for a Comprehensive Plan Amendment

## Attachment K

### RV Park Documentation

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**Open Roads Forum**[Print](#) | [Close](#)**Topic:** What's happening to Florida RV Parks?**Posted By:** rad1 on 03/13/06 05:47pm


The park we just left in the Florida Keys has been sold and this is the last season it will operate as an RV park. It was sold to a developer and will be turned into condos starting at \$1.2M each. In looking for a replacement RV park for next winter in the Southwest Florida area we were quite surprised to find almost everything we looked at in the Naples/Ft. Myers area to be converting to mobile home/pre-fab home parks. Many RV Parks that we looked at were comprised of 90% mobile homes and only 10% RVs. Some of these parks were nice and clean, but they didn't have the feel of an RV park. Is this happening all over, or is this just a situation that's happening in Southwest Florida?

Bob


**Posted By:** snowhawkwoman on 03/13/06 06:13pm

Property in Florida is skyrocketing - if you were a campground owner and someone came along and said here's 5 million - wouldn't you say "THANKS and see ya!!!" Owners are probably packing up their new RV and enjoying the road too! Florida land is premium - all the folks from the northeast want to retire there - guess the folks in Georgia, Mississippi, and Louisiana need to do some serious thinking about opening RV parks along the gulf coast!

 Snowhawkwoman

 Big Owl

 the traveling dogs Xena, Phoebe, Callie, Coco, and Spooker

 Punky - the amazing insane Rving Squirrel

1997 Fleetwood Jamboree 29'

The traveling Zoo!



2007-00051


**Posted By:** dobbler98 on 03/13/06 06:16pm
<http://www.rv.net/forums/index.cfm/fuseaction/thread/tid/17104393/gotomsg/17123263.cfm#17123263>
<http://www.rv.net/forums/index.cfm/fuseaction/thread/tid/17036130/gotomsg/17036201.cfm#17036201>

These two links will take you to a couple of the threads from this forum since last fall about this very subject. All are being sold for condo development. Soon you will need a condo reservation to get into the keys cos there won't be anywhere to park your tent or rv.

1993 Minnie Winnie

Class C 24'

Chevy 350

Usually pulling one of my toys 

COMMUNITY DEVELOPMENT

**Posted By:** magicbus on 03/13/06 07:05pm
<http://www.rv.net/forum/index.cfm/fuseaction/thread/tid/17229642/print/true.cfm>

4/26/2007



**TSeck wrote:**

Yep. As one of the last Florida Natives (5th generation) this place is getting crowded and way too crazy expensive. What kills me is all the complaining going on as soon as a hurricane comes through and "re-claims" the waterfront. Oh, and did you know part of your insurance premium goes into a "fund" to help those poor unfortunate people who keep re-building. Where you ask? Right back on the beach.

Oh yeah don't get me started on that waste of money! ●

Yeah that is a load of horse chips, they keep jacking me up(nowhere near the coast) to help the poor unfortunate beachfront and waterfront owners who couldn't get insurance.

05 Super Duty XLT CC 5.4/3.73 5 sp auto Torqshift  
06 Keystone Hornet 29 RLS/(The"Cracker Cabana")  
Reese HP Dual Cam  
Proud citizen of the GatorNation  
Emerald Coast cult member

**My Camping Albums**

2007-00051

**Posted By:** Tommy Tucker on 03/13/06 07:22pm

Hi, we're here in central Florida, ( Lakewood RV Resort ,Davenport Fl.) and our campground was sold to developers too . Now I know there's big money here, but its a crying shame that the Snow Birds who made this state for years , and now there pushing us out for big business . I for one are considering Georgia who would appreciate our business and we would save a bunch of fuel in the process . I'm sure Mr. Bush won't give a "hoot " if he lost a couple thousand snow birds . Take care, Tommy Tucker .

Tommy Tucker

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**Posted By:** STANNSAL on 03/13/06 07:38pm

COMMUNITY DEVELOPMENT

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coastal area of the panhandle, and a huge number of the homes and lots were for sale there. Long time residents have moved inland and out of state, and the property doesn't seem to be selling.

**Posted By:** Oday on 03/14/06 07:36am

There are still plenty of campgrounds and RV parks in the southwest Florida area ( Naples/Ft.Myers) Granted some are closing, but new ones are being build. It is simply a natural business transition. Rv Parks move out in the lesser populated ares and condos take their place. There are two RV parks currently under construction in Naples area. Lets not discuss rental rates though in these new parks.....they are pricy. Visit the rest of Florida.....plenty of RV spots available. Good Luck

Ken

'04 Mountain-Aire pusher with tag  
'99 Jeep GC Ltd. Toad  
One small wife  
One small dog

**Posted By:** big ben on 03/14/06 09:29am

Dobbler said "Perhaps you should check into just who the "owners" of some of the big condo corporations are. It's not the "American" way you're crowing about."

Where did you get the idea that I was crowing about any thing. And it the American way to sell to who ever has the cash. We are so far in debt that they are sell off BLM land. Guess who will be bidding on that. We even sell off our security to the highest bidder.

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## Attachment L

### Survey

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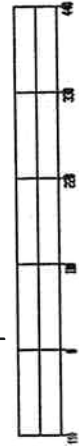
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ENVIRONMENTAL LAND SERVICES, INC.  
3677 CENTRAL AVENUE SUITE G  
FORT MYERS, FL 33901  
PHONE: (239) 274-8822  
FAX: (239) 274-8819 LB 5586

Graphic Scale: 1.0" = 110.00'

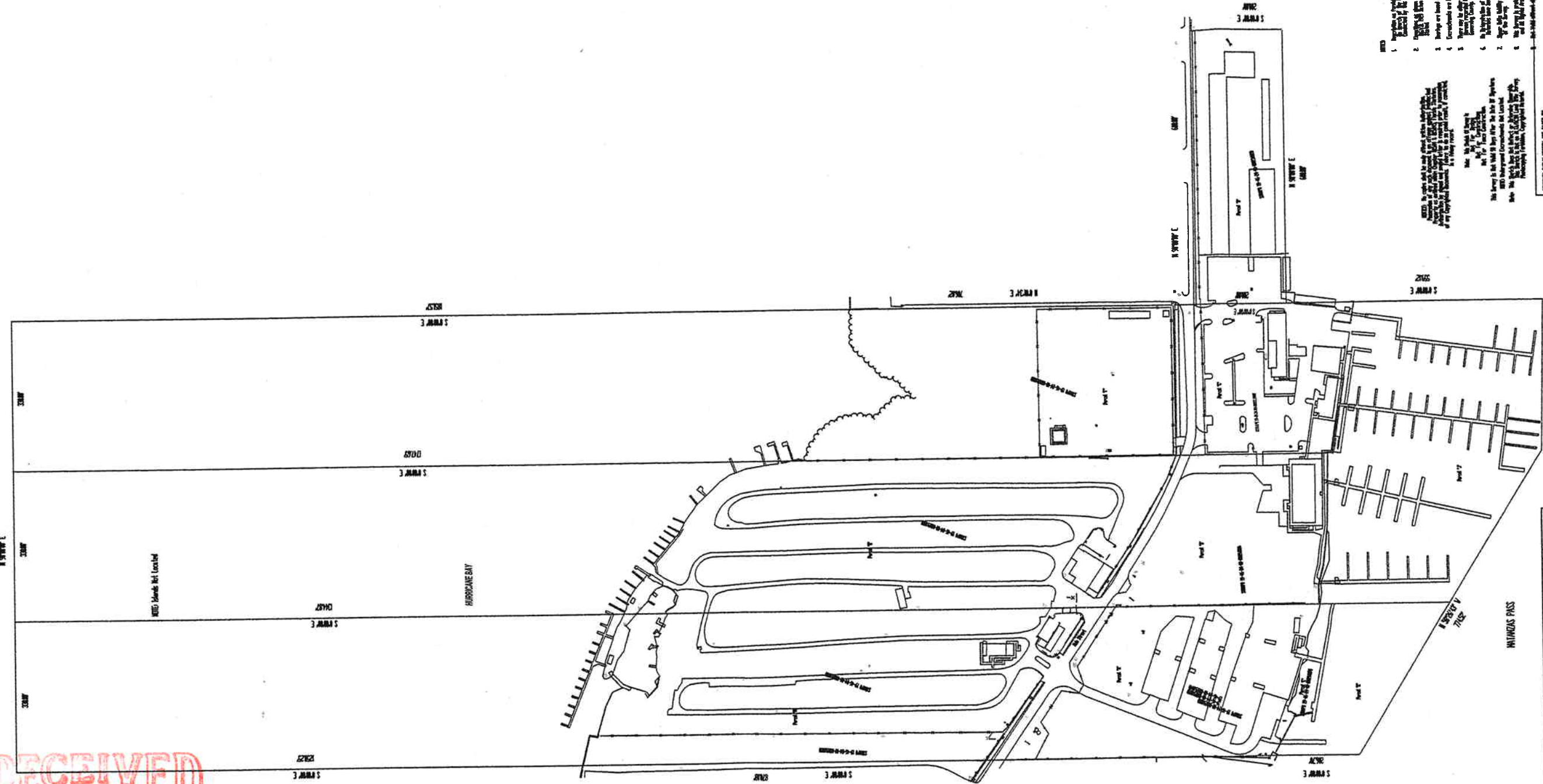


CERTIFIED TO:  
Hammock Property, Inc.  
Hammock Bay Land Company, Inc.

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- NOTES:
1. The property is located in the Hammock Bay Land Company, Inc. Easement.
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DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY
05/21/08	RECEIVED	COMMUNITY DEVELOPMENT	05/21/08	RECEIVED	COMMUNITY DEVELOPMENT

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# Old San Carlos Island-Comp Plan Amendment

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Lee County Application for a Comprehensive Plan Amendment

## Attachment M

### Manatee Protection Plan

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Permit No: SAJ-2005-7466 (IP-CW) - Oyster Bay Commercial Docks

Standard Manatee Construction Conditions  
Attachment B

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STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

July 2005

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The Permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The Permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees can not become entangled, shall be properly secured, and shall be properly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury could also be reported to the U.S. Fish and Wildlife Service in Jacksonville (-904-232-2580) for north Florida or Vero Beach (-561-562-3909) for south Florida.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft., which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 11 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

2007-00051



FWC Approved Manatee Educational Sign Suppliers

**SAP Signs & Designs**

24-B Pinellas Street  
3756

Phone: (727) 443-4878

Fax: (727) 442-7573

**Vital Signs**

104615 Overseas Highway Clearwater, FL

Key Largo, FL 33037

Phone: (305) 451-5133

Fax: (305) 451-5163

**Wilderness Graphics, Inc.**

P.O. Box 1635

Ft. Pierce, FL 34947

Phone: (850) 224-6414

Fax: (850) 561-3943

www.wildernessgraphics.com

**Universal Signs & Accessories P. O.**

2912 Orange Avenue Tallahassee, FL 32302

Phone: (800) 432-0331 or

(772) 461-0665

Fax: (772) 461-0669

**ape Coral Signs & Designs**

311 Del Prado Boulevard

ape Coral, FL 33990

72-9992

Fax: (239) 772-3848

Phone: (727) 323-7897

**New City Signs**

182928 Street North

St. Petersburg, FL 33713 Phone: (239)

Fax: (727) 323-1897

**Municipal Supply & Sign Co.**

195 Fifth Avenue, North

P.O. Box 1765

Aples, FL 33939-1765

Phone: (800) 329-5366 or

(239) 262-4639

Fax: (239) 262-4645

www.municipaldalsigns.com

**United Rentals Highway**

**Technologies**

309 Angle Road

Ft. Pierce, FL 34947

Phone: (772) 489-8772 or

(800) 489-8758 (FL only)

Fax: (772) 489-8757

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# **CAUTION: MANATEE HABITAT**

**All project vessels**

**IDLE SPEED / NO WAKE**

**When a manatee is within 50 feet of work  
all in-water activities must**

**SHUT DOWN**

**Report any collision or injury to :  
1-888-404-FWCC (1-888-404-3922)**

**Florida Fish and Wildlife Conservation Commission**

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**2007-00051**

Permittee: Hanson Marine Properties, Inc.  
Permit No. 36-017634-003  
Page 6 of 16

Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorization from the Board of Trustees prior to commencing activity on sovereignty lands or other state owned lands.

13. The permittee is advised that the rules of the South Florida Water Management District require the permittee to obtain a water use permit from the South Florida Water Management District prior to construction dewatering, unless the work qualifies for a general permit pursuant to subsection 40E-20.302(4), F.A.C., also known as the "No Notice" rule.

14. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by this permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Section 373.421(2). F.S., provides otherwise.

16. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

17. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate Department office.

19. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

#### **SPECIFIC CONDITIONS:**

1. The permittee shall provide the notice required in General Condition 4 in this permit to the Department's South District office, P. O. Box 2549, Fort Myers, FL 33902-2549.

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2. The permittee shall comply with the following manatee protection construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatees.

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

c. Siltation barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

d. All vessels associated with the construction project shall operate at no wake/idle speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

e. If a manatee is sighted within 100 yards of the project area, precautions shall be implemented by the permittee and the contractor to ensure protection of manatees. These precautions shall include not operating any equipment closer than 50 feet to a manatee, and immediately shutting down equipment if a manatee comes within 50 feet of the equipment. Activities will not resume until the manatees have departed the project area of their own volition.

f. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission at 1-888-404-FWCC (1-888-404-3922). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for North Florida or in Vero Beach (1-561-562-3909) for South Florida.

g. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least three feet by four feet which reads "*Caution: Manatee Area*" shall be posted in a location prominently visible to water related construction crews. A second sign shall be posted if vessels are associated with the construction and shall be placed visible to the vessel operator. The second sign shall be at least 8 1/2 inches by 11 inches and read:

*Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50*

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*feet of the operation. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC (1-888-404-3922). The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580) for North Florida or in Vero Beach (1-561-562-3909) for South Florida.*

Specific information on obtaining these signs may be obtained by contacting the Department or FWC at (850) 922-4330.

3. The permittee shall install and maintain a manatee informational display at a location (or locations) acceptable to the Florida Fish and Wildlife Conservation Commission (FFWCC), Bureau of Protected Species Management. The display shall inform boaters using the facility of the habitat and mannerisms of manatees and potential threat boats can impose on the continued existence of the endangered manatee. The display shall contain information making operators of vessels moored at this facility aware of the danger boats can cause to the endangered manatee when they are operated above slow speed in grass flats or areas shallower than four feet. The permittee shall install and maintain manatee awareness signs at a location (or locations) acceptable to the FFWCC advising boaters to exercise extreme caution because of the presence of manatees in the area. Permittee shall install and display the signs within 30 days prior to completion of construction of the permitted docking facility. Information concerning this manatee educational program may be obtained from the FFWCC, Bureau of Protected Species Management at the following address: 620 South Meridian Street, Tallahassee, Florida 32399-1600. The manatee caution sign(s) and manatee informational display(s) shall be maintained and replaced as necessary due to fading or damage for the life of the facility.

4. The permittee shall ensure that all boat slip users (purchasers/lessors/renters) receive manatee educational packages prior to use of any boat slip. The permittee shall be responsible for the cost of printing the brochures and pamphlets for the educational packages. Kiosks used in conjunction with these educational packages shall be installed prior to boat slip occupancy and shall be maintained and replaced as necessary due to fading or damage for the life of the facility. Information/guidance for developing and approving this manatee educational program shall be obtained from the FFWCC, Bureau of Protected Species Management at the following address: 620 South Meridian Street, Tallahassee, Florida 32399-1600 (telephone 850/922-4330).

5. The total number of powerboat slips, inclusive of all shoreline and upland storage, shall not exceed 88. Future expansion may be considered if a Lee County Manatee Protection Plan is approved by the Florida Fish and Wildlife Conservation Commission and expansion at this location is consistent with the recommendation in this plan.

6. Best management practices (primarily turbidity screens) for erosion and turbidity control shall be implemented and maintained at all times during construction (including the seawall installation, dredging, debris removal, dock and piling removal, dock and piling installation, and stormwater construction) and operation of the permitted activity to prevent siltation and turbid

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3. All areas disturbed by construction shall be stabilized by riprap, seed, sod or revegetation with native wetland and upland species within 72 hours of attaining final grades to prevent erosion.

4. Any water generated as a result of dewatering for the construction of facilities in the upland shall be directed to the on-site detention areas (with silt barriers at any outlets and over any top grades) or to a self-contained upland disposal cell with no return of water to wetlands or waters of the State.

5. Fill shall be placed from the upland into Wetlands 1, 3, and 5 as identified on Sheet 5 of 8 in the attached permit drawings and as indicated in the following table:

Wetland	Fill Impact
#1	0.08 acres
#3	0.11 acres
#5	0.04 acres
<b>TOTAL</b>	0.23 acres

6. Operation of heavy equipment in wetlands is prohibited.

7. Any run-off from existing boat repair areas in the upland shall drain to the stormwater treatment system authorized by this permit for treatment prior to any discharge to waters of the State. The existing boat ramp area and travel lift area shall be modified to cause run-off from these areas to drain to the detention area at the southeast corner of the existing marina site (detention area #4) for treatment prior to discharge to waters of the State. Run-off from the boat ramp area and travel lift area shall be treated in a Department approved stormwater treatment system prior to discharge into waters of the State for the life of the facility.

8. The washing of boats shall occur inside the dry storage building (as shown on Sheet 6 of 8 in the attached permit drawings) and drain to the sanitary sewer system. Boat washdown water shall drain into the sanitary sewer system or to a Department approved stormwater treatment system for the life of the facility.

#### **MANATEE PROTECTION AND CONSERVATION:**

9. For any in-water construction, the permittee shall comply with the following manatee protection construction conditions:

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- a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
- c. Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- e. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
- f. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL FMP (1-800-342-5367). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-407-562-3909) in south Florida.
- g. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads **Caution: Manatee Area** will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads **Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL-FMP (1-800-342-5367). The U.S. Fish and Wildlife Service should also be**

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Permittee: Wisconsin Distributors, Inc.  
Permit No. 36-0105928-001  
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contacted in Jacksonville (1-904-232-2580) for north Florida or in Vero Beach (1-407-562-3909) for south Florida.

10. The occupancy of the dry storage facility shall be phased in two parts. The first phase shall consist of a maximum of 100 slips, and the second phase shall consist of the last 108 boat slips. Occupancy of the second phase shall be prohibited until the comprehensive Lee County manatee protection speed zones are established and posted. The permittee shall submit proof of the posting of the speed zones to the Department and a letter requesting authorization of occupancy of the second phase of the dry storage facility. Upon written approval from the Department, the second phase of the dry storage facility may be occupied.

11. The total number of powerboat slips allowed in this development (for Strap Nos. 19-46-24-00-00022.0000 and 19-46-24-00-00023.0020 and the associated riparian area of the parcels) in perpetuity, inclusive of all shoreline and upland storage, shall not exceed 302.

12. Permanent manatee information and/or awareness sign(s) shall be installed and maintained to increase boater awareness of the presence of manatees, and of the need to minimize the threat of boats to these animals. The signs shall be installed prior to commencement of construction authorized in this permit. The signs shall be replaced in the event that the signs fade or become damaged, and shall be maintained for the life of the facility in a manner acceptable to the Department. The number, type and procedure for sign installation shall be in accordance with the attachment "Permanent Manatee Signs". This attachment that includes addresses for sign suppliers, can be obtained from the Bureau of Protected Species Management, 620 S. Meridian Street, Tallahassee, FL 32399-1600 (phone 851/922-4330).

13. A manatee educational program shall be developed, approved by the Bureau of Protected Species Management and the Department, and implemented before completion of project construction and occupancy of the first phase of the dry storage facility. The permittee shall assure that all slip lessors receive manatee educational packages prior to use of any slip. The permittee shall be responsible for the cost of printing the brochures and pamphlets for the educational packages. Signs and kiosks for the educational program shall be installed prior to the facility opening and beginning operations, shall be replaced in the event of fading or becoming damaged, and shall be maintained for the life of the facility in a manner acceptable to the Department. Guidance in the development and approval of the educational program shall be obtained from the Bureau of Protected Species Management, 620 S. Meridian Street, Tallahassee, FL 32399-1600 (phone 851/922-4330).

#### MITIGATION:

14. The permittee shall perform the following activities on-site to partially offset the project impacts:

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# Old San Carlos Island-Comp Plan Amendment

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Lee County Application for a Comprehensive Plan Amendment

Attachment N

Seagrass Study

This will be provided under separate cover

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# Old San Carlos Island-Comp Plan Amendment

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Lee County Application for a Comprehensive Plan Amendment

## Attachment O

### Protected Species Survey

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**EBBTIDE  
LEE COUNTY PROTECTED SPECIES SURVEY**

**October 2007**

Prepared For:

***DeLisi Fitzgerald, Inc.***  
*1500 Royal Palm Square Boulevard, Suite 101*  
*Fort Myers, Florida 33919*  
*(239) 418-0691*

Prepared By:

***Passarella & Associates, Inc.***  
*9110 College Pointe Court*  
*Fort Myers, Florida 33919*  
*(239) 274-0067*

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**COMMUNITY DEVELOPMENT**

Project No. 07DFI1738

**2007-00051**

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## LIST OF APPENDICES

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## INTRODUCTION

Passarella & Associates, Inc. (PAI) conducted a protected species survey for Ebttide (Project). The purpose of the survey was to review the site for Lee County protected species as outlined in Lee County's Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat).

The Project totals 76.07± acres and is located in Section 19, Township 46 South, Range 24 East, Lee County (Figure 1). The Project is located on San Carlos Island, along the north and south side of Main Street, approximately 0.5 mile east of San Carlos Boulevard. The Project area is an assemblage of existing developments, businesses, and natural areas that include: Ebb Tide and Oyster Bay RV Parks, mangroves, and a portion of the submerged bottomlands of Oyster Bay on the north side of Main Street; and Parrot Key Restaurant, Salty Sam's Marina, Casino Cruises, and portions of the submerged bottomlands of Matanza Pass on the south side of Main Street.

The surrounding land uses consist of roads, high-density residences, commercial businesses, open water and mangroves. Along the north side of Main Street and to the Project's west are Oyster Bay Lane and mobile homes; to the north are Oyster Bay and Hurricane Bay; and to the east are Galleon Way Road, Port Carlos Cove RV Park, Oyster Bay, and mangroves. Along the south side of Main Street and to the Project's west are Ballard Oil and Beach Seafood Market; to the south is Matanzas Pass; and to the east are mangroves and Port Carlos Cove RV Park.

## LAND USES AND COVER TYPES

Land uses and cover types for the Project were determined using 2005 rectified Lee County aerials (1" = 200') and on-site field surveys conducted on August 21, 2007. During the surveys, lines were drawn on an aerial delineating the different vegetation associations on-site. These delineations were classified based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Levels III and IV (Florida Department of Transportation 1999). A FLUCFCS and wetlands map is provided as Figure 2. Table 1 outlines the various cover types delineated on-site and their associated acreages, while a brief description of each of the FLUCFCS classifications follows. The FLUCFCS delineations depicted on a 2005 aerial photograph are provided as Appendix A.

**Table 1. Vegetation Associations and Land Use Acreages**

FLUCFCS Code	Description	Acreage	Percent of Total
130	Residential, High Density	14.45	19.0
180	Boat Docks	4.27	5.6
184	Marina	11.91	15.7
422	Brazilian Pepper	0.04	0.1
540	Bays and Estuaries	34.39	45.2

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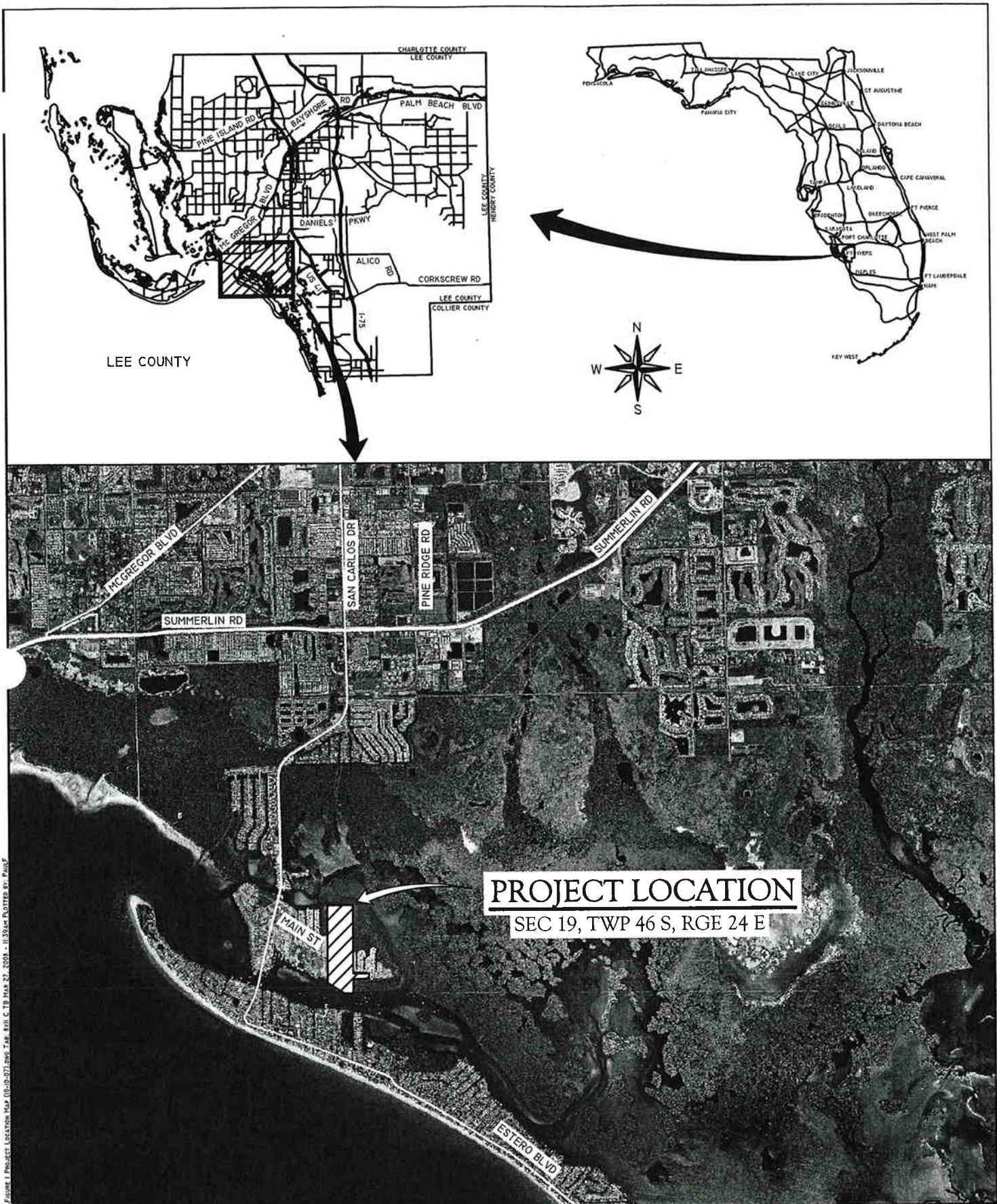


FIGURE 1. PROJECT LOCATION MAP  
EBBTIDE

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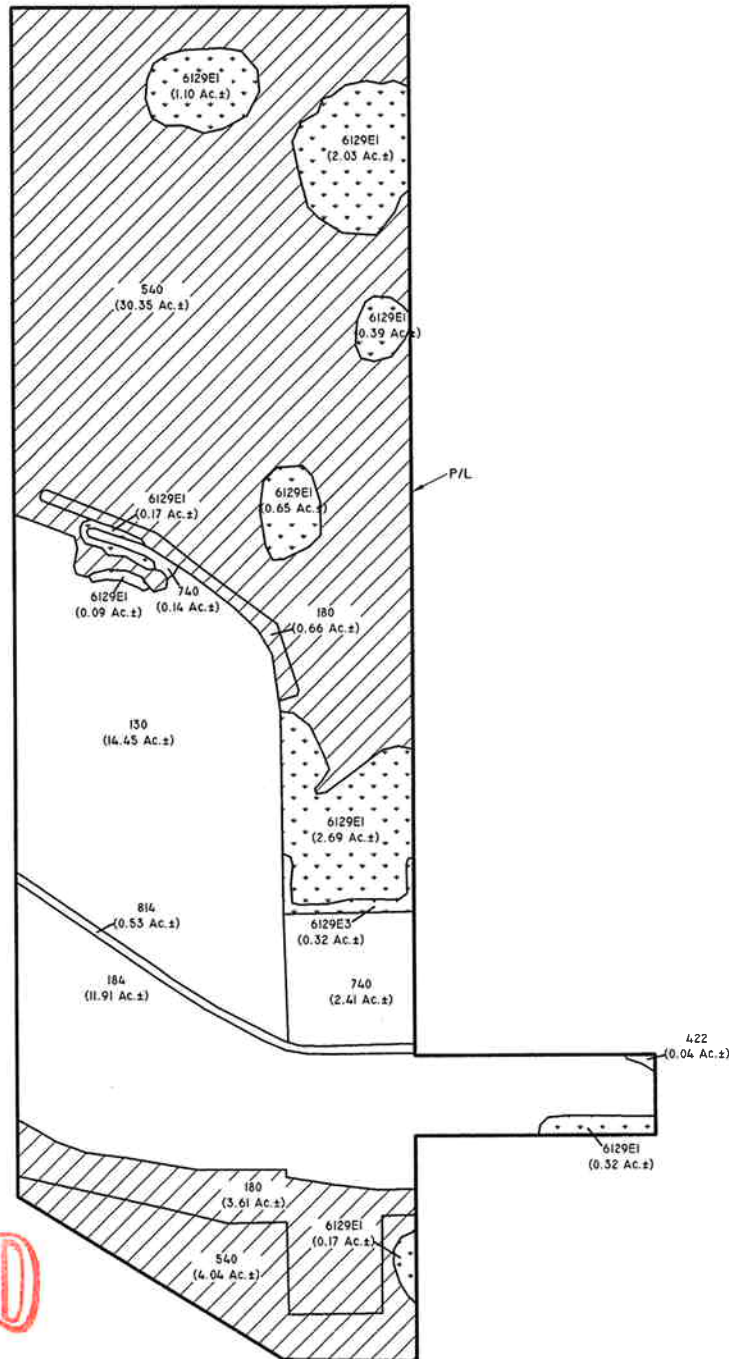
DRAWN BY	DATE
R.F.	8/30/07
REVIEWED BY	DATE
D.A.	8/30/07
DESIGNED	DATE
F.L.	10/10/07

**PASSARELLA**  
Consulting  
2007-0805 PLATES 2





SCALE: 1" = 300'



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LEGEND:



POTENTIAL SFWMD AND COE  
WETLANDS (7.93 Ac.±)

POTENTIAL SFWMD \*OTHER SURFACE  
WATERS\* AND COE WATERS  
(38.66 Ac.±)

FLUOFCFS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
130	RESIDENTIAL, HIGH DENSITY	14.45 Ac ±	19.0%
180	BOAT DOCKS	4.27 Ac ±	5.6%
184	MARINA	11.91 Ac ±	15.7%
422	BRAZILIAN PEPPER	0.04 Ac ±	0.1%
540	BAYS AND ESTUARIES	34.39 Ac ±	45.2%
6129 E1	MANGROVES, DISTURBED (0-24% EXOTICS)	7.61 Ac ±	10.0%
6129 E3	MANGROVES, DISTURBED (50-75% EXOTICS)	0.32 Ac ±	0.4%
740	DISTURBED LAND	2.55 Ac ±	3.3%
814	ROAD	0.53 Ac ±	0.7%
	TOTAL	76.07 Ac ±	100.0%

NOTES:

PROPERTY BOUNDARY PER DELISI  
FITZGERALD, INC. DRAWING No. 2007  
-1114 (2).DWG DATED AUGUST 31, 2007.

FLUCFCS LINES ESTIMATED FROM  
1"=200' AERIAL PHOTOGRAPHS AND  
LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE,  
COVER AND FORMS CLASSIFICATION  
SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT  
BEEN REVIEWED BY ANY REGULATORY  
AGENCY AND ARE SUBJECT TO CHANGE.

PREPARED BY	DATE	9110 College Pointe Court Fort Myers, Florida 33919 Phone (239) 274-0067 Fax (239) 274-0069
P.F.	8/30/07	
REVIEWED BY	DATE	
D.A.	8/30/07	
REVISOR	DATE	
P.F.	10/18/07	



PASSARELLA  
& ASSOCIATES

EBBTIDE  
FLUCFCS AND WETLANDS MAP

DOATING FILE	07DFI1738
SUBJECT FILE	FIGURE 2



**Table 1. (Continued)**

<b>FLUCFCS Code</b>	<b>Description</b>	<b>Acreage</b>	<b>Percent of Total</b>
6129 E1	Mangroves, Disturbed (0-24% Exotics)	7.61	10.0
6129 E3	Mangroves, Disturbed (50-75% Exotics)	0.32	0.4
740	Disturbed Land	2.55	3.3
814	Road	0.53	0.7
<b>TOTAL</b>		<b>76.07</b>	<b>100.0</b>

Residential, High Density (FLUCFCS Code 130)

This upland usage totals 14.45± acres or 19.0 percent of the Project and is north of Main Street. It consists of Ebb Tide and Oyster Bay RV Parks. The residential structures average six or more per acre.

Boat Docks (FLUCFCS Code 180)

This land use totals 4.27± acres or 5.6 percent of the Project and consists of wooden structures built over open water for single-family and commercial uses. The smaller docks along the southern shore of Oyster Bay are single-family boat slips associated with the Ebb Tide and Oyster Bay RV Parks. The boat docks within Matanzas Pass are commercial slips associated with Salty Sam's Marina and Casino Cruises.

Marina (FLUCFCS Code 184)

This upland usage totals 11.91± acres or 15.7 percent of the Project and is located along the south side of Main Street. It consists of dry slip storage for watercraft; commercial businesses, which include Casino Cruises, Parrot Key Restaurant and Salty Sam's Marina; and their associated parking lots.

Brazilian Pepper (FLUCFCS Code 422)

This upland community totals 0.04± acre or 0.1 percent of the Project and is located in the northeast corner of the Project, along the southern side of Main Street. There is no canopy. The sub-canopy is dominated by Brazilian pepper (*Schinus terebinthefolius*) and also contains lead tree (*Leucaena leucocephala*) and nickerbean (*Caesalpinia bonduc*). There is no ground cover due to the density of Brazilian pepper.

Bays and Estuaries (FLUCFCS Code 540)

This habitat classification totals 34.39± acres or 45.2 percent of the Project and includes the northern and southern portions of the Project area. The northern portion includes open water and submerged bottomlands of Oyster Bay and Hurricane Bay. The southern portion includes the northern edge of Matanzas Pass. There is no vegetation present, only open water.

Mangroves, Disturbed (0-24% Exotics) (FLUCFCS Code 6129 E1)

This wetland community totals 7.61± acres or 10.0 percent of the Project and is located on the central eastern portion of the Project. Canopy, sub-canopy, and ground cover consist of a mixture of red mangrove (*Rhizophora mangle*), white mangrove (*Laguncularia racemosa*), and black

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mangroves (*Avicennia germinans*). Some hurricane debris is present, mainly in the mangrove islands within the northern portion of the Project.

Mangroves, Disturbed (50-75% Exotics) (FLUCFCS Code 6129 E3)

This wetland community totals 0.32± acre or 0.4 percent of the Project and is located in the central eastern portion of the Project. The canopy is dominated by Brazilian pepper and contains some red mangroves. The sub-canopy is also dominated by Brazilian pepper. There is no ground cover.

Disturbed Land (FLUCFCS Code 740)

This upland community totals 2.55± acres or 3.3 percent of the Project and is located at the northwest corner of Main Street and Galleon Way. This area was formerly used as a paint display area by the Valspar Corporation, but is now a cleared field with no canopy or sub-canopy present. Ground cover consists of upland paspalum (*Paspalum* sp.) grasses.

Road (FLUCFCS Code 814)

This upland usage totals 0.53± acre or 0.7 percent of the property and runs east/west through the central portion of the property. There is no vegetation associated with the road.

## METHODOLOGY AND DISCUSSION

Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the 80 percent minimum coverage requirement. A cursory review was also conducted in those habitats not technically required to be surveyed per the LDC. Based on experience and past conversations with Lee County's Environmental Sciences (ES) staff, these areas were reviewed for certain protected species as a precautionary measure. Table 2 outlines the protected species that may inhabit or utilize a particular vegetation association, according to the LDC, as well as those habitats reviewed as a precautionary measure.

**Table 2. Potential Lee County Protected Species by Habitat Type**

FLUCFCS Code And Description		Potential Protected Species
130	Residential High Density*	Burrowing Owl ( <i>Athene cunicularia floridana</i> )
184	Marina*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Burrowing Owl ( <i>Athene cunicularia floridana</i> )
422	Brazilian Pepper*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Twisted Air Plant ( <i>Tillandsia flexuosa</i> )

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**Table 2. (Continued)**

FLUCFCS Code And Description		Potential Protected Species
540	Bays and Estuaries	American Alligator ( <i>Alligator mississippiensis</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little Blue Heron ( <i>Egretta caerulea</i> )
		Reddish Egret ( <i>Egretta rufescens</i> )
		Roseate Spoonbill ( <i>Ajaia ajaja</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Everglades Mink ( <i>Mustela vison evergladensis</i> )
6129 E1	Mangroves, Disturbed (0-24% Exotics)	American Alligator ( <i>Alligator mississippiensis</i> )
		Brown Pelican ( <i>Pelecanus occidentalis</i> )
		Little Blue Heron ( <i>Egretta caerulea</i> )
		Reddish Egret ( <i>Egretta rufescens</i> )
		Roseate Spoonbill ( <i>Ajaia ajaja</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Wood Stork ( <i>Mycteria americana</i> )
6129 E3	Mangroves, Disturbed (50-75% Exotics)	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )
		Prickly-Apple ( <i>Cereus gracillis</i> )
		Twisted Air Plant ( <i>Tillandsia flexuosa</i> )
740	Disturbed Land*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )
	and	Gopher Tortoise ( <i>Gopherus polyphemus</i> )
814	Road*	Burrowing Owl ( <i>Athene cunicularia floridana</i> )

\*Habitat surveyed for the species noted as a precautionary measure although not required per the LDC.

The protected species survey was conducted by PAI on August 21, 2007. The survey was conducted for eight hours from 8:00 a.m. to 4:00 p.m. The type of survey utilized included meandering pedestrian transects, per WilsonMiller, Inc.'s methodology, previously approved by Lee County.

Weather conditions during the survey period are summarized in Table 3.

**Table 3. Survey Date and Weather Conditions**

Survey Date	Weather Conditions
August 21, 2007	Partly cloudy, winds easterly 5-10 mph, and temperatures in the low 90's.

Visibility in the surveyed habitats varied due to the density of vegetation. A summary of the limits of visibility, length of transects walked, and percent of coverage by habitat type is provided in Table 4. A map depicting the walked survey transects is included in Appendix A.

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**Table 4. Summary of Habitat Coverage**

FLUCFCS Code and Description		Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet) <sup>1</sup>	Percent Coverage
130	Residential High Density	14.45	1,850	50	29
180	Boat Docks*	4.27	900	120	100
184	Marina*	11.91	2,070	120	95
422	Brazilian Pepper*	0.04	60	15	83
540	Bays and Estuaries	34.39	8,770	120	100
6129 E1	Mangroves, Disturbed (0-24% Exotics)	7.61	4,155	35	88
6129 E3	Mangroves, Disturbed (50-75% Exotics)	0.32	420	15	90
740	Disturbed Land*	2.55	630	80	91
814	Road*	0.53	20	120	21

\*Not required, per the LDC

<sup>1</sup>Average visibility to one side of transect

## **SURVEY RESULTS**

During the survey, one Lee County protected specie and one state listed specie was observed on-site (Figure 3 and Appendix B). The Lee County and state protected species included one little blue heron (*Egretta caerulea*) and six white ibis (*Eudocimus albus*), respectively. The white ibis is not listed as a Lee County protected species, but is listed as a species of special concern by the Florida Fish and Wildlife Conservation Commission (FWCC). The little blue heron and white ibis were observed perched in mangrove trees during the survey. A copy of a January 2005 Lee County aerial photograph with the survey transects and observed protected species locations is provided as Appendix A.

## **ABUNDANCE OF PROTECTED SPECIES OBSERVED**

Density calculations for the observed Lee County protected specie was done in accordance with Step 8, Attachment 2 of the Lee County Survey Methodology adopted on August 30, 1989. The Lee County protected specie abundance calculation is provided in Table 5, while Table 6 summarizes the protected species survey findings.

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**Table 5. Lee County Protected Species Abundance Calculations**

Protected Species Density:

$$= \{n/[L (w_1+w_2)]\} (43,560 \text{ ft.}^2/\text{ac})$$

Where n = number of individuals observed

L = length of transect

w<sub>1</sub> = distance of visibility to the right of transect

w<sub>2</sub> = distance of visibility to the left of transect

**Little Blue Heron**

*FLUCFCS Code 6129 E1A*

$$\begin{aligned} &= \{1\text{LBHE}/[2,360\text{ft. } (25 \text{ feet} + 25 \text{ feet})]\}(43,560) \\ &= \{1\text{LBHE} / 118,000 \}(43,560) \\ &= \{8.4 \times 10^{-6}\}(43,560) \\ &= 0.37 \text{ LBHE/Acre} \end{aligned}$$

**Table 6. Lee County Protected Species Survey Summary**

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
<b>Reptiles and Amphibians</b>					
American Alligator	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Eastern Indigo Snake	184			X	N/A
	422			X	N/A
	740			X	N/A
	814			X	N/A
Gopher Tortoise	184			X	N/A
	422			X	N/A
	740			X	N/A
	814			X	N/A
<b>Birds</b>					
Burrowing Owl	180			X	N/A
	184			X	N/A
	740			X	N/A
	814			X	N/A
Limpkin	540			X	N/A

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Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
<b>Birds (Continued)</b>					
Little Blue Heron	540			X	N/A
	6129 E1		X		
	6129 E3			X	N/A
Reddish Egret	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Roseate Spoonbill	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Snowy Egret	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Tri-Colored Heron	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Wood Stork	6129 E1			X	N/A
	6129 E3			X	N/A
<b>Mammals</b>					
Everglades Mink	540			X	N/A
Florida Black Bear	6129 E1			X	N/A
	6129 E3			X	N/A
<b>Plants</b>					
Prickly-Apple	6129 E1			X	N/A
	6129 E3			X	N/A
	422			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Twisted Air Plant	6129 E1			X	N/A
	6129 E3			X	N/A
	422			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A

## MANAGEMENT PLAN

Based on the Lee County protected species survey results and Appendix H of the LDC (i.e., Protected Species List), no management plan or buffer requirements are anticipated for the

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Project. The little blue heron was observed resting on vegetation during the survey and no nests or rookeries for this specie, or any other listed wading birds, including the white ibis, were noted on-site. This survey's findings are subject to the review and approval of ES staff, as well as, other applicable state and federal agencies.

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## REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.

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**APPENDIX A**

**AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND  
PROTECTED SPECIES LOCATIONS**

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# Old San Carlos Island-Comp Plan Amendment

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Lee County Application for a Comprehensive Plan Amendment

## Attachment P

### Proposed Road Sections

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